



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 23 FEBRUARY 2010**, on the rising of the Special Meeting of Council (which commences at 6.00 pm), at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Extraordinary and Ordinary meetings held on 15 December 2009.	1 - 8
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 18 January 2010	9 - 24
4 Licensing Committee - 2 February 2010	25 - 26
5 Scrutiny Committee - Community - 19 January 2010	27 - 34
6 Scrutiny Committee - Community - Special - 15 February 2010	35 - 38
7 Scrutiny Committee - Economy - 21 January 2010	39 - 46
8 Scrutiny Committee - Resources - 27 January 2010	47 - 54
9 Local Government Review Committee - 26 January 2010	55 - 58
10 Executive - 26 January 2010	59 - 70
11 Executive - 9 February 2010	71 - 82

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

Date: 16 February 2010

Philip Bostock
Chief Executive

NOTE: Members are asked to sign the Attendance Register



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Agenda Item 1

THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 15 December 2009

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

64

HONORARY ALDERMAN

RESOLVED that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council do confer on Valerie Ann Dixon the title of Honorary Alderman, in recognition of her eminent services to Exeter City Council during the period she was a Member of the Council.

(The foregoing resolution was passed unanimously)

(The meeting commenced at 6.00 pm and closed at 6.04 pm)

Chair

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THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 15 December 2009

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

65

MINUTES

The minutes of the meeting of Council held on 13 October 2009 were taken as read and signed as correct.

66

OFFICIAL COMMUNICATIONS

There were no official communications.

67

PLANNING COMMITTEE - 12 OCTOBER 2009

The minutes of Planning Committee of 12 October 2009 were taken as read.

RESOLVED that the minutes of the Planning Committee held on 12 October 2009 be received.

68

PLANNING COMMITTEE - 2 NOVEMBER 2009

The minutes of Planning Committee of 2 November 2009 were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Councillor Mitchell	138 (employee of Royal Devon and Exeter NHS Trust)
Councillor Taghdissian	143 (girlfriend works at Royal Devon and Exeter Hospital site)
Councillor Thompson	138 (daughter owns a property in Well Oak Park)

RESOLVED that the minutes of the Planning Committee held on 2 November 2009 be received.

69

PLANNING COMMITTEE - 7 DECEMBER 2009

The minutes of Planning Committee of 7 December 2009 were taken as read.

Members declared the following personal (*prejudicial) interests and, where appropriate, left the meeting for the duration of the items:

COUNCILLOR	MINUTE
Councillor P Brock	149* (Member of Devon County Council) and 153* (joint owner of the business occupying the premises)
Councillor S Brock	153* (joint owner of the business occupying the premises)
Councillor Prowse	149 (Member of Devon County Council) and 151 (student landlord)

RESOLVED that the minutes of the Planning Committee held on 7 December 2009 be received.

70

LICENSING COMMITTEE - 17 NOVEMBER 2009

The minutes of Licensing Committee of 17 November 2009 were taken as read.

RESOLVED that the minutes of the Licensing Committee held on 17 November 2009 be received and, where appropriate, adopted.

71

SCRUTINY COMMITTEE - COMMUNITY - 10 NOVEMBER 2009

The minutes of Scrutiny Committee - Community of 10 November 2009 were taken as read.

A Member declared the following personal interest:

COUNCILLOR	MINUTE
Councillor Newcombe	67 (Member of Devon County Council and Chair of Playbuilder Project Board)

RESOLVED that the minutes of the Scrutiny Committee - Community held on 10 November 2009 be received.

72

SCRUTINY COMMITTEE - ECONOMY - 12 NOVEMBER 2009

The minutes of Scrutiny Committee - Economy of 12 November 2009 were taken as read.

A Member declared the following personal interest:

COUNCILLOR	MINUTE
Councillor Wardle	42 (member of the Avocet Line Rail Users Committee)

In relation to Minute 61 (Portfolio Holders Half Yearly Report), Councillor Wadham corrected the reference on page 61, in relation to the City Centre Enhancements, to read "Members have agreed to prioritise resources on improvements to Northernhay **Gate**...." not Street.

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

73

SCRUTINY COMMITTEE - RESOURCES - 25 NOVEMBER 2009

The minutes of Scrutiny Committee – Resources of 25 November 2009 were taken as read.

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

74

STANDARDS COMMITTEE - 2 DECEMBER 2009

The minutes of Standards Committee of 2 December 2009 were circulated and taken as read.

RESOLVED that the minutes of the Standards Committee held on 2 December 2009 be received.

75

LOCAL GOVERNMENT REVIEW COMMITTEE - 9 DECEMBER 2009

The minutes of the Local Government Review Committee of 9 December 2009 were taken as read.

Members declared the following personal (*prejudicial) interests and, where appropriate, left the meeting for the duration of the items:

COUNCILLOR	MINUTE
Councillor P Brock	13 (member of Devon County Council)
Councillor Martin	*13 (employee of Devon County Council)
Councillor Newcombe	13 (member of Devon County Council)
Councillor Prowse	13 (member of Devon County Council)

In relation to Minute 13 (Boundary Committee for England's Review of Local Government Structures in Devon), Councillor Edwards, seconded by Councillor Mrs Henson moved the first recommendation. This was put to the vote and agreed.

Councillor Edwards, seconded by Councillor Mrs Henson, moved the second recommendation which was debated by Council. Councillor Edwards urged all Councillors to support the recommendation which called on the Secretary of State to accept Exeter City Council's original proposal for unitary status on its existing boundaries. He reminded Councillors that all four political Group leaders had initially signed up to support this position and hoped this unanimity would be sustained.

A number of Councillors spoke in support of the recommendation, regretting the potential loss of 2000 years of the City's history during which it had run its own affairs, should the City be merged into a single unitary authority for Devon. They expressed concerns about the loss of the City's identity and particularly feared the demise of the status of the Lord Mayoralty. Members emphasised that the needs of the City were very different from those of the wider rural County.

Recognising the widespread support for the status quo in the rest of Devon, some Members expressed concern about increasing opposition by re-asserting the City's claim for Unitary status at this stage in the process. Another Councillor, who did not support the City's claim for unitary status, explained that she took this position since she did not believe it was in the best interests of the City.

Other Councillors, expressing their strong support for the City's claim for unitary status, urged unanimity in supporting this position.

In accordance with Standing Order 27(1), a named vote on Recommendation (2) of Minute 13 was called for, as follows:

Voting for:

Councillors D Baldwin, M A Baldwin, Branston, P Brock, S Brock, Choules, Coates, Cole, Mrs Danks, Edwards, Fullam, Gale, Mrs Henson, Mitchell, D Morrish, Mrs Morrish, Newby, Newton, Noble, Prowse, Sheldon, Shepherd, Shiel, The Deputy Lord Mayor Councillor R Smith, Starling, Sterry, Taghdissian, Mrs Thompson, Wadham, Wardle and The Lord Mayor Councillor Winterbottom

(31 members)

Voting against:

Councillors Hobden and Newcombe

(2 Members)

The recommendation was agreed.

RESOLVED that the minutes of the Local Government Review Committee held on 9 December 2009 be received and, where appropriate, adopted.

76

EXECUTIVE - 24 NOVEMBER 2009

The minutes of Executive of 24 November 2009 were taken as read.

In relation to Minute 128 (Proposals for Community Involvement), members asked questions about the role and cost of the Area Liaison Officers, the implications of the proposals on staffing resources, the benefits in relation to the operation of the PACT meetings and the Government's guidance on the duty to involve.

The Portfolio Holder for Housing and Community Involvement reassured Councillors that the role of the Area Liaison Officers was to complement rather than supplant or duplicate the role of Councillors and to engage and enable communities in line with the Government's objective. She drew attention to a number of successful initiatives around the City which had directly resulted from the My Neighbourhood project. It was hoped that the proposed arrangement would enhance the effectiveness of the PACT meetings.

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

77

EXECUTIVE - 8 DECEMBER 2009

The minutes of Executive of 8 December 2009 were taken as read.

RESOLVED that the minutes of the Executive held on 8 December 2009 be received and, where appropriate, adopted.

78 **NOTICE OF MOTION BY COUNCILLOR MRS HENSON UNDER STANDING ORDER NO. 6.**

Councillor Mrs Henson, seconded by Councillor Taghdissian, moved a Notice of Motion in the following terms:

“That any changes arising from the review of the arrangement for the waste/recycling collections which are currently under consideration, be presented to Full Council for decision”.

Since it was likely that additional capital funding, which required Council approval, would be sought in order to implement the proposals, Council agreed the Notice of Motion without debate.

79 **NOTICE OF MOTION BY COUNCILLOR PROWSE UNDER STANDING ORDER NO 6**

Councillor Prowse proposed a Notice of Motion in the following terms:

“That a fitting tribute be made to the late Granville Baldwin, former Councillor and Alderman of this City Council, who was the City’s last Mayor and first Lord Mayor during his distinguished service to his ward residents and the City in general. It is suggested that a City Council new build or street be so named after him in his memory with the approval of the ward Councillors in that location.”

Councillor Mrs Smith, in seconding the Notice of Motion, regretted the loss of names with historical associations for buildings in the City, such as the former secondary schools.

Council agreed the Notice of Motion unanimously.

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

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

81 **EXECUTIVE - 8 DECEMBER 2009**

In relation to Minute 156 (Quarterly Progress Report – Royal Albert Memorial Museum (RAMM) Development Project), Councillor Mitchell, the Portfolio Holder for Environment and Leisure responded to questions from a member regarding the development of the Museum. He confirmed that the opening was anticipated for May or June 2011. The senior members group continued to monitor progress and expenditure on the Museum carefully, with the aim of remaining within the revised budget.

The Leader stated his wish for a transparent process and encouraged members to raise their questions and concerns regarding the development.

(The meeting commenced at 6.05 pm and closed at 8.20 pm)

Chair

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Agenda Item 3

PLANNING COMMITTEE

Monday 18 January 2010

Present:-

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

Also Present

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

1

MINUTES

The minutes of the meetings held on 12 October 2009, 12 November 2009 and 7 December 2009 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor D Baldwin	5*(Chair of Scrutiny Committee – Community where the allotments had been discussed)
Councillor Mrs Henson	8*(lives in the vicinity of Sandy Park)
Councillor Mitchell	12 (interest in respect of the Royal Devon & Exeter NHS Foundation Trust, Barrack Road (application no.'s 09/1785/03, 09/17836/03 & 09/1646/03) as he is an employee of the Royal Devon and Exeter NHS Trust)
Councillor D.J.Morrish	6 (Trustee of Exeter Municipal Charities)
Councillor Newby	6* (knew a Trustee of Exeter Municipal Charities)
Councillor Taghdissian	12 (in respect of Riverside Court, Colleton Crescent (application no. 09/3086/06) as he works in a building in the vicinity)
Councillor Wadham	6 (Trustee of Exeter Municipal Charities)
Councillor Winterbottom	6 (Trustee of Exeter Municipal Charities)

3

MASTERPLAN FOR THE FUTURE DEVELOPMENT OF MONKERTON/HILL BARTON

The Major Projects Officer presented the report, briefing Members on a draft Masterplan, seeking approval for its use for Development Management purposes and for its publication for public consultation as a proposed draft Supplementary Planning Document after finalisation.

Presentation attached to minutes.

In answer to a Member's question regarding consultation, it was confirmed that the Masterplan would be advertised in the local press and on the Council's Website. The Masterplan would be publicised in the next edition of the Citizen and the plans would be available for inspection in Pinhoe Library.

RESOLVED that the use of the Masterplan for Development Management purposes and publication of the draft Masterplan for public consultation as a proposed Supplementary Planning Document be supported.

(Report circulated)

4 **PLANNING APPLICATION NO.09/1730/03 & CONSERVATION AREA CONSENT
NO. 09/1811/14 - 13 LYNDHURST ROAD, EXETER, EX2 4PA**

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

Two previous applications for seven and six dwellings respectively had been refused. This application sought to address the previous reasons for refusal by moving development away from the boundaries, reducing the size of some of the windows, using obscure glazing and changes to the balcony areas. The current proposal was for a total of five dwellings consisting of one pair of semi-detached dwellings and three detached dwellings set out in a mews style development.

The recommendation for the planning application and conservation area consent was for approval subject to conditions as set out in the report.

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

- asked for the application to be deferred until the appeal decision had been received, the Planning Inspector was undertaking a site inspection the next day
- objections on the application had been received from an extensive area of St Leonard's
- the site was in a desirable conservation area
- asked the Committee to retain their independence of mind when making a decision on this site
- there had been very little change to this proposal to that of the previous applications refused and the previous reasons for refusal applied to this proposal
- asked the Committee to refuse all applications on this site until one was submitted that fitted properly into the conservation area.

The Development Manager informed Members that although the appeal site inspection was taking place tomorrow there would be no benefit in deferring the decision on this application.

Mr Challans spoke in opposition to this item. He raised the following points:-

- this was the third time an application on this site had been to Planning Committee
- 85 objections had been received on this application; mostly from local residents

- the application should be refused for the same reasons as the two previous applications as it was still overdevelopment
- this was a special site and deserved a better proposal
- the Council's guidelines stated that there should be 22 metres between habitable windows; this application did not meet these guidelines, there was only 13 metres to 13a Lyndhurst Road
- hoped that the Planning Inspector rejected the appeals
- an application on this site should enhance the conservation area; this application did not.

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

- this application addressed the reasons for refusal on previous applications
- the current application was supported by the Council's Planning Officers, the Conservation and Tree Officers and the Highway Authority
- the site density had been reduced, there were now proposed to be five dwellings on a three quarter's of an acre plot; this was much less than the Council's usual density
- the length of the gardens had increased to 40 feet
- the proposal would have a minimal impact on St Leonard's
- the application would not impact on Lyndhurst Road
- his firm had won local design awards; one had been for a site in St Leonards.

In answer to a Member's question, Mr Lees clarified that the award had been for the Kaestner Garage site.

During discussion Members raised concerns regarding the impact of the balconies on the adjacent properties and questioned the proposed height of the parapet walls.

The Development Manager confirmed that the proposed height of the parapet wall was 1.8 metres.

RESOLVED that planning permission for redevelopment to provide five dwellings, parking, alteration to access and associated works be delegated to Head of Planning and Building Control in consultation with the Chair and Deputy Chair of the Planning Committee and the Portfolio Holder for Sustainable Development and Transport **to approve** subject to the following conditions and providing that the impact of the balconies on adjacent properties can be reduced;

- 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 22 October 2009 together with the site location plan and drawings numbered 0892 L20.02 Revision A, 0892 L02.03 P6, 0892 L10.02, 0892 L50.01 Revision A, 0892 L20.04 Revision A, 0892 L20.01, 0892 L40.01 Revision A, 0892 L50.03, 0892 L10.01 Revision B, 0892 L50.02 and 0892 L30.01, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C10 - Drainage

- 5) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted [and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed], without the prior written authorisation of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 6) C35 - Landscape Scheme
- 7) C36 - No Trees to be Felled
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) Prior to the commencement of work a method statement for the construction of the garage serving plot 4 shall be submitted to the Local Planning Authority for approval. Following approval of the scheme all works involved in the construction of the garage shall be carried out entirely in accordance with the approved scheme.
Reason: To prevent damage to the Oak tree (Tree 4).
- 11) C70 - Contaminated Land
- 12) 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.
- 13) A green travel plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and provided to all new residents of these properties.
Reason: To reduce car useage from the site.
- 14) Notwithstanding Condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
a) windows to include full sectional details;
b) external doors;
c) rainwater goods;
d) lighting;
e) treatment of all boundaries; and
f) location of site compound.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 15) Details of all external plant/machinery (such as the automated bollards etc), including sound power levels, to be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the amenity of neighbouring residents.

- 16) 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; and
 - f) provision of boundary hoarding
- have 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.
- 17) The development shall not commence until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing.
- Reason:** To ensure the satisfactory drainage of the development.
- 18) No part of the development hereby approved shall be occupied until the visibility splays, on-site parking and turning facilities together with any means of access shall 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:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 19) The proposed estate road, footways, verges, junction, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, off-street car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 20) No part of the development hereby approved shall be occupied until the treatment of the visibility splays, including the relocation of the post box adjacent to the access in Lyndhurst Road, are provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
- Reason:** To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority.
- 21) C57 - Archaeological Recording

RESOLVED that conservation area consent for demolition of dwelling be delegated to the Head of Planning and Building Control in consultation with the Chair and Deputy Chair of the Planning Committee and the Portfolio Holder for Sustainable Development and Transport to **approve** subject to the approval of a planning application on the site and 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 4 November 2009 together with the site location plan and one drawing numbered HER 108 Revision 2, as modified by other conditions of this consent.

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

3) C38 - Trees - Temporary Fencing

4) 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; and
- f) provision of boundary hoarding

have 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.

(Report circulated)

5 **PLANNING APPLICATION NO.09/1745/16 - LAND EAST OF RIVER MEADOWS,
GRID REFERENCE 92485 91265, WATER LANE, EXETER, EX2**

Councillor D Baldwin declared that she would not take part in the meeting on the basis that she was predisposed to vote in a certain way following the discussion which had taken place at Scrutiny Committee – Community where the allotments had been discussed. She left the meeting during consideration of the item.

The Head of Planning and Building Control presented the Exeter City Council Regulation 3 application for change of use from open space to allotments with associated structures, hardstanding, fencing and gates at Land east of River Meadows, Grid Reference 92485 91265, Water Lane, Exeter.

Members were advised that two additional letters of support had been received and an additional condition regarding the submission of the details of the sheds and toilets was recommended.

The recommendation was for approval, subject to conditions as per the report and an additional condition regarding details of the sheds and toilets to be approved prior to commencement.

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

- there was a need for more allotments in the city; 36 allotments had been lost recently as the land had changed ownership
- the Environment Agency had objected to the previous application on flooding grounds; the site had now been moved to address the flooding concerns
- he felt this application should be approved as the lost allotments needed to be replaced.

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

- there was a waiting list in the city for allotments
- was impressed by the way that the Council had addressed the problems raised with the original application
- he felt that any negatives regarding the use of this site for allotments were outweighed by the benefits of this use
- asked the Committee to support this application and hoped that work could start on the site as soon as possible.

Mr Mather spoke in opposition to this item. He raised the following points:-

- was representing residents of Gabriels Wharf, Water Lane and River Meadow
- recognised there was a need for allotments
- did not consider the site to be overgrown as stated in the report
- the visual impact of allotments had not been considered
- the site was a well used public open space; this use would be lost
- was concerned about the possibility of leaching of chemicals into the Canal
- the proposal would cause harm to the ecology of the site
- burning of waste would cause air quality problems
- the site was insecure and would attract crime
- vehicular access to the site was poor and there was limited parking.

A Member raised concerns regarding the possible leaching of fertilizers into the Canal.

The Head of Planning and Building Control informed Members that there would be a condition added to any approval requiring a contamination survey and bonfires would be controlled by the management arrangements.

RESOLVED that the Exeter City Council Regulation 3 for change of use from open space to allotments with associated structures, hardstanding, fencing and gates 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 22 October 2009 (dwg nos. 09-10-01 & 09/10/02A) and 4 November 2009 (dwg no. 09/10/08), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) No development shall commence until an ecological report and management plan for the long term enhancement and maintenance of the site has been received and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the recommendations at all times.
Reason: To ensure the continued visual appearance of the proposed landscaping and the biodiversity of the Valley Park.

- 7) submission of details of sheds and toilets
- 8) contamination survey including potential for leaching

(Report circulated)

6

**PLANNING APPLICATION NO.09/1786/02 - 33-55 CULVERLAND ROAD,
EXETER, EX4 6JJ**

Councillor D J Morrish declared a personal interest as a Trustee of the Exeter Municipal Charities.

Councillor Newby declared a personal and prejudicial interest as he knew a Trustee of the Exeter Municipal Charities. He left the meeting during consideration of the item.

Councillor Wadham declared a personal interest as a Trustee of the Exeter Municipal Charities.

The Development Manager presented the application for approval of reserved matters for redevelopment to provide 24 self-contained flats for layout, scale, appearance, access and landscaping at 33-55 Culverland Road, Exeter.

The Development Manager informed Members that outline planning permission had been granted in 2008 to demolish the buildings and replace them with 24 new almshouses to provide housing for the over 55's. The proposal was for the housing to be built as a terrace located much closer to the pavement than the existing houses. The drawings show eight flats per floor, with four communal front and rear entrances. Vehicles would enter the site via a new entrance at the southern end. Six parking spaces were proposed. At the rear were landscaped communal gardens with clothes drying areas. There was also cycle and refuse storage parking.

Members were circulated with an update sheet giving details of a condition recommended by the County Director of Environment, Economy and Culture which would replace condition five on the report.

The recommendation was for approval subject to the conditions as set out on the report, with condition five to be replaced by the condition recommended by the County Director of Environment, Economy and Culture.

Councillor Winterbottom, having given notice under Standing Order No.44, spoke on this item. Councillor Winterbottom declared a personal interest as a Trustee of the Exeter Municipal Charities. He raised the following points:-

- outline permission was granted in December 2008
- a special committee had been formed to take this project forward
- the proposal included landscaping gardens to the rear
- this application would provide 24 flats with modern facilities
- asked the Committee to support the scheme.

Mr Palmer (Architect) spoke in support of this item. He raised the following points:-

- this application had the support of planning officers
- the application process had been lengthy and involved many amendments
- the building was set back from the pavement to allow privacy for ground floor occupants
- the gardens were well designed

- refuse and cycle storage was provided
- the accommodation would be for the over 55's
- would be constructed to level 4 of the Code for Sustainable Homes.

In answer to a Member's question, Mr Palmer clarified that the majority of the beech hedge to the front of the property would remain if parts of the hedge did need to be removed for access during construction it would be replanted.

During discussion, Members raised concerns regarding preventing access to the site via Culverland Close, the overlooking of 24a Culverland Way and the proximity of the refuse and cycle storage and new access to this property.

The Development Manager stated that there were no overlooking issue with regards to 24a Culverland Way and the relationship between the refuse and cycle storage and access was acceptable. A condition could be added to any approval regarding preventing access to the site via Culverland Close.

RESOLVED that reserved matters for redevelopment to provide 24 self-contained flats (approval of reserved matters on Ref. No. 08/0644/01 granted 10 December 2008) for layout, scale, appearance, access and landscaping be **approved** subject to the following conditions:

- 1) C15 - Compliance with Drawings
- 2) 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.
- 3) Prior to the commencement of the development, full details of refuse storage shall be submitted to and approved in writing by the local planning authority.
Reason: In the interests of visual and residential amenity.
- 4) Adequate areas shall be 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, agreed, 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.
- 5) No part of the development hereby approved shall be occupied until the footway fronting Culverland Road, access and off-street parking facilities have been provided, surfaced and marked out 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.
- 6) No development shall take place until details of cycle parking have been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details.
Reason: In the interests of ensuring that adequate cycle parking is available.

- 7) All conditions imposed on notice of outline approval (ref no. 08/0344/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 8) No access via Culverland Close.

(Report circulated)

7 **PLANNING APPLICATION NO.09/1827/03 - FERRY HOUSE, FERRY ROAD, TOPSHAM, EXETER, EX3 0JN**

The Head of Planning and Building Control presented the planning application for alterations to raise ridge height, incorporate roof lights on the south east and west elevation and solar panels, removal of existing bay window and replacement with two storey bay window and balcony on south west elevation at Ferry House, Ferry Road, Topsham, Exeter.

Members were informed that the property was located within the Topsham Conservation Area. It faced onto the Exe Estuary and was at the end of a terrace of listed buildings. The unit was a mid-twentieth century infill that was built back from the established building line. It was gable fronted with a lower ridge and slacker pitch than its neighbours. The front elevation incorporated a ground floor bay window. The design was of a modern approach reflective of the surroundings in an attempt to improve the existing aesthetics of the host building which added very little to the wider terrace.

Members were advised that a revised drawing had been submitted which correctly showed the total number of roof lights proposed. Following a further consultation period advising of a change in description, five additional letters had been received. Only one of the five letters received was a new objection referring to a loss of character and out of scale.

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

Mr Russell spoke in opposition to the application. He raised the following points:-

- was the owner of Follett Lodge, whose property adjoined the application site
- the proposal would have a negative impact on the street scene
- would cause loss of light in his property by the proposed increase in roof height
- reiterated that the Topsham Society objected to the application
- was contrary to the Council's householder guide to extensions
- any proposal should be sensitive and a low key approach should be taken.

During discussion Members raised the following points:-

- welcomed the contemporary design approach which they felt would improve the present dwelling
- were concerned about the use of timber cladding
- indicated they would like to see slate used on the roof.

The Local Ward Member raised concerns regarding the appropriateness of the design in the conservation area and that the proposal was not in harmony with the street scene.

The Head of Planning and Building Control stated that condition 3 dealt with the submission and approval of materials to be used and under this condition officers could ensure that timber cladding was not used and slate was used for the roof.

RESOLVED that planning permission for alterations to raise ridge height, incorporate roof lights on the south east and west elevation and solar panels, removal of existing bay window and replacement with two storey bay window and balcony on south west elevation be **approved** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) 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 protecting residential amenity.

(Report circulated)

8 **PLANNING APPLICATION NO.09/1472/03 - SANDY PARK STADIUM, SANDY PARK WAY, EXETER, EX2 7NN**

Councillor Mrs Henson declared a personal and prejudicial interest as she lives in the vicinity. She left the meeting during consideration of the item.

The Head of Planning and Building Control presented the application for planning permission for four stands (temporary), alterations to the alignment of the access to Old Rydon Lane and new pedestrian access at Sandy Park Stadium, Sandy Park Way, Exeter.

Members were informed that the planning application was for expansion of the temporary south stand from 2,149 seats to 3,017 seats, and its retention for a further three years, new temporary stands at either end of the main west stand for 588 and 294 standing capacity respectively, and a new temporary covered terrace at the north end of the pitch to accommodate 2,162 people. This would create an overall capacity of about 10,600.

The club needed to provide a stadium with a minimum capacity of 10,000 to meet the requirements of the Rugby Football Union for participation in the "Premiership". A consent for permanent facilities which would achieve a capacity of 13,956 had been granted in 2009. The proposal also included alterations to the internal road running from the car park to Old Rydon Lane to facilitate egress by buses and coaches to Old Rydon Lane on match days, and the creation of a new pedestrian access in the south-east corner of the stadium leading to new turnstiles.

Members were circulated with an update sheet giving details of the Highway Authority's views and details of two additional conditions to cover highway issues and an additional condition requiring the submission of a construction waste management plan for approval.

The recommendation was for approval, subject to conditions as set out in the report and the three additional conditions set out in the circulated update sheet.

In answer to a Member's question, the Head of Planning and Building Control stated that there was a Match Day Access Strategy which would cover the use of the Old Rydon Lane access on match days.

RESOLVED that planning permission for four stands (temporary), alterations to alignment of access to Old Rydon Lane and new pedestrian access 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 23.11.2009 (*dwg. no(s) L01.01; LO1.02;LO4.01; LO4.02.; LO4.03*), as modified by other conditions of this consent.

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

- 3) The temporary stands hereby approved shall be dismantled and completely removed from the site by the 30 April 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason - The stands are of a temporary nature and required for specific events during the month of June and are not intended as permanent features on the site. If additional capacity is required beyond this date a more permanent solution to additional capacity should be devised.

- 4) No development shall take place unless and until full details of the design of the new pedestrian access to the south east of the site have been submitted to and approved by the Local Planning Authority. Thereafter the access shall be constructed entirely in accordance with the approved details.

Reason - To ensure that the details of the development are satisfactory.

- 5) Vehicular access to the site for motor vehicles shall be via the main access off the A379 only, and the secondary vehicular route onto Old Rydon Lane shall be restricted to use by buses and coaches only, and solely for the purpose of egress from the site only.

Reason: In the interests of highway safety and the efficient operation of the local highway network.

- 6) Details of any required physical alterations to the access route onto Old Rydon Lane, or its junction with Old Rydon Lane shall be submitted to, and approved in writing by, the Local Planning prior to the commencement of construction or alteration of this part of the site.

Reason: To ensure that the details of any alterations required to this access road are acceptable to the Highway Authority, and in the interests of highway safety.

- 7) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to, and approved in writing, by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the environment of the site and surrounding areas.

(Report circulated)

PLANNING APPLICATION NO.09/1674/03 - COUNTY GROUND, CHURCH ROAD, ST. THOMAS, EXETER, EX2 9BQ

The Head of Planning and Building Control presented the application for planning permission for redevelopment to provide 36 dwellings, parking, access to highway and associated works at the County Ground, Church Road, St. Thomas, Exeter.

Members were advised that the revised plans received did not address concerns raised in the report. The applicant had been informed that the amended plans were unacceptable and requested to withdraw the application to avoid an amended recommendation of refusal. The applicant wished the application to be deferred but if it was to be determined this should be on the basis of the original submission.

The Head of Planning and Building Control outlined his concerns regarding the layout relating to the lack of amenity space for three blocks of flats, parking dominated central courtyard, poor quality amenity space/outlook to six plots and the County Director Environment, Economy and Culture's concerns regarding lack of widening of Tin Lane, and detailed design regarding the loop road and some footways.

As a result, the recommendation had been changed to one of refusal of the application.

RESOLVED that planning permission for redevelopment to provide 36 dwellings, parking, access to highway and associated works (revised scheme following reserved matters approval Ref No. 07/1761/02 granted 2 November 2007) be **refused** for the following reasons:-

- 1) The proposal does not accord with national and local planning policies promoting good design in all development proposals. By reason of its inappropriate design, layout, scale, massing and height the proposed development fails to create a distinctive sense of place, a quality public realm, or attractive spaces. The proposal therefore detracts from the character and appearance of the area and is contrary to Policies ST1 and CO6 of the Devon Structure Plan 2001-2016, Policies DG1, DG4 and DG6 of the Exeter Local Plan First Review because:-
 - (a) it would provide inadequate private amenity space in terms of garden depth, area and quality, to the detriment of the living conditions of future occupiers of the proposed dwellings;
 - (b) it would result in an urban form dominated by garaging, car parking and hard surfaced areas;
 - (c) the residential amenities of future occupants of the proposed houses on Plots 84 and 85 would be adversely affected by reason of loss of outlook and overshadowing, as a result of the poor relationship of those dwellings and those in the previously approved scheme (Planning Permission 05/1890/02); and ;
 - (d) the residential amenities of future occupiers of the houses on Plots 33 to 36 of the previously approved scheme would be harmed by reason of the loss of outlook and overshadowing as a result of the poor relationship of the proposed garage block serving Plots 37 and 53 to the approved houses.

(Report circulated)

**PLANNING APPLICATION NO.09/1516/03 & LISTED BUILDING CONSENT
NO.09/1517/07 - THE CASTLE, CASTLE STREET, EXETER, EX4 3PS**

The Development Manager presented the applications for planning permission and listed building consent for alterations and the creation of eight residential units, five office spaces, artists studios and exhibition spaces, and use of courtyard as temporary event space at The Castle, Castle Street, Exeter.

The Castle was a Grade II* listed building and was within Exeter Central Conservation Area. The site and surrounding area was designated as a Scheduled Ancient Monument. This application was for the retention of uses which had already been implemented. Part of the court building had been converted to form eight residential units. Minimal adaption of the existing building was required to accommodate the flats. The remainder of the building was being used as five office spaces, artists studios and exhibition spaces.

Listed building consent was sought for the physical works necessary to accommodate the new uses. These included the removal of 20th century partitions and the blocking up of some doorway openings. The fixtures and fittings from the two main courts on the ground floor had been stripped out.

The proposal also sought to regularise the use of the external courtyard for temporary events.

The recommendation was for approval of the planning application subject to conditions as set out in the report. The residential and external courtyard uses were for approval on a permanent basis whilst other uses applied for were recommended for approval for a temporary period of three years only. The recommendation for the listed building consent was for approval subject to referral to the Government Office for the South West and the conditions as per the report.

During discussion Members raised the following points:-

- concern that the internal fixtures and fittings, including panelling from the two main courts rooms, had been removed
- would like the cannons returned to the City Council
- would like to see the Castle fully restored and a use found for the court rooms

The Head of Planning and Building Control stated that the courts internal soft fittings dated from the 1970's and were deemed by the Council's conservation officer to be of no significant historic value.

The Development Manager confirmed that events requiring amplified music would require an application to the Council's Licensing Committee.

RESOLVED that planning permission for the creation of eight residential units, five office spaces, artists studios and exhibition spaces, and use of courtyard as temporary event space be **approved** subject 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 13 October 2009 (980-500-01C, 02B, 04D, 05C, 06A & 08) and 4 January 2010 (dwg. no. 980-500-07C) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings

- 3) Unless otherwise agreed in writing, there shall be no amplified music, voice or tannoy system used within the buildings unless routed through a suitable noise limiter that has been installed, operated and maintained as approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, there shall be no amplified music, voice or tannoy system used externally without the prior written consent of the local planning authority.
Reason: In the interests of local amenity.
- 4) Unless otherwise agreed in writing, the courtyard and exhibition space shall not be used outside the hours of 7am - 11pm.
Reason: In the interests of local amenity.
- 5) The office spaces, artists' studios and exhibition spaces hereby permitted shall be discontinued and the building reinstated to its former condition on or before 18 January 2013.
Reason: The uses are unsuitable on a permanent basis.
- 6) C57 - Archaeological Recording.
- 7) Within 1 month of the date of this permission, details of cycle parking for residents and visitors to the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking shall be implemented within 2 months of the date of written approval of the details.
Reason: To ensure that appropriate cycle parking provision is made for the cycle traffic attracted to the site, and to encourage cycling.

RESOLVED that listed building consent for alterations to facilitate creation of eight residential units, five office spaces, artists studios and exhibition spaces be **approved** subject to referral to the Government Office for the South West and the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 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 13 October 2009 (dwg. nos. 980-500-01C, 02B, 04D, 05C, 06A & 08) and 4 January 2010 (dwg. no. 980-500-07C), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

(Report circulated)

11

TREE PRESERVATION ORDER NO. 608 (REYNOLDS, WHITE STREET, TOPSHAM, EXETER) 2009

The Head of Planning and Building Control presented the report giving details of an objection that has been received by the Council to Exeter City Council Tree Preservation Order No. 608 (Reynolds, White Street, Topsham, Exeter) 2009.

Whilst some Members felt that the tree was worthy of preservation, other Members were of the opinion that the tree had insufficient amenity value and that the order should not be confirmed.

RESOLVED that the order shall not be confirmed.

(Report circulated)

12

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

Councillor Mitchell declared a personal interest in respect of the Royal Devon & Exeter NHS Foundation Trust, Barrack Road (application no.'s 09/1785/03, 09/17836/03 & 09/1646/03) as he is an employee of the Royal Devon and Exeter NHS Trust.

Councillor Taghdissian declared a personal interest in respect of Riverside Court Colleton Crescent (application no. 09/3086/06) as he works in a building in the vicinity.

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

RESOLVED that the report be noted.

(Report circulated)

13

LISTED BUILDINGS AT RISK

The Head of Planning and Building Control presented the report on progress since the previous listed buildings at risk report in July 2009.

RESOLVED that the report be noted.

14

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)

15

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

16

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 9 February 2010 at 9.30 a.m. The Councillors attending will be D Baldwin, Newby and Wadham.

(The meeting commenced at 5.30 pm and closed at 8.37 pm)

Chair

LICENSING COMMITTEE

2 February 2010

Present:

Councillor Ben Noble (Chair)

Councillors Newby, Branston, S Brock, Mrs Danks, Shiel, Sterry and Thompson

Also present:

Head of Environmental Health Services, Principal Licensing Officer (IL), Licensing Solicitor and Member Services Officer (HB)

1 **Minutes**

The minutes of the meeting held on 17 November 2009 were taken as read and signed by the Chair as a correct record.

2 **Declarations of Interest**

No declarations of interest were made by Members.

3 **Councillors Becoming Interested Parties in Their Own Right**

The Principal Licensing Officer presented the report advising of the effect of Section 33 of the Policing and Crime Act 2009 which amended the Licensing Act 2003 to include all Councillors as Interested Parties in their own right for the purposes of making representations and seeking reviews of premises.

Members had been advised that the new power had come into force on 29 January 2010. This removed the requirement for Councillors to be "invited" to speak on behalf of residents in the vicinity of a premises. Additionally, it removed the need for Councillors to live in the vicinity of a premises in order to make representations. It was noted that these new provisions did not apply to Temporary Event Notices.

RESOLVED that the report be noted.

(Report circulated)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

4 **Sex Entertainment Venues**

The Principal Licensing Officer presented the report setting out the necessary steps required to determine applications made under the provisions of the Policing and Crime Act 2009. This Act provided that Authorities that had already adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 in relation to sex shops and sex cinemas were now subject to the provisions of Section 27 requiring a policy in this regard to be adopted.

RESOLVED that the report be accepted and the report and policy adopted.

(Report circulated)

5 Application for the Grant of a Sex Shop Licence

The Principal Licensing Officer presented the report setting out an application by Mr T Hemmings for the grant of a licence to operate Simply Pleasure from 156 Sidwell Street, Exeter. Simply Pleasure currently traded from premises in Verney Street. They had operated since 2005 and there had been no incidents, complaints or evidence of non-compliance with conditions since the premises had first been licensed. It was the impending closure of the current premises that had brought about the requirement to seek alternative premises.

The Principal Licensing Officer advised that the application had been properly advertised and that no objection had been received in response to those advertisements.

A Councillor queried whether the discontinuance of the advertisement in Summerland Street that related to this premises would have an impact on the Licensing Committee's decision. It was understood that Planning Services were taking enforcement action in respect of this notice. The Licensing Solicitor advised that any planning issue could not be a relevant issue for the Licensing Committee to consider. Moreover, the Licensing Solicitor understood that the discontinuance related to the advertising site and not the particular notice.

Members referred to the different location of the new shop which was more publicly visible than the current premises in Verney Street. In response to a Member's question, the Principal Licensing Officer stated that there were no schools or churches in close proximity of the new shop.

Mr Simon Reeve, the National Retail Manager of Simply Pleasure, attended the meeting and spoke in support of the application. He explained that Simply Pleasure were a nation wide chain who acted responsibly in the undertaking of its business. With regard to the proposed window display he confirmed that no objections had been received from the advertising standards agency and that the display would be on the same basis as the current premises, that is, the display of mannequins in front of a pink wall/screen. In answer to a question relating to the window display, Mr Reeves compared the display with that of the Anne Summers and other fancy dress shops in the City. He stated that the display was customer friendly and that, in his view, was preferable to the blacked out fronts of similar shops which tended to draw negative comments.

RESOLVED that the application for a licence in respect of 156 Sidwell Street, Exeter for a 12 month period be granted.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 5.55 pm

Chair

SCRUTINY COMMITTEE - COMMUNITY

19 January 2010

Present:

Councillor Dilys Baldwin (Chair)

Councillors Shiel, Branston, Choules, Mrs Danks, R M Hannaford, Hobden, P A Smith, Thompson and Wardle

Director Community and Environment, Head of Housing Services and Head of Environmental Health Services and Member Services Officers (HB)

1 **Minutes**

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

2 **Declaration of Interests**

A Member declared the following personal interest:-

COUNCILLOR	MINUTE
Councillor Branston	4 (Board member of Age Concern)

3 **Minutes of Community Safety Strategy Group**

Members were informed that the minutes of Community Safety Strategy Group meetings would be circulated after each meeting to Members of this Scrutiny Committee to enable them to raise any issues of concern or interest at these meetings and, if necessary, request referrals back to the Crime and Disorder Reduction Partnership (CDRP) for a response. Members were also reminded that they could request individual agencies represented at the CDRP to attend a meeting of this Committee to answer any questions or address any concerns.

Members had no queries on the latest minutes circulated, those of 11 November 2009.

MATTERS FOR CONSIDERATION BY EXECUTIVE

4 **Equality and Diversity Strategy For Housing : 2009 - 2014**

The Head of Housing Services presented the report seeking Members' approval for the Equality and Diversity Strategy for Housing 2009-2014.

He responded as follows to Members' questions:

- the Strategy Action Plan would be updated to include target dates;
- the Strategy did cover young people in a more general sense but there was also specific reference to young peoples' housing needs in the Homelessness Strategy. A protocol had been established with regard to the housing of young people in respect of relationships with other agencies, notably Adult and Community Services;

- the process for counting rough sleepers had been reviewed. At the last count in November 2009, six had been recorded, four of whom had been offered accommodation with the remainder requested to return to their area of origin; and
- a report would be submitted to a future meeting proposing a number of changes to the Homelessness and Housing Advice service to ensure each case was managed more robustly and everyone had a chance to review their housing options.

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

- (1) approve the Equality and Diversity Strategy for Housing 2009-2014;
- (2) agree to the annual submission of a report on progress against the action plan; and
- (3) agree to the Equality and Diversity Strategy for Housing and its associated action plan being placed on the website and further comments invited from the community in accordance with the Local Government and Public Involvement in Health Act 2007.

(Report circulated)

5 **Housing Rents 2010/11**

The Head of Housing Services presented the report recommending a rent increase for council dwellings from 1 April 2010.

Rent convergence was a Government requirement for both local authorities and housing associations. The date for full convergence to be achieved had now been put back from the recent date of 2024/25 to 2012/13. It was noted that there would be an average rise of £1.94 per collection week for 2010/11.

The Scrutiny Committee - Community noted the report and recommended Executive approve a rent increase for Council dwellings by an average of 3.1% from 1 April 2010, which included a general decrease of -0.9%, together with the phased introduction of the Government's rent restructuring proposals.

(Report circulated)

6 **Efficiency Gains to Domestic Refuse and Recycling Collection**

The Head of Environmental Health Services presented the report seeking support for proposals to improve the efficiency of domestic refuse and recycling collections for all households in Exeter.

A Member Working Group established to review the service had identified the following key options that would potentially yield most benefit:

- Moving domestic refuse and recycling collections from five days to four days a week;
- Increasing the number of households on a bi-weekly collection; and
- Moving collections from back alleys to front of property.

The Working Group felt that there was little merit in changing from back alley to front gate collection whilst there was strong public opposition. However, there was a consensus supporting a four day working week and change of collection frequency of those 12,000 to 14,000 properties suited to a bi-weekly collection. The methods of consultation were set out in the report.

Members noted staff concerns about the suggested changes particularly the potential loss of overtime payments and increased workloads of a longer working day. An initial meeting had been held with staff on 27 November 2009 when these and other issues had been raised. Management would work closely with Unison and staff to address all concerns raised and reach an agreement on any changes approved. The Director Community and Environment confirmed that consultations with Union and staff were crucial to the implementation of the proposals and, in this respect, there had been a good track record in industrial relations in the past.

The move from a five to a four day working week would require a significant remodelling of the collection routes and background work had begun on this, the bedding down process for the new system estimated to take some six to eight weeks. There would be no change in the 37 hour working week as, although there would be longer working days, the collection system was on a task and finish basis.

With regard to health and safety issues, it was confirmed that cleansing services were well versed in carrying out risk assessments and that the new rounds' capacities would be comparable to those of other authorities. The introduction of the new system would be closely monitored and it was likely that the rounds would be changed slightly over the initial weeks of operation.

In response to a Member, the Head of Environmental Health Services confirmed that new housing developments in the City had been factored into the proposed changes. Although ultimately, investment in additional staff and vehicles might be necessary, the increased efficiency that would result from the changes would increase capacity and enable additional developments to be absorbed in the short to medium term.

A Member expressed concern that, despite the extensive consultation exercise, many in the City might not be aware of the proposed changes, noting that the existing budget had been used to promote the proposed changes with no additional resources added. He suggested that there should have been direct mailings to residents. He also felt that the longer working hours that staff would be required to work could impact on their domestic arrangements.

In response to the Chair, the Head of Environmental Health Services confirmed that there would be a need to invest in a substantial number of new bins for those households where the weekly collection would be changed to bi-weekly and to fund a communication programme to inform householders of changes in collection round structures. These implementation costs amounted to £212,000 in total which would fall in 2010/11, based upon an implementation date of September 2010. It was confirmed that a communication programme would cost approximately 50p per household, compared with the £1 originally estimated.

Other Members welcomed the proposals, one referring to the successful implementation of changes to the refuse collection rounds in the past and to the successful introduction of wheelie bins. Another Member referred to the significant environmental benefits that were anticipated, in particular, a significant increase in re-cyclates and a decrease in landfill. She also acknowledged that the changes would be subject to the outcome of negotiations with Unions.

It was noted that the recommendations of this Committee to Executive would be subject to approval at Council.

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

- (1) support the proposal to change the collection frequency of residual waste of suitable properties estimated at between 12,000 to 14,000 from one a week to once a fortnight;
- (2) support, subject to negotiation and agreement with staff and the trade unions, the move from a five day working week to a four day working week for the domestic refuse and collection and recycling service;
- (3) subject to (1) and (2) above, support the remodelling of the domestic refuse collection and recycling rounds; and
- (4) agree to capital expenditure of £176,000 funded from the capital programme in 2010/11, off set by the sum of £135,000 from the Vehicle Replacement Programme, to provide an additional requirement of £41,000 for inclusion in the 2010/11 capital programme.

(Report circulated)

7 Restructure of Control Centre Resources Following Review

The Head of Environmental Health Services presented the report on proposals for the restructuring of the Control Centre establishment following a review of Control Centre resources.

A Member expressed his strong opposition to the proposed changes and asked that savings be sought from other services instead. He believed that the use of CCTV cameras was of considerable benefit to the City, using the reduction in problems at football grounds as an example. In addition, CCTV evidence was often critical in court cases.

Members suggested approaching the Police either for funding support or for personnel. A Member suggested that seeking support with costs would be appropriate given that the Police used evidence provided by cameras in court. The Head of Environmental Health Services advised that the Police had previously declined to offer additional resources. He also stated that, as the Police could seize/demand evidence, seeking a charge for CCTV footage was inappropriate.

Another Member suggested that Land Securities could be requested to contribute. It was noted that they paid £33,000 per annum for use of the Centre for coverage of Princesshay and the Director Community and Environment explained that Land Securities also possessed its own control centre. The Head of Environmental Health Services replied that the payment received from Land Securities was considered appropriate.

Scrutiny Committee - Community supported the report and:

- (1) requested Executive to seek an urgent meeting with the Devon and Cornwall Constabulary, the Crown Estate, Land Securities and any other appropriate bodies with view to seeking contributions from them to keep the proposed cuts to the running of the Control Centre to a minimum, either through a

financial contribution or, in the case of the Police, contributing their own staff resources; and

- (2) requested Executive to approve the proposed restructure of the Control Centre resources and the prioritisation of work tasks, as set out in the report.

(Report circulated)

8 Review of Public Convenience Provision

The Head of Environmental Health Services presented the report setting out proposals for the rationalisation of public convenience provision within the City.

It was proposed to close the following conveniences:

- Blackboy Road
- Buddle lane
- Cowick Lane
- Ennerdale Way
- Guinea Street
- Hamlin Lane
- Higher Cemetery
- King William Street
- Musgrave Row
- Okehampton Street

He explained that there were significant annual costs in providing the current level of public conveniences predominantly in staffing costs, followed by the cost of utilities, such as water and electricity, business rates and consumables (soap, toilet rolls etc). The busiest conveniences were the most costly to operate and the overall annual budget of public conveniences was £420,330 in 2009/10, including central overheads.

The options of introducing entrance charges or closing all public conveniences and providing alternative provision via existing retail and food and drink establishments contracted to allow public use (a Community Toilet Scheme which some authorities had adopted) had been considered but rejected. Closure of a selected number of toilets had been felt to be the best option. The plans circulated with the report detailed the proposed closures together with the network of conveniences proposed for retention. The Head of Environmental Health Services clarified that the Whipton Village convenience would be maintained but that it was proposed to close the Hamlin Lane toilet. The proposals had been reached following an assessment against a table of criteria contained in the report but within an overall constraint of saving £60,000 and maintaining provision at local shopping areas and public parks. These closures would have a disproportionate negative impact on specific groups in the community as described in the Equality Impact Assessment which had been circulated to Members.

Members expressed their opposition to the closures, one recognising that whilst there was a need to identify savings, these should not be made at the expense of toilet closures. He suggested savings within other budgets. A local Member referred to the use of a number of toilets to the west of the river. The Ennerdale Way and Okehampton Street toilets for example were greatly used by cyclists, walkers, motorists and the John Levers Way allotment holders. He referred to the Musgrave Row toilets, also proposed for closure, which were used by Ring and Ride patrons,

as well as library users. It was noted that the library possessed toilets but that these were closed to library users and a Member suggested that the County Council be requested to make the toilets available.

Another Member suggested that the cemeteries budget should be utilised to ensure the retention of the Higher Cemetery toilet. Another Member remarked that closing the busiest toilets was illogical as was the closure of a number of toilets that had been refurbished within the last five years. He referred specifically to the improvements to the Blackboy Road toilets and it was felt that this was of particular value to the public during match days because of its proximity to St. James' Park and that its closure could lead to the use of nearby undergrowth surrounding residents' establishments. Another Member felt strongly that front line services should not be cut in this way stating that the proposal to close 38% of toilets which represented only 14% of the total budget was illogical. He believed that all of the toilets should remain open. He also did not feel that the use of toilets in shops and restaurants was an appropriate option.

A Member remarked that citing anti social behaviour as a reason for closure was not valid as such problems should be addressed by the Police and Community Patrollers. The Head of Environmental Health Services replied that abuse and vandalism of toilets was only one of the criteria. The Police had advised that their view was that most fans used toilets in pubs or at the stadium itself rather than the Blackboy Road toilet. The Police therefore were not concerned about the loss of this facility in respect of match day usage.

A Member reported that she had researched the operation of the Community Toilet Scheme in Richmond upon Thames and explained that local businesses worked with the Council to make their toilets accessible to the public, the Council providing financial support and ensuring that the toilets were maintained to an acceptable standard. Another Member suggested that the scheme merited further investigation to determine if it was a viable option. The Chair, referring to the differing culture of an area such as Richmond, stated that such an option was possibly more appropriate for a larger authority and that the associated costs were likely to make this an inappropriate solution.

In response to a Member, the Head of Environmental Health Services explained that those toilets that were to close would be protected from unauthorised entry and that there would be a cost in maintaining them in this way but that it would not be as great as the maintenance cost of keeping them open.

Scrutiny Committee - Community did not support the closure of the above public conveniences from 1 April 2010 and, in view of the impact of any such closure on this important front line service, requested that the matter be determined at Council rather than Executive.

(Report circulated)

ESTIMATES, CAPITAL BIDS AND FEES AND CHARGES 2010/11

9 Community - General Fund - Estimates/New Capital Bids/Fees and Charges

The Director Community and Environment presented the report on the Community Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. Detailed schedules of the capital programme for Community were also attached to the report.

The Chair had requested a briefing note on the impact of a reduced budget on the street sweeping budget. The draft budget reduced the spending on street sweeping to a total of just over £1.27 million which was £50,000 less than the budget for 2009/10. There were 54 front-line staff providing these services, supplemented by a pool of five staff who provided cover for absences which included sickness, holidays and training. In addition, there was a substantial budget with which agency staff were employed to provide cover on days when there was insufficient pool staff. It was this agency budget which would be reduced by around 16%. This meant that some short term absences, for example, a single day's leave or a day or two of sickness would not be fully covered in future which could mean, for example, that an area normally swept three times a week might, on occasion, be swept twice.

The streets were regularly surveyed with a comprehensive performance indicator system in place which, alongside feedback from the public, would be used to assess the efficiency of the system with a view to introducing any necessary changes.

In response to a Member, who remarked that the street cleanliness varied from street to street and to various factors such as passing school children, the Head of Environmental Health Services confirmed that flexibility was the key in maximising available resources. The same Member remarked that the quality of agency staff work had been unacceptable in the past. Another Member suggested offering road sweeping duties to those staff losing a working day as a result of the reduction in the cleansing regime from five to four working days. The Director Community and Environment stated that the purpose of reducing agency staff was to produce savings and that spare capacity could not be suitably transferred in this way.

Another Member referred to cleansing work undertaken at Cathedral Green and it was noted that the annual cost for this area was £45,000. Of this, some £5,000 related to City wide vehicle costs and could not be easily disaggregated. The Dean and Chapter did not contribute to the costs and the Member therefore suggested that it might be appropriate to seek a contribution.

The Scrutiny Committee - Community:

- (1) noted the draft Revenue Estimates for 2010/11 and Fees and Charges for further consideration by the Executive; and
- (2) requested that an approach be made to the Dean and Chapter and other bodies for whom the Council undertakes cleansing and road sweeping with a view to a contribution being made to the costs of the service.

(Report circulated)

10 **Community Housing Revenue Account - Estimates/New Capital Bids/Fees and Charges**

The Director Community and Environment presented the report on the Housing Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. Detailed schedules of the capital programme for Housing were also attached to the report.

She reported that, following the rejection of the City Council's Round II Bid for Council Own Build funding in respect of five sites, a meeting had been held with

representatives of the Government Office for the South West to seek an explanation for the decision. Although grant aid was normally distributed on a regional basis, on this occasion, the allocation had been made from a single national pot the result of which had been to allocate the greater percentage of resources to areas where the greater number of houses could be built at less cost. As such, areas such as the north east had benefitted at the expense of the south west. In addition, whereas Exeter had bid for support for smaller dwellings in support of its downsizing policy, assistance had been given towards the provision of larger family homes. There would be a re-examination of the proposed schemes with planning permission still to be sought. Some schemes could revert to the Sovereign Housing Association with the Council retaining the other sites.

The Scrutiny Committee - Community supported the draft Revenue Estimates for 2010/11 and Fees and Charges for approval by Executive.

(Report and Community and Housing Estimates and Fees and Charges circulated)

11 **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 EXECUTIVE

12 **Play Development Service**

The Director Community and Environment presented the report setting out changes to the Council's Play Development service, including proposed financial changes and provided an update on the redundancy figures associated with the proposal.

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

- (1) support the new arrangements for the Play Ranger service until 31 March 2010;
- (2) support the service reductions and other changes as set out in the report; and
- (3) seek external funding to allow the Play Ranger Service to continue into the future.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.20 pm

Chair

SCRUTINY COMMITTEE - COMMUNITY - SPECIAL

15 February 2010

Present:

Councillor Dilys Baldwin (Chair)

Councillors Shiel, Branston, Choules, R Smith, Taghdissian and Wardle

Community Safety Partnership Co-ordinator and Member Services Officer (HB)

Also present:

Superintendent John Vellacott - Devon and Cornwall Constabulary
Madeleine van Wyk - Family Intervention Project

Councillor Newton - Portfolio Holder for Housing and Community Involvement

13 Declaration of Interests

No declarations of interest were made by Members.

14 Presentation on the Community Safety Partnership

The Chair welcomed Superintendent John Vellacott, Devon and Cornwall Constabulary and Michael Miller the Community Safety Partnership Co-ordinator.

Both Superintendent Vellacott and Michael Miller detailed the work of the Exeter Community Safety Partnership. They explained the legislative background to and the makeup of the Partnership and its work in the context of Devon and the Local Area Agreement, the community safety projects in Exeter now being funded by the Safer Devon Partnership. The Partnership had completed two, three year strategies and was now required to work to a one year rolling annual plan. There had been a shift in emphasis from combating acquisitive crime to alcohol and drug related crime and reducing reoffending.

Superintendent Vellacott stated that although crime was down 25% during the period 2005 to 2008 and down 4.1% for 2008 to 2009 and that, so far in 2010, there had been an 8% reduction, in Exeter there was a 10% shortfall in the Government target of 84% in respect of the public perception of the Police and Council in an area to deal with the anti social behaviour and crime that matter.

He referred to the work of the My Neighbourhood/PACT initiative which he felt was key to help reduce the above shortfall. Promoting the work of the Partnership would be important as would be improving communication and contact with the public. The Neighbourhood/PACT meetings were being augmented by "street meetings" where Police officers met the public on an ad hoc basis outside superstores etc. The CDRP website would be updated, flat screen TVs relaying information had been installed in Police stations and would be extended to the Civic Centre and the St Sidwell's Centre. Posters in shop windows and libraries etc. and newsletters would be provided and a new initiative of community messaging with emails sent to key players in the community would be introduced. He welcomed the involvement of the Scrutiny Committee and referred Members to the Home Office publication -

“Communicating for Confidence”. He hoped that the City Council would be represented at the forthcoming conference at St. Mellion on 26 February 2010. He responded as follows to Members’ queries:-

- Anti social behaviour affecting the elderly was treated as a priority with follow up calls by beat managers;
- The Anti Social Behaviour Action Team sought to ensure a multi agency approach to problems;
- It was accepted that some crimes were not reported but problem areas/premises could be identified through the analysis of data including A&E figures; and
- The Police did not fund CCTV in either Devon, Cornwall or Plymouth.

Superintendent Vellacott stated that local authorities had a central role in community safety and that a joined up approach with the Police was essential with both bodies aiming to win the confidence of the public that their concerns that anti social behaviour and crime issues were being addressed. To this end, Members asked that a detailed breakdown of crime statistics be provided to ensure that elected Members were confident that key areas were being addressed.

The Chair thanked the Superintendent and Michael Miller for their presentation.

RESOLVED that a further meeting be held at 5.30pm on Monday 7 June 2010 to receive a presentation on crime figures including a breakdown of the categories of crime and the definition of anti social behaviour.

15 **Presentation on the Family Intervention Project**

The Chair welcomed Madeleine van Wyk, Project Manager of the Family Intervention Project. Michael Miller detailed the background and history of the Project which had been introduced after the Respect Task Force had requested the Community Safety Partnership to participate. Devon County Council had commissioned the NCH (now Action for Children) to lead the project.

Madeline van Wyk detailed the operation of the Family Intervention Project which intervened with problem families at the point where legal action was served. After discussion at ASBAT, a key worker was allocated to a family and a family contract drawn up setting standards for acceptable behaviour. Of 45 referrals, 32 families had been accepted. Of these, 75 % had been referred by the City Council’s Housing service, 15% from the Police and alcohol agencies and the remainder from registered social landlords. Of the 32 families, one had been evicted because of a refusal to engage with FIP or any other agency. The other 31 families remained within the project. Intervention was reduced if the family was sustaining and monitored for a period. Families were referred back if they returned to crises. A detailed case study was provided.

The Family Intervention Project was Government funded project with the intention of becoming mainstreamed. Funding of £189,987, + £100,000 from Supporting People had been provided in 2007/08 and the figure for the current financial year was £134,743. It had been announced that the tapered figure of £94,320 for 2010/11 would instead remain at £134,000. Funding had not been identified to date for April 2011.

In response to a Member’s question, she advised that there was no waiting list and if a family could not be taken on within the first 24 to 48 hours they were referred to another agency. It was important for the Housing Service to have a good relationship

with Housing Associations and for a common approach. Where a family was housed by a Registered Social Landlord a representative attended the ASBAT meeting to discuss the case and reference was made to representatives of Housing Associations attending residents' meetings on the Countess Wear estate and recent My Neighbourhood/PACT meetings in Clyst Heath. Although it was understood that RSL's could not be required to attend Scrutiny Committee meetings, as there were some 20 operating in Exeter, managing some 5,000 properties, Members felt that it would be helpful to enter into a dialogue with Housing Association representatives on areas of mutual interest. This would be pursued.

The Chair thanked Madeleine van Wyk for her presentation.

The meeting commenced at 5.30 pm and closed at 7.15 pm

Chair

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SCRUTINY COMMITTEE - ECONOMY

21 January 2010

Present:

Councillor Margaret Baldwin (Chair)

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

Director Economy and Development, Head of Economy and Tourism, Head of Exeter Archaeology, Projects and Business Manager and Member Services Officer (SLS)

Also present:

Councillor Peter Wadham - Portfolio Holder for Sustainable Development and Transport
Councillor Stella Brock - Portfolio Holder for Economy and Tourism

4 Minutes

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

5 Declarations of Interest

Members declared the following personal interests:

COUNCILLOR	MINUTE
Councillor Wardle	6 Member of the Devon Archaeological Society
Councillor Coates	6 Friend of Exeter Cathedral
Councillor Smith	8 Chairman of the Barnfield Theatre
Councillor Martin	8 Exeter and Devon Cooperative Party 9 Member of Exeter Vision

MATTER FOR CONSIDERATION BY SCRUTINY ECONOMY

6 Archaeological Research Progress

Councillor Wardle declared a personal interest as a member of the Devon Archaeological Society and Councillor Coates declared a personal interest as a Friend of Exeter Cathedral.

The report of the Head of Exeter Archaeology was submitted, advising Members on:-

- Recent changes within Exeter Archaeology;
- Progress with archaeology reports and projects funded from the Economy and Tourism budget; and
- Information relating to archaeological projects carried out in the city for both the City Council and external clients.

The recent restructuring of the Unit now enabled a more flexible and positive response to the changing pattern of work, enabling them to meet the increasing levels of competition more effectively. A presentation included examples of projects that had either been publicly or privately funded from a variety of sources including

the Dean and Chapter, English Heritage and private developers. He referred to a number of publications and circulated drafts of forthcoming works. Although some publications remained primarily for a more academic audience, there were increasing efforts to make them more popular and accessible to a wider audience. In response to a Member request, he would consider exploring the possibility of making some publications available through the City Council web site if costs were covered. Other work included more direct engagement with the public, promotion of open days and outreach sessions with schools.

A Member also welcomed the restructuring of the Unit, but enquired if the reduction in staff numbers would have any impact on their future use of the Customs House. The Head of Exeter Archaeology confirmed that whilst the core structure only totalled 15 staff, there had to be room to accommodate any temporary staff when funded for specific jobs. They were also due to release an external storage facility and the Custom House would provide storage for those artefacts.

Scrutiny Committee- Economy noted the progress being made to establish a financially viable archaeological contractor within a constrained economic environment and noted the progress being made with all these projects.

(Report circulated)

7 Economy Update

The Head of Economy and Tourism provided Members with a brief update on the continuing effect the recession was having in Exeter. A Chamber of Commerce survey has shown that local business confidence remained high, with retail in the city centre showing no signs of any marked difficulty. However despite a small drop in the latest unemployment figures, there was a worrying trend of young people who had been consistently unemployed for over six months. A Member referred to the number of young people staying on at college, and suggested that future funding shortfalls in further and higher education might also have a future impact on their numbers.

The Head of Economy and Tourism responded to a comment on the city's strengths, and referred to a number of factors including the city's hub location, the University, future plans at the Science Park and SkyPark and the relatively low operating costs which had to be a feature. It was important to focus on the longer term prosperity and where the effort still had to be made. He was pleased that Exeter had held its position so far, but no one was complacent as there may yet be longer term issues with so many Government departments represented in the city. Although we might appear less vulnerable, it was important to actively pursue diversification of the economy with the Science Park and Skypark which will present the opportunity to provide new employment as well as training opportunities over the coming years.

Scrutiny Committee – Economy noted the report.

(Report circulated)

8 2010/11 Budget Estimates

Councillor Martin declared a personal interest as a member of the Devon and Exeter Cooperative Party and Councillor P Smith also declared a personal interest as Chairman of the Barnfield Theatre.

The report of the Director Economy and Development was submitted, outlining the strategic framework within which the estimates had been prepared, changes in accounting practices, which affect all budgets and detailed reasons for any significant changes in the Management Unit estimates. He set out the changes to the individual budget heads including staff changes within Planning. The budget had been constructed on the assumption that the City Council will gain an extra £1.65 million of special grant in respect of the concessionary fares scheme, but this has not yet been confirmed by Government. It was noted that a further update on concessionary fares would be made to the March meeting.

Councillor Stella Brock attended the meeting under Standing Order 44 and drew Members' attention to the proposal for the withdrawal of the City Council's funding for the Vibraphonic Festival from 2011. She proposed that a sum of £7,000 be transferred from the City Centre Events and Promotions budget as a contribution to the marketing costs of Vibraphonic Festival 2011. The Director confirmed that a sum of £5,000 had already been committed to the city centre cycle race, but £10,000 remained in the budget which could be used for a number of possible city centre activities. Members supported the proposal. It was considered appropriate that a staged reduction in Vibraphonic's funding rather than a total withdrawal would be a good way forward, but that further future funding opportunities should be explored.

The Director responded to a comment on the cost of the Christmas lights, which year on year, had become more of a financial challenge due to the lack of contributions from a significant part of the city centre business community. The Head of Economy and Tourism and the City Centre Manager had been working on a Business Improvement District proposal which could be used to administer a more equitable scheme.

Details of the proposed Fees and Charges and the Capital Programme were also presented. A nominal change in the Directorate's Fees and Charges and alterations to the Capital Programme were discussed at the informal Estimates meeting in December.

Scrutiny Committee – Economy noted the draft Revenue Estimates, Capital Programme and proposed Fees and Charges for 2010/11 for further consideration by the Executive, and supported the transfer of a sum of £7,000 from the City Centre Events and Promotions budget to be used in respect of the promotion and marketing of Vibraphonic Festival 2011.

(Report circulated)

MATTER FOR CONSIDERATION BY THE EXECUTIVE

9 Reducing Carbon Emissions in Exeter: The Role of Planning and Transportation Strategy

Councillor Martin declared a personal interest as a member of Exeter Vision.

The report of the Director Economy and Development included a set of four papers, which summarised a set of actions for the short and medium term, which were proposed for adoption. He also made a presentation outlining the challenges facing the city to reduce carbon emissions over the next two decades and beyond.

Paper One - Reducing Carbon Emissions in Exeter - the role of Planning and Transportation Strategy

This paper provided an overview of the longer term strategy for reducing carbon emissions and set out the national targets, targets by specific sector and proposed options. It defined a range of short and medium term measures in respect of planning and transport issues.

Paper Two - Land Use Planning and Development Management

The report looked at significant changes that are needed in land use policies and actions if the challenges of climate change are to be addressed. These changes include the design of new developments meeting the legal requirements of a zero carbon rating by 2016, as well as maximising more high quality public transport use and creating more efficient energy sources.

Paper Three – Transportation Strategy: Measures to Reduce Carbon Emissions/Proposed City Council input to DCC Local Transport Plan 2011-16

There has been recent progress and trends in the city in terms of transportation and this paper set out a number of major priorities that Devon County Council will consider as part of its preparation of their Local Transport Plan. As traffic has continued to rise, the emphasis on encouraging more investment in public transport and reducing the level of cars coming through the city remained a priority.

Paper Four- City Centre: Carbon Emissions, Air Quality and Traffic

The paper reviewed current conditions in the city centre and set out a framework for the longer term and proposed a range of short and medium term priorities. This will include a city centre traffic management strategy including gateway, Park and Ride and rail enhancements.

Members welcomed the report and made the following comments for the Executive:-

- the importance of improving public transport and of it being available to those who need it, with a realistic pricing structure. He believed that any traffic management scheme taking the traffic out of the heart of the city centre would not have a detrimental effect on future vibrancy.
- the principles of the Agenda 21 initiative from the 1990's were now being reflected in this vision which was exciting.
- the failure to act could have catastrophic consequences and therefore it was preferable to act in a precautionary manner. There should be some caution over following all of the Turner Committee recommendations as new opportunities and innovations might be preferable. There should be the chance to continue to debate any proposed changes at length and not come to a conclusion too soon.
- the need to consider road pricing.

The Director made the following responses to Members' queries:-

- the report had not been shared with other authorities in the area, apart from Devon County Council, whose officers had seen and commented on a draft before Christmas.
- the greater challenge remained to address the existing building stock and there was a need to review the funding framework.
- the Community and Environment Directorate would carry through further work picking up a number of air pollution issues. The Projects and Business Manager stated that there was a link between transport and health particularly in younger people, and the PCT would be a potential source of funding for some initiatives.

The Projects and Business Manager confirmed that they were still awaiting a response to Network Rail's consultation on future investment in the Devon Rail network as discussed at the last meeting of the Committee. Every effort was being made by a range of partners and stakeholders to ensure that rail facilities would be in place for the new community at Cranbrook and proposed developments at Monkerton and Newcourt. The City Council will continue to work to try and help shape the future of the local rail network.

Scrutiny – Economy supported the content of the papers and the strategies and actions and recommended to Executive the following recommendations under the individual headings from Paper One to Paper Four inclusive to :-

- (1) *Paper One – Reducing Carbon Emissions in Exeter - the role of Planning and Transportation Strategy*
 - (i) note the considerable challenge facing the City and County Councils in securing the major reductions in carbon use that are necessary;
 - (ii) support the strategy and measures proposed by the Turner Committee;
 - (iii) endorse the actions in the attached papers as the City's contribution to meeting its carbon reduction obligations; and
 - (iv) report to Members annually on progress.
- (2) *Paper Two – Land Use Planning and Development Management*
 - (i) endorse the change in land use planning priorities and design philosophy outlined in Sections 4 and 5 in particular relating to the co-location of uses and adopting higher densities;
 - (ii) endorse the development of a sustainable energy supply strategy for the City's growth areas with an implementation plan based on advice from the Centre for Energy and the Environment;
 - (iii) lobby the LGA to ensure that:
 - Government provides a comprehensive policy and funding regime for delivering whole house/neighbourhood enhancements to secure substantial reductions in CO2 emissions
 - Government maintains a firm line on the Code for Sustainable Homes

- and for the parallel tightening of Part L of the Building Regulations for commercial premises
 - Government addresses the lack of an effective tie up between Approved Inspectors and the Local Planning Authority in delivering low carbon designs
- (iv) approve the draft responses to the consultations on zero carbon in new non domestic buildings at Appendix 1 of the report and on permitted development rights for small scale renewables at Appendix 4;
 - (v) agree the need for appropriate training for staff and, if desired, Members to ensure they are skilled in this new area of work; and
 - (vi) ensure that the finalised Residential Design Guide adequately addresses all of those issues relating to sustainable design.
- (3) *Paper Three - Transportation Strategy: Measures to Reduce Carbon Emissions/Proposed City Council input to DCC Local Transport Plan 2011-16*
- (i) note the core objectives outlined in Section 4.2 of this paper;
 - (ii) support the measures proposed in Section 6 of this paper;
 - (iii) support that a submission based on the above is made to Devon County Council as input to the preparation of LTP3;
 - (iv) note that a joint ECC/DCC city centre transportation strategy should be prepared in the first half of this year;
 - (v) note that a review of the City's Parking Strategy be completed in parallel;
 - (vi) note that a joint ECC/DCC strategy on providing for electric and hybrid vehicles be prepared and the prospect for a City trial be brought to a meeting of Scrutiny later this year; and
 - (vii) endorse that (iv), (v) and (vi) above be the basis for the preparation of a CLEAR zone strategy for the City Centre linked to the designation of a Low Emission Zone.
- (4) *Paper Four –City Centre: Carbon Emissions, Air Quality and Traffic*
- (ii) submit the transportation element of these proposals to Devon County Council as input to the LTP3; and
 - (iii) note that work proceeds on the draft strategy and key projects with a view to its incorporation into the City Centre Area Action Plan to be prepared later this year.

(Report circulated)

10 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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 2 of Part I, Schedule 12A of the Act.

11 Service Review of Planning

The Director Economy and Development presented the report of the Head of Planning and Building Control, which outlined a number of proposed changes in the structure of the Planning part of the Planning and Building Control Unit. The changes were proposed as a response to the changing context facing the Unit, in particular ongoing reforms to the planning system, the likely cessation of Housing and Planning Delivery Grant, and wider budgetary issues facing the Council. There is also the need to improve the focus on sustainable development and delivery of key projects such as the Local Development Framework, coordination with the New Growth Point and major developments at Newcourt, Monkerton and the Bus Station.

The Director replied to a number of comments stating that the reduced staffing would be sufficient for the present workload but this could change quickly. He added that reduction in the Enforcement resource from three individuals to one could be problematic for Members if they had high expectations. He agreed with a Member suggestion that joint working with other authorities was also an option if the City Council Planning workload picked up and others had spare resources, provided there was budget provision.

Scrutiny Committee – Economy supported the recommendation that Executive approve the following that: -

- (1) the employment of the holder of the Senior Enforcement and Projects Officer (ED07105) and Planning Technicians 2 x 0.5 FTE (ED07113 and ED07141) be terminated on grounds of redundancy on the respective dates of 27 January 2010 (ED07105) and 31 March 2010 (ED07113 and ED07141) in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the post holders in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;
- (2) the deletion of the following vacant posts from 1 April 2010: -
 - (i) Implementation Officer (ED07151),
 - (ii) Investigations and Compliance Officer (ED07106) frozen since February 2009,
 - (iii) Landscape & Tree Officer (ED07131), and
 - (iv) Clerical Assistant (ED07156);
- (3) the creation of the following new posts from 1 April 2010:-
 - (i) the post of Enforcement Officer (grade subject to job evaluation) to be filled by existing postholder of ED07162,
 - (ii) the post of Environmental Improvements Officer (ED07154) be amended to Environmental Improvements and Tree Officer, and
 - (iii) the fixed term post of Design Assistant (ED07162) be made permanent.
- (4) the post of Technical Clerk (ED07124) be reduced to 0.8FTE from April 2010 and Forward Planning Officer (Projects) (ED07133) be reduced to 0.6FTE from June 2010;

- (5) the Design Assistant (ED07155) to become supernumerary pending an appropriate vacancy; and
- (6) the transfer of post ED07138 (Conservation Planner) from the Development Management team to the Design Team; and
- (7) the Planning Unit's budgets be amended accordingly

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

SCRUTINY COMMITTEE - RESOURCES

27 January 2010

Present:

Councillor Coates (Chair)

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

Chief Executive, Director Corporate Services, Assistant Chief Executive, Head of Treasury Services, Head of Contracts and Direct Services, Head of Human Resources and Member Services Officer (SJS)

Also present:

Councillor Cole – Portfolio Holder for Business Transformation and Human Resources

Mr B Morris. Representative from Grant Thornton, the Council's External Auditor

Ms J Masci: Representative from Grant Thornton, the Council's External Auditor

1 **Minutes**

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

2 **Declarations of Interest**

Members made no declarations of interest.

3 **Financial Statements Plan 2009-10**

Mr Morris and Ms Masci of Grant Thornton, the Council's External Auditor, presented the Plan to Members, which highlighted the key elements of the audit work to be undertaken on the financial statements of Exeter City Council for the year ending March 2010.

Mr Morris updated Members on the changes to the Council's Engagement Team and confirmed, that there would be no extra cost to the Council.

In answer to a Member's question, Mr Morris stated that there had been changes in accounting for national non domestic rates and council tax in the Council's financial statements. This meant that local authorities were now required to account for transactions on its own share only of debtors and creditors. There was a risk that the Council might not correctly account for these changes.

The Chair thanked Mr Morris and Ms Masci for their presentation.

The Scrutiny Committee - Resources accepted the Plan.

(Plan circulated)

4 **Portfolio Holder to present her half yearly report**

Councillor Cole (Portfolio Holder for Business Transformation and Human Resources) presented her half yearly report on the Scrutiny Committee work programme.

Members were circulated with a copy of the work programme, a copy of which is attached to the minutes.

Councillor Cole brought to Members' attention the excellent work of the Customer Service Centre in reducing the average waiting time to well below the Council's target of 10 minutes and the reduction on the time taken to assess new claims, which had reduced from an average of 26 days last year to 20 days this year.

In answer to a Member's question, Councillor Cole commented that the synergies gained by the Information Management Service being integrated into IT Services included the ability to provide wider cover and improved business continuity.

Members expressed their appreciation to the Customer Service Centre staff for the improvement to the service.

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

5 **Revenue Budget Proposals 2010/11**

The Head of Treasury Services presented the report outlining the strategic framework within which the estimates had been prepared and circulated for discussion and comment during December. He highlighted the issues that would affect the setting of the overall level of council tax.

The Head of Treasury Services stated that the savings proposals to reduce the base budget by £1.008 million had been incorporated within the budget papers presented to the individual Scrutiny Committees. The Government had announced the final local government finance settlement for 2010/11, and for Exeter the guideline figure was £12,089,847. This was an increase of 0.08% against 2009/10 grant. The provisional settlement now indicated that, in cash terms, the Council's grant would increase by £90,995.

Members were updated on concessionary fares, the monitoring of revenue savings 2009/10, budget consultation and council tax. The Head of Treasury Services stated that a 4.5% rise in Council Tax would increase Band D by £5.38 and, of the Devon authorities the Council would receive the second lowest grant settlement.

A Member raised concerns regarding the closure of some of the public conveniences and proposed an addendum to the recommendation regarding discussion with commercial interests in Exeter who may be able to enter into an arrangement for the public to have access to their toilet facilities and that while this investigation was taking place the proposed closure of the toilets be held in abeyance until the result of the investigation was known.

This was seconded, put to the vote and lost.

The Director Corporate Services informed Members of the budget making process and that Council would take the decision regarding the overall budget for 2010/11 at the Council Budget meeting in February.

In response to a question from a Member concerning the CCTV Control Centre, the Director Corporate Services stated that no redundancy figures had yet been calculated as discussions were continuing with staff.

The Chief Executive clarified that the Budget Consultation Exercise was a requirement of the Audit Commission and in keeping with best practice but did not replace any of the Council's budget making processes.

The Scrutiny Committee – Resources noted the report and recommended that:-

- (1) Executive approved the Draft Revenue budget proposals for 2010/11; and
- (2) the minimum level for the General Fund Working Balance remain at £2 million.

(Report circulated)

6 Capital Programme 2010/11 to 2012/13

The Head of Treasury Services presented the report seeking approval of the General Fund and Housing Revenue Account Capital Programmes for 2010/11 along with schemes identified for the following two years.

The Head of Treasury Services stated that a borrowing requirement of £23.9 million had been identified over the next four financial years, which would have an ongoing impact on the Council Tax. The current revenue cost of borrowing was approximately £83,000 for each £1 million that was borrowed.

The Scrutiny Committee - Resources supported the following for approval by Executive:-

- (1) the General Fund capital programme for 2010/11, as set out in Appendix 4 of the report;
- (2) the HA capital programme for 2010/11, as set out in Appendix 5 of the report; and
- (3) the Council House Building programme for 2010/11, as set out in Appendix 6 of the report.

(Report circulated)

7 Treasury Management Strategy 2010/11

The Head of Treasury Services presented the report seeking adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2010/11, as required under section 15(1)(a) of the local Government Act 2003.

Members were informed that the economic conditions of the past 18 months had demonstrated the risks involved in Treasury Management. Investment could now only be made in UK-owned banks or banks with a major subsidiary in the UK. In respect of investment in foreign countries there was now a maximum of £2 million that could be invested per country. The Council had previously invested £20 million but this had now been reduced to £10 million.

Members raised concerns regarding the recent publications regarding the credit rating of the UK Government.

The Head of Treasury Services clarified that currently there was no monetary limit with regards to investment in UK. Updates regarding the risk status on investments were received regularly.

The Scrutiny Committee - Resources noted the report and recommended that the Executive recommend to Council the adoption of the Treasury Management Strategy and delegations contained therein.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES

8 Non-Housing AIM Budget 2010/11

The Head of Contracts and Direct Services presented the report detailing the work proposed to non-housing properties in order to maintain and service such buildings in 2010/11. The work financed from the Asset Improvement and Maintenance fund, referred to as AIM, was contained within the Council's overall revenue budgets.

Members were informed that this budget had been reduced by £50,000 from the previous year.

The Scrutiny Committee – Resources noted the sum of £1,515,000 which had been split into the categories of work in the year 2010/11, as outlined in the report.

(Report circulated)

9 Resources Estimates/Fees and Charges 2010/11

The Head of Treasury Services presented the report outlining the strategic framework within which the estimates had been prepared, changes in accounting practices which affect all budgets and detailed reasons for any significant changes in the Management Unit estimates.

Members welcomed the increase in staffing in Election Services which they felt was necessary due to the additional administrative procedures.

The Scrutiny Committee – Resources noted the draft estimates for 2010.

(Report circulated)

10 Comprehensive Area Assessment 2009 - Organisational Assessment

The Chief Executive presented the report informing Members of the results of the Council's 2009 Organisational Assessment.

He informed Members that the Comprehensive Area Assessment consisted of two elements, the Area Assessment and the Organisational Assessment. The overall score for the Organisational Assessment was 3 out of 4, with good prospects for improvement.

During discussion, Members questioned the need for the continuous assessment of the Council's services and resources and raised concerns about how the scoring process was undertaken.

The Scrutiny Committee – Resources noted the results of the 2009 Organisational Assessment.

(Report circulated)

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

11 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 and 4 of Part I, Schedule 12A of the Act.

12 Human Resources Staffing

The Director Corporate Services presented the report seeking to agree the extension of the post of Temporary Human Resources Advisor for a further period of 12 months from 1 April 2010.

Members noted that the outcome of the Local Government Review could have on the overall structure of the Council and that it could significantly increase workload within the Human Resources Service.

The Scrutiny Committee – Resources noted the report and recommended to the Executive that the post of Temporary Human Resources Advisor (CS03116) be extended for a period of 12 months from 1 April 2010.

(Report circulated to members)

The meeting commenced at 5.30 pm and closed at 7.00 pm

Chair

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**Portfolio Holder Business Transformation and HR
Work Priority Update for 2009/10**

Housing Benefits

The excellent performance of the Benefits service was recognised by our external audit and reported to Committee last year. Despite a 7% increase in caseload, the time taken to assess new claims is now averaging 20 days this year compared to 26 days last year. We will still need to work hard to sustain this performance with 3 staff, out of an assessing capacity of just over 21, going on maternity leave this month. Members will recall that approval was given to appoint an additional assessor post, with grant money provided by the government, and this will help. However, management and staff will be working hard to ensure that the improved performance is sustained.

Automated service access and Electronic Records Management (EDRM)

Because of budget pressures it was necessary to change the way the Information Management Service operates and this was reported to Committee just before Christmas. Now that the technical elements of the service will be integrated into IT Services, there should be a better opportunity to add value to the service by exploiting synergies between them.

This area of work is crucial to the aspirations of the Council to modernise and streamline the way it operates. To allow staff to be flexible and more productive, it is essential that the data they use is available electronically so that they can access and process it wherever they are, either working from home, on site or in the office. Considering how this work can be developed in a more challenging budget position will now be a priority for managers.

Mobile and Remote Working

Approval has now been given to the business case for mobile working in Cleansing Services. This project also provides for automated customer facilities which will improve the service to those using it and reduce the staffing resources required. This is a major initiative which involves integrating back-office systems with the Council's customer relationship management system utilised in the Customer Service Centre. A project team has been established and staff are working towards a go-live date later this year.

The work on projects in Housing and Contracts and Direct Services has been suspended pending the letting of the housing maintenance contract later this year and a review of the operation of the residual Building and Electrical Services Team. The new housing contract will employ mobile technologies but it is not possible to take the project further until it is known which system will be used by the successful contractor.

Equalities

It is proposed that the Council will have a peer review in the summer to assess whether it meets the new 'Achieving' standard of the Local Government Equalities Framework. This has been judged to be a far more cost effective way of assessing the Council as a formal review can cost upwards of £6,000. A peer review by the South West Regional Improvement and Efficiency Programme will be at no cost but will still identify those areas which the Council needs to work on. Issues identified will then be formulated into an action plan.

Budget Savings

£573,000 of savings were identified for the current financial year and all the proposals have been implemented except the corporate printer project which is now being rolled out. This proposal will dispense with virtually all desktop printers by the provision of networked, shared printers offering better quality prints, lower operational costs and significantly reduced paper usage as they will automatically print on both sides of the paper. The savings identified were in the order of £33,700 but in order to achieve this it was necessary to source an alternative make of printer. This was done and when fully implemented, in this financial year, the anticipated savings should be realised.

Local Government Review

We await the decision of the Secretary of State which, by law, he is unable to make until 2 February 2010. If there is to be a change of structure within Devon, of whatever kind, there will be a huge workload to cope with, particularly for Treasury and Human Resources.

Customer Service Centre

The recession has seen a sharp rise in visitors to the CSC with many more seeking advice on benefits. Two-thirds of customers who see an Adviser are enquiring about benefits and these transactions take, on average, about 20 minutes to deal with. Despite this, average waiting times are now down to well below our target of 10 minutes, having peaked at 19 minutes in March last year. The upsurge in visitors coincided with the integration of benefits enquiries into the CSC and the retraining of all staff so this was a particularly difficult time for them. Plans are now advanced for moving more service enquiries into the CSC, for both Home Choice and council tax. This will allow further savings to be achieved in the back offices.

Councillor Natalie Cole
Portfolio Holder, Business Transformation and Human Resources
18 January 2010

LOCAL GOVERNMENT REVIEW COMMITTEE

Tuesday 26 January 2010

Present:-

Councillor Peter Edwards (Chair)

Councillors Mrs Henson, M A Baldwin, Coates, Fullam, Mitchell, D J Morrish, Shepherd and Sterry

Also Present

Chief Executive, Assistant Chief Executive, Director Corporate Services, Director Community and Environment and Member Services Officer (HB)

1 MINUTES

The minutes of the meeting held on 9 December 2009 were taken as read and signed by the Chair as correct.

2 DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3 RESPONSE TO COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION ON PROPOSALS FOR UNITARY LOCAL GOVERNMENT IN DEVON : DRAFT STRUCTURAL CHANGE ORDERS

The Chief Executive presented the report seeking Members' agreement on the response to the consultation from Communities and Local Government (CLG). The consultation was on the development of structural change orders setting out the detailed statutory arrangements for creating any new unitary councils in Devon. These would be submitted for approval to Parliament following the final decision of the Secretary of State for Communities and Local Government on Local Government Review. Also circulated were the Council's final submission to the Secretary of State on the Boundary Committee's advice, the CLG discussion paper entitled, "Councils Proposals for Unitary Local Government: An Approach to Implementation" setting out the issues to be addressed and the CLG report on the lessons learnt from the creation of nine unitary councils on 1 April 2009. The latter also set out some of the issues related to the Secretary of State's consultation.

The CLG was seeking views in respect of both unitary options, i.e. a single unitary council for Devon (excluding Plymouth and Torbay) and a unitary council for Exeter based on existing boundaries with the rest of Devon remaining two-tier, on the timing of elections, electoral arrangements and transitional arrangements pending the first election. Members discussed the possible options in respect of these issues.

With regard to the timing of the elections, the preference set out in the draft statutory instrument in 2007 had been for an all out election following the creation of the unitary authority with elections by thirds based on the existing wards and Member representation. Members felt that this remained the appropriate option. It would require the City Council to be the 'continuing authority' and for an Implementation Executive to be established. Members supported this approach and

the Council's preference for elections to take place in 2011 after the creation of a new authority.

Members supported the CLG suggestion that the initial election to the new unitary Exeter council should be on the existing ward structure and member representation, with any electoral review by the Boundary Commission for England being undertaken at a later date as this was felt to be the only practicable option given the timescale. Members did not however support the CLG suggestion that a Devon unitary could be established with the existing 62 councillors pending an electoral review. They supported the alternative suggestion for an initial membership of 124 councillors.

With regard to transitional arrangements, the draft statutory instrument in 2007 had proposed an Implementation Executive comprising the Leader of the City Council, ten other Members of the City Council and four county councillors representing Exeter divisions. In the latest draft structural change orders for unitary councils to be created in 2011, the CLG had proposed a total membership for the Implementation Executive of 12, comprising six Members each from the City and County Councils. Members supported the original 2007 proposal and full details were set out in a separate report (Min. No. 4 below refers).

In 2007, in response to the draft statutory instrument, the Council had proposed that a number of functions be excluded from the responsibilities of the Implementation Executive and reserved for the full City Council as the Transition Authority. These were set out in the report.

It was noted that a meeting would be held with Paul Rowsell, an official of Communities and Local Government, on Friday 29 January 2010.

RESOLVED that:

- (1) the response to the CLG's consultation, as set out in section four of the report, be approved; and
- (2) due to the challenging timescale for a response to the CLG consultation, the Chief Executive, in consultation with the Leader, the Chair and Deputy Chair of this Committee and Councillor DJ Morrish, be authorised to undertake any necessary work to develop the structural change order for transition to a unitary council for Exeter.

(Report circulated)

4 **ESTABLISHING AN IMPLEMENTATION EXECUTIVE FOR A UNITARY EXETER COUNCIL**

The Chief Executive presented the report on proposed membership of the Implementation Executive, the role of which would be to oversee the transition of the City Council to a unitary Council for Exeter, should this be the decision made by the Secretary of State for Communities and Local Government.

RESOLVED that:

- (1) the City Council indicate to CLG its preference for a total membership of 15 (made up of 11 City and 4 County Members) for the Implementation Executive in keeping with the Council's view in 2007;

- (2) responsibility for determining the allocation of seats to each political group to reflect, as far as possible, the political balance of the City Council and of the County Councillors for Exeter divisions be delegated to the four political group leaders of the City Council; and
- (3) nominations to the Implementation Executive be sought from the political groups of the City and County Council at the appropriate time.

(Report circulated)

(The meeting commenced at 5.00 pm and closed at 5.50 pm)

Chair

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Agenda Item 10

EXECUTIVE

Tuesday 26 January 2010

Present:-

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

Chief Executive, Director Community and Environment, Director Corporate Services, Assistant Chief Executive, Head of Planning and Building Control and Member Services Manager

1 MINUTES

The minutes of the meetings of Executive held on 24 November and 8 December 2009 were taken as read and signed by the Chair as a correct record.

2 GRANTS COMMITTEE

RESOLVED that the minutes of the meeting of the Grants Committee held on 3 December 2009 be received and, where appropriate, adopted.

3 DECLARATIONS OF INTEREST

Members declared the following personal interests:

COUNCILLOR	MINUTE
Mitchell	13 (employee of Royal Devon and Exeter Healthcare NHS Trust)
Mrs Morrish	16 (member of Methodist Church)

4 COUNCIL TAX BASE 2010-2011

The report of the Head of Treasury Services was submitted, setting out the 2010/11 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) Regulations.

RESOLVED that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations, the amount calculated by Exeter City Council as its tax base for the year 2010/11 shall be 37,827.

(Report circulated)

5

EQUALITY AND DIVERSITY STRATEGY FOR HOUSING 2009-2014

The report of the Head of Housing Services was submitted, seeking approval to the Equality and Diversity Strategy for Housing 2009-2014.

Scrutiny Committee – Community considered the report at their meeting of 19 January 2010 and their support for the proposals was noted.

Executive members welcomed the Strategy. In response to questions regarding its implementation, the Director Community and Environment confirmed that staff at all levels would be made aware of the Strategy through various means of communication. All staff training aimed to be appropriate, proportionate and targeted.

RESOLVED that:-

- (1) the Equality and Diversity Strategy for Housing 2009 – 2014 be approved;
- (2) a further report on progress against the action plan be submitted to Members annually; and
- (3) in accordance with the Local Government & Public Involvement in Health Act 2007, the Equality and Diversity Strategy for Housing and its associated action plan be placed on the website and further comments invited from the community.

(Report circulated)

6

HOUSING RENTS 2010-11

The report of the Head of Treasury Services was submitted, recommending a rent increase from 1 April 2010 for Council dwellings.

Scrutiny Committee – Community considered the report at their meeting on 19 January 2010 and their support was noted.

In response to a request from a Member, the Director Community and Environment undertook to seek clarification of the current position in relation to the rent convergence of social landlords.

RESOLVED that rents of Council dwellings are increased from 1 April 2010, by an average of 3.1% which includes a general decrease of -0.9% together with the phased introduction of the Government's rent restructuring proposals.

(Report circulated)

7

EFFICIENCY GAINS TO DOMESTIC REFUSE AND RECYCLING COLLECTION

The report of the Head of Environmental Health Services was submitted, seeking approval to improve the efficiency of domestic refuse and recycling collections for all households in Exeter.

The Director Community and Environment reported that the proposals before the Executive were the outcome of a Member Working Group, supported by officers, which had met during 2009 to examine options for rationalising the domestic refuse and recycling collections services. She identified the main findings of the extensive public consultation that had been undertaken on the proposals. The initial proposals had been modified to take account of the strong public opposition to changing from back alley to front gate collection. Discussions were continuing with UNISON who wished to consult on the detail of the proposed collection rounds before formally agreeing the proposals.

Scrutiny Committee – Community considered the report at their meeting of 19 January 2010 and their comments were noted. Executive Members welcomed the significant environmental and financial benefits of the proposals and endorsed the importance of securing the co-operation of staff in order to achieve the successful implementation of the proposals. They reported on the positive feedback they regularly received from residents on the courteous and pragmatic attitude of the refuse collectors and requested that their appreciation be conveyed to the staff. Whilst acknowledging that some residents may have initial reservations about the new arrangements, members were confident that they would recognise the benefits of the scheme once it had been implemented. They emphasised the importance of ensuring residents were familiar with the operation of the scheme.

The Portfolio Holder Environment and Leisure welcomed the proposals and thanked the Member Working Group for their thorough investigation of the options.

RECOMMENDED that:-

- (1) the proposal to change the collection frequency of residual waste of suitable properties (estimated at between 12,000 to 14,000) from once a week to once a fortnight be approved;
- (2) subject to negotiation and agreement with staff and the trade unions, to move from a 5-day working week to a 4-day working week for the domestic refuse collection and recycling service;
- (3) the domestic refuse collection and recycling rounds be remodelled accordingly, subject to approval of recommendations (1) and (2) above;
- (4) capital expenditure of £176,000 be approved to be funded from the capital programme in 2010/11, off-set by the sum of £135,000 from the Vehicle Replacement Programme, to give an additional requirement of £41,000 to be included in the capital programme for 2010/11.

(Report circulated)

8 **RESTRUCTURE OF CONTROL CENTRE RESOURCES FOLLOWING REVIEW**

The report of the Head of Environmental Health Services was submitted, seeking approval for a restructuring of the Control Centre establishment following a review of Control Centre resources.

Scrutiny Committee – Community considered the report at their meeting of 19 January 2010 and their comments were noted.

Councillor Prowse attended the meeting and spoke on this item under Standing Order 44. He emphasised the important role undertaken by the Control Centre particularly in securing high quality CCTV footage which was used by the police in criminal prosecutions. He regretted that a financial or staffing contribution had not been secured from the Police towards the operation of the Centre in view of the benefit they derived from it.

The Director Community and Environment reported on the impact of the proposals on the operation of the service. Both the Police and the Community Safety Partnership were against the reduction in the service. Whilst staff and trade unions continued to oppose in principle the reduction in staff, negotiations had proceeded and the alternative shift model devised by staff had been accepted. In response to queries regarding the contributions made to the service by other users, the Director reported that Land Securities already made a significant contribution in respect of coverage of Princesshay as well as operating their own control centre.

Other Members also acknowledged the value of the Control Centre service and expressed concerns about any safety implications of the proposals. They were keen to explore external contributions, either in terms of funding or staffing resources, towards the cost of the centre and supported the proposal of the Scrutiny Committee - Community to meet with appropriate bodies to consider this further.

The Portfolio Holder Environment and Leisure accepted the proposal of the Scrutiny Committee – Community to explore contributions from external sources but drew attention to the significant financial pressures which the police force also faced at present.

RESOLVED that:-

- (1) an urgent meeting be sought with the Devon and Cornwall Constabulary, the Crown Estate, Land Securities and any other appropriate bodies, to include the Chair of Scrutiny Committee – Community, with a view to seeking contributions from them to keep the proposed cuts to the running of the Control Centre to a minimum, either through a financial contribution or, in the case of the Police, contributing their own staff resources;
- (2) the proposed re-structure of Control Centre resources as shown in Appendix II of the report, and the prioritisation of work tasks as set out in paragraph 4.1 of the report, be approved.

(Report circulated)

9

REVIEW OF PUBLIC CONVENIENCE PROVISION

The report of the Head of Environmental Health Services was submitted, seeking approval for a rationalisation of public convenience provision within the City.

The Director Community and Environment informed members of the criteria which had been used to identify the toilets proposed for closure. Whilst this represented a reduction in service provision, the aim had been to retain a good distribution of facilities throughout the City. In addition to the coupons submitted by the Express and Echo in response to their campaign, representations had been received from a number of individuals and organisations including Age Concern, Living Options etc.

Scrutiny Committee – Community considered the report at their meeting of 19 January 2010 and their opposition to the closure of the public conveniences and their request for the matter to be determined by Council was noted.

Councillor Hobden attended the meeting and spoke on this item under Standing Order 44. Whilst the closure of toilets would never be a popular option, she acknowledged the significant budgetary savings the Council was required to make and the fact that the City currently enjoyed above-average provision. She reported on the research she had undertaken into Community Toilet Schemes, particularly the successful scheme operated by Richmond-upon-Thames Council. This enabled the public to use a range of facilities in premises in exchange for the Council making a financial contribution towards their maintenance. She urged Executive to explore a similar scheme for the City.

Councillor Prowse also spoke on this item under Standing Order 44. He referred to the importance of this service to the public and the request of the Scrutiny Committee – Community for the matter to be debated at full Council. The Chair responded that Councillors would have the opportunity to debate the budget at the Council Tax Meeting of Council on 23 February. He reminded members that the Council was required to agree a balanced budget, however, and in order to restore any proposed savings, it would be necessary to identify equivalent savings elsewhere.

The Portfolio Holder Environment and Leisure acknowledged that the closure of the toilets was a very emotive issue and was certainly not a “soft option”. The recommendation was being made in view of the extremely difficult financial circumstances facing the Council and the urgent need to identify savings. He also reminded members that the Council had significantly more public conveniences than cities with a similar population. He was interested to note the success of Community Toilet Schemes in other Cities, however, and proposed an additional recommendation for an all-party working group to be formed to discuss public service provision within the City and the potential for the implementation of a Community Toilet Scheme. The proposal was seconded by Councillor Newton and agreed by Executive.

Other Members expressed particular concern at the detrimental impact of the proposals on the elderly and people with disabilities. They expressed reservations about the practical operation of a Community Toilet Scheme in view of the limited opening hours of some buildings. They questioned the criteria for the selection of toilets to be closed, particularly the Blackboy Road toilets which had recently been refurbished at significant cost. Other areas for potential savings or increased income, such as car parking charges, were suggested for further exploration.

The Portfolio Holder Housing and Community Involvement regretted that the closure of public conveniences was necessary but drew members’ attention to the serious consequences of the Council failing to address the financial challenges ahead. She welcomed the creative thinking of some members on the issue.

The Chair emphasised the severity of the financial situation faced by the Council and the need to identify savings across all services. Whilst not welcoming the proposed closure of toilets, he commented that alternative facilities were already available elsewhere and extensively used by the public. He reminded members of the requirement for the Council to deliver a balanced budget and the challenge faced by an already efficient authority in identifying savings. He welcomed members’ engagement in and contribution to the construction of a balanced budget and invited members to make alternative proposals for savings should they wish.

RESOLVED that:-

- (1) the closure of the public conveniences listed in Appendix III of the report from 1 April 2010 be approved; and
- (2) an all-party working group be formed to discuss public service provision within the City and the implementation of a Community Toilet Scheme.

(In accordance with Standing Order 43, Councillor Mrs Henson requested that her name be recorded as having voted against the resolution)

(Report circulated)

10 **MASTERPLAN FOR THE FUTURE DEVELOPMENT OF MONKERTON/ HILL
BARTON**

The report of the Head of Planning and Building Control was submitted, briefing Members on a draft Masterplan, seeking approval for its use for Development Management purposes and for its publication for public consultation as a proposed draft Supplementary Planning Document after finalisation.

The Head of Planning and Building Control reported that Planning Member Working Group on 12 January and Planning Committee on 18 January 2010 had considered the report and supported the publication of the Masterplan for consultation. In response to a member, he undertook to ensure that the consultation documentation was clear and adequate and to inform local Councillors of proposals for the consultation prior to distribution of the leaflets.

RESOLVED that the use of the Masterplan for Development Management purposes be approved and the publication of the draft Masterplan for public consultation as a proposed Supplementary Planning Document be approved.

(Report circulated)

11 **DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT**

The report of the Head of Planning and Building Control was submitted, seeking agreement to a draft Supplementary Planning Document (SPD) prepared to amplify existing policy on the provision of affordable housing as a basis for public consultation.

RESOLVED that the draft Affordable Housing SPD be agreed as a basis for public consultation.

(Report circulated)

12 **AMENDMENTS TO CONSTITUTION: DEPUTIES FOR DELEGATED POWERS**

The report of the Head of Planning and Building Control was submitted, recommending amendments to the Constitution in relation to deputies who could exercise the delegated powers of his post. The amendments were necessary to reflect past changes in the delegated powers of the Head of Planning and Building Control that were agreed by Executive and to provide greater flexibility to cover for potential staff absences due to sickness and leave.

RECOMMENDED that the amendments to the powers of the deputies relating to the scheme of delegation to the Head of Planning and Building Control to reflect the following categories of functions be approved and the Constitution amended accordingly:

Development Manager (Senior Planner in emergencies)

1-12	Applications
13-14	Listed Building & Conservation Areas
15-17	Advertisements
24	Enforcements
25	Hazardous Substances
26-31	General
32-36	Planning Obligations and Contributions

Design Manager

13-14	Listed Buildings & Conservation Areas
18-23	Trees

(Report circulated)

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

A schedule of appointments to outside bodies was circulated.

Councillor Mitchell declared a personal interest in this item as an employee of the Royal Devon and Exeter NHS Trust.

RECOMMENDED that outstanding nominations for appointments to outside bodies be agreed by Council.

(Report circulated)

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

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

15 **PLAY DEVELOPMENT SERVICE**

The report of the Head of Leisure and Museums was submitted, outlining changes proposed to the Council's Play Development service, including measures to make potential financial savings.

RESOLVED that:-

- (1) the new arrangements for the Play Rangers service until 31 March 2011 be approved;
- (2) the service reductions and changes outlined in section 7 of the report be approved; and

- (3) external funding be sought to allow the Play Rangers Service to continue into the future.

(Report circulated to Members)

16

WHIPTON METHODIST CHURCH - HOUSING DEVELOPMENT SITE

Councillor Mrs Morrish declared a personal interest in this item as a member of the Methodist Church.

The report of the Head of Housing Services was submitted, seeking members' approval to acquire the freehold of Whipton Methodist Church, Brookway to create a development site for the provision of new affordable housing.

Members welcomed the proposed development of the site.

RESOLVED that, subject to planning consent and satisfactory technical surveys, the Council acquire the Whipton Methodist Church, Brookway site for the amount identified in the report, plus fees, costs and any Stamp Duty Land Tax.

(Report circulated to Members)

17

SERVICE REVIEW OF PLANNING

The report of the Head of Planning and Building Control was submitted, outlining a number of proposed changes in the structure of the Planning part of the Planning and Building Control Unit. The changes were proposed to respond to the changing context facing the Unit, in particular ongoing reforms to the planning system, the likely cessation of Housing and Planning Delivery Grant, wider budgetary issues facing the Council and the need to improve the focus on sustainable development and delivery of key projects such as the Local Development Framework, coordination with the new growth point and major development at Newcourt, Monkerton and the Bus Station. The Head of Planning and Building Control reported that the redundancy of the post referred to in paragraph 4.6 of the report was not on the grounds of the efficiency of the service.

Scrutiny Committee – Economy considered the report at their meeting of 21 January 2010 and their comments were noted.

RESOLVED that:-

- (1) the employment of the holder of the posts of Senior Enforcement and Projects Officer (ED07105) and Planning Technicians 2 x 0.5 FTE (ED07113 and ED07141) be terminated on grounds of redundancy on the respective dates of 27 January 2010 (ED07105) and 31 March 2010 (ED07113 and ED07141) in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the post holders in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;

- (2) the following vacant posts be deleted from 1 April 2010:
- Implementation Officer (ED07151)
 - Investigations and Compliance Officer (ED07106), frozen since February 2009
 - Landscape & Tree Officer (ED07131)
 - Clerical Assistant (ED07156)
- (3) the following new posts be created from 1 April 2010:
- Enforcement Officer (grade to be determined) to be filled by existing postholder of ED07162 .
 - The post of Environmental Improvements Officer (ED07154) be amended to Environmental Improvements and Tree Officer.
 - The fixed term post of Design Assistant (ED07162) be made permanent.
 - The post of Technical Clerk (ED07124) be reduced to 0.8FTE from April 2010 and Forward Planning Officer (Projects) (ED07133) be reduced to 0.6FTE from June 2010.
 - Design Assistant (ED07155) to become supernumerary pending an appropriate vacancy.
 - Transfer of post ED07138 (Conservation Planner) from the Development Management team to the Design Team.
- (4) the Planning Unit's budgets be amended accordingly.

(Report circulated to Members)

(The meeting commenced at 6.00 pm and closed at 8.15 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 23 February 2010.

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GRANTS COMMITTEE

Thursday 3 December 2009

Present:-

Councillors Newby, Sheldon and R Smith

Also Present

City Arts and Festivals Manager, Principal Accountant and Member Services Officer (HB)

7

CHAIR

In the absence of Councillor Newcombe, Councillor Mrs Smith was appointed Chair for the meeting.

8

MINUTES

The minutes of the meeting held on 26 February 2009 were taken as read and signed by the Chair as correct.

9

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

10

DEVELOPMENT OF SERVICE AGREEMENTS WITH STRATEGIC ARTS ORGANISATIONS

The City Arts and Festivals Manager presented the report on monitoring reviews which assess the delivery of Service Agreements for 2009/10 by the following strategic arts organisations: Exeter Northcott Theatre, Theatre Alibi, Spacex, Wren Music, Exeter Barnfield, Exeter Phoenix and the Bournemouth Symphony Orchestra (BSO). The report also sought to approve the payment of the final 20% of agreed funding for this financial year.

The City Arts and Festivals Manager advised Members that the third line of the second paragraph of 4.6 should read “a tour of two weeks of performances” rather than “two performances”

Members expressed concern over the effect that the current transport and parking arrangements on campus had already had and the overall impact on future attendance at the Northcott, especially during the coming Panto season. Members requested that the City Arts and Festivals Manager consult with the Northcott and the University of Exeter to discuss the situation and explore improvements.

RESOLVED that:-

- (1) the final payments of funding for 2009/10 be made to Exeter Northcott, Exeter Phoenix, Theatre Alibi, Spacex, Wren Music, Bournemouth Symphony Orchestra and Exeter Barnfield Theatre;
- (2) the following be recommended to Executive:-
 - (a) the Service Agreement progress reports be noted; and

- (b) an in principle allocation of funds, as set out in the report, be discussed with Exeter Phoenix, Exeter Northcott Theatre, Theatre Alibi, Spacex Gallery, Wren Music, Bournemouth Symphony Orchestra and Exeter Barnfield Theatre, as the basis for the development of the 2010/11 Service Agreements, with a report to be submitted to the next meeting of the Grants Committee for consideration:-

	TOTAL
Exeter Northcott	£85,231
Theatre Alibi	£19,196
Spacex Gallery	£11,365
Wren Trust	£16,205
Bournemouth Symphony Orchestra	£11,865
Exeter Phoenix	£131,198
Exeter Barnfield	£10,000
TOTAL	£285,060

- (3) the City Arts and Festivals Manager advise Members of the Grants Committee of the outcome of a meeting to be held in the New Year with representatives of the Northcott and the University of Exeter on ways of improving transport and parking arrangements.

(Report circulated)

11

EXETER CITY COUNCIL GRANTS FOR YOUNG PEOPLE – INDIVIDUAL TALENT SCHEME

- (i) Samuel Owens – **Age 14 - Sport/Activity: Badminton**

A grant of £300 had been made in 2008/09.

RESOLVED to recommend to Executive that this application be refused for the reason that his improvement over the last year had not been significant enough to suggest that he is a genuine prospect for national level performance.

- (ii) Callum Owens – **Age 10 - Sport/Activity: Badminton**

A grant of £200 had been made in 2008/09.

RESOLVED to recommend to Executive that a grant of £200 be made as Callum is continuing to progress well and has now come to the attention of England selectors.

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 5.00 pm)

Chair

EXECUTIVE

Tuesday 9 February 2010

Present:-

Councillor Fullam (Chair)

Councillors S Brock, Cole, Edwards, Mrs Henson, Mitchell, Mrs J Morrish, Newton and Wadham

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

18

DECLARATIONS OF INTEREST

Members declared the following personal interests:

COUNCILLOR	MINUTE
Edwards	24 (employee of Stagecoach Devon)
Mitchell	33 (employee of Royal Devon and Exeter NHS Trust)

19

GENERAL FUND REVENUE ESTIMATES AND CAPITAL PROGRAMME 2009-10 TO 2010-11

The report of the Head of Treasury Services was submitted, seeking approval to the General Fund revenue estimates for 2010/11 and recommending the Band D level of Council Tax for 2010/11. The report also included the proposed Capital Programme for 2010/11 and future years, and a note of the proposals in respect of the Housing Revenue Account. The Head of Treasury Services circulated an additional report informing members of the latest financial position regarding the money deposited with the Icelandic banks and the implications that this had on the Council's overall revenue budget for next year and beyond.

Scrutiny Committee – Resources considered the proposed estimates and capital programme at their meeting on 27 January 2010 and their comments were noted. The comments of Scrutiny Committee – Economy were also noted and their proposal to transfer £7,000 from the City Centre Activities budget to the Vibraphonic Festival was supported. The comments of the Scrutiny Committee – Community were also noted, specifically in relation to the street sweeping budget. Executive accepted their request for an approach to be made to the Dean and Chapter and other bodies for whom the Council undertakes cleansing and road sweeping with a view to a contribution being made to the costs of the service.

Councillor Mitchell, seconded by Councillor Cole, moved that the proposal to close public toilets was halted and that instead the provision for next year's staff pay award was reduced from 1% to 0.7%, saving the Council an equivalent amount of £60,000. He emphasised that the budgetary process had been extremely difficult but the Administration was responding to public opinion in respect of the proposed

closure of certain public conveniences. Some Members expressed concern about reducing the budget for the pay award and the message this sent to staff but were informed that this would have no impact on the outcome of the nationally negotiated agreement. The Local Government Employers were proposing a zero increase for staff in 2010/11. Other members suggested the Council should consider other potential measures to generate income or make savings, including increased car parking charges and outsourcing particular services. The proposal to amend the budget in respect of the staff pay award was put to the vote and agreed.

The Head of Treasury Services informed members that following the decision of the Winding-Up Board of Glitnir not to grant preferential creditor status to UK local authorities, the Council had submitted an additional application to Communities and Local Government (CLG) for capitalisation of potential Icelandic bank losses. On 1 February the Council had received a letter from the CLG refusing the Council's application to capitalise £1,832 million. The Council was confident that it had satisfied the CLG's criteria, including the "exceptional financial difficulties test", and had not yet received any specific detail as to why it had been unsuccessful.

Executive members were very disappointed to learn of the CLG's decision and the very serious implications for the Council's revenue finances and urged that the Council continue to lobby and work with other interested parties, including the LGA and the other local authorities affected, to seek a positive outcome.

RECOMMENDED that:-

- (1) the budget proposal to close public toilets next year is stopped and that instead the provision for next year's pay award be reduced from 1% to 0.7%, saving the Council an equivalent amount of £60,000;
- (2) £7,000 be transferred from the City Centre Activities budget to the Vibraphonic Festival budget;
- (3) an approach be made to the Dean and Chapter and other bodies for whom the Council undertakes cleansing and road sweeping with a view to a contribution being made to the costs of the service;
- (4) subject to (1) and (2) above, the Council's overall spending proposals in respect of both its revenue and capital budgets be approved;
- (5) the council tax for each band be recommended to the Council as set out in section 24.3 of the report, subject to Devon County Council, Devon and Cornwall Police Authority and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (6) when the actual council tax amounts for Devon County Council, Devon and Cornwall Police Authority, and the Devon and Somerset Fire Authority are set then the revised council tax levels be submitted to Council on 23 February 2010 for approval;
- (7) the statement given by the chief finance officer as required under Section 25 of the Local Government Act 2003 be noted;
- (8) the latest financial position regarding the money deposited with the Icelandic banks be noted and the Council continue to lobby and work with other interested parties in seeking a positive capitalisation decision from Communities and Local Government in respect of the Icelandic investments; and

- (9) if a positive decision on capitalisation is not forthcoming, then the Head of Treasury Services will report back to Executive on 13 April on possible options and actions that need to be undertaken in order to deliver a sustainable financial position for the Council in the medium term.

(Report circulated)

20

TREASURY MANAGEMENT STRATEGY REPORT 2010-2011

The report of the Head of Treasury Services was submitted, seeking adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2010/11, as required under section 15(1)(a) of the Local Government Act 2003.

In response to a comment from a Member, the Head of Treasury Services reported that whilst the majority of the Council's funds were placed with a fund manager, it was necessary for the day-to-day cash flow to be managed in-house.

RECOMMENDED that the Council adopts the Treasury Management Strategy and delegations contained therein.

(Report circulated)

21

PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES

The report of the Head of Treasury Services was submitted, setting out the proposed 2010/11 prudential indicators for capital finance for adoption by the Council and setting the annual statement of Minimum Revenue Provision (MRP).

RECOMMENDED that:-

- (1) the prudential indicators set out in Appendix A-C of the report be adopted;
- (2) the Annual Statement of Minimum Revenue Provision for the Council be approved.

(Report circulated)

22

AUTHORISED SIGNATORIES FOR AFFORDABLE HOUSING SCHEMES

The report of the Head of Housing Services was submitted, to agree signatories to enable the Council to administer, validate and authorise the payment of Other Public Subsidy (OPS), Social Housing Grant (SHG) and Transitional Local Authority Social Housing Schemes (TLASHG), to Registered Social Landlords (RSLs) and developers through the Homes and Communities Agency's online Investment Management System (IMS).

RESOLVED that:-

- (1) the following officers be designated as authorised signatories for the purposes set out in paragraphs 1 and 2 and that the Homes and Communities Agency be informed accordingly:

All Financial Grant Claims	Head of Treasury Services (Andrew Stark) or Service Finance Manager (Brenda Steer) or Corporate Finance Manager (David Hodgson) Strategic Housing Manager (Ron Mayers)
Scheme-work Approvals	Head of Housing Services (Steve Warran) Strategic Housing Manager (Ron Mayers) or Housing Enabling Manager (Emma Osmundsen) or Housing Enabling Officers (Gary Stenning and Kerry Plumb)
Monitoring	As per scheme-work approvals plus Strategy and Enabling Assistant (Duncan Brownlie)

- (2) the Strategic Housing Manager (Ron Mayers) be designated as Systems Administrator for these purposes on the IMS Computer System.

(Report circulated)

23

MASTERPLAN FOR THE FUTURE DEVELOPMENT OF NEWCOURT

The report of the Head of Planning and Building Control was submitted, briefing Members on a draft Masterplan, seeking approval for its use for Development Management purposes and for its publication for public consultation as a proposed draft Supplementary Planning Document.

The Director Economy and Development reported that Planning Member Working Group that day had supported the proposals, including the mechanism for considering the location for a Gypsy and traveller site. The report was due to be submitted to Planning Committee on 22 February 2010.

Members welcomed the Masterplan and the opportunity it presented to put in place a comprehensive infrastructure for the area, including community facilities, in advance rather than retrospectively.

RESOLVED that the use of the Masterplan for Development Management purposes and publication of the draft Masterplan for public consultation as a proposed Supplementary Planning Document be agreed.

(Report circulated)

24

REDUCING CARBON EMISSIONS IN EXETER: THE ROLE OF PLANNING AND TRANSPORTATION STRATEGY: SUMMARY PAPER

Councillor Edwards declared a personal interest in this item as an employee of Stagecoach Devon.

The report of the Director Economy and Development was submitted, introducing four reports which outlined the challenges facing the City in reducing carbon emissions over the next two decades and beyond. The report summarised a set of actions for the short and medium term which were proposed for adoption.

Scrutiny Committee – Economy considered the report at their meeting of 21 January 2010 and their comments and general support were noted.

The Director Economy and Development introduced the report identifying the main challenges and the catastrophic consequences of global warming, including unstable weather patterns, rising sea levels and significant loss of species.

Councillor Martin attended the meeting and spoke on this item under Standing Order 44. He welcomed the visionary nature of the papers and emphasised the Council's responsibility to plan a City for future generations. He outlined his vision of a pleasant pedestrianised City Centre with additional public spaces and an efficient high-tech public transport system. He referred to a letter from the Exeter Vision 20:20 Group who were keen to participate in the development of ideas.

Executive members welcomed the visionary nature of the documents and the opportunity to open the debate on the Council's contribution to a low-carbon Exeter. Members commented on individual elements of the papers but acknowledged that the radical nature of some proposals required serious and detailed debate and hoped that there would be plenty of opportunity for Members to do so, including regular progress reports and possibly a Member briefing. They spoke of the various "carrot" and "stick" methods of controlling car use and the need for a reliable, integrated and affordable public transport system to provide a real alternative. They discussed the consequences of traffic control systems and referred to the debate on payment for workplace parking. Whilst supporting increased pedestrianisation, members drew attention to the access needs of less mobile people. They regretted that "public" transport had been privatised and was not under local authority control.

In response to a query regarding the mechanism for imposing a workplace parking levy, the Director Economy and Development reported that the legislation was in place to do so but there was a set procedure which required public consultation and Government approval. One member expressed concern about the potential impact on businesses if this were to be implemented. Other members commented that the Council should not start with a presumption that businesses would be against such proposals and many employers would recognise the wider environmental benefits of such a tax.

Members welcomed the proposals with regard to energy efficient homes and radical building design. They felt the Council should keep an open mind and explore all possibilities for low carbon living. A number of members commented that whilst they supported the strategy and measures proposed by the Turner Committee in relation to building and transport, they did not support proposals for generating nuclear power.

The Director Economy and Development undertook to bring forward a planned timetable for further consideration of the proposals. He urged Councillors to take a long-term view of the City's needs with an incremental approach to implementation and not rule anything out at this stage.

The Chair welcomed the vision for the future of the City and thanked the Director for bringing forward the comprehensive papers. He referred to the significant environmental and economic pressures facing the city and the country and the need to consider all options with an open mind. He noted that many of the proposals were

already underway and cited the Cranbrook development as a model for sustainable energy provision and energy efficient housing. He looked forward to working with a wide range of interest groups to develop the proposals.

RECOMMENDED that the actions set out in the following minutes be approved.

(Report circulated)

25 **REDUCING CARBON EMISSIONS IN EXETER: THE ROLE OF PLANNING AND TRANSPORTATION STRATEGY**

The report of the Director Economy and Development was submitted, looking at the longer term strategy for reducing carbon emissions in the City and proposing a range of short and medium term measures in respect of planning and transport issues.

Scrutiny Committee – Economy considered the report at their meeting of 21 January 2010 and their comments were noted.

RECOMMENDED that:-

- (1) the considerable challenge facing the City and County Councils in securing the major reductions in carbon use that are necessary be noted;
- (2) the strategy and measures proposed by the Turner Committee be supported, with the exception of the views expressed on nuclear energy;
- (3) the actions set out in the attached papers be endorsed as the City's contribution to meeting its carbon reduction obligations; and
- (4) six-monthly progress reports be submitted to Members.

(Report circulated)

26 **LAND USE PLANNING AND DEVELOPMENT MANAGEMENT**

The report of the Director Economy and Development was submitted, looking at the changes that are needed in our land use policies and actions if we are to address the challenge of climate change set out in the previous paper.

RECOMMENDED that:-

- (1) the change in land use planning priorities and design philosophy outlined in Section 4 and 5 of the report be endorsed, in particular relating to the co-location of uses and adopting higher densities;
- (2) the development of a sustainable energy supply strategy for the City's growth areas be endorsed with an implementation plan based on advice from the Centre for Energy and the Environment;
- (3) the Local Government Association (LGA) be lobbied to ensure that:
 - the Government provides a comprehensive policy and funding regime for delivering whole house/neighbourhood enhancements to secure substantial reductions in CO₂ emissions

- the Government maintains a firm line on the Code for Sustainable Homes and for the parallel tightening of Part L of the Building Regulations for commercial premises
 - the Government addresses the lack of an effective tie up between Approved Inspectors and the Local Planning Authority in delivering low carbon designs;
- (4) the draft responses to consultations on zero carbon in new non domestic buildings at Appendix 1 to the report and on permitted development rights for small scale renewables at Appendix 4 be approved;
 - (5) the need for appropriate training for staff and, if desired, Members be agreed to ensure they are skilled in this new area of work; and
 - (6) the finalised Residential Design Guide adequately addresses all of those issues relating to sustainable design.

(Report circulated)

27

TRANSPORTATION STRATEGY: MEASURES TO REDUCE CARBON EMISSIONS/ PROPOSED CITY COUNCIL INPUT TO DCC LOCAL TRANSPORT PLAN 2011-16

The report of the Director Economy and Development was submitted, reviewing recent progress and trends in the City in terms of transportation and proposing a number of major priorities for Devon County Council to consider as part of the preparation of their Local Transport Plan.

RECOMMENDED that:-

- (1) the core objectives outlined in Section 4.2 of the paper be agreed;
- (2) the measures proposed in Section 6 of the paper be supported;
- (3) a submission based on the above is made to Devon County Council as input to the preparation of LTP3;
- (4) a joint ECC/DCC city centre transportation strategy should be prepared in the first half of this year;
- (5) a review of the City's Parking Strategy be completed in parallel;
- (6) a joint ECC/DCC strategy on providing for electric and hybrid vehicles be prepared and the prospect for a City trial be brought to a meeting of the Scrutiny Committee - Economy later this year; and
- (7) recommendations 4, 5 and 6 above be the basis for the preparation of a CLEAR zone strategy for the City Centre linked to the designation of a Low Emission Zone.

(Report circulated)

CITY CENTRE: CARBON EMISSIONS, AIR QUALITY AND TRAFFIC

The report of the Director Economy and Development was submitted, reviewing current conditions in the City Centre, setting out a framework for the longer term and proposing a range of short and medium term priorities.

RECOMMENDED that:-

- (1) the transportation element of these proposals be submitted to Devon County Council as input to the LTP3; and
- (2) work proceeds on the draft strategy and key projects with a view to its incorporation into the City Centre Area Action Plan to be prepared later this year.

(Report circulated)

COUNCILLORS ALLOWANCES 2010/11

The report of the Assistant Chief Executive was submitted, considering the report and recommendations of the Independent Remuneration Panel on Members Allowances in relation to Councillors' Allowances for 2010/11.

Executive placed on record their appreciation of the work of the Independent Remuneration Panel, and particularly the retiring Chair, over a number of years.

Councillor Cole proposed that Executive support all of the Panel's recommendations with the exception of Recommendation 5 of the report relating to the annual increase. She proposed a zero increase for 2010/11 instead of linking the increase to the annual local government staff pay award of 1% for 2009/10. The proposal was seconded by Councillor Edwards, put to the vote and agreed.

Councillor Mrs Morrish proposed a 1% reduction on all allowances but this was not supported.

RECOMMENDED that:-

- (1) Council note the recommendation of Executive that no annual increase be made to Councillors' Basic and Special Responsibility Allowances for 2010/11;
- (2) in the light of the recommendation of Executive regarding Recommendation (v) below, Council consider and decide on the following recommendations of the Independent Remuneration Panel:
 - (i) the basic structure of the current Members' Allowances scheme be retained for 2010/11, pending a more fundamental review including consideration of remuneration in the event of a shadow authority, when the outcome of the current review of Local Government in Devon is known, but that in the meantime a "light touch" review be progressed;
 - (ii) the level of Basic Allowances continue unchanged in 2010/11, subject to updating using the index previously agreed i.e. the annual local government staff pay award for the previous year, as set out in Recommendation (v) below;

- (iii) subject to updating for inflation as set out in Recommendation (v) below, the Special Responsibility Allowances continue unchanged;
- (iv) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, should be retained;
- (v) for the year 2010/11 Councillors' Basic and Special Responsibility Allowances should be updated in line with the annual local government staff pay award for 2009/10 (1.00%);
- (vi) the Travel and Subsistence allowances provisions for staff continue to apply to Exeter City Councillors, where appropriate;
- (vii) the current Dependants' Carers' Allowance scheme be maintained and the level of allowance, currently £5.80 per hour, continue to be linked to and updated in line with the minimum wage; and
- (viii) the Co-optees' Allowance payable to the co-opted members of the Standards Committee continue at £25 per session for 2010/11.

(Report circulated)

30 **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 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

31 **PLAY DEVELOPMENT SERVICE**

The report of the Head of Leisure and Museums was submitted, seeking formal approval to implement changes to the Council's Play Development service agreed by Executive on 26 January 2010.

RESOLVED that:-

- (1) the employment(s) of the holder(s) of the post(s) of Play Development Officer (CE12204), Scrapstore Assistant and Membership Administrator be terminated on the grounds of redundancy on expiry of their contractual notice in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, with compensation being paid to the holders of the posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006;
- (2) the posts of Play Development Officer (CE12204), Scrapstore Assistant and Membership Administrator be deleted from the Council's establishment;

- (3) the postholder of Play Training & Resource Centre Administrator CE12125 transfers to the role of Scrapstore Officer (22½ hours); and
- (4) the role of Scrapstore Officer (11½ hours) be filled following advertisement.

(Report circulated to members)

32

HUMAN RESOURCES STAFFING

The report of the Director Corporate Services was submitted, looking to agree the extension of the post of Temporary Human Resources Advisor (CS03116) for a further period of twelve months from 1 April 2010.

RESOLVED that the extension of the post of Temporary Human Resources Advisor (CS03116) be approved for a further period of twelve months from 1 April 2010.

(Report circulated to members)

33

PROPOSED STAFFING REDUCTIONS IN THE BUSINESS SUPPORT TEAM AND PARKING SERVICES

Councillor Mitchell declared a personal interest in this item as an employee of Royal Devon and Exeter NHS Trust.

The joint report of the Director Economy and Development, Head of Parking, Engineering and Business Support and the Projects and Business Manager was submitted seeking approval to a number of proposed changes to the Economy and Development Directorate's Business Support Team and the Parking Services Team. The Chair had agreed to accept the item as a matter of urgency in view of the need to implement the cost saving from 1 April 2010.

RESOLVED that:-

- (1) the employment of the equivalent of 1.2 FTE Clerical Assistant posts in the Business Support Team, be terminated on grounds of redundancy on 31 May 2010 in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the post holders in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;
- (2) the Directorate Administration budget be amended accordingly;

- (3) if no alternative employment is found, the employment of the holder of an Administrative Assistant post in the Parking Support Team (ED09133, 30 hours per week) be terminated on grounds of redundancy on 31 May 2010 in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the post holder in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;
- (4) the post of Hospital Parking Supervisor (ED091012) be deleted on 31 May 2010, or earlier as appropriate, and the post holder retired or redeployed to a Civil Enforcement Officer post;
- (5) three Civil Enforcement Officer posts (ED091002/91006/91010) be deleted with immediate effect; and
- (6) Parking Services budgets be amended accordingly.

(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 23 February 2010.

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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)		Fullam (LD)	Newcombe (LD)
Robson (L)		MA Baldwin (C)		Cole (LD)	PA Smith (LD)
Boyle (L)	Taghdissian (C)			Wadham (LD)	PJ Brock (LD)
Wardle (L)	Bond (C)	Coates (C)	TABLE	Mitchell (LD)	RM Hannaford (LD)
Choules (L)	Starling (C)	Shiel (C)		Newton (LD)	AJ Hannaford (LD)
Martin (L)	Prowse (C)	Newby (C)		SR Brock (LD)	Noble (LD)
					Hobden (LD)

Cllr Shepherd (L)	Cllr Sterry (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 Community Involvement
 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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