



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 13 JULY 2010**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Ordinary Meeting held on 27 April 2010 and the Annual Meeting held on 18 May 2010.	1 - 10
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 26 April 2010	11 - 22
4 Planning Committee - 24 May 2010	23 - 34
5 Planning Committee - 28 June 2010	35 - 44
6 Licensing Committee - 8 June 2010	45 - 46
7 Scrutiny Committee - Community - 1 June 2010	47 - 54
8 Scrutiny Committee - Community - Special - 7 June 2010	55 - 56
9 Scrutiny Committee - Community - Special - 6 July 2010 - To follow	
10 Scrutiny Committee - Economy - 3 June 2010	57 - 62
11 Scrutiny Committee - Resources - 16 June 2010	63 - 72
12 Final Accounts Committee - 29 June 2010	73 - 74
13 Standards Committee - 30 June 2010 - To follow	
14 Executive - 15 June 2010	75 - 80

15	Executive - 29 June 2010	81 - 98
16	Implementation Executive - 4 May 2010	99 - 102
17	Implementation Executive - 9 June 2010	103 - 106

18 Implications of High Court Judgement

To consider Committee Membership and related matters in the light of the outcome of the recent Judicial Review whereby the High Court has quashed the Order that created a unitary council for Exeter leading to the disqualification of 13 Members, pending further elections.

19 Notice of Motion by Councillor D. Baldwin under Standing Order No. 6

Exeter City Council notes:

That the increase in VAT from 17.5% to 20% announced in the Government's June budget will fall hardest on those least able to afford it.

That the increase in VAT will lead to higher prices for goods and services; will have a disproportionate impact on pensioners and other low income groups; and will have a severe impact on businesses, charities and community groups in Exeter.

That the effect of the increase in VAT, when taken with other measures in the Budget, will be unfair to pensioners, who have not had a compensatory increase in other benefits and allowances.

That the way the VAT increase will affect pensioners and other low income groups runs counter to the Government's Coalition Agreement statement on 20 May 2010 that it would "ensure that fairness is at the heart of those decisions so that all those most in need are protected"

That the Institute of Fiscal Studies has stated that the VAT increase was not "unavoidable", as the Chancellor of the Exchequer said in his Budget speech.

and Council resolves:

To write directly to the Chancellor of the Exchequer raising concerns about the impact of the proposed VAT increase on pensioners, other vulnerable groups and businesses in Exeter.

To call on the Members of Parliament representing the City of Exeter to stand up for Exeter's pensioners, businesses and wider community, to voice their opposition to this unfair increase in VAT and to vote against it in Parliament.

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

Date: 6 July 2010

Philip Bostock  
Chief Executive

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



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# Agenda Item 1

## THE MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 27 April 2010

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

14 **MINUTES**

The minutes of the Special and Ordinary meetings of Council held on 23 February 2010 were taken as read and signed as correct.

15 **OFFICIAL COMMUNICATIONS**

The Lord Mayor announced the death of Mrs Dot Rowe, wife of Bill Rowe, former Councillor and Mayor of the City in 1987-88. The Council stood for a minute's silence in tribute to Mrs Rowe.

16 **PLANNING COMMITTEE - 22 FEBRUARY 2010**

The minutes of the meeting of the Planning Committee of 22 February 2010 were taken as read.

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

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Martin	19 (employee of Devon County Council at time of meeting)
Councillor Mitchell	23* (lives near the development)
Councillor Thompson	20 (daughter owns shop in Cowick Street)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 22 February 2010 be received.

17 **PLANNING COMMITTEE - 22 MARCH 2010**

The minutes of the meeting of the Planning Committee of 22 March 2010 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor D Baldwin	37 (neighbour of the supporter of the application)
Councillor Prowse	33 (knows the objector), 35 and 36 (Member of Devon County Council)
Councillor R Hannaford	36 (governor of school)
Councillor Martin	37 (knows the supporter of the application)
Councillor Thompson	35 (daughter has shop in Cowick Street)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 22 March 2010 be received.

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**LICENSING COMMITTEE - 14 APRIL 2010**

The minutes of the meeting of the Licensing Committee of 14 April 2010 were taken as read.

In relation to Minute 15 (Application for Consent to Trade), Councillor Noble undertook to look into the possibility of notifying Councillors of temporary event licences.

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 14 April 2010 be received.

19

**SCRUTINY COMMITTEE - COMMUNITY - 9 MARCH 2010**

The minutes of the meeting of the Scrutiny Committee – Community of 9 March 2010 were taken as read.

In relation to Minute 21 (Temporary Waste Transfer Arrangements), the Portfolio Holder Environment and Leisure undertook to update members by email of the latest position in respect of the proposed arrangements.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Community on 9 March 2010 be received.

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**SCRUTINY COMMITTEE - ECONOMY - 11 MARCH 2010**

The minutes of the meeting of the Scrutiny Committee – Economy of 11 March 2010 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Gale	16 (Chair of Exeter Community Transport Association board)
Councillor Martin	16 (member of Exeter Community Transport Association board) and 17 (Chair of the Regional Co-operative Party)
Councillor Newton	16 (employer had previously received funding from Exeter Positive Steps Fund)
Councillor Mitchell	19 (employee of Royal Devon and Exeter Hospital Trust)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 11 March 2010 be received.

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**SCRUTINY COMMITTEE - RESOURCES - 24 MARCH 2010**

The minutes of the meeting of the Scrutiny Committee – Resources of 24 March 2010 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Thompson	15 (daughter owns house in Well Oak Park)
Councillor Martin	24 (employee of Devon County Council at time of meeting)

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee – Resources held on 24 March 2010 be received.

22 **LOCAL GOVERNMENT REVIEW COMMITTEE - 24 MARCH 2010**

The minutes of the meeting of the Local Government Review Committee of 24 March 2010 were taken as read.

**RESOLVED** that the minutes of the meeting of the Local Government Review Committee held on 24 March 2010 be received.

23 **STANDARDS COMMITTEE - 31 MARCH 2010**

The minutes of the meeting of the Standards Committee of 31 March 2010 were taken as read.

**RESOLVED** that the minutes of the meeting of the Standards Committee held on 31 March 2010 be received.

24 **EXECUTIVE - 23 MARCH 2010**

The minutes of the meeting of Executive of 23 March 2010 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P Brock	36 (member of Devon County Council)
Councillor Coates	32 (re Grants Committee Minute 5 – representative on Exeter Arts Council)
Councillor Choules	52 (employee and Council member of University of Exeter)
Councillor Edwards	39 (employee of Stagecoach Devon)
Councillor Mitchell	36 (employee of Royal Devon and Exeter Hospital Trust)
Councillor Prowse	36 (member of Devon County Council)
Councillor P Smith	32 (re Grants Committee Minute 5 – Chair of Barnfield Theatre Trustees Board), 36 (member of Royal Devon and Exeter Hospital Trust)

In relation to Minute 37 (Lord Mayoralty). the Lord Mayor congratulated Councillor Choules on his nomination as Lord Mayor Elect and Councillor Sheldon as Deputy Lord Mayor Elect for 2010/11.

**RESOLVED** that the minutes of the meeting of the Executive held on 23 March 2010 be received and, where appropriate, adopted.

25 **EXECUTIVE - 13 APRIL 2010**

The minutes of the meeting of Executive of 13 April 2010 were taken as read.

A Member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	52 (employee and Council member of University of Exeter)

In relation to Minute 52 (Exeter Northcott Theatre) the Portfolio Holder Economy and Tourism updated members on the current position regarding the theatre. Discussions were continuing with the Arts Council and the University regarding the future management of the theatre. £5,000 of the Council's core grant of £85,231 had so far been committed and the remainder would be released on a phased basis subject to discussion on the detailed terms. Wider funding opportunities would be explored.

**RESOLVED** that the minutes of the meeting of Executive held on 13 April 2010 be received and, where appropriate, adopted.

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**IMPLEMENTATION EXECUTIVE - 6 APRIL 2010**

The minutes of the meeting of the Implementation Executive of 6 April 2010 were taken as read.

**RESOLVED** that the minutes of the meeting of the Implementation Executive held on 6 April 2010 be received.

(The meeting commenced at 6.00 pm and closed at 6.33 pm)

Chair



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

Guildhall  
Tuesday 18 May 2010

The Right Worshipful the Lord Mayor (Cllr Winterbottom)  
The Deputy Lord Mayor (Cllr R Smith)  
Councillors D Baldwin, M A Baldwin, Boyle, 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, Payne, Prowse, Robson, Sheldon, Shepherd, Shiel, P A Smith, Starling, Sterry, Taghdissian, Thompson, Wadham and Wardle

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### **ELECTION OF THE LORD MAYOR**

**RESOLVED** on the nomination of Councillor D. Baldwin, seconded by Councillor PA Smith, that Councillor Choules be elected Lord Mayor of the City for the ensuing Municipal Year.

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

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### **APPOINTMENT OF A DEPUTY LORD MAYOR**

**RESOLVED** on the nomination of Councillor Martin, seconded by Councillor Taghdissian, that Councillor Sheldon be appointed Deputy Lord Mayor of the City for the ensuing Municipal Year.

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

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### **VOTE OF THANKS**

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

Councillor Mrs Henson presented, on behalf of the Council, the retiring Lord Mayor's and retiring Lady Mayoress' badges.

The retiring Lord Mayor returned thanks.

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

The retiring Deputy Lord Mayor returned thanks.

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### **APPOINTMENT OF THE LEADER OF THE COUNCIL FOR THE ENSUING YEAR**

Councillor Cole nominated and Councillor Mitchell seconded Councillor Fullam as Leader of the Council.

Councillor D Baldwin nominated and Councillor Martin seconded Councillor Edwards as Leader of the Council.

In accordance with Standing Order 27(1), a named vote was called for. The voting on the nomination of Councillor Fullam as Leader of the Council was as follows:

Voting for:

Councillors MA Baldwin, PJ Brock, Mrs SR Brock, Coates, Cole, Fullam, Mrs Henson, Hobden, Mitchell, Newby, Newcombe, Newton, Noble, Payne, Prowse, Shiel, PA Smith, Mrs R Smith, Starling, Taghdissian, Mrs Thompson, Wadham and Winterbottom

(23 Members)

Voting against:

Councillors D Baldwin, Boyle, Branston, Mrs Danks, Edwards, Gale, Martin, DJ Morrish, Mrs J Morrish, Robson, Sheldon, Shepherd, Sterry and Wardle

(14 members)

Abstain:

The Lord Mayor (Cllr M Choules)

(1 Member)

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

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

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

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

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### **APPOINTMENT OF COMMITTEES**

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

(The meeting commenced at 7.00 pm and closed at 8.30 pm)

Chair

**EXETER CITY COUNCIL**

**EXECUTIVE,  
SCRUTINY AND OTHER COMMITTEES ETC. 2010/2011**

**EXECUTIVE (9)**

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

**PORTFOLIO HOLDERS**

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

**IMPLEMENTATION EXECUTIVE**

(11 City Councillors)

Fullam, A.A. (Chair)	Henson, Mrs Y.A.C.
Edwards, P.W. (Deputy Chair)	Hobden, S.M.
Baldwin, D.	Morrish, D.J.
Baldwin, M.A.	Shepherd, P.J.
Coates, J.H.	Smith, P.A.
Cole, N.S.	

(4 County Councillors)

Leadbetter, A.R.	Spence, Mrs S.M.
Newcombe, A.V.	Westlake, R.A.

**SCRUTINY - RESOURCES (13)**

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

### **Employee Liaison Forum (5)**

Cole, N.S. (Chair)  
Martin, I.J.  
Prowse, G.J.

Smith, P.A.  
Sterry, H.R.

### **SCRUTINY - COMMUNITY (13)**

Baldwin, D. (Chair)  
Shiel, N. (Deputy Chair)  
Boyle, C.  
Branston, R.A.  
Danks, Mrs M.E.  
Hannaford, A.J.  
Hannaford, R.M.

Hobden, S.M.  
Newcombe, A.V.  
Smith, Mrs R.  
Payne, T.V.  
Taghdissian, J.  
Wardle, A.J.

### **SCRUTINY - ECONOMY (13)**

Baldwin, M.A. (Chair)  
Gale, C.G. (Deputy Chair)  
Brock, P.J.  
Newcombe, A.V.  
Noble, B.C.  
Payne, T.V.  
Robson, L.S.

Sheldon, G.N.  
Smith, P.A.  
Smith, Mrs R.  
Taghdissian, J.  
Wardle, A.J.  
Winterbottom, J.W.

### **PLANNING COMMITTEE (13)**

Henson, Mrs Y.A.C. (Chair)  
Shepherd, P.J. (Deputy Chair)  
Baldwin, D.  
Brock, P.J.  
Cole, N.S.  
Edwards, P.W.  
Hannaford, R.M.

Morrish, D.J.  
Newby, R.C.  
Prowse, G.J.  
Sheldon, G.N.  
Thompson, Mrs C.  
Wadham, P.R.

### **Planning Member Working Group (8)**

Cole, N.S. (Chair)  
Edwards, P.W.  
Morrish, D.J.  
Prowse, G.J.

Newby, R.C.  
Shepherd, P.J.  
Wadham, P.R.  
Chair of Planning Committee

### **Area Working Parties**

#### **Northern (5)**

Brock, P.J.  
Cole, N.S.  
Edwards, P.W.

Prowse, G.J.  
Thompson, Mrs C.

### **Southern (6)**

Baldwin, D.  
Morrish, D.J.  
Henson, Mrs Y.A.C.

Newby, R.C.  
Sheldon, G.N.  
Shepherd, P.J.

### **Western (2)**

Hannaford, R.M.

Wadham, P.R.

### **LOCAL GOVERNMENT REVIEW COMMITTEE (10)**

Edwards, P.W. (Chair)  
Henson, Mrs Y.A.C. (Deputy Chair)  
Baldwin, D.  
Baldwin, M.A.  
Coates, J.H.

Fullam, A.A.  
Mitchell, K.J.  
Morrish, D.J.  
Noble, B.C.  
Shepherd, P.J.

### **GRANTS COMMITTEE (8)**

Newcombe, A.V. (Chair)  
Gale, C.G.  
Hannaford, A.J.  
Robson, L.S.  
Leader (ex-officio)

Payne, T.V.  
Smith, Mrs R.  
Sheldon, G. N.  
Taghdissian, J.

### **LICENSING COMMITTEE (12)**

Noble, B.C. (Chair)  
Danks, Mrs M.E. (Deputy Chair)  
Branston, R.A.  
Brock, Mrs S.R.  
Gale, C.G.  
Newby, R.C.

Newton, L.  
Sheldon, G.N.  
Smith, Mrs R.  
Sterry, H.R.  
Thompson, Mrs C.  
Wadham, P.R.

### **Licensing Sub-Committees (3)**

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

### **STANDARDS COMMITTEE (8 + 3 independent members)**

Mr Mimmack, A. (Independent Chair)  
Smith, Ms L. (Independent Deputy Chair)  
Brock, Mrs S.R.  
Danks, Mrs M.E.  
Hobden, S.M.  
Kirby, Professor B. (Independent member)

Martin, I.J.  
Morrish, D.J.  
Starling, M.W.  
Sterry, H.R.  
Smith, Mrs R.

### **FINAL ACCOUNTS COMMITTEE (5)**

Fullam, A.A. (Chair)  
Baldwin, M.A.  
Cole, N.S.

Edwards, P.W.  
Morrish, D.J.

**EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE (13)**

(4 City Councillors)

Gale, C.G.  
Shepherd, P.J.

Taghdissian, J.  
Wadham, P.R.

(9 County Councillors)

Brock, P.J.  
Foggin, O.M.  
Hannaford, R.M.  
Leadbetter, A.R.  
Newcombe, A.V.

Owen, J.  
Prowse, G.J.  
Spence, Mrs S.M.  
Westlake, R.A.

## PLANNING COMMITTEE

Monday 26 April 2010

### Present:-

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

### Also Present

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

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### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Martin	46 (applicant known to him through his previous employment)
Councillor Shepherd	46 (applicant known to him through his work as a City Councillor)

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### PLANNING APPLICATION NO.10/0200/01 - LAND SOUTH OF, YEOFORD WAY, MARSH BARTON TRADING ESTATE, EXETER

The Head of Planning and Building Control presented the application for a development to provide mixed employment uses at land south of Yeoford Way, Marsh Barton Trading Estate, Exeter. This was an outline application with all matters reserved for future consideration.

The application proposed to develop the area for a mixed employment use for Use Classes B1, B2 and B8. An application for improved flood drainage of the site had been approved in October 2009.

The Head of Planning and Building Control stated that although the site was not in the Exeter Local Plan as being identified for employment use it had been identified in the emerging Exeter LDF Core Strategy as suitable to meet future employment needs. He updated Members on the ecological, energy, transport and flooding issues with regards to the proposal. Members were advised that the wording of conditions 14 and 17 would be amended to reflect the wording received by the Highways Agency.

Members were circulated with an update sheet giving details of Natural England comments.

The recommendation was for approval subject to the completion of a Section 106 Agreement which required a financial contribution towards public transport improvements and public art, landscape and cycleway phasing, implementation of Wildlife Area, installation of new culvert under Bad Homburg Way and compliance with the Energy Strategy and the conditions as per the report with amendments to the wording of conditions 14 and 17. The application would be referred to the Government Office for the South West as a departure from the Local Plan.

During discussion Members raised concerns regarding comments received from Devon Wildlife Trust and the Royal Society for the Protection of Birds, in particular the on- going management of the wild life area to the east of the development.

The Head of Planning and Building Control confirmed that a 45 metre wild life corridor to the south of the site was proposed. In answer to Members' questions, he confirmed that the management of construction traffic was covered by condition 14 and lighting on the site covered by condition 13.

The Planning Solicitor stated that the Section 106 Agreement could include the implementation of a wild life plan and that highway improvements should also be part of the Section 106 Agreement as well as public transport.

**RESOLVED** that, subject to referral to the Government Office for the South West as a departure from the Local Plan, planning permission for a development to provide mixed employment uses be approved, subject to the completion of a Section 106 Agreement which requires a financial contribution towards highway and public transport improvements and public art, landscape and cycleway phasing, implementation of a Wildlife Area and an agreed Management Plan, installation of new culvert under Bad Homburg Way and compliance with the Energy Strategy, and the following conditions:

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission.  
**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the layout, scale, appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) This consent does not imply the approval of the details of siting, layout or design shown on the submitted plan, which must be the subject of a further application for approval of reserved matters.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4) No building(s) shall be occupied until the drainage details have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure the satisfactory drainage of the development.
- 5) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.



- 6) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 7) If, during development, contamination not previously identified is found to be present at site then no further development, unless otherwise agreed in writing with the Local Planning Authority shall be carried until the developer has submitted and obtained written approval from the Local Plan Authority for an amendment to the remediation strategy detailing how this contamination shall be dealt with.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 8) Applications for reserved matters shall include a Design Statement, scope of which must be agreed with the Local Planning Authority prior to preparation, which demonstrates compliance with the Archial Design Guide, submitted with the planning application, dated January 2010.  
**Reason:** To ensure that the design and layout of the development is approached comprehensively.
- 9) No development shall take place until an Outline Landscape and Ecology Management Plan has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate  
a) how the existing biodiversity of the site will be protected, in accordance with all relevant legislation, and  
b) how the proposed development and associated works will enhance wildlife in the area;  
and shall be submitted to the Local Planning Authority for review on an annual basis unless otherwise agreed in writing.  
**Reason:** In the interests of nature conservation.
- 10) No development shall take place within the site until a written scheme of archaeological work has been submitted and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 11) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 12) The cycleways and walkways within the application site, and connections to and from routes outside the site boundaries, shall be provided in

accordance with details previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure satisfactory provision of these facilities, pursuant to Local Plan Policy T3.

- 13) Prior to the commencement of any individual building, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors.  
Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.  
**Reason:** To reduce light pollution in the area and protect the amenity of nearby residents.
- 14) The construction of the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority (in consultation with and Highways Agency acting on behalf of the Secretary of State for Transport and the Local Highway Authority) a Construction Management Plan. The plan shall include consideration of construction vehicle movements, construction operation hours, construction vehicle routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.  
**Reason:** In the interests of highway safety, the efficient operation of the local and trunk road networks and to safeguard the amenity of neighbouring residents.
- 15) 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 unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To protect the amenities nearby residential occupiers.
- 16) Prior to the commencement of any individual building details of all external plant/ventilation equipment plant (including any boiler and associated flue), including sound power levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA.  
**Reason:** To reduce noise pollution and protect the amenity of nearby residential occupiers.
- 17) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority ( who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of occupation of the development. The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:  
The identification of targets for trip reduction and modal shift;  
The methods to be employed to meet these targets;  
The mechanisms for monitoring and review;  
The mechanisms for reporting;

The penalties to be applied in the event that targets are not met;  
The mechanisms for mitigation;  
Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter;  
Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

A review of the targets shall be undertaken and submitted to the Local Planning Authority within 3 months of the occupation of the development and on an annual basis thereafter. The Travel Plan as shall be adhered to throughout the lifetime of the development.

**Reason:** To encourage the use of mode of transport other than the private car.

- 18) Before works commence on any individual building(s) a Sustainability Statement detailing the measures to reduce the impact of the building on the environment during both construction and operational phases shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried in accordance with that statement unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of sustainable development.

- 19) No development shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved mitigation measures have been implemented.

**Reason:** In the interests of ensuring adequate air quality.

- 20) The development hereby permitted shall be limited to a total floor space of 46,500 sq metres.

**Reason:** To comply with the criteria of the submitted Environment Statement.

- 21) No more than 23,250 sq metres of the floor space shall be used for B1(a) (Office) Use.

**Reason:** To ensure that a range of employment opportunities are provided in accordance with Local Plan Objectives.

- 22) Before works commence on any individual building(s) details of the finished floor levels and overall roof heights of the building(s) in relation to a fixed point or O.S datum shall have been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity and the appropriate development of the site.

- 23) No development work to raise the ground levels of the site shall commence until finished ground floor levels and sectional plans indicating the profile with the original levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the agreed plans.

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

In the event that the Section 106 Agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has

been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

45

**PLANNING APPLICATION NO.10/0375/03 - COUNTY GROUND, CHURCH ROAD, ST. THOMAS, EXETER, EX2 9BQ**

The Development Manager presented the planning application for a redevelopment to provide 20 dwellings, parking, access to the highway, landscaping and associated works at the County Ground, Church Road, St. Thomas, Exeter.

The site had a planning approval for 100 residential units and this application was for the northern end of the site predominantly adjacent to Tin Lane. The fundamental change from the approved application was the removal of the three storey flats. The revised layout would provide a total of 20 residential units incorporating a one bedroom adapted flat with a carer's bedroom.

The proposal would reduce the total number of residential units from 100 to 84 and would enable the widening of Tin Lane and the resiting of the internal access circulation Road adjacent to Tin Lane.

Members were circulated with an update sheet giving details of amended plans regarding changes to the disabled unit Plot 48.

The recommendation was for approval subject to a Section 106 Agreement which required affordable housing on site and a financial contribution towards the provision of community facilities, an education contribution, public transport improvements and traffic calming measures in the area and the conditions as set out in the report.

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

- this application would reduce the residential units on the site from 100 to 84
- would open up Tin Lane and improve amenity for potential residents
- had the support of the Highway Authority and planning officers
- there would be a purpose built ground floor flat for a disabled occupant and a carer
- No statutory consultee had objected
- the issues raised by the two letters of objection did not apply as this application was lower than the previous approval and would improve vehicle movement
- this proposal was a significant improvement on the previously approved scheme as there were fewer dwellings and better amenity space.

In answer to Members' questions, Mr Harris clarified that the purpose built disabled unit would be slightly larger in size and would have a bedroom for a carer, the development would be designed with the home zone approach. He confirmed that the percentage of affordable housing had been agreed although the positioning within the development was still to be decided.

**RESOLVED** that planning permission for a redevelopment to provide 20 dwellings, parking, access to highway, landscaping and associated works be approved, subject to the completion of a Section 106 Agreement which requires affordable housing on site and a financial contribution towards the provision of community facilities, an education contribution, public transport improvements and traffic calming measures in the area and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) C57 - Archaeological Recording
- 8) C72 - Highway - Estate Roads etc
- 9) No part of the development hereby approved shall be occupied until the on-site parking 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.
- 10) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials 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 during the construction period.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site during construction period.
- 11) 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 materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) treatment of all boundaries;
  - f) parking area surfacing;
  - g) refuse storage;
  - h) location of site compound;**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 12) No development shall take place unless and until a detailed scheme of surface water drainage has been submitted to and approved by the Local Planning Authority. The scheme, which shall be designed in accordance with the principles of the "Framework for Sustainable Drainage Systems (SuDs) in England and Wales" published by the National SuDs Working Group in May 2003, shall subsequently be implemented in accordance with the approved details prior to the development being brought into use.

**Reason:** To ensure that the development is satisfactorily drained in sustainable manner.

- 13) 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.

- 14) C70 - Contaminated Land

- 15) The flood mitigation measure as set out within the submitted Flood Risk Assessment as contained within the submitted Addendum to the Flood Risk Report dated 12 October 2009 and the earlier Flood Risk Addendum document dated December 2006 shall be complied with at all times unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To mitigate against the risk of flooding.

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

(Report circulated)

46

**PLANNING APPLICATION NO.10/0295/03 - 12 LITTLE JOHNS CROSS HILL,  
EXETER, EX2 9PJ**

Councillor Martin declared a personal interest as the applicant was known to him though his previous employment.

Councillor Shepherd declared a personal interest as the applicant was known to him though his work as a City Councillor.

The Head of Planning and Building Control presented the planning application for an extension to the front of the existing house and the raising of existing roof to provide habitable accommodation within roof space at 12 Little Johns Cross Hill, Exeter. The site was in the Alphin Brook Conservation Area.

This application sought to bring forward the building line to be nearly in line with the front building line of the garage and a proposed bay window would sit in line with the garage. The proposal would also create a first floor level of accommodation. To achieve this, the roof height would be raised by about 1.3 metres and there would be a 1.3 metre high render band around the property, which would be disguised by extending the eaves on the front elevation. Roof lights would light the proposed first floor level accommodation.

Members were circulated with an update sheet giving details of two additional letters of objection.

Members were informed that the principle of accommodation in the roofspace was acceptable although the submitted proposal was of poor architectural design. The recommendation was for refusal for the reason as set out in the report.

Ms Lenton (applicant) spoke in support of the application. She raised the following points:-

- this was 1950 bungalow and this application was to create a family home and improve the bungalow
- the proposal would enhance and improve the conservation area
- had been in talks with planning officers for a year
- the position of the garage does not allow for a front door
- officers had accepted the principle of conversion to two storey dwelling
- there was render on neighbouring dwellings
- would revisit the bay window if officers requested
- this proposal would improve the property

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

- the applicant had been talking to planning officers for a over a year to find an acceptable proposal
- the applicant had received some ambiguous advice
- considered that a refusal could not be robustly defended at appeal
- garages were a feature of all the bungalows on Little John's Cross
- although the garage did not meet the requirements of the Highways Authority they had not objected to the application
- the report stated that the proposal would be a discordant building in the street scene; there was already discord in the street scene
- overall the proposal would enhance the street scene and would not have a negative impact on the conservation area
- would be unreasonable to refuse this application.

Members acknowledged that the principle of conversion from a bungalow to provide accommodation in the roofspace was acceptable.

Whilst some Members felt that the design of the proposal was acceptable, other Members considered the design to be unsatisfactory and that the proposal would have a negative impact on the conservation area and be detrimental to the street scene.

**RESOLVED** that planning permission for an extension to front of existing house and raising of existing roof to provide habitable accommodation within roof space, be refused for the following reason:

- 1) The proposed development is located within the Alphin Brook Conservation Area. The proposal is contrary to Planning Policy Statement 5, Policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, Policies C1 and DG1 (f), (g) and (h) of the Exeter Local Plan First Review 1995 to 2011 and to the Council's adopted Supplementary Planning Document 'Householder's Guide to Extension Design' because the proposed development would:
  - (i) by reason of its size and design from unsympathetic additions, which would be to the detriment of the character and appearance of the existing building;
  - (ii) by reason of its size and design result in a discordant building which would have a detrimental impact on the character of the wider streetscene and the wider visual amenity; and
  - (iii) neither preserve nor enhance the character and appearance of the Conservation Area.

(Report circulated)

**PLANNING APPLICATION NO.10/0298/03 - 31 CORNMILL CRESCENT,  
EXETER, EX2 8TL**

The Development Manager presented the application for planning permission for a two storey extension on the west elevation and single storey extension on south elevation at 31 Cornmill Crescent, Exeter.

Members were circulated with an update sheet giving details of the amended plans received which showed a set back from the front building line of 900mm.

The recommendation was for approval subject to the conditions as set out in the report.

**RESOLVED** that planning permission for a two storey extension on west elevation and single storey extension on south elevation 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 1 March 2010 together with the site location plan, one un-numbered plan received 1 March 2010 and two drawings numbered SC/3 and SC/4, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Construction/demolition 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:** To protect the amenity levels currently enjoyed by the neighbouring residents.
- 4) The walls and roof of the extensions hereby approved shall have an external finish to match the existing building unless otherwise agreed and approved in writing by the Local Planning Authority.  
**Reason:** To protect the character and appearance of the existing building.

(Report circulated)

**TREE PRESERVATION ORDER NO. 612 (ST. PETROCKS CLOSE, EXETER)  
2010**

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. 612 at St. Petrocks Close, Exeter. He outlined the objections raised and confirmed that the site inspection party had supported the Tree Preservation Order.

Anne Haw spoke against the Tree Preservation Order (she circulated photographs of her garden to Members). She raised the following points:-

- recognised that this was a lovely tree but was poorly positioned when planted over 25 years ago
- Blue Cedars were impressive trees and should be planted in parklands not in the suburbs
- could grow to 100 metres tall and 33 metres wide
- the tree should be removed as it over shadowed her south facing garden



- reduced light to her garden causing moss and preventing plants from growing
- was causing damage to a cob wall causing an on-going cost of repairs
- this tree was not in the correct environment and should be removed.

The Head of Planning and Building Control confirmed that the owner of the tree could submit an application to undertake works to the tree such as pruning.

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

(Report circulated)

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

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

**RESOLVED** that the report be noted.

(Report circulated)

50                    **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)

51                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

52                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 11 May 2010 at 9.30 a.m. The Councillors attending will be D Baldwin, Edwards and Prowse.

(The meeting commenced at 5.30 pm and closed at 7.08 pm)

Chair

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## PLANNING COMMITTEE

Monday 24 May 2010

### Present:-

Councillor Mrs Henson (Chair)  
Councillors D Baldwin, P J Brock, Cole, Edwards, D J Morrish, Newby, Prowse, Thompson and Wadham

### Also Present

Head of Planning and Building Control, Development Manager, Planning Solicitor, Trainee Legal Executive and Member Services Officer (SJS)

### 53 MINUTES

The minutes of the meetings held on 22 February 2010 and 22 March 2010 were taken as read and signed by the Chair as correct.

### 54 DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Edwards	57 (employee of Stagecoach)
Councillor Prowse	54 (student landlord) 58 (student landlord)
Councillor Wadham	60 (knows the objector)

### 55 PLANNING APPLICATION NO.10/0449/03 - 7 THORNTON HILL, EXETER, EX4 4NJ

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the planning application for the change of use from dwelling to house in multiple occupation at 7 Thornton Hill, Exeter.

Members were informed that 7 Thornton Hill was an end of terrace dwelling located within the St James Ward and within the Longbrook Conservation Area. The existing house was generously proportioned and comprised of 270 square metres of floorspace over three levels, with six bedrooms and five reception rooms. The proposal was for nine bedrooms, two on the ground floor with a kitchen/dinning area and living room, four on the first floor and three on the second floor. There would be two bathrooms.

The Head of Planning and Building Control outlined to Members the three criteria a, b, and d within Policy H5 of the local plan that were relevant to the application. Members were circulated with an update sheet giving details of three further letters of objection.

The recommendation was for approval subject to the conditions as set out in the report and an additional condition regarding noise insulation between the kitchen/dinning area and the adjoining attached property.

Ms Temple (representing Thornton West Residents Association) spoke in opposition to the application. She circulated to Members photographs of student occupied properties and a plan of Thornton Hill showing the location of HMO's in the area. She raised the following points:-

- the proposal would be unacceptable as its scale and intensity would cause harm to the character of the area
- nine students would create more noise than a family: nine students all playing music in each of their rooms; more noise would emanate from the garden
- footfall would increase in the area
- concern that students would leave rubbish out
- HMO's appeared neglected
- would put pressure on the parking in the area; despite a travel plan preventing students from bringing their cars, they would still bring them
- there were at least 7 HMO's in the area of Lower Thornton Hill
- this proposal would cause an imbalance in the area.

In answer to a Member's question, Ms Temple clarified that out of 130 houses, 97 were members of Thornton West Residents Association.

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

- it was with some sadness that he had to address the Committee today regarding yet another HMO in his ward
- had asked for a meeting with the Head of Planning and Building Control to discuss the proposal, who had declined stating that he could not meet with him until after the application had been determined
- 26.7% of properties in St James Ward were student HMO's
- In 2009, 72 new properties were exempt from Council Tax; the current year figures were not yet available but another increase was anticipated
- the proposal was in a family area and was contrary to Policy H5 of the local plan
- the PACT meeting which included the University Liaison Officer agreed that the priorities in the area were anti social behaviour and late night noise
- Police had plenty of logs to show that there was a problem with anti social behaviour
- the number of student HMO's had a negative impact on parking
- in non-term time the area was like a ghost town
- although according to the Supplementary Planning Guidance (SPG) the proposal was just outside of the restriction zone: this SPG was two years old, was out of date and should be reviewed
- asked the Committee to look carefully at this application
- this application should be refused.

The Head of Planning and Building Control stated that the evidence from complaints to Environmental Health showed that there was not a significantly greater problem in student areas than some other parts of the City.

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

- there would be no parking as the university was only a five minute walk away
- secure cycle parking would be provided
- there was a defined area to the rear of the house for refuse
- it was a large house on the corner with amenity space

- the gardens would be maintained
- no changes would be undertaken in the building; only repairs
- the property would be managed, licensed student accommodation
- for the first two years family and friends would live in the property
- would ask the Police and the University Liaison Officer to talk to all new residents; also invited the local residents' group to come along to talk to new residents
- there had been no complaints from the HMO's at 9/11 Thornton Hill.

In answer to a Member's question, Mr Parsons clarified that there would be a maintenance contractor for the gardens.

During discussion, Members raised the following points:-

- why were the comments of the PCSO and Police Architectural Liaison Officer not before committee?
- were there adequate bathrooms for nine bedrooms?
- anti social behaviour by students was made worse by the licensing laws allowing all night drinking
- concern that if the property should be sold any subsequent landlord might not be so diligent
- the reason that the level of complaints in some student areas were so low was because nearly all the properties were occupied by students.

The Head of Planning and Building Control stated that the Police Architectural Liaison Officer did get a copy of the list of planning applications submitted but they had not commented. The number of bathrooms required would be covered by Environmental Health under the HMO licence.

The Development Manager confirmed that Environment Health was satisfied with two bathrooms for nine bedrooms.

Whilst some Members felt that the proposal was acceptable, others Members raised concerns regarding the impact that the proposal would have on the character of the area.

**RESOLVED** that planning permission for change of use from dwelling to house in multiple occupation be **refused** for the following reason:-

- (1) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001 to 2016 and Policies H2 and DG4 (a and b) of the Exeter Local Plan First Review 1995 to 2011 because:- i) the increased activity associated with the proposed development, in terms of increased noise and movements to and from the property would be detrimental to the residential amenities of the occupiers of adjacent dwellings.

(Report circulated)

56

**PLANNING APPLICATION NO.10/0487/03 - LAND TO THE REAR OF OAKRIDGE AND OAKLANDS, COWICK LANE, EXETER**

The Development Manager presented the planning application for the development to provide 13 dwellings, access to the highway, parking and associated works at land to the rear of Oakridge and Oaklands, Cowick Lane, Exeter.

Members were updated on the planning history to the site and informed that planning approval was given in January 2009 for 13 dwellings on this site. This

application was also for 13 dwellings which were arranged in a similar layout to the previously approved planning application.

The recommendation was delegated to the Head of Planning and Building Control to approve subject to a Section 106 agreement in relation to highway works and contributions, including the creation of a public right of way through the site and a financial contribution towards off site public open space, the conditions as set out in the report with amended wording to condition 14.

**RESOLVED** that planning permission for development to provide 13 dwellings, access to highway, parking and associated works be delegated to the Head of Planning and Building Control to **approve** subject to the completion of a Section 106 legal agreement in relation to highway works and contributions, including the creation of a public right of way through the site and a financial contribution towards off site public open space and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C37 - Replacement Planting
- 8) C43E - Retain Hedges
- 9) C70 - Contaminated Land
- 10) C57 - Archaeological Recording
- 11) No development shall take place unless and until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.
- 12) C72 - Highway - Estate Roads etc
- 13) 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 materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) treatment of all boundaries including the eastern boundary to adjacent access road;

- f) refuse storage;
- g) travel plan for future residents
- h) pedestrian/cycle access entrance onto Balls Farm Road.

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

- 14) Delegated to the Head of Planning and Building Control.
- 15) No part of the development hereby approved shall be occupied until any means of access, off-street parking facilities, visibility splays and turning area have been provided in accordance with the requirements of this permission and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 16) In accordance with details that shall previously have been submitted to, agreed and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.  
**Reason:** In the interest of public safety and to prevent damage to the highway.
- 17) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives vehicles, construction plant and materials during the construction period in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.  
**Reason:** In the interest of public safety and to avoid obstruction of and damage to the adjoining highway.
- 18) No Construction work shall take place outside the following times: 8am to 6pm (Monday to Friday); 8am to 1pm (Saturday); nor at any time on Sunday, Bank Holidays or Public Holidays.  
**Reason:** In the interests of residential amenity.

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

(Report circulated)

57

**PLANNING APPLICATION NO.10/0471/29 - OLD PARK FARM, PINN HILL, EXETER, EX1 3TH**

Councillor Edwards declared a personal interest as an employee of Stagecoach.

The Head of Planning and Building Control presented the consultation from East Devon District Council for a outline planning application, dealing with access only, for a development of up to 450 residential units, up to 2,000 square metres of (B1) business use, a primary school (2ha site), a village centre with mixed services, retail space of up to 900 square metres, and a 250 space Park & Ride; together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure, served off a new access from the highway at Old Park Farm, Pinn Hill, Exeter.

The Head of Planning and Building Control stated that the site was located in East Devon, on the northern edge of Exeter adjoining Pinhoe. The majority of the site was covered by fields used for agriculture. Members were updated on the emerging East Devon District Council Core Strategy and their need to provide 4,000 new homes in the 'West End' of its district.

The recommendation was that no objection in principle was raised to the proposal subject to East Devon District Council taking into account in its determination of the application, as detailed in the observations in the report, the comments of the City Council's Head of Environmental Health Services, consideration of the development in the context of the strategic and comprehensive development of the area and sustainability.

The Local Ward Member raised concerns regarding the impact that the proposal would have on the infrastructure of Pinhoe, in particular on the over crowded primary school, the road network and the need for a park and ride when there was a bus service in the area. She stated that at a packed community meeting in Broadclyst all but one that attended had voted against the proposal.

During the discussion Members raised the following points:-

- concern over when the primary school would be built
- there was an existing bus service in this area
- would there be any Section 106 funding available to the City Council towards pressures that this proposal would have on the City's infrastructure?
- would any of the affordable housing be available to Exeter's residents on the waiting list?
- allotments should be provided on the development
- was the site suitable for office/light industrial use?

The Head of Planning and Building Control stated that Devon County Council would have been consulted and would comment on education and highways including the proposed park and ride. He outlined to Members the triggers of pupils and dwellings required in order that a new primary school could be built. This was an outline application and there was no indication of the mix of house type and the affordable housing nominations would be a matter for East Devon District Council.

**RESOLVED** that **no objection** in principle is raised to the proposal, subject to East Devon District Council taking into account the following, as detailed in the report, in its determination of the application:

- The comments of the City Council's Head of Environmental Health Services
- Consideration of the development in the context of the strategic and comprehensive development of the area, including its relative low carbon sustainability
- The formal response was to be delegated to the Head of Planning and Building Control in consultation with the Chair, to articulate the concerns expressed.

(Report circulated)

58

**PLANNING APPLICATION NO.10/0306/03 - HALFORD WING, DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER, EX1 1PQ**

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the planning application for the change of use from offices to provide student accommodation at Halford Wing, Dean Clarke House, Southernhay East, Exeter.



The Halford Wing was part of the former NHS Administration Centre which comprised of Dean Clarke House, Halford Wing and Victoria Wing. These were Grade II\* listed buildings. Halford Wing had been granted planning permission and listed building consent in 2008 for a wine bar and bistro in the basement, a restaurant at ground floor level and offices on the upper floors.

The proposed planning and listed building application intended to create 40 bedrooms of student accommodation which would serve a maximum of 74 students and retain, at basement level, the restaurant use, approved under an earlier consent, and also provide a new student common room. Above the basement level there would be a total of four floors providing the student accommodation this included the creation of two additional mezzanine floors above the ground and first floor accommodation. The floor space of the student accommodation would range from 35 squares metres to 54 square metres. No external alterations apart from the removal of the chimney and a new entrance were proposed.

Members were advised that a listed building application detailing the works associated with the conversion also related to this site. The relevant issues relating to the listed building application were included within the observations of the report. The listed building consent was recommended to be delegated to the Head of Planning and Building Control to approve subject to conditions.

The recommendation for the planning application was delegated to the Head of Planning and Building Control to approve, subject to a Section 106 agreement restricting the accommodation for student use and a management agreement given the building's use for student purposes and the conditions as set out in the report.

In answer to a Member's question, the Development Manager stated the plans did not show any of the units as being fully accessible for the disabled.

**RESOLVED** that planning permission for change of use from offices to provide student accommodation be delegated to the Head of Planning and Building Control to **approve** subject to the completion of a Section 106 legal agreement restricting the accommodation for student use and a management agreement given the buildings use for student purposes, and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) 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:
  - i) full details of any new extract vents, including size, height and position;

- ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section;
- iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis;
- iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use;
- v) refuse storage facilities;
- vi) location of site compound;
- vii) lighting;

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

- 9) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan shall have been submitted to, agreed and approved in writing by the Local Planning Authority and thereafter implemented at all times.

**Reason:** To ensure that all users and occupiers of this facility are aware of the 'car free' status of the development.

- 10) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.

**Reason:** To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.

- 11) Prior to the commencement of any individual building details of all external plant/ventilation equipment plant (including any boiler and associated flue), including sound power levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA.

**Reason:** To reduce noise pollution and protect the amenity of nearby residential occupiers.

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

(Report circulated)

59

**PLANNING APPLICATION NO.10/0106/03 - COOPER COTTAGE, LOWER ARGYLL ROAD, EXETER, EX4 4QZ**

The Development Manager presented the planning application for redevelopment to provide a detached dwelling, integral garage, parking and associated works at Cooper Cottage, Lower Argyll Road, Exeter.

The site had two previous approvals for more modest schemes. This application was for a dwelling of 520 square metres, the previous approval was for a dwelling of about 320 square metres.

The Development Control Manager updated Members on the issues regarding the scale, design and siting of the proposal.

Members were circulated with an update sheet giving details of a second letter of support.

The recommendation was for refusal subject to the reason as set out in the report.

Mr Wright (agent) spoke in support of the application. He circulated to Members a plan comparing the proposal to that of a previous approval. He raised the following points:-

- the proposal was for a family home
- there was no objection in principle to a dwelling on this site
- this was a large site of over four acres
- the proposal was similar in scale and massing to that of the previous approval
- design was similar to a neighbouring property
- the application was a contemporary design incorporating carbon footprint reducing elements.

The Development Manager stated that the previous planning approvals on the site had a better relationship with the road frontage and were of a smaller scale and massing.

Whilst some Members raised concerns regarding the scale and massing of the dwelling and the effect it would have on the valley park, other Members were of the opinion that the proposal was acceptable.

**RESOLVED** that the planning application for redevelopment to provide a detached dwelling, integral garage, parking and associated works be **refused** for the following reason:-

- 1) The site is located within the Duryard Valley Park. The proposal is contrary to Policies CO1 and CO6 of the Devon Structure Plan and Policies L1, LS1, LS4 and DG1 of the Exeter Local Plan First Review because the size, form and design of the proposed development would be visually dominant and represent an inappropriate and incongruous form of development within the Duryard Valley Park; and the development would create an undesirable precedent for similar proposals which, individually and/or collectively, would be harmful to the Duryard Valley Park.

(Report circulated)

60 **TREE PRESERVATION ORDER NO. 613 - 74 VELWELL ROAD, EXETER 2010**

Councillor Wadham declared a personal interest as the objector was know to him.

The Head of Planning and Building Control presented the report which gave details of an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 613 (74 Velwell Road, Exeter) 2010.

Mr Munro spoke in opposition to the Tree Preservation Order. He circulated to Members a photograph of the tree when in full leaf. He raised the following points:-

- lived at the property since 1963
- had submitted an application to fell the tree
- during the growing season the tree took in water causing cracks to appear inside the property, door frames to shrink and skirting boards to come away from the walls

- when in leaf the tree blocked out light to the house.

The Head of Planning and Building Control stated that there was no evidence that the tree was causing problems, the owner could submit an application to undertake works to the tree such as 'crown uplifting'.

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

(Report circulated)

61

### **SECTION 106 AGREEMENTS**

The report of the Head of Planning and Building Control on Section 106 Agreements was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

62

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

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

**RESOLVED** that the report be noted.

(Report circulated)

63

### **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)

64

### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

65

### **PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES**

The report of the Assistant Chief Executive was submitted.

The Chair of Planning Member Working Group raised a question regarding changing the meeting from Tuesdays to Mondays.

The Head of Planning and Building Control stated that the dates of the meetings would be discussed at the first meeting in this cycle of the Planning Member Working Group in June.

**RESOLVED** that the circulated rota of dates for Planning Member Working Group meetings, be approved, subject to confirmation by the Group.

(Schedule circulated)

66                    **AREA WORKING PARTIES - COMPOSITION AND SCHEDULE OF DATES**

The report of the Assistant Chief Executive was submitted.

**RESOLVED** that the dates as circulated and the composition of the Area Working Parties as below be approved:-

**Northern Area Working Party:-**

Councillor D Baldwin  
Councillor Cole  
Councillor Edwards  
Councillor Prowse  
Councillor Mrs Thompson

**Southern Area Working Party:-**

Councillor D Morrish  
Councillor Newby  
Councillor Shepherd  
Councillor Sheldon

**Western Area Working Party:-**

Councillor P J Brock  
Councillor R Hannaford  
Councillor Mrs Henson  
Councillor Wadham

(Schedule circulated)

67                    **SITE INSPECTIONS - ROTA FOR VISITS**

The report of the Assistant Chief Executive was submitted.

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

(Schedule circulated)

68                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 15 June 2010 at 9.30 a.m. The Councillors attending will be Cole, Mrs Henson and Shepherd.

(The meeting commenced at 5.30 pm and closed at 8.15 pm)

Chair

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# Agenda Item 5

## PLANNING COMMITTEE

Monday 28 June 2010

### Present:-

Councillor Mrs Henson (Chair)  
Councillors Shepherd, D Baldwin, P J Brock, Cole, D J Morrish, Prowse, Sheldon,  
Thompson and Wadham

### Also Present

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

69

## DECLARATIONS OF INTEREST

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

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor D Baldwin	70 (member of the Cooperative Society)
Councillor P.J. Brock	70 ( member of the Cooperative Society) 70 *(owner of a business in Magdalen Road) 72 (member of Devon County Council on the Hele Trust) 73 (member of Devon County Council)
Councillor Branston	70 (member of the Cooperative Society)
Councillor Gale	70 (employee of Sainsbury's)
Councillor D.J. Morrish	70 (he shops at the Co-op and Deputy Chair of Heavitree Community Association)
Councillor Prowse	70 (a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and receives a pension from Devon and Cornwall Constabulary who objected to the application) 71 (a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and receives a pension from Devon and Cornwall Constabulary who objected to the application) 72 (member of Devon County Council on the Hele Trust) 73 (member of Devon County Council)
Councillor Shepherd	70 (member of the Cooperative Society) 72 *(lives in the vicinity)

**PLANNING APPLICATION NO.10/0174/03 - R D & E HOSPITAL, GLADSTONE ROAD, EXETER, EX1 2ED**

Councillor D Baldwin declared a personal interest as a member of the Cooperative Society.

Councillor P J Brock declared a personal interest as a member of the Cooperative Society and personal and prejudicial interest as a owner of a business in Magdalen Road. He left the meeting during consideration of the item.

Councillor D J Morrish declared a personal interest as he shops at the Co-op and as the Deputy Chair of Heavitree Community Association.

Councillor Prowse declared a personal interest as a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and receives a pension from Devon and Cornwall Constabulary who objected to the application.

Councillor Shepherd declared a personal interest as member of the Cooperative Society.

The Head of Planning and Building Control presented the planning application for redevelopment to provide a foodstore, access, parking, landscaping and associated works at the R D & E Hospital, Gladstone Road, Exeter.

Members were updated on the issues with regards to the site including a description of the site and the proposal which was for a 2,231 square metre supermarket with 227 car parks spaces. The building would be of a contemporary design using high quality materials including glazing and red sandstone. He informed Members of the transport issues, the site was well served by good bus routes and the County Director of Environment, Economy and Culture raised no objections subject to an extension to the bus lane in Heavitree Road, alterations to the existing highway in Gladstone Road to become two lanes, contributions towards bus stops and shelters and the insertion of a yellow box opposite the entrance to the Ambulance station. It was anticipated that traffic in Gladstone Road would increase up to 57% and the traffic in Heavitree Road by 7%.

The Head of Planning and Building Control outlined the issues regarding the car parking provided and the delivery of goods to the site which were covered by conditions. Members were updated on the retail policy issues in particular with regards to the national guidance PPS4, Planning for Sustainable Economic Growth. He brought to Member's attention policies within the national guidance in particular the requirements for sequential assessments which required that sites were assessed for their availability, suitability and viability. He updated Members on the sequential test that Waitrose had undertaken on alternative sites within the city.

Members were circulated with an update sheeting giving details of two further letters that had been received; one in support and one objecting to the proposal; details of the objections received from the Heavitree Traders Association and the Heavitree Community Centre; and details of two additional conditions regarding the sandstone to be used and the final BREEAM level.

The Head of Planning and Building Control reported that a letter from Waitrose and one further letter of objection had been received and the condition on the final BREEAM level would need to be amended as the level "excellent" may not be achievable due to the materials that the Council required the applicant to use.



The recommendation was for approval subject to a Section 106 agreement and conditions as set out in the report and the two additional conditions regarding the final sandstone to be used and the final BREEAM level.

Councillor Gale, having given notice under Standing Order No.44, spoke on this item. He declared a personal interest as an employee of Sainsbury's. He raised the following points:-

- representing residents of Heavitree
- concerned regarding the impact the proposal would have on the traffic in the Heavitree Conservation Area and parking in the area
- would increase traffic in both directions on Heavitree Road
- businesses in Heavitree had already suffered due to the recession, this proposal would have an unacceptable impact causing businesses to fold
- the Co-op had just changed hands and it was a fine line as to its viability; this proposal would increase pressure on this existing local shop
- the access and egress point was in conflict with the Emergency Services access; the insertion of a yellow box would not help
- this site was not suitable for retail and should be housing
- asked Committee to reject the application.

Councillor Branston, having given notice under Standing Order No.44, spoke on this item. He declared a personal interest as a member of the Cooperative Society. He raised the following points:-

- there were already three food stores in the area
- the consultation undertaken by Waitrose was flawed and not in accordance with their policy; the exhibition for the proposal was not held in the locality of the site but in the city centre;
- the majority of people supporting the application were from other parts or outside of the city
- the people objecting were local residents
- the applicant had not engaged with local shop owners
- as the proposal was for a superstore the applicant could sell the land to a competitor if permission was granted
- there were ample supermarkets in the area
- would cause congestion on Heavitree Road
- did not support Devon County Council Highway view about the increase in traffic
- the Ambulance Service had written two letters of objection
- there had been no analysis of the traffic movement out of Gladstone Road in the rush hour
- Police shared concerns regarding increased traffic between Heavitree Road and Gladstone Road compromising response times
- air quality failed to meet Government targets in 2009; this proposal would only add to these problems
- roads in the vicinity would become 'rat runs'
- the delivery lorries would have a noise impact on local residents
- would make parking for local residents even more difficult
- design was not suitable for a conservation area and near to a listed building
- there had been no bio-diversity survey; bats could be nesting in the present building
- the submission stated that 200 jobs would be created although 150 would only be on a part time basis; a recent survey undertaken by 'Boot's' stated that application for larger stores resulted in an overall loss of jobs as smaller shops close as a result

- would reduce 'freedom of choice' as the proposal would have a negative impact on the smaller shops in the area
- contrary to Exeter City Local Plan as it would not 'maintain the viability of local centres' as stated in the plan
- there were two vacant sites within the city centre; the Debenhams building and the redundant Woolworths site
- the applicants were against the bus station site as they stated that it would not be available until 2017; it could be available as soon as 2013
- should refuse the application as the public consultation conducted by Waitrose was flawed; there were already three supermarkets within the area; would cause congestion on Heavitree Road and Gladstone Road; the Ambulance Service and Police objected; would increase the already poor air quality in the area; a wildlife survey had not been undertaken; no highway assessment of impact on the rush hour traffic had taken place; would cause the demise of the local community and decrease freedom of choice
- there were more suitable locations for a supermarket than this residential area.

Professor Gladstone spoke against the application. He raised the following points:-

- would increase traffic as Waitrose was a brand leader and people would travel by car to the supermarket
- would increase the volume of traffic on Heavitree Road, Gladstone Road and Polsloe Road
- the Ambulance Service had objected as the proposed entrance and exit for the supermarket was opposite the existing ambulance station entrance
- did not pass the sequential test as there were other sites within the city more suitable
- the proposal was out of character in a conservation area and near to a listed building
- would cause the destruction of trees covered by a Tree Preservation Order
- smaller local shops already met local needs
- the proposal would be better placed in the city centre.

In answer to a Member's question, Professor Gladstone clarified that he could not attend the exhibition and that he had not received any communications from Waitrose regarding the proposal.

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

- Waitrose attracted a different customer than the other supermarkets already within the city
- Waitrose had been looking to trade in Exeter for a number of years
- Waitrose employees would have shares in the company
- the store would provide employment for 200 people
- Waitrose own a 4,000 acre farm which mean't that the company understood the cost of production and paid a fair price for its produce
- runs a community giving scheme to fund local community projects
- offers free delivery for shopping over £50
- had considered all the sites within the city
- had made changes as a result of comments from Devon County Council Highways
- the Co-op in Heavitree had been rebranded with full knowledge of this application.

In answer to a Member's question, Mr Banham clarified that customers eligible for the free delivery would shop on-line. He stated that the letter that Waitrose sent to

Councillors covered issues of parking and traffic impact and the additional lane on Gladstone Road, mitigation measures for the traders in Magdalen Road and clarification of the passing of the sequential test.

During a lengthy discussion, Members raised the following points:-

- concern that delivery lorries would be parked overnight having to keep refrigeration unit running causing noise pollution
- any change in the sequence of the lights on to Heavitree Road from Gladstone Road would have an impact on the traffic on Heavitree Road
- concern that traffic queuing to get into the car park would back up onto to Polsloe Road
- not sure how a yellow box would help traffic turning right from the exit of the store car park
- concern regarding the effect the increase in traffic would have on the response times of the Emergency Services
- the site could be sold to another supermarket if the application was approved
- the air quality on the Heavitree corridor failed to meet government targets: this application would exacerbate the situation
- the letters of support were not written by local residents
- the letters of objection were from local residents who raised valid points which had resulted in changes to the proposed road layout
- the bus and coach station site was a more suitable site in particular as the city centre had less than the national average of convenience floor space
- the city centre had plenty of boarded up empty shops; these sites should be more actively pursued
- some Members welcomed the design; others Members felt the building was not in keeping with the conservation area and the near by listed building

The Head of Planning and Building Control clarified the following:-

- arrival times of delivery lorries would be controlled by condition and that they would be not be allowed to arrive before 7.00am
- the NHS and Magistrate Courts had made no comments, with regards to response times although the Police had made comments; the Highway Authority view's was that, with the widening of Gladstone Road and the yellow box, there would be no delay to blue light services
- there was an area Tree Preservation Order on the site covering 18 trees; 13 would be retained; conditions were proposed regarding a landscaping scheme
- Waitrose had been looking for about 5 years to find a suitable site in Exeter.

Whilst some Members felt the site was in a suitable location for a supermarket, other Members had concerns regarding the validity of the sequential test as they were of the opinion that there were better locations available within the city for a supermarket and that the increased traffic that the proposal would generate would have a negative impact on the response times of the Emergency Services.

**RESOLVED** that planning permission for a redevelopment to provide a foodstore, access, parking, landscaping and associated works be **refused** for the following reasons:-

- 1) It is considered that there is a sequentially preferable site which meets the tests of suitability, viability and availability and the proposal therefore fails to meet the requirements of Policy EC15 of Planning Policy Statement 4; "Planning for Sustainable Economic Growth" and Policy S1 of the Exeter Local Plan. The proposal will not therefore comply with the requirement to

ensure that retail development is located so as to minimise the need to travel, especially by car and in locations which promote the vitality and viability of the city centre.

- 2) The siting of the store entrance opposite the existing ambulance and police stations and the increased traffic flows along Gladstone Road will unacceptably impact on the emergency services' ability to respond to emergency calls. The proposal would therefore be contrary to the principles of sustainable and integrated development as expressed in Planning Policy Statement 1 "Delivering Sustainable Development".

(Report circulated)

71 **PLANNING APPLICATION NO.10/0196/03 - R D & E HOSPITAL, GLADSTONE ROAD, EXETER, EX1 2ED**

Councillor Prowse declared a personal interest as a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and receives a pension from Devon and Cornwall Constabulary who objected to the application.

The Head of Planning and Building Control presented the planning application for the re-orientation of the car park at the R D & E Hospital, Gladstone Road, Exeter.

The re-orientation of the car park would result in the car park reducing from 40 spaces to 34 spaces, although four of the original 40 spaces were under sized. A London Plane tree would be lost to accommodate the re-orientation of the car park.

The Head of Planning and Building Control informed Members that in light of the refusal of the previous application for a superstore, the recommendation for this application was refusal due for the reason that the proposal would cause the unnecessary loss of a London Plane tree.

**RESOLVED** that planning permission for the re-orientation of the car park be **refused** for the following reason:-

- 1) The proposal is contrary to policy CO6 of the Devon Structure Plan 2001-2016, and policy DG1 of the Exeter Local Plan First Review 1995-2011 because, in the absence of any permission for redevelopment of the adjoining land, there is no justification for the loss of tree 18 as identified on the applicant's drawing numbered 1594.20M.

(Report circulated)

72 **PLANNING APPLICATION NO.10/0631/03 - BISHOP BLACKALL SCHOOL, PENNSYLVANIA ROAD, EXETER, EX4 6BP**

Councillor P J Brock declared a personal interest as a Member of Devon County Council on the Hele Trust.

Councillor Prowse declared a personal interest as a Member of Devon County Council on the Hele Trust and as a student landlord.

Councillor Shepherd declared a personal and prejudicial interest as he lives in the vicinity. He left the meeting during consideration of the item.

The Development Manager presented the planning application for the conversion of a former school building to form 22 residential flats for student occupation, including the construction of cycle and bin stores, and associated landscaping at Bishop Blackall School, Pennsylvania Road, Exeter. He reported that there had been three further letters of objection primarily concerned with the impact of student use on the residential character of the area.

The site was in the Longbrook Conservation Area and the building was locally listed. The proposal would comprise a total of 113 bedrooms along with associated bike and bin stores and landscaping. Each flat would have its own kitchen/dining/living room. It was proposed to insert a mezzanine floor at first floor level within the existing hall at the front of the building and to introduce platform beds at high levels within the roof space. Since the application had been submitted the applicant had made a number of changes to the proposal to improve the amenity for the prospective students. The proposal would be car free.

Members were circulated with an update sheet clarifying that the number of bedrooms was 22; two further letters of objection had been received; information from the applicant regarding the room sizes; and an additional condition regarding archaeological works.

The recommendation was for approval subject to a Section 106 agreement relating to management of the site, conditions as set out in the report and an additional condition regarding archaeological works.

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

- this site was in a residential area
- was a landmark building
- the site was on the edge of St James of which 50% of its residents were students
- was in an area where a high number of old and vulnerable people lived
- there was already anti social behaviour in the area
- the density of students was too high for this building; the student numbers should be reduced
- the accommodation should have a night warden to control behaviour
- the no car tenancy was unenforceable
- if student accommodation was built on the adjacent tennis courts then harm would be caused to the area by too many students.

Ms Campbell (representing the applicant) spoke in support of the application. She raised the following points:-

- were providers of high quality student accommodation
- the accommodation would be managed and maintained
- the proposal was purposely designed for students and in a sustainable location close to the university
- students would have tenancy agreement which prevented them from bringing cars to city
- had made amendments to the scheme as a result of officer concerns
- had agreed to provide planters to the entrance on to Thornton Hill to improve highway safety
- this use would stop the adverse decline of the building.

In answer to Member's questions, Ms Campbell clarified that the flats were fully self-contained with their own kitchen/living facilities; there would not be a warden on site. In addition the company operated a self policing scheme which involved a

senior student mentoring scheme; all the rooms were single occupancy, the tenancy agreement would prevent double occupation; fire regulations would be dealt with by building control; the company operate a 24 hour hotline to which local residents could report any issues and problems and the management company would respond accordingly; and the accommodation was aimed at second and third year students.

During discussion Members, raised the following points:-

- this site was previously used by over 1,350 Exeter College students
- what is considered as an over concentration of students?
- this site was not in one of the three defined area where there was an over concentration of students; there should be a policy in place to manage student accommodation covering all the city
- there were elderly and vulnerable people living in the vicinity.

Whilst some Members considered that the proposal was acceptable, others Members had concerns regarding the over concentration of students in this location.

The Development Manager clarified the position with regards to the current Supplementary Planning Guidance and stated that the applicant had revised the plans to increase the size of some windows and officers were now satisfied with the level of amenity of future residents.

**RESOLVED** that planning permission for the conversion of a former school building to form 22 residential flats for student occupation, including the construction of cycle and bin stores, and associated landscaping be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C36 - No Trees to be Felled
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) Construction/demolition 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 local amenity.
- 9) Prior to commencement of the development, details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the Local Planning Authority. The predicted noise levels shall be demonstrated by measurement prior to occupation of the development.  
**Reason:** In the interests of local amenity.
- 10) No material shall be burnt on site during the construction works.  
**Reason:** In the interests of local amenity.

11) C57 – Archaeological works

In the event that the Section 106 agreement is not completed within 13 weeks of the date of registration of this planning application, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

73 **PLANNING APPLICATION NO.10/0726/26 - PLOT 04, THORVERTON, MARSH  
BARTON TRADING ESTATE, EXETER, EX2 8FS**

Councillor P J Brock declared a personal interest as a Member of Devon County Council.

Councillor Prowse declared a personal interest as a Member of Devon County Council.

The Head of Planning and Building Control presented the Devon County Consultation for a new industrial unit to house office, facility for recycling commercial waste and storage and transfer of hazardous clinical waste at Plot 4, Thorverton Road, Matford Business Park, Exeter.

The recommendation was that the City Council raise an objection on the grounds that the site would extend into an area identified for the provision of a landscape belt deemed necessary to mitigate the appearance of any new development within Matford Park when viewed from the Riverside Valley Park. The City Council also had concerns regarding possible light pollution from the external lighting and requested that the external lighting be conditioned to minimise light pollution across the valley park.

**RESOLVED** that the City Council **OBJECT** to the proposed application on the grounds that the site would extend into an area identified for the provision of a landscape belt deemed necessary to mitigate the appearance of any new development within Matford Park when viewed from the Riverside Valley Park. If approved, the City Council would seek a condition on the external lighting to minimise light pollution.

(Report circulated)

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

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

In answer to a Member's question, the Head of Planning and Building Control stated that the Council had declined to comment on the Exeter Science Park consultation from East Devon District Council as the City Council had already commented on the masterplan when consulted.

**RESOLVED** that the report be noted.

(Report circulated)

75

**ENFORCEMENT PROGRESS REPORT**

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

Members were informed that the owner of 1 Buddle Lane would be advised to apply for a temporary personal consent for the wheelchair lift and scooter store.

**RESOLVED** that the report be noted.

(Report circulated)

76

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

77

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 13 July 2010 at 9.30 a.m. The Councillors attending will be R Hannaford, Mrs Thompson and Sheldon at 9.30 a.m.

(The meeting commenced at 5.30 pm and closed at 8.30 pm)

Chair



## LICENSING COMMITTEE

8 June 2010

### Present:

Councillor Ben Noble (Chair)

Councillors Mrs Danks, Branston, Gale, Newby, Newton, Sheldon, R Smith, Sterry, Thompson and Wadham

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

### 16 **Minutes**

The minutes of the meeting held on 14 April 2010 were taken as read and signed by the Chair as a correct record.

### 17 **Declarations of Interest**

No declarations of interest were made by Members.

### 18 **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 they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

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

### 19 **Application for Consent to Trade (Mr S.W.D.)**

The Licensing Officer presented an application for consent to street trade from Mr D for a period of six months in Cofton Road, Marsh Barton Industrial Estate, Exeter, which was designated as a consent street under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Mr D had stated in the application that he wished to trade on Mondays to Fridays from 09.00 hours to 15.00 hours. He proposed to sell a range of 'fast' food from a trailer (10 ft x 6ft). He already held consent to street trade on Alphinbrook Road, Marsh Barton, Exeter.

Mr D attended the meeting. He confirmed that he would be offering standard fast food such as hot dogs, jacket potatoes and salad wraps. In response to a Member, he advised that the only preparation that was undertaken at his home was packaging. The food was prepared in the van.

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

**RESOLVED** that street trading consent be granted to Mr D, for a period of six months as requested by the applicant in his written application.

(Report circulated to Members)

**TRANSPORT ACT 1985**

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

20 **Application for a Hackney Carriage Licence (Mr A.T.)**

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

Mr T did not attend the meeting.

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

(Report circulated to Members)

21 **Application for a Hackney Carriage Vehicle Licence (Mr S.B.R)**

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

Mr R did not attend the meeting.

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

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 5.45 pm)

Chair

## SCRUTINY COMMITTEE - COMMUNITY

1 June 2010

### Present:

Councillor Dilys Baldwin (Chair)

Councillors Shiel, Boyle, Branston, Mrs Danks, Hobden, Newcombe, R Smith, Payne, Taghdissian and Wardle

Director Community and Environment, Head of Leisure and Museums, Head of Contracts and Direct Services, Head of Housing Services, Head of Environmental Health Services and Member Services Officer (HB)

### Also present:

Councillor Mitchell  
Councillor Newton

- Portfolio Holder for Environment and Leisure
- Portfolio Holder for Housing and Community Involvement

### 26 **Minutes**

The minutes of the meeting held on 9 March 2010 were taken as read and signed by the Chair as correct.

### 27 **Declaration of Interests**

There were no declarations of interest.

### 28 **Minutes of Community Safety Strategy Group**

The minutes of Community Safety Strategy Group meetings are 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 can 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 10 March and 12 May 2010.

### 29 **Portfolio Holders priorities for the forthcoming year**

Together with a list of achievements for 2009/10, Councillor Newton presented the following priorities within the Housing and Community Involvement Portfolio for the forthcoming year:-

#### Priorities for 2010/11

- To ensure that our vision for housing is communicated and that staff across the whole Council act together to deliver this.
- To work with the Social Health and Inclusion Partnership to focus our work to support priority groups and areas.
- To provide at least 100 new units of affordable housing.

- To begin building the homes in the Council's own-build programme.
- To look at ways of improving and investing in private sector housing more effectively.
- Continue to use all the tools at our disposal to help owner occupiers retain their homes.
- To prepare and start to implement an Older Persons' Housing Strategy.
- To let the new council housing repairs contract and ensure a smooth transition that delivers service improvements.
- Consult council housing residents on the new Tenant Services Authority regulatory framework for social housing and develop a set of local standards for Exeter to meet our obligations.
- To continue to strengthen the Tenant and Leaseholder Committee and enhance its influence.
- To make efforts to tackle misconceptions and stigma surrounding social housing through consultation, positive media and communication with the public.
- To improve our engagement with users of our homelessness services and use what they tell us to improve services.
- To ensure that all new developments consider the needs of the biodiversity of the area and opportunities to support wildlife.
- To explore the possibilities of increasing the opportunities for more apprenticeships for young people.
- To continue to work with the Resident Auditor Team for Council housing and act on their findings.
- Explore the implementation of a Discretionary Licensing Scheme for Houses of Multiply Occupancy within areas of high student concentration.
- To build on how we can work with Devon County Council to ensure that appropriate accommodation and support is provided for 16-18 year olds.
- To review the My Neighbourhood PACT project and use the evaluation to drive forward continuing improvements to our community involvement work.
- To encourage better consultation with residents across the Council.
- To review the processes by which the need for disabled adaptations are assessed and provided.

The following responses were given to Members' questions:-

- The Government was yet to announce any changes to the grant support system for housing.
- The requested meeting with Registered Social Landlords would be progressed now that the Election had been held. It would be important to maintain existing good relations. It was suggested that one Member from each political group, together with the Chair of this Committee meet with the RSL representatives.
- Social housing schemes together with community facilities had been identified for the Foxhayes and Exwick middle school sites which the County Council were seeking to develop. Consultations were being held with the County to ensure the right mix of facilities were provided.
- Targets of affordable housing units had been exceeded and it was hoped that the current target would also be exceeded. As well as meeting quantitative targets, sustainable and eco homes were being provided thus improving overall quality.
- Devon Home Choice, fully launched on 1 June 2010, was operating well and bi-monthly meetings were held to monitor the patterns of movement in and out of Exeter and across Devon. The new system provided greater choice for tenants. Reference was made to covenants in certain rural parts of Devon limiting occupancy of new developments to local villagers but it was noted that these

were unique cases where local planning “exception site” policies had been used. The Code of Guidance for the allocation of social housing made it clear that local connection criteria could not be the main criteria for prioritising housing.

- There was strict guidance in respect of conversion from family dwellings to houses in multiple occupancy.
- The framework for consulting on new policies etc. would be tightened to ensure that the right format for consulting was in operation and took place earlier in the overall process.

Together with a list of achievements for 2009/10, Councillor Mitchell presented the following priorities within the Environment and Leisure Portfolio for the forthcoming year:-

#### Priorities for 2010/11

- To continue to seek external funding to help deliver the Play Strategy and to deliver a youth sports programme and promote physical activity in the City. Sport and play activities will continue to be targeted to the areas of the City identified as priorities by the Social Health and Inclusion Partnership.
- To continue with the RAMM project, closely monitoring the budget.
- To complete the letting of the new leisure management contract and ensure that the transfer is managed smoothly.
- To continue with the project to remodel waste collections to increase the number of homes on the twin bin system.
- To work with the allotment association to introduce more allotments at Trew’s Weir in a way that minimises the impact on the environment.
- Continue to implement and report on the Local Authority Carbon Management Programme and the Climate Change Strategy.
- Implement the agreed changes to the Community Patrol service and review the out of hours noise service.
- Introduce sustainable initiatives in the City’s cemeteries to minimise increased recycling and reduce resource use.
- Review the current toilet provision within the City and investigate the implementation of a community toilet scheme.

The following responses were given to Members’ questions:-

- A meeting was being sought with Superintendant Jo Tennant to discuss CCTV issues, the City Council to be represented by the Leader or the Portfolio Holder, the Chair of this Committee, along with officers.
- A meeting would be sought with the Dean and Chapter to discuss cleansing in Cathedral Yard.
- Concern by allotment holders at the withdrawal of compost delivery to various allotment sites would be examined. Planning services sought to ensure that allotments were provided as part of new developments through Section 106 Agreements but it was recognised that there was demand on the funding from other requirements.
- Progress was being made in encouraging commercial premises to utilise the Council’s trade recycling service. The amount of trade recycling did not count towards the Council’s recycling target for domestic waste.
- A further review of toilet provision would be undertaken with a working group comprising the Chair of this Committee, the Portfolio Holder and a Member from each Group to be established. Community toilet schemes, whereby local businesses permitted the use of their facilities by the general public, had been

successfully adopted by a number of local authorities such as Richmond, York, Chester, Cardiff and Sheffield and would be further examined.

Scrutiny Committee - Community noted the achievements and priorities presented.

### **MATTERS FOR CONSIDERATION BY EXECUTIVE**

#### **30 Food Law Enforcement Plan 2010/11**

The Head of Environmental Health Services presented the report informing Members of the Council's performance against the previous year's Food Law Enforcement Plan and proposals for this current financial year.

He responded as follows to Members' queries:

- food testing at the RD&E laboratory had now been transferred to Bristol;
- a national model Scores on the Doors scheme was still awaited from the Food Standards Agency (FSA). Exeter had been accepted as an "early adopter" of the national scheme and had received funding from the FSA to assist implementation; and
- publicity was sought when food establishments were prosecuted.

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

- (1) approve the Food Law Enforcement Plan 2010/11, which included the revised Food Safety Enforcement Policy; and
- (2) authorise the Head of Environmental Health Services to change the Enforcement Plan, as necessary, in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

#### **31 Health and Safety Service Plan 2010/11**

The Head of Environmental Health Services presented the report seeking approval of the Health and Safety Service Plan for 2010/11 which set out the Council's performance over the past year, proposals for requiring health and safety in businesses for the forthcoming year and included a revised health and safety enforcement policy.

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

- (1) approve the Health and Safety Service Plan 2010/11, which included the Health and Safety Enforcement Policy; and
- (2) authorise the Head of Environmental Health Services to change the Enforcement Plan, as necessary, in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

### 32 **Housing Value for Money Strategy**

The Head of Housing Services presented the report seeking approval of the new Housing Value for Money Strategy.

In response to a Member, he confirmed that an important aspect of a contract to undertake improvement works was the need for the contractor to demonstrate that value for money would be provided.

Scrutiny Committee - Community supported the report and requested Executive to adopt the new Housing Value for Money Strategy with Members to receive an annual update on progress to this Committee.

(Report circulated)

### 33 **Private Sector Housing Policy : Financial Assistance Packages 2010/11**

The Head of Environmental Health Services presented the report informing Members of the financial assistance awarded to private sector households in 2009/10 and proposing changes to the types and levels of financial assistance that would be available in 2010/11. Financial assistance packages formed one of the policy tools available to improve housing conditions in the private sector. A review of the other policy tools would be contained in the Private Sector Housing Renewal Policy that would form a sub-strategy of the Housing Strategy, which would be reported to this Committee in September.

In response to a Member, who was concerned that there would now be an increase in requests for financial support to improve properties with a view to a quick sale before regulations on Capital Gains Tax were changed, he advised that any loans/grants provided were covered by claw back provisions on a subsequent sale. Such eventualities were not anticipated.

He confirmed that owner occupiers in poor housing, or housing needing adaptation, were the main recipients of financial assistance. He also explained the inspection process for houses in multiple occupation across the City and the operation of HMO licensing, with those in the worst condition being targeted in the first instance. It was noted that if landlords were running an unlicensed HMO, then their tenants could apply to the Residential Property Tribunal for a Rent Repayment Order of up to one year's rent.

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

- (1) adopt changes to the Private Sector Housing Renewal Policy in respect of financial assistance packages as set out in the report;
- (2) ensure the close monitoring of the expenditure of the single pot allocation, with the Portfolio Holder for Housing and Community Involvement and Head of Environmental Health Services authorised to agree the proposed financial allocation to each of the schemes proposed or further schemes to be developed; and
- (3) agree to an annual review, or sooner if needs be, of the policy in order to ensure that it properly addresses local needs and/or government policy.

(Report circulated)

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

### **34 Progress on changes to Domestic Waste Collections and Recycling Collections - Efficiency Gains**

The Head of Environmental Health Services presented the report informing Members of progress in implementing changes to the waste collection service, following a review into potential efficiency gains reported to this Committee previously.

It was noted that managers had conducted an indicative ballot of staff, and a large majority had rejected the option of a four day week. Given this level of opposition from staff after they had considered the new rounds, managers had decided, in consultation with the Portfolio Holder, not to pursue the four-day option. Subsequently, however, an indication had been received that staff wished to review their terms and conditions around task and finish, therefore there was an opportunity to take a fresh look at the four-day option alongside any other changes.

Since initial soundings indicating a positive response to the four day week, staff had been affected by the closure of the waste transfer station in Exeter and the subsequent directions by Devon County Council to take waste first to Heathfield and later to Greendale.

Members expressed concern at the length of time the recalculation of the rounds had taken and the associated costs. One Member felt that the working group had undertaken the review on the basis that a whole package of measures would be introduced whereas the final result had been the introduction of selected measures only. The Head of Environmental Health Services clarified that this had not been the case and referred Members to the report they had received in January 2010.

The Head of Environmental Health Services stated that the Working Group had received the full information on options available and that the key change of remodelling of routes to be introduced from September, coupled with the expansion of alternate weekly collections, would yield significant savings. This work was not wasted as it could be adjusted to suit a five day week regime, if necessary. In addition, changes in operation brought about by remodelling the rounds would allow the disruption caused by Bank Holiday Mondays to be lessened.

Councillor Wardle moved and Councillor Boyle seconded the following motion:

“A Working Group be formed to investigate how a change in the bin collection from a five day to a four day working week could be proposed without first negotiating with relevant Trade Unions, the working group to comprise four members, one from each group, and the Chair of this Committee. The working group to report back to this Committee on how much the exercise cost and with recommendations on how to proceed in the future.”

The motion was put to the vote and lost.

Councillor Boyle requested that, in accordance with Standing Order No. 43, his name be recorded as voting in favour of this motion.

The Chair stated that the proposals for changing the cleansing regime should have been discussed first by this Committee and that there should have been early discussions with the Union. She also stated that a full package of measures should have been introduced. She asked that Executive be requested to revisit the issue.



Scrutiny Committee - Community requested Executive to instruct Officers to re-examine options for the operation of Domestic Waste Collection and Recycling Collections with a view to securing additional savings and for a further report on the service to be submitted to Members.

(Report circulated)

**35 Review of Leisure and Museums Strategy**

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

Scrutiny Committee - Community noted the report.

(Report circulated)

**36 HRA Capital and Revenue and AIM Property Maintenance Out-Turn Report 2009/10**

The Head of Contracts and Direct Services submitted a report detailing the fourth quarterly/outturn report, covering the period from January to March 2010 (but including updated figures at 30 April 2010). It included the financial position of the £7.4 million programme of reactive and planned property maintenance and refurbishment at the end of 2009/10 and covered revenue funded housing and non-housing schemes as approved by Council for the financial year 2009/10 and budgets for schemes rolled forward from 2008/09. Where necessary, the report also provided specific details on significant programme variations.

In response to a Member, he confirmed that a scheme for gas central heating replacement at Rennes House remained programmed.

Scrutiny Committee - Community noted the outturn financial position and works in 2009/10, as detailed in the report.

(Report circulated)

**37 AIM Property Maintenance Proposed Programme 2010/11**

The Head of Contracts and Direct Services presented the report detailing the proposed programme of property asset related project work in relation to the budgets set in 2010/11 in respect of reactive and planned maintenance, improvement and refurbishment to housing and non-housing properties and other projects to be monitored by the Asset Improvement and Maintenance (AIM) group in 2010/11.

He responded to Members' queries in respect of kitchen replacements, the overall Adaptations budget and a scheme to deal with soil erosion at Clifton Hill.

Scrutiny Committee - Community noted the programme of property asset related work for 2010/11, as detailed in the report.

(Report circulated)

38 **Annual Results of Performance Monitoring 2009/10**

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

Scrutiny Committee - Community noted the report.

(Report circulated)

39 **Housing Revenue Account - Final Accounts 2009/10**

The Director Community and Environment advised Members of the overall financial performance of the Housing Revenue Account for the 2009/10 financial year ended 31 March 2010.

Scrutiny Committee - Community noted the report.

(Report circulated)

40 **Revenue Final Accounts - Community 2009/10**

The Director Community and Environment advised Members of the overall financial performance of the Community and Environment Directorate for the 2009/10 financial year ended 31 March 2010.

The Scrutiny Committee - Community noted the report.

(Report circulated)

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

Chair

## SCRUTINY COMMITTEE - COMMUNITY : (SPECIAL MEETING)

7 June 2010

### Present:

Councillor Dilys Baldwin (Chair)

Councillors Shiel, Branston, Mrs Danks, Hobden, Newcombe, R Smith, Payne and Wardle

Community Safety Officer and Member Services Officer (HB)

### Also present:

Councillor Newton - Portfolio Holder for Housing and Community Involvement

#### 41 **Declaration of Interests**

No declarations of interest were made by Members.

#### 42 **Community Safety Partnership - Presentation on Crime Figures**

The Chair welcomed Michael Miller, the Community Safety Partnership Co-ordinator.

At the Special Meeting of this Committee on 15 February 2010, Community Safety issues had been discussed and Members had requested a further presentation on the detailed breakdown of crime statistics to ensure that elected Members were confident that the statistics were an accurate reflection of crime and that key areas were being addressed.

As Superintendent John Vellacott of the Devon and Cornwall Constabulary was not present a detailed presentation on the statistics would not therefore be possible and neither would it be possible for him to appraise Members of the background to and implications of a letter sent by Shaun Sawyer, the Deputy Chief Constable to the Chief Executive on a request for the City Council to enter into a dialogue with the Police and other partners on issues relating to reducing police costs whilst, if possible, improving services. It was also not possible for responses to be given to a series of questions prepared by a Member who had also submitted his apologies for this meeting, the questions having been tabled for Member's information.

Michael Miller spoke on the statistics covering the period 1999/2000 to 2009/10, highlights having been set out in an accompanying paper on acquisitive crime, violent crime, criminal damage and all crime. With the introduction of Ethical Crime Recording there had been a significant increase in crime numbers from 2002/03 onwards and he explained some of the changes in recording techniques. The Devon and Cornwall Constabulary had received complimentary reports from the annual audits of the crime recording system made by the HMIC and had since made steady progress in reducing the crime figures since 2002/03. He responded to Members queries on the impact of CCTV, the background to the figures on drug offences and sexual offences and undertook to obtain further information on the composition of the figures on "other criminal offences".

The Chair requested that the reason for the non attendance of the representative of the Devon and Cornwall Constabulary be obtained and the Force invited to a further meeting on 5 July 2010 with a substitute representative to be held in reserve if the allocated officer would be unavailable to attend on the day.

Scrutiny Committee - Community agreed that a further meeting be held on 5 July 2010 to discuss the crime statistics further and to receive a briefing on the closer collaboration sought by the Force with partners on cost reductions and service improvements.

(The meeting commenced at 5.30 pm and closed at 6.15 pm)

Chair

## SCRUTINY COMMITTEE - ECONOMY

3 June 2010

### Present:

Councillor Margaret Baldwin (Chair)

Councillors Gale, P J Brock, Newcombe, Payne, Robson, Sheldon, Taghdissian, Wardle and Winterbottom

Interim Director Economy and Development, Head of Economy and Tourism, Acting Head of Estates Services, Head of Parking, Engineering and Business Support 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

### 23 **Minutes**

The minutes of the meeting held on 11 March 2010 were taken as read and signed by the Chair as correct.

### 24 **Declarations of Interest**

The following personal interests were declared:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillors Newcombe and Winterbottom Councillor Payne	25 (members of the Exeter Canal and Quay Trust) 28 (employee and member of Board of Governors of Exeter College)
Councillors Gale and Taghdissian, P J Brock and Newcombe Councillor Gale	29 (members of the Exeter Highways and Traffic Orders Committee) 29 (Chair of the Exeter Community Transport Association Board)

### 25 **Portfolio Holders Priorities for the Forthcoming Year**

Councillors Winterbottom and Newcombe declared a personal interest as members of the Exeter Canal and Quay Trust.

Councillor Wadham presented the following priorities within the Transport and Sustainable Development Portfolio for 2010/11, and covered the following topics:-

- Long Term Spatial Strategy;
- The Challenge of Delivering Strategic Sites;
- Quality of Residential Development;
- New Growth Point;
- Affordable Housing;
- Single Conversation;

- Climate Change;
- Bus Station Site;
- City Centre Enhancements;
- Long Term Transportation Strategy;
- Concessionary Travel
- Civil Parking Enforcement.

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

The following responses were given: -

- the Regional Spatial Strategy Housing recommendation was due to be debated at forthcoming meetings of the Planning Member Working Group and Executive.
- the Member suggestion for involving and encouraging local talent in some aspect of the design of the city centre enhancements and developments around the city would be investigated.

Councillor Mrs S R Brock presented the following priorities within the Economy and Tourism Portfolio for 2010/11, and covered the following topics:-

- Economic Development Strategy;
- Exeter & Heart of Devon Economic Development Partnership;
- Small Businesses;
- City Centre Promotion;
- Canal Basin;
- Science Park;
- Inward Investment;
- Skills and Workforce Development;
- Tourism
- Employment Land Provision.

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

The following responses were given: -

- The Head of Economy and Tourism confirmed that the recent transfer of the Northcott Theatre to a new company for the period until March 2011 was progressing. He outlined the administration process, stating that the question over the return of some or all, of the interest free loan to the City Council remained with the administrators and could not be a matter for the new company. The Council had in principle, committed its grant funding, with the bulk of the grant being subject to the preparation of an appropriate programme for the remainder of the year. He also provided an update on the management and staffing structure now in place.
- Councillor Mrs Brock referred to the challenges of monitoring the economy in the current financial climate. The City Council was working in co-operation with a range of partners to support the local economy and progress strategic employment sites such as the Science Park. It was difficult to respond to the Government's intention to rationalise public sector finances at this time, but every effort would be made to continue to work in partnership and keep job losses in both the private and public sector low.

- The Acting Head of Estates referred to the developments at the Canal Basin and the difficulties being experienced by the City Council's development partners in securing funding to bring forward their schemes. Cllr Newcombe provided an update on the Outdoor Education Centre advising that the County Council had agreed provisional terms with the Exeter and Canal and Quay Trust in respect of the proposed site.

Scrutiny Committee – Economy noted the comments and priorities presented.

## 26 **The Challenges of Delivering the Growth Agenda**

The Interim Director Economy and Development made a presentation which identified the challenges of delivering Exeter's Growth Agenda. Exeter will have difficulty in supporting such levels of growth and subsequent impact on demography unless there is an adequate public transport, education, social and transport infrastructure in place. The areas covered were:-

- scale of growth
- infrastructure demands
- cross boundary working
- uncertainty over the national/regional picture
- funding cuts for transport and affordable housing
- costs of delivering a low carbon solution for sustainable homes

The provision of sufficient number of dwellings presents significant challenges and not least the current policy for the delivery of 28,500 new dwellings by 2026, which the City Council's Executive will have to consider. It will also be necessary to determine the amount of housing growth appropriate to meet Exeter's housing and employment needs. The Government have already stated their intention to rapidly abolish regional spatial strategies and return decision-making powers for housing and planning to local authorities.

The presentation also identified the critical transport infrastructure needed to deliver the growth including the enhancement of Junction 29 of the M5 motorway. The immediate demands must be to ensure a funding access strategy for phases one and two of the East of Exeter developments including the Science Park, Sky Park and Cranbrook. Future growth is dependent on the Department for Transport and Regional Infrastructure funding and a decision on whether such projects will proceed is largely dependent on whether the funding will continue after the forthcoming Emergency Budget on 22 June. A number of alternative funding models were discussed.

The future direction and way forward included consideration of the following:-

- consideration of the core strategy and identify the total number of dwellings to be provided;
- develop an essential Infrastructure Plan;
- provide an alternative delivery plan for the Phase 2 Access Strategy;
- explore alternative funding mechanisms;
- scrutinise key public transport proposals to assess implications for delivering the Devon Metro, (the network of services radiating from Exeter to Paignton, Plymouth, Exmouth and Barnstaple), to look at providing additional train capacity on the existing and future infrastructure/ and High Quality Public Transport, which could provide a real alternative to private car use,

persuading more people to use public transport with new and faster bus routes across the city; and

- explore with energy providers the option for bringing forward energy distribution networks.

The Chair suggested that the Scrutiny Committee explore up to three of the topics identified above through Task and Finish Working Groups and they could explore the subject matter in more detail, inviting representatives from relevant individuals or bodies. The Interim Director suggested that the groups would need to consider the principles and detail of the future infrastructure, and draw on existing effective partnership work as well as source new and established contacts. It was suggested that up to four sessions would enable an understanding of the topics and to report back to Scrutiny Economy in the Spring 2011. Members would be contacted for a nomination from each Group. A Member agreed that there was also a need to have a discussion with the most relevant Highways and Traffic Orders Committees including Exeter, East Devon and Teignbridge District Councils. It was noted that a considerable amount of work was already being carried out by these Districts and the County Council.

Members supported the establishment of a Task and Finish Working Group to consider the Devon Metro concept.

## 27 **Economy Update**

The joint report of the Interim Director Economy and Development and Head of Economy and Tourism provided Members with an update on the performance of the national and the local Exeter economy.

A Member commented on the likely long term impact and mitigating measures relating to the change in VAT and a more pronounced downward trend towards large scale loss of business. The Head of Economy and Tourism stated that a number of indicators including the Chamber of Commerce indicate an improving trend.

Scrutiny Committee – Economy noted the report and would present a further report to the next meeting.

(Report circulated)

## 28 **Economic Development Service - Update**

Councillor Payne declared a personal interest as an employee and a member of the Board of Governors of Exeter College.

The Head of Economy and Tourism presented a report which provided Members with an overview of the Economic Development Service's activities during 2009/2010 and set out its priorities for 2010/11. The report provided a broad overview on the strategic focus of the long term strategy, together with the key areas of business support, partnership activity, and the opportunities and potential growth that lie to the east of the city.

The Service's key priorities for the year were summarised in paragraph 5.2. A briefing note on the progress of the proposal for the Business Improvement District (BID) for Exeter was circulated for information. A BID would enable both the public and private sector to make a number of improvements and offer added value to the



environment and community of the city centre. This initiative is business led, and their support will be needed to ensure that this is in place for spring 2011.

The Head of Economy and Tourism responded to a number of Member comments and outlined the detail of the Exeter Positive Steps funding, which had originally taken advantage of EU funding. The primary target of support is for individuals of all ages and for schemes in deprived neighbourhoods. The outcomes and participants are closely monitored with support for existing participants included in the current financial year. He would explore the suggestion of whether the City Council could offer some support for a science based bursary or similar long term educational offer, in conjunction with local business, to encourage an individual to develop a career in engineering and science. This could start from the primary years through to a locally based higher education course, culminating in assistance to find local employment. The Head of Economy and Tourism also responded to a comment referring to the difficulty of monitoring service performance due to the nature of the role and the lengthy time needed for projects to create employment opportunities, such as the Science Park.

Scrutiny Committee – Economy noted the report and the economic development activities for 2010/2011.

(Report circulated)

## 29 **Exeter Community Transport Association**

Councillors Gale, P Brock, Newcombe and Taghdissian declared a personal interest as members of the Exeter Highways and Traffic Orders Committee (HATOC). Councillor Gale also declared a personal interest as Chair of the Exeter Community Transport Association Board (ECTA).

The Projects and Business Manager presented a report which informed Members of the financial overrun experienced by Exeter Community Transport Association (ECTA) in respect of the budget for the Taxicard scheme for 2009/10. It is proposed that ECTA's funding will be brought within the Council's grant allocation process so that with effect from 2011, with funding agreed in principle for three year periods if the Grants Committee considered this appropriate. A Member made a plea that every effort be made to support the increasing costs faced by this very necessary service.

Scrutiny Committee – Economy noted the report, in particular the steps proposed by the Exeter Community Transport Association (ECTA) to deal with the budget shortfall for Taxicard, and the proposal to include ECTA in the core grants process from 2011.

(Report circulated)

## 30 **Capital Programme Monitoring**

The Interim Director Economy and Development presented a report which advised Members of the final position with regard to the 2009/10 capital programme for the Economy and Development Directorate. He responded to a number of comments including the maintenance of the Heavitree Arch and Network Rail's productive response to the ongoing Central Station Gateway enhancements which requires a more practical approach.

Scrutiny Committee – Economy noted the contents of the report.

(Report circulated)

**31 Economy Stewardship 2009/10 (Final Accounts)**

The Interim Director Economy and Development presented a report which advised Members of the overall financial performance of the Economy and Development Directorate for the 2009/10 financial year ending 31 March 2010. The final outturn highlighted the major difference by management unit from the approved annual budget and the main variations showed a final surplus of £389,927 after accounting for transfers to earmarked reserves.

He highlighted the current financial situation of a number of areas including Building Control and the Archaeological Field Unit, both of which continue to suffer from the downturn in the building industry. He referred to the action taken last year to address the deficit by adjusting staffing levels and every effort continues to be made to drive down costs, and be as competitive as possible. He also referred to changes in Planning Services following a marked reduction in staff. The service should be commended for the professional and competitive manner in which they operate, in what has been a very difficult 18 months.

Scrutiny Committee – Economy noted the contents of the report.

(Report circulated)

**32 Annual Results of Performance Monitoring 2009/10**

The Interim Director Economy and Development presented a report, which identified the annual figures for those statutory and local performance indicators that relate to services provided by the Economy and Development Directorate. The report included national indicators as well as locally set targets.

A Member commented on the withdrawal of parking for European coaches at the Bus Station and suggested this would have a detrimental effect on visitor numbers at attractions in the city. It was noted that this was part of a national policy change by Stagecoach. Despite local protest and lobbying through the Chamber of Commerce and local Hoteliers Association, Stagecoach has not changed their stance and a ban on all such coach parking on the Bus Station site remains. The Head of Economy and Tourism stated they would continue to lobby with the private sector and the County Council.

Scrutiny Committee – Economy noted the report.

(Report circulated)

**33 Review of Business**

The Interim Director Economy and Development sought Members' approval of the programme. Two additions included a further report on the economy to be made to the next meeting and a report from the Task and Finish group early next year.

Scrutiny Committee – Economy supported the programme for the year.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

## SCRUTINY COMMITTEE - RESOURCES

16 June 2010

### Present:

Councillor Coates (Chair)

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

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

### Also present:

Councillor Fullam – Leader, Portfolio Holder for Budget and Strategic Vision

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

### **32 Minutes**

The minutes of the meeting held on 24 March 2010 were taken as read and, subject to the following amendment to Min. No.15 - Questions from the Public under Standing Order No.19 by substituting the following "...with regards to the footpath and that there was a better route which would be cheaper and easier to construct. The proposed route has many drawbacks including the moral hazard of rewarding criminal behaviour" were signed by the Chair as correct.

### **33 Declarations of Interest**

Members made no declarations of interest.

### **34 Interim Audit Report**

Mr Morris from Grant Thornton, the Council's External Auditors, outlined to Members the changes affecting CAA and Use of Resources that had recently taken place with regards to new Government Guidance.

Ms Masci from Grant Thornton, the Council's External Auditors, presented the Council's Interim Audit Report. She informed Members of the findings and the recommendations for 2009/10.

Mr Morris informed Members that the Interim Audit report was completed before the Government had announced the abolition of the CAA and the suspension of work on the Use of Resources. However it should be noted that overall the Council had made sound achievement notwithstanding all the other issues it had been dealing with.

In response to Members' questions, Mr Morris stated that in light of the changes with regards to CAA and Use of Resources he could not say what effect there would be on future audit fees. This was a matter for the Government and the Audit Commission. The high level review of the general IT control environment involved password complexity, sign on processes and appropriate levels of access.

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

(Report circulated)

### 35 **Portfolio Holders to present the priorities for the forthcoming year**

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

#### **Strategy**

- The key role of the Council was to provide services to improve the quality of life for people in Exeter, to reduce inequalities and to facilitate the economic growth of the city
- The detail of how these objectives were being delivered was outlined in the other Portfolio Holders' reports to Scrutiny Committees. However the Council's long-term capacity to deliver on these objectives was dependant on strong control of its finances in these financially challenging times
- The Leader felt that it was his role to balance the Council's priorities and to ensure that benefits to Exeter citizens were sustainable and fairly accessed now and in the future.

#### **This Year so Far**

- Exeter residents continued to enjoy the fifth lowest level of District Council Tax, despite the relatively high percentage rise this year
- Exeter suffered a poor grant settlement of just 0.8% increase. This equated to £91k. This was the end of the three-year settlement
- Good Auditor reports continue to indicate sound financial performance
- Icelandic Banks investments continue to be uncertain
- Potential losses from Icelandic investments must now be accounted for; the government had rejected the Council's bid to captilise the losses. As a result, the Council would have to account for a potential loss of £694k.

#### **Increased revenue pressures**

- Concessionary Fares final net cost over three years was £3.7m. Funding was being transferred to Devon County Council, but care needed to ensure that core funding was not unfairly depleted to pay for this
- Investment income remained low, with low interest rates
- Car Park revenues were suppressed and Planning & Building Control Income low
- A further £1m of savings had been integrated into the 2010/11 budget on top of last years £2.5m of savings. This was again on target to be achieved.
- Tight management of vacancies and identifying opportunities for efficiencies.

#### **Budget**

- The overall budget under-spend was £768k
- Projected withdrawal from balances was £1,685k with the Budget being £2,500k

## **This year's outlook**

- Likelihood of relief from the funding of concessionary bus fares
- Major fiscal problems nationally being addressed by the Coalition Government
- Likelihood of frozen/reduced grant settlements
- Uncertainties on Unitary
- Threats of further income falls
- The Council would need to look at ways to generate income; pre-application fees had now been introduced
- Increased demand on services such as housing
- Disproportionate effect of public sector cuts
- Continued savings required to stabilise budget
- Sufficient reserves required to weather a "second phase" of recession
- Continued monitoring of performance against budget
- £600k-£1,400k of further savings required over following two years.

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

- Once the cuts in grant settlements were known, the Council would have a clearer picture of the challenges it faces. There may be a need to look at the discretionary services that the Council provided
- The Leader was not supportive of a freeze on council tax but Exeter would fare better than some other authorities as its council tax was low and collection rates very good.

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

### **Housing Benefits**

- The Benefits Service had produced a significant increase in assessing performance despite an increasing workload and this was acknowledged by the Audit Commission in its CAA Organisational Assessment
- The average time taken for assessing new claims had been reduced from 26 to 20 days and the average time taken to process changes of circumstances fell from 12 to 7 days; a remarkable achievement given the increase in claimants which rose from an overall caseload of around 9,500 to some 10,900
- The challenge was to maintain this performance in the coming year with a possible further rise in caseload and with 4 assessors on maternity leave out of a total establishment of 21
- Would be monitoring the position closely in the coming year but had every confidence in the staff's commitment to continue to provide a speedy and quality service.

### **Customer Contact**

- Numbers of customers visiting and telephoning the Customer Service Centre (CSC) continued to rise, particularly for Benefit enquiries, more services continued to be delivered from the Centre with Home Choice enquiries being the latest addition which had released a staffing and budget saving for the Council

- Customers accessing services via the CSC also have their transactions recorded on the Council's data systems which help the Council to plan and improve services in the future
- Keen to see more services delivered through the Centre where it could improve the customer experience and save resources
- It was important that customers had a choice of seeing or speaking directly to a member of staff if they wish to, not all customers were able to visit the Civic Centre or want to contact the Council only during normal office hours. For these customers, the Council was seeking to expand the range of automated services the Council delivered. This was also a cost effective way of dealing with service requests and queries so it was important that those that wish to access the Council via automated channels had the opportunity to do so
- The Council was currently investing in the technologies and infrastructure to enable more services to be accessed in this way including cleansing services, Choice Based Lettings and electoral registration.

## **ICT**

- IT underpins virtually all the services the Council provide and this would continue to be the case
- It was essential that the infrastructure that supported this was kept up-to-date and resilient as a failure in those systems would usually mean the suspension of a service. As the number and complexity of the Council's systems grow, so does the need for maintenance and development of those systems
- The Council would be reviewing how it would be delivering that resilience in the future so that the best use of all of its resources could be assured in the future.

## **Organisational Change**

- Although the driver for the major change to the way the Council operated may no longer be the creation of a unitary council, the financial challenges facing the Council over the coming years would still require it to dramatically overhaul the way it operated to reduce its costs
- Would need to ensure that the Council operated in a more streamlined and cost effective way to make every pound go as far as possible
- Human Resources and Treasury staff would have key roles to play in this process, at the same time as reviewing the way they work
- Required careful resourcing and planning to ensure that the appropriate advice and support to all service managers was available to help them respond to the difficult task they face
- Included consultation and engagement with staff and unions which would be critical to the success of the change programme
- The Council's staffing resource was critical to the successful delivery of its services; need to plan its future resource needs to ensure it had the right staff with the appropriate skills and abilities which would provide those high quality services in the future. A vital piece of work was underway to prepare a workforce plan and this would be brought to the Committee later this year.

In answer to Members' questions, Councillor Cole commented:-

- The workforce plan would give a detailed breakdown of the staff, qualifications, training undertaken and needs and how adaptable the workforce was
- Overpayment of housing benefit was mainly due to change in claimants circumstances; in some cases it could be difficult to trace residents

particularly when they move out of the area although a 90% recovery rate was high when compared to the performance of comparable councils.

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

## **PERFORMANCE MANAGEMENT**

### **36 AIM Property Maintenance Outturn Report 2009/10**

The joint report of the Head of Contracts and Direct Services, Head of Housing Services, Head of Treasury Services and Head of Estates was submitted. The fourth quarterly/outturn report covered the period from January to March 2010, including updated figures as at 30 April 2010.

The Scrutiny Committee – Resources noted the outturn financial position of the £7.4m programme of reactive and planned property maintenance and refurbishment for 2009/10, as detailed in the report.

(Report circulated)

### **37 Annual Results of Performance Monitoring 2009/10**

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

In response to a question in respect of comparisons of the Performance Indicators on page 27 of the report, the Head of Human Resources stated that the figures would be obtained and circulated to Committee Members.

The Scrutiny Committee - Resources noted the report.

(Report circulated)

## **MATTERS FOR CONSIDERATION BY THE EXECUTIVE**

### **38 Capital Monitoring 2009/10 and Revised Capital Programme for 2010/11 and Future Years**

The Head of Treasury Services presented a report which advised Members of the overall financial performance of the Council for the 2009/10 financial year, in respect of the annual capital programme and to seek approval of the 2010/11 revised capital programme, including commitments carried forward from 2009/10.

Members were informed that the Capital expenditure in the year amounted to £16,589,717, a reduction of £9,023,453 on the planned figure of £25,613,170. The actual expenditure during 2009/10 represented 64.8% of the total approved for the revised Capital Programme, which meant £9.044 million would need to be carried forward to be spent in future years. Two capital projects where spend had been significantly less than anticipated were RAMM Redevelopment (£3.936 million) and Social housing Grants (£1.231 million), and these alone account for 57% of the shortfall.

The Head of Treasury Services stated that the revised Capital Programme for 2010/11, after taking into account the carried forward requirements from 2009/10, as well as additional approvals and other changes, now totalled £29,954,060.

A Member raised concerns regarding Higher Cemetery and the works being undertaken to the cemetery paths and the fencing off of an unsightly corner. This had caused some issues with local residents as they did not know about the works until they had started. He felt that Ward Members should be fully aware of work being undertaken in order that they could help resolve any issues before they occur.

In response to Members' questions, the Head of Treasury Services confirmed that the formal opening for RAMM was planned for December 2011. There would be a report to Executive with regards to the Home Recycling Scheme and the disabled adaptations included both public and private homes, a break down of these figures would be circulated to Members.

A Member expressed appreciation that funds were made available for the conversion of a 3 bed to a 4 bed house for a family in his ward.

The Scrutiny Committee - Resources noted the overall financial position for the 2009/10 annual capital programme and recommended that Council approve the amendments to the Council's annual capital programme for 2010/11.

(Report circulated)

### 39 **Overview of Revenue Budget 2009/10**

The Head of Treasury Services presented a report on the overall final financial performance of the HRA & General Fund Revenue Budget for the 2009/10 financial year ended 31 March 2010.

The final accounts showed an overall reduction in the HRA working balance from £2,858,265 to £2,681,729 a decrease of £176,536 as compared with the planned reduction of £682,100. At 31 March 2009 the General Fund working balance was £5,583,113 and a deduction of £1,685,358 had been made at 31 March 2010 leaving the current balance at £3,897,755. The council tax in-year collection rate had slightly increased in comparison with the previous year. The collection rate for 2009/10 was 97.6% compared with 97.4% in 2008/09.

Members were informed that the outstanding debt at 31 March 2009 was £4.061m, by 31 October 2009 it stood at £3.001m, at 31 December 2009 it was £3.571m and at 31 March 2010 it was £3.616m. An aged debt analysis showed that of the £3.616m debt, £1.522m was less than 30 days old. Debt over 30 days old had decreased over the quarter from £2.410m to £2.095m.

In response to Members' questions, the Head of Treasury Services stated that the Parks and Open Spaces budget was overspent due the reactive repairs budget and this would be highlighted for future years budgets; some of the debt over 5 years dated back to 1993/94 and debts that were recovered through a attachment of earnings could take many years to claim back. The budget for the Archaeological Filed Unit was being closely monitored and they had recently been successful in securing additional two contracts.

The Scrutiny Committee - Resources noted the report and requested that Council note the overview of the Resources Budget 2009/10 and approve the following:-

- (1) the net transfer of £57,486 from Earmarked Reserves as detailed in paragraph 3.13 of the circulated report;



- (2) the Supplementary budgets totalling £152,160 as detailed in paragraph 3.9 of the circulated report;
- (3) the Earmarked Reserves at 31 March 2010;
- (4) the Council Tax account and collection rate;
- (5) the outstanding sundry debt and aged debt analysis;
- (5) the Creditor Payments performance;
- (6) having regard to the General Fund working balance at 31 March 2010 of £3,897,755, the overall financial position of the Council as set out in paragraph 3.8 of the circulated report: and
- (7) the Housing Revenue Account working balance at 31 March 2010 of £2,681,729.

(Report circulated)

#### 40 **Treasury Management 2009/10**

The Head of Treasury Services presented a report on the overall performance for the 2009/10 financial year and the position regarding investments and borrowings at 31 March 2010.

Members were informed that the actual net interest paid was £212,897 against an estimate of £300,000 which was a variation of £87,103. The overall rate of return for the Investment Fund was 1.18% during 2009/10. This performance represented a 0.75% increase over the 7-day benchmark of 0.43%. As interest rates remained very low, the Council would continue to use short term borrowing to manage its cashflow. Current rates for borrowing were between 0.30 and 0.60% for 2-6 months.

The Head of Treasury Services updated Members on the Icelandic bank position and stated that it could take up to 8 years to realise the investment from Landsbanki.

The Head of Treasury Services stated that investments were only placed with companies that meet the credit rating criteria stipulated in the Council's investment policy.

The Scrutiny Committee – Resources noted the Treasury Management report for the 2009/10 financial year and recommended approval by Council.

(Report circulated)

#### 41 **Annual Governance Statement**

The Head of Treasury Services presented a report which set out the proposed Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2009/10. This Statement also incorporated the Council's Code of Corporate Governance which was published on the Council's website.

The Scrutiny Committee – Resources

- (1) supported the Annual Governance Statement; and

- (2) recommended that Council note and approve the Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2009/10.

(Report circulated)

**42 Delivering Value For Money**

The Head of Treasury of Services presented a report which provided an overview on the Council's performance in trying to achieve value for money cash efficiency savings for the previous financial year.

Members were informed that £624,400 had been identified as value for money gains in 2009/10, this equated to value for money gains of £17 per Band D dwelling.

The Scrutiny Committee - Resources noted the report and requested the endorsement by Executive of the savings identified in the draft 2009/10 schedule as part of the Council's overall submission for National Indicator 179.

(Report circulated)

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

**43 Revenue Final Accounts 2009/10**

The Head of Treasury Services presented a report to advise Members of the overall financial performance of Resources Committee revenue accounts for the financial year ended 31 March 2010.

In response to Members' questions, the Head of Treasury Services stated that the budget provision for the cost of Local Government Review was shown as a underspend, although until a final decision had been made on Local Government Review, his advice would be not to re-allocate this budget.

The Director Corporate Services informed Members of a charge that the Post Office was introducing to businesses to ensure delivery of post before 9:00am. He stated that where possible, mail was sent second class or by electronic means although there were services within the Council that required the dispatch of information via first class post.

The Scrutiny Committee- Resources noted the report.

(Report circulated)

**44 Workforce Profile Report 2009/10**

The Head of Human Resources presented the report which updated the Committee with a comprehensive workforce profile for the Council between April 2009 and March 2010.

Members discussed the sickness figures and, in particular, the absence due to stress and questioned if these figures could be broken down into work-related stress and stress relating to an employee personal life.

The Director Corporate Services stated that if the sickness related to a work issue, then steps were taken to address that issue and would be discussed at the return to work interview with the manager. Most of the absence due to stress was certificated by GPs. Although the figures reported in the Express and Echo had significantly misrepresented sickness levels, the Council was working with the union to address sickness issues and reduce absence.

A Member stated that it would only need a small number of employees to be on long term sick to push the figures up.

In response to a Member, the Head of Human Resources stated that employees did not need a certificate unless they were off for more than seven days and she would look into assessing what percentage of stress was self certificated.

The Scrutiny Committee - Resources noted the contents of the report which will also be shared with the Employee Liaison Forum (ELF) and supported the proposed actions as outlined in the circulated report.

(Report circulated)

**45 Annual Learning and Development Report 2009/10**

The Head of Human Resources presented the report summarising the Member and employee learning and development activities undertaken during 2009/10.

The Chair commented that average attendance of Councillors at each briefing was only 10.

The Scrutiny Committee - Resources noted the training and development activities undertaken throughout the year and the proposals for the future development of this part of the HR service.

(Report circulated)

**46 Members Allowances Paid 2009/10**

The Assistant Chief Executive presented the report setting out the allowances and expenses paid to Elected Members and Co-opted Members in the financial year 2009/10.

It was noted that the allowances shown were generated by the council's payroll system and therefore did not include Members who did not claim their allowance. This would be altered for future reports to include all Councillors. It was noted that Councillor Prowse had not claimed an allowance.

The Scrutiny Committee - Resources noted the allowances paid to Members in 2009/10.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 7.45 pm

Chair

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# Agenda Item 12

## FINAL ACCOUNTS COMMITTEE

Tuesday 29 June 2010

### Present:-

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

### Also Present:-

Chief Executive, Director Corporate Services, Head of Financial Services, Corporate Finance Manager, Member Services Officer (HB)

### 1 MINUTES

The minutes of the meeting held on 23 September 2009 were taken as read and signed by the Chair as correct.

### 2 DECLARATION OF INTEREST

No declarations of interest were made.

### 3 STATEMENT OF ACCOUNTS: 2009/10

The Head of Treasury Services presented the report seeking adoption and approval of the Council's financial statements for 2009/10.

#### **RESOLVED** that:-

- (1) the use of capital finance, as set out in the report, be approved; and
- (2) the Statement of Accounts for 2009/10 be approved.

(Report circulated)

### 4 INTERNATIONAL FINANCIAL REPORTING STANDARDS

The Corporate Finance Manager updated Members on work being undertaken in preparation for the transition to International Financial Reporting Standards (IFRS) reporting for local authorities. He advised that a new system had been put in place and outlined the changes made to the balance sheet. The Audit Commission had confirmed that the Council was in advance of a number of local authorities in its preparation and on schedule to meet the deadline.

**RESOLVED** that the report be noted.

(The meeting commenced at 4.00 pm and closed at 4.25 pm)

Chair



## EXECUTIVE

Tuesday 15 June 2010

### Present:-

Councillor Fullam (Chair)

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

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

56

### MINUTES

The minutes of the meetings of the Executive held on 23 March and 13 April 2010 were taken as read and signed by the Chair as a correct record.

57

### DECLARATIONS OF INTEREST

A Member declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
S Brock	58 and 59 (owner of business subject to inspection)

58

### FOOD LAW ENFORCEMENT PLAN 2010/11

The report of the Head of Environmental Health Services was submitted informing Members of the Council's performance against the previous year's Food Law Enforcement Plan. The report also sought approval for the adoption of the Food Law Enforcement Plan 2010/11, which sets out the Council's regulatory function in respect of food safety over the forthcoming year.

Councillor S Brock declared a personal interest in this item as the owner of a business subject to inspection.

Scrutiny Committee – Community considered the report at its meeting on 1 June 2010 and the support of Members was noted.

**RECOMMENDED** that Council:-

- (1) approve the Food Law Enforcement Plan 2010/11, which includes the revised Food Safety Enforcement Policy; and
- (2) authorise the Head of Environmental Health Services to change the Enforcement Plan in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

**HEALTH AND SAFETY SERVICE PLAN 2010/11**

The report of the Head of Environmental Health Services was submitted seeking approval to the Health and Safety Service Plan for 2010/11 which sets out the Council's functions for regulating health and safety in businesses for the forthcoming year, and includes a revised health and safety enforcement policy.

Councillor S Brock declared a personal interest in this item as the owner of a business subject to inspection.

Scrutiny Committee – Community considered the report at its meeting on 1 June 2010 and the support of Members was noted.

Whilst health and safety regulations were perceived by some as bureaucratic, Members acknowledged their great importance in protecting the welfare of individuals. The Director Community and Environment confirmed that a common sense approach to their application was adopted wherever appropriate.

**RECOMMENDED** that Council:-

- (1) approve the Health and Safety Service Plan 2010/11, which includes the Health and Safety Enforcement Policy; and
- (2) authorise the Head of Environmental Health Services to make changes to the Service Plan in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

**HOUSING VALUE FOR MONEY STRATEGY**

The report of the Head of Housing Services was submitted seeking approval to the new Housing Value for Money Strategy.

Scrutiny Committee – Community considered the report at its meeting on 1 June 2010 and the comments and support of Members were noted.

Members supported the initiatives and actions proposed in the strategy to provide a more structured, comprehensive and transparent approach but emphasised that the delivery of quality, value for money services was the Council's overriding aim.

**RESOLVED** that the new Housing Value for Money Strategy be adopted and an annual update on progress be made to the Scrutiny Committee - Community.

(Report circulated)

**PRIVATE SECTOR HOUSING POLICY: FINANCIAL ASSISTANCE**

The report of the Head of Environmental Health Services was submitted informing members of the financial assistance awarded to private sector households in 2009-10 and proposing changes to the types and levels of financial assistance that will be available in 2010-11.



The Director Community and Environment reported that the financial assistance packages formed one of the policy tools available to improve housing conditions in the private sector housing stock in Exeter. The 39,600 private sector dwellings comprised owner-occupied and privately rented properties, of which 7% were estimated to be Houses in Multiple Occupation. A member expressed concern that financial assistance packages might encourage speculative and irresponsible landlords to purchase property, resulting in a loss of family accommodation. Whilst acknowledging this concern, the Chair commented that a significant private rented sector was a desirable option for an urban area and that enforcement measures were in place to encourage landlords to keep their properties in an acceptable state of repair.

Members welcomed the low interest Home Improvement Loans which had replaced renovation grants as the scheme enabled the re-circulation of money for the improvement of properties. In response to questions regarding Disabled Facilities Grants, the Director Community and Environment responded that these were mandatory and subject to specified timescales for approval. It would be necessary to monitor the allocation closely and if necessary re-allocate funding from another scheme or review the prioritisation criteria.

Scrutiny Committee – Community considered the report at its meeting on 1 June 2010 and the comments and support of Members were noted.

**RESOLVED** that:-

- (1) the adoption of changes to the Private Sector Housing Renewal Policy in respect of financial assistance packages outlined in this report be approved;
- (2) the close monitoring of the expenditure of the single pot allocation be approved with the proposed financial allocation to each of the schemes proposed or further schemes to be developed to be subject to approval by the Portfolio Holder for Housing & Community Involvement and the Head of Environmental Health Services;
- (3) the annual review, or sooner if needs be, of the policy be approved in order to ensure that it properly addresses local needs and/or government policy.

(Report circulated)

62

### **PROPOSED INTRODUCTION OF CHARGES FOR PRE-APPLICATION ADVICE**

The report of the Head of Planning and Building Control was submitted seeking agreement to the introduction of charges for dealing with pre-application planning enquiries. The Interim Director Economy and Development reported that many authorities nationally, including a number in the south west region, had introduced charging although there was considerable variation in their individual schemes. The outcome of research by the Planning Advisory Service had been considered in recommending the proposed scheme.

In response to Members' queries, the Interim Director explained the Government's definition of "major" developments as those involving ten or more residential units or 1000 square metres or more of accommodation or the change of use of an equivalent size building. The proposed charge related to the provision of pre-application advice by officers and there would be no fee in respect of initial approaches to the Chief Executive or other senior officer for broad, high level discussion on the principles of potential developments.

Members welcomed the potential for income generation but questioned whether the measure would discourage developers or make Exeter less attractive as a possible area for development. The Interim Director responded that, in the context of the price of land and potential profits from development, the suggested fee was a relatively small amount of money and unlikely to deter developers. Nevertheless the impact of the scheme would be kept under review and any proposals to amend or extend it would be brought back to members.

In response to a question regarding the legal status of advice, he responded that advice would be provided in good faith but it would obviously not bind the Planning Committee to a specific outcome or guarantee planning permission.

Members welcomed the introduction of the scheme and the potential for it to filter out poorly conceived development proposals and improve the quality of submissions.

**RESOLVED** that:-

- (1) the charging regime for pre-application enquiries for major development be approved; and
- (2) the impact of the proposals and the scale of charges be reviewed on an annual basis and the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Transport and Development, report to Planning Member Working Group and Executive any proposals to amend or extend the charging regime.

(Report circulated)

63

### **NEW CONSERVATION AREA AT ROSEBARN PARK**

The report of the Head of Planning and Building Control was submitted considering designation of a new conservation area at Rosebarn Park.

Members acknowledged the distinctive character of Rosebarn Park and supported the draft appraisal as a basis for public consultation.

**RESOLVED** that the draft appraisal in respect of a new conservation area at Rosebarn Park be agreed as a basis for public consultation.

(Report circulated)

64

### **DRAFT SUPPLEMENTARY PLANNING DOCUMENT - RESIDENTIAL DESIGN**

The report of the Head of Planning and Building Control was submitted seeking approval to the draft Residential Design Supplementary Planning Document (SPD) to be published for public consultation. The SPD identified the City Council's requirements in relation to residential development and would form the basis for the determination of planning applications.

The Interim Director Economy and Development introduced the document which represented a comprehensive and valuable piece of work to sit alongside the Core Strategy.

It aimed to achieve high quality, sustainable housing developments whilst achieving densities which represented efficient use of land and contributed positively to urban renewal. He outlined the ten objectives which must be met to achieve this aim and identified a number of specific design flaws which resulted in poor quality housing development.

Members acknowledged that planning decisions made in previous decades which sought to maximise land use, had sometimes resulted in characterless housing developments with inadequate amenities which made no significant contribution to the urban environment. They acknowledged the importance of practical considerations such as adequate room sizes, parking facilities and bin storage provision in designing developments. They welcomed the excellent and comprehensive document which they hoped would be used to provide a framework for future residential planning decisions and to support the Council's case at planning appeals.

The Chair congratulated officers on their excellent work in producing the document and requested the Director to convey the positive comments of Executive.

**RESOLVED** that the draft Residential Design Supplementary Planning Document is approved for public consultation.

(Report circulated)

65

#### **CORPORATE PLAN: PLANNING FOR OUR FUTURE (2010/11 UPDATE)**

The report of the Strategic Management Team was submitted seeking approval to the Council's Corporate Plan: Planning for our Future (2010/11 Update).

The Chief Executive presented the fourth annual update of the Corporate Plan which set out the key priorities for the coming year and highlighted some of the improvements made in the last year for the benefit of residents, businesses and visitors. He identified the uncertainties and challenges facing the Council in the forthcoming year.

Members welcomed the clear statement of the Council's corporate values, objectives and targets and acknowledged the changing context within which the Plan would operate.

**RECOMMENDED** that Council endorse the draft Corporate Plan 2007-2010: Planning for our Future (2010/11 Update) and agree that any necessary drafting amendments before publication be delegated to the Chief Executive, in consultation with the Leader of the Council.

(Report circulated)

66

#### **THE DUTY TO RESPOND TO PETITIONS**

The report of the Assistant Chief Executive was submitted informing members of the Council's duty to respond to petitions and seeking approval to a proposed scheme.

The Local Democracy, Economic Development and Construction Act 2009 introduced the duty to respond to petitions and the proposed scheme had been written in accordance with the key principles and requirements set out in statutory guidance.

Members supported the aim of reinvigorating local democracy and encouraging public involvement but queried the impact of the introduction of thresholds relating to the number of signatures. The Assistant Chief Executive responded that the proposed scheme did not seek to diminish the public's existing rights but to clarify the procedure and ensure that all petitions were given due consideration. The number of signatories proposed in the scheme to trigger specific actions had been set in consultation with Group Leaders.

**RECOMMENDED** that:-

- (1) Council adopt the proposed scheme in respect of the duty to respond to petitions as set out in the Local Democracy, Economic Development and Construction Act 2009;
- (2) the Assistant Chief Executive be given delegated authority to finalise the Petitions Scheme following adoption by Council and to amend the Constitution accordingly; and
- (3) the operation of the Petitions Scheme be reviewed by Executive one year after implementation.

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

(Report circulated)

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

A schedule of appointments to outside bodies was circulated.

**RESOLVED** that the appointments to outside bodies be deferred pending further discussion with the Group Leaders.

(Report circulated)

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

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 13 July 2010.**

## EXECUTIVE

Tuesday 29 June 2010

### Present:-

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

Chief Executive, Director Community and Environment, Director Corporate Services, Interim Director Economy and Development, Head of Human Resources, Head of Treasury Services, Head of Environmental Health Services, Head of Housing Services and Member Services Manager

### 68 DECLARATIONS OF INTEREST

No declarations of interest were made.

### 69 CAPITAL MONITORING 2009/10 AND REVISED CAPITAL PROGRAMME FOR 2010/11 AND FUTURE YEARS

The report of the Head of Treasury Services was submitted, informing Members of the overall financial performance of the Council for the 2009-10 financial year, in respect of the annual capital programme, and seeking approval of the 2010-11 revised capital programme.

The report was considered by the Scrutiny Committee – Resources at their meeting on 16 June 2010 and the comments and support of members were noted.

Executive noted the main variances and achievements in relation to the programme.

**RECOMMENDED** to Council that:-

- (1) the overall financial position for the 2009-10 annual capital programme be noted; and
- (2) the amendments to the Council's annual capital programme for 2010-11 be approved by Council.

(Report circulated)

### 70 OVERVIEW OF REVENUE BUDGET 2009/10

The report of the Head of Treasury Services was submitted, informing Members of the overall final financial performance of the Housing Revenue Account (HRA) and General Fund Revenue Budget for the 2009/10 financial year ended 31 March 2010.

The Head of Treasury Services reported an overall reduction in the HRA working balance in anticipation of changes to the HRA subsidy system. He identified the adjustments and main Service Committee variations for the financial year in respect of the General Fund and reported on the position in relation to Council Tax and Outstanding Sundry Debt and Creditors' Payment performance.

The report was considered by the Scrutiny Committee – Resources at their meeting on 16 June 2010 and the comments and support of members were noted.

In response to a question regarding sub-letting of Council properties, the Head of Housing Services reported that this was an extremely rare occurrence in the City and a recent investigation had not uncovered any cases.

The Chair congratulated officers on the successful performance in the context of a very challenging budget. Whilst it had been necessary to use £1.6 million of balances, members were pleased to note that the current General Fund working balance remained well in excess of the £2 million minimum requirement approved by Executive in February 2010.

**RECOMMENDED** that the report be noted and that Council approves:-

- (1) the net transfer of £57,486 from Earmarked Reserves as detailed in paragraph 3.13 of the report;
- (2) supplementary budgets totalling £152,160 as detailed in paragraph 3.9 of the report;
- (3) the Earmarked Reserves at 31 March 2010;
- (4) the Council Tax account and collection rate;
- (5) the outstanding sundry debt and aged debt analysis;
- (6) the Creditor Payments performance;
- (7) having regard to the General Fund working balance at 31 March 2010 of £3,897,755, the overall financial position of the Council as set out in paragraph 3.8 of the report; and
- (8) the Housing Revenue Account working balance at 31 March 2010 of £2,681,729.

(Report circulated)

71

### **TREASURY MANAGEMENT 2009/10**

The report of the Head of Treasury Services was submitted, reporting the overall performance for the 2009-10 financial year and the position regarding investments and borrowings at 31 March 2010.

The Head of Treasury Services reported that the overall rate of return for the Investment Fund of 1.18% reflected market conditions but conversely the Council had benefited from low interest rates in relation to short-term borrowing.

The report was considered by the Scrutiny Committee – Resources at their meeting on 16 June 2010 and the support of members was noted.

Executive acknowledged the impact of low investment returns on an already challenging budget.

**RECOMMENDED** that Council note the Treasury Management report for 2009/10.

(Report circulated)

72

### **ANNUAL GOVERNANCE STATEMENT**

The report of the Head of Treasury Services was submitted, setting out the proposed Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2009/10. The Statement also incorporated the Council's Code of Corporate Governance.

The Head of Treasury Services highlighted a number of key issues identified in the Governance Statement. In response to a query, he undertook to circulate to members more detailed information on the Learning and Development budget.

The report was considered by the Scrutiny Committee – Resources at their meeting on 16 June 2010 and the support of members was noted.

**RECOMMENDED** that Council supports the Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2009/10.

(Report circulated)

73

### **DELIVERING VALUE FOR MONEY**

The report of the Head of Treasury Services was submitted, reporting on the Council's performance in trying to achieve value for money cash efficiency savings for the previous (2009/10) financial year.

The report was considered by the Scrutiny Committee – Resources at their meeting on 16 June 2010 and the support of members was noted.

Members acknowledged the difficulty of continuing to deliver year-on-year savings in respect of an already tight budget.

**RESOLVED** that the contents of the report are noted and the identified savings in the draft 2009/10 schedule are approved as part of the Council's overall submission in respect of National Indicator 179.

(Report circulated)

74

### **REFORM OF THE HOUSING REVENUE ACCOUNT SUBSIDY SYSTEM**

The report of the Head of Housing Services was submitted, informing Members of the Government consultation paper entitled *Council Housing – A real Future* setting out proposals for the reform of the Housing Revenue Account (HRA) finance system and recommending a formal response from the Council.

The Head of Housing Services reported on the Government's proposals to dismantle the current HRA subsidy system and to replace it with a devolved self-financing system. The consultation paper had been the subject of a member briefing in October 2009 prior to the Council's formal response to the Government. He reminded members of the inequity and unpredictability of the current subsidy system which had prevented the Council undertaking improvement works to Council properties in accordance with the "Exeter standard".

He reported that under the new self-financing system the Council would be able to keep 100% of the rent collected from tenants locally. In return Exeter would be requested to accept a share of the national housing debt which was projected to be in the region of £56 million, rather than the £59 million stated in the report.

The Chair welcomed the proposed reform of the Housing Revenue Account system but regretted that Exeter would bear a disproportionate burden of the national housing debt. Members welcomed the proposals and endorsed the draft response circulated by the Head of Housing Services. They looked forward to Exeter being able to enjoy greater freedom and certainty in respect of future spending on Council properties. They thanked the Portfolio Holder Housing and Community Involvement, the Head of Housing Services and staff for contributing to the review.

**RESOLVED** that:-

- (1) the Government's proposals for reform of the Council Housing Finance system be noted; and
- (2) the draft response to the consultation paper circulated be approved.

(Report circulated)

75

**LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY SUBMISSION**  
**DRAFT**

The report of the Interim Director Economy and Development was submitted, considering the content of Exeter City Council's Core Strategy and its publication for pre-submission representations.

The Interim Director presented the Core Strategy which had been the subject of consultation at various formal stages in 2005 and 2006. Further consultation had been carried out in October/November 2009 in relation to the implications of the proposed number of houses to be built in Exeter, including the strategic allocations at Monkerton/Hill Barton, Newcourt and South of Alphington.

Whilst the present Government had stated its intention to abolish Regional Spatial Strategies, it remained necessary for the Council to identify a five year supply of housing land in order to resist inappropriate development proposals. It was recommended that the Core Strategy should go forward on the basis of the 12,000 dwelling target, which members had felt would deliver local needs, rather than 15,000 recommended by the Proposed Changes RSS. The Interim Director highlighted a number of other specific issues identified in the Core Strategy including density, the policy relating to Gypsies and Travellers, sustainable development and employment.

A Member expressed concern regarding the impact of higher density on the quality of dwellings, for example in relation to room sizes and outside space. Whilst acknowledging these concerns, the Interim Director considered that the draft Supplementary Planning Document on Residential Design agreed by Executive at their previous meeting went a considerable way in addressing this issue by identifying the quality of development which would be regarded as acceptable. High density did not preclude high quality development as was evidenced by a number of schemes throughout the country.



The Chair congratulated the Interim Director and the former Director Economy and Development, the Head of Planning and Building Control and officers on the production of the comprehensive Core Strategy document. He endorsed the great importance of continuing to provide an adequate supply of high quality housing.

**RESOLVED** that the publication of the Core Strategy for Pre Submission Representations be approved and authority to make minor amendments be delegated to the Head of Planning and Building Control in consultation with the Portfolio Holder.

(Report circulated)

76

### **FREEDOM OF THE CITY: THE COLDSTREAM GUARDS**

The report of the Head of Corporate Customer Services was submitted seeking approval to grant Freedom of the City to the Coldstream Regiment of Foot Guards.

Councillor Winterbottom attended the meeting and spoke on this item in accordance with Standing Order 44. He reported on the success of the Armed Forces Day and the honour which would be bestowed on both the Regiment and the City by granting the Freedom of the City to the Coldstream Guards.

Executive members supported the proposal with enthusiasm, in acknowledgement of the high esteem in which the Regiment is held and their valued and historic links with the City.

**RECOMMENDED** that, in accordance with Section 249 of the Local Government Act 1972, an Extraordinary meeting of the Council be arranged, immediately prior to the Ordinary meeting of the Council on 12 October 2010, to grant Freedom of Entry to the City to the Coldstream Regiment of Foot Guards.

(Report circulated)

77

### **REPRESENTATION AT COURT**

**RESOLVED** that, in accordance with Section 223 of the Local Government Act 1972, Michelle Johnson, Legal Executive (Litigation), be authorised to represent the Council at the County and Magistrates Courts.

78

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

A schedule of appointments to outside bodies was circulated.

**RESOLVED** that the appointments identified on the attached schedule be approved, and **RECOMMENDED** that the outstanding appointments indicated be agreed by Council.

(Report circulated)

79

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

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

## **WASTE COLLECTION REVIEW: IMPLEMENTATION**

The report of the Head of Environmental Health Services was submitted, informing the Executive of the progress made in respect of the implementation of actions identified by the recent review of waste collection services, and seeking Executive's views on the best course of action following a request by Scrutiny Committee – Community for waste collection options to be reconsidered.

The Head of Environmental Health Services introduced the report updating members on the progress of the proposed efficiency savings. Members had previously been informed that changing to a 4 day week was subject to future negotiations with trades union and staff, as it would significantly vary their terms and conditions. Staff had also stated that they wished to consider the proposal in the light of the proposed re-modelled collection rounds. It was disappointing that despite initial soundings from staff having indicated that a 4-day week was favoured, an indicative ballot carried out in April 2010 had subsequently suggested a change in opinion with a large majority of staff now rejecting the proposal. Nevertheless the Head of Environmental Health Services emphasised that the major efficiency savings would derive from moving approximately 14,000 households from a weekly to an alternate weekly collection, coupled with the remodelling of the rounds into zones. He also referred to the environmental advantages to be achieved from a zone-based system by rationalising the journeys and reducing fuel consumption. The alternate week collection also substantially increased the amount of waste separated for recycling by householders.

Councillor D Baldwin attended the meeting and spoke on this item under Standing Order 44. She referred to the views of Scrutiny Committee – Community which had expressed concerns at the length of time the recalculation of the rounds had taken and the associated costs and had requested Executive to revisit the issue. She expressed particular concern about the reduction in the education budget which she felt may be a false economy and the lack of a fallback position if the proposals were not accepted.

The Chair responded that the Administration regretted the need to make efficiency savings but emphasised the requirement to deliver a very challenging budget which had been successfully achieved in the previous year. A 4-day week remained a longer-term aspiration of the Council and he requested that discussions on the issue remain open.

The Head of Environmental Health Services reported that the change of view may have been influenced by the effect of the closure of the Exeter Waste Transfer Station and the changing requirements to deliver waste to Heathfield and later Greendale Barton together with some concerns regarding the arduous nature of longer rounds. He added that the re-modelled rounds would allow for better mitigation of the disruption currently caused by Bank Holidays Mondays.

Members were disappointed by the objections of staff to move to a 4-day week but were keen nevertheless to progress the re-modelling of the rounds which would deliver the most significant savings. Whilst acknowledging the concerns of staff regarding the impact of a 4-day week, the Portfolio Holder Business Transformation and Human Resources emphasised that it should remain an aspiration of the Council both in terms of additional savings and reducing the disruption which arose around Bank Holiday Mondays. The objective of the Council was to deliver efficient value-for-money services; the need to achieve significant savings was regrettable but essential. Members valued the goodwill of staff and had no wish to jeopardise

positive working relationships or damage the good reputation of the workforce. Nevertheless they hoped that discussions on the 4-day week would not be completely abandoned.

Councillor Cole, seconded by Councillor Newton, proposed that the re-modelling of the rounds be implemented as planned and that whilst the 4-day week should not be imposed on the same timescale, negotiations be re-opened. This was put to the vote and agreed.

**RESOLVED** that:-

- (1) the introduction of the re-modelled waste collection rounds based on a 5-day week be progressed with an implementation date of September 2010; and
- (2) the 4-day week is not imposed at the present time, but remains a longer-term aspiration of the Council and negotiations be re-opened in due course.

In accordance with Standing Order 43, Councillor Mrs Henson requested that her name be recorded as having abstained from the vote.

(Report circulated to Members)

81

### **CHIEF EXECUTIVE - WORKING ARRANGEMENT**

The report of the Director Corporate Services was submitted seeking approval to an adjustment in the working arrangements of the Chief Executive. The Chair agreed to accept the item as a matter of urgency in view of the timescale to implement the proposal.

The Chair and members recorded their appreciation to the Chief Executive for his commitment to the Council and commended the benefits of the arrangement, including the savings to the Council.

**RESOLVED** that:-

- (1) the proposal to adjust the working arrangements of the Chief Executive to a four-day week basis with effect from 1 October 2010, on the basis of the terms set out in the report, be agreed; and
- (2) the Chief Executive and the Head of Human Resources be authorised to pursue all necessary procedures for giving effect to this arrangement.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.15 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 13 July 2010.**

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**EXETER CITY COUNCIL**

**EXECUTIVE  
29 JUNE 2010**

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

Appointments sought and/or nominations received from group leaders are emboldened.

<b><u>BODY AND TERM OF OFFICE</u></b>	<b><u>CURRENT REPRESENTATIVES AND EXPIRY OF APPOINTMENTS</u></b>	<b><u>NUMBER OF MEETINGS PER ANNUM</u></b>	<b><u>TERMS OF REFERENCE</u></b>
City Centre Management Partnership  1	Cllr Edwards Cllr Mrs Henson Cllr Wadham (Portfolio Holder Sustainable Development and Transport)  21.06.2011	4	Improves the quality of the City Centre for residents, businesses and visitors by developing strategies and opportunities to maximise the Centre's vitality and viability. Supports the development of the City of Exeter as the Regional Capital of the South West, to encourage new investment and to provide an economic "engine" for the City and the County of Devon.

Councillor Development Steering Group 1	Cllr Mrs J. Morrish (Chair) Cllr M.A. Baldwin Cllr Mrs Danks Cllr A.J. Hannaford Cllr Martin Cllr Newton Cllr Sheldon Cllr Starling Portfolio Holder for Business Transformation and Human Resources (Cllr Cole)  21.06.2011	4	To advise on the implementation of the Training and Development Strategy for Councillors and promote training and development opportunity.
Community Safety Partnership 1	Leader (Cllr Fullam) Cllr Newton (Deputy)  21.06.2011	11	The Partnership established following the Crime and Disorder Act 1998 which placed a joint responsibility on local authorities and the Police to reduce Crime and Disorder in local areas.
Safer Devon Partnership 1	Leader (Cllr Fullam) Cllr Newton (Deputy)  21.06.2011	6	Mechanism to deliver on behalf of the Devon Strategic Partnership the safer communities theme of the Devon LAA
Devon Authorities Waste Reduction and Re-cycling Committee 1	Portfolio Holder for Environment and Leisure (Cllr Mitchell)  21.06.2011	3	Co-ordinates the establishment of waste minimisation and recycling schemes whether provided by the County Council, the District Councils or Devon Unitary Authorities, or jointly with each other, with commercial concerns or with community/voluntary groups.
Devon Conservation Forum - Executive 1	Chair of Planning Committee (Cllr Mrs Henson)  21.06.2011	6	Aims to promote the wise sustainable use and enjoyment of Devon's resources. Monitors environmental issues affecting Devon bringing together under one umbrella all who manage the natural and built landscape.

Devon County Council Health and Adult Services Overview and Scrutiny Committee  1	Cllr Newton  21.06.2011	5	To review the implementation of existing policies and to consider the scope of new policies for all aspects of the discharge of the Council's functions concerning adult social care and community learning and to discharge its functions in the scrutiny of health services.
Devon Playing Fields Association  1	Portfolio Holder for Environment and Leisure (Cllr Mitchell)  21.06.2011	4	Independent charitable body offering information, advice, support and small grants to its Members. Helps provide playing fields for all sections of the community and properly equipped playgrounds for children. Encourages the full use of all recreational activities.
Exeter and Heart of Devon Economic Partnership  1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock)  21.06.2011	5	Promotes the economic development of the sub-region comprising Exeter, Mid Devon, East Devon and Teignbridge.
Exeter Archaeological Advisory Committee  1	Cllr Shiel (Chair) Cllr Martin Cllr D.J. Morrish Cllr Wadham  21.06.2011	3	Committee of City Council Members, professionals and academics from the University and Institutions receiving detailed reports from the AFU on archaeological investigations carried out in Exeter.
Exeter Area Rail Project Working Party  1	Cllr D.J. Morrish Cllr Shepherd Portfolio Holder for Sustainable Development and Transport (Cllr Wadham)  21.06.2011	3	Promotes the use of local rail services in the Exeter area and hinterland. Makes recommendations to operators of local train services and lobby them for improvements Develops infrastructure projects at stations, to improve access and waiting facilities for all passengers

Exeter Arts Council 1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Coates  21.06.2011	6	Independent group funded by the City Council with membership drawn from the major arts and cultural organisations in the City. It encourages creative activities in Exeter, both individuals and groups by providing financial support.
Exeter Business Centre Board 1	<b>*Conservative nomination required</b> Cllr Edwards Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Mrs Morrish  21.06.2011	4	The Board oversees the affairs of the Business Centre.
Exeter Council for Sport and Recreation 1	Portfolio Holder for Environment and Leisure (Cllr Mitchell) Cllr Taghdissian  21.06.2011	6	To encourage and promote increased participation in sport, recreation and play in the Exeter district in co-operation with Exeter City Council, Devon County Council and other interested organisations.
Exeter Canal and Quay Trust Ltd. 1	Cllr P.J. Brock Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Edwards Cllr Newcombe Cllr Shepherd Cllr Sheldon Cllr Starling Cllr Winterbottom  21.06.2011	3	The preservation of land, buildings and other features of beauty or historical or architectural interest in or around the Exeter Canal and Quay Basin; The promotion and encouragement of high standards of architecture, building and town planning and the promotion of civic pride in the Area; The promotion and support of musical, artistic, educational and other cultural activities within the Area; and The promotion and support of community participation in any form of healthy recreation involving waterborne sports in the Area.



Exeter Citizen's Advice Bureau  From 15.06.2010	Cllr Edwards	4	Committee of Management managing the Bureau. CAB provides advice and guidance to the public.
Exeter Dispensary and in Sickness Fund  4	Cllr Mrs Danks <b>*Nomination required to replace former Cllr Bond</b>  21.06.2011	2	Provides assistance to the sick-poor of Exeter.
Exeter Fairtrade Steering Group  1	<b>*One nomination from each group required</b>  21.06.2011	6	Promotes Fairtrade in Exeter and seeks to retain Fairtrade status for the City. Organises regular promotions including Fairtrade Fortnight in late February/early March and produces the Fairtrade Directory to promote shops and catering outlets that sell Fairtrade products in Exeter.
Exeter International Airport Consultative Committee  1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock)  21.06.2011	4	Consultation with respect to any matter concerning the management or administration of the airport which affects the interests of the users, local authorities and organisations as required by the Civil Aviation Act 1982.
Exeter Municipal Charities (General List)  4	The Lord Mayor Cllr Branston - 31.12.2013 Ald N.W.F. Long - 31.12.2013 Mr J.F. Marshall - 31.12.2013 <b>*Nomination to replace Cllr D.J. Morrish required - 31.12.2013</b> Ald W.H.J. Rowe - 31.12.2013 Cllr Wadham - 31.12.3013 Cllr Winterbottom - 31.12.2013	12	To provide accommodation for people who feel unable to remain in their own homes by reason of failing health or reduced circumstances.

Exeter Phoenix Arts Centre Board 1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) 21.06.2011	6	To promote, maintain, improve, encourage and provide public education in the arts including the arts of drama, music, singing, dance, painting, sculpture, literature, cinematography and handicrafts.
Exeter Social, Health and Inclusion Partnership - Member Forum 1	Cllr D. Baldwin Portfolio Holder for Housing and Community Involvement (Cllr Newton) Cllr Prowse 21.06.2011	4	Oversees the implementation of work associated with health and social inclusion in the City and comprises partners from the public sector, main agencies and voluntary sector working in Exeter.
Exeter Summer Festival Advisory Group 1	Cllr P.A. Smith (Chair) Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Branston Cllr Mrs Danks Cllr Mrs R Smith 21.06.2011	4	To advise on the key Festival objectives.
Exeter Vision Partnership 1	Leader (Cllr Fullam) 21.06.2011	5	Acts as the Local Strategic Partnership for Exeter, a non-statutory partnership that brings together the public, voluntary, community and private sectors to coordinate activity and tackle difficult cross-cutting issues within an area. The Partnership also provides a forum for setting the long-term strategic vision which is expressed through the Sustainable Community Strategy (the Exeter Vision).

Exeter Women's Aid (SAFE)  From 15.06.2010	Cllr Newton	9	Provides help and support to women in Exeter and area who have been seriously or persistently maltreated by their partners, the fathers of their children or any other persons together with their children. It provides a place of refuge staffed by women.
Haven Banks Outdoor Education Centre Advisory Committee  2	Cllr Newby Cllr Martin  (NB Cllr Newcombe has withdrawn her request to become an Exeter City Council representative)  15.03.2012	2	Management Committee of Outdoor Centre.
J L Thomas Liaison Group  1	Cllr Choules Cllr Newcombe Cllr Prowse  21.06.2011	2	To improve the exchange of information, report upon and monitor instances of nuisance arising from the factory or carriage of waste material and make suggestions for the improvement of the environmental conditions relevant to the operations of the factory.
Local Government Association General Assembly  1	Leader (Cllr Fullam)  21.06.2011	2	Promotes the interests of local authorities and better Local Government.
South West Councils  1	Leader (Cllr Fullam)  21.06.2011	4	Regional forum for south west authorities.

St. Sidwell's Parish Lands and Other Charities (Seldon and Others)  2	Cllr Mitchell  31.03.2014	4	Almshouse charity and assistance towards educational requirements.
Lord Mayor of Exeter's Appeal Fund  1	Lord Mayor Cllr Coates Cllr Mrs Danks Cllr Edwards  21.06.2011	n/a	Appeal fund.
Parking and Traffic Regulation Outside London Adjudication Joint Committee  1	Cllr Shepherd Portfolio Holder for Sustainable Development and Transport (Cllr Wadham)  21.06.2011	At least once a year	Adjudication service for appellants against penalty charge notices including visible independence of adjudicators from the authorities in whose areas they are working.
South West Provincial Employers  1	Portfolio Holder for Business Transformation and Human Resources (Cllr Cole)  21.06.2011	2	Joint negotiating machinery for the South West comprising the employers' side and the trade union side and provides a forum for discussion, debate and negotiation on human resources.
South West Water Liaison Group  1	Cllr Newby Cllr Mitchell Cllr Robson  21.06.2011	1	To improve the exchange of information of the Countess Wear Sewage Treatment Works operated by South West Water and the carrying out of works to improve odour control. Reports upon instances of complaints arising from odours from works and makes suggestions for the improvement of the environmental conditions relevant to the operations of the works.

Young Single Persons Housing Forum  1	Portfolio Holder for Housing and Community Involvement (Cllr Newton)  21.06.2011	4	Provides a forum for all agencies involved in issues related to homelessness amongst young (aged 16-30) single people in Exeter and the surrounding area.
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**ASSISTANT CHIEF EXECUTIVE  
2 JULY 2010**

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## **IMPLEMENTATION EXECUTIVE**

Tuesday 4 May 2010

### Present:-

Councillor Adrian Fullam (Chair)

### **Exeter City Council**

Councillors D Baldwin, M A Baldwin, Coates, Cole, Edwards, Mrs Henson, Hobden, D J Morrish, Shepherd and P A Smith

### **Devon County Council**

County Councillors Leadbetter, Newcombe, Spence and Westlake

### Also Present

Chief Executive (Exeter City Council), Chief Executive (Devon County Council), Director Corporate Services, Interim Director Economy and Development, Assistant Chief Executive and Member Services Manager

5

### **MINUTES**

The minutes of the meeting of 6 April 2010 were taken as read and signed by the Chair.

6

### **DECLARATIONS OF INTEREST**

No declarations of interest were made.

7

### **IMPLEMENTATION PROGRAMME**

The report of the Chief Executive (ECC) was submitted, updating Members on progress with the transition to a unitary Exeter and seeking approval to the proposed approach to implementation. The Chief Executive informed members of the preliminary work that had been undertaken so far, including proposals for programme management and the engagement of external advice and support. He identified the underlying principles and assumptions and the key stages of the implementation.

Acknowledging members' concerns about a potential "democratic deficit" in the process, the Chief Executive (ECC) reported that officers would bring specific proposals for additional member involvement to the next Implementation Executive. It was agreed that, where appropriate, the skills and experience of members should be utilised in the transition. Possible means of involvement suggested by members included shadowing arrangements and members' oversight of specific work streams.

Members sought assurance that there would be member-level discussion of proposals prior to items appearing on the Implementation Executive agenda for decision. The Chief Executive reported that the principles relating to the business on the agenda had been agreed by Exeter City Council political Group Leaders prior to this meeting. He referred to the challenge of achieving timely and effective decision-making whilst ensuring adequate opportunity for consultation and involvement, in the context of the tight timescale for transition.

Councillor Edwards, seconded by Councillor D Morrish, moved that the Chief Executive bring forward proposals to the next meeting of Implementation Executive for increased member involvement at an early stage of the transition process and this was agreed.

Members queried the status of Devon County Councillors for Exeter and Portfolio Holders during the period between Vesting Day on 1 April 2011 and elections to the new authority on 5 May 2011. The Chief Executive (DCC) reminded members of the statutory responsibilities that existed in relation to Adult Social Care and Children's Services. The Constitution work stream would undertake more detailed work on this aspect of the transition.

Members were assured that the role and contribution of partners and other stakeholders would not be overlooked in the development of proposals.

In response to questions regarding the process for appointments, the Chief Executive (ECC) informed members that the short term engagement of consultants had been agreed with Group Leaders in view of the need to expedite matters. He outlined the background and relevant experience of the consultants who had been engaged so far. The appointment of interim and permanent senior posts, including Directors, would be subject to an appropriate recruitment process involving members.

Members enquired about the form and role of the scrutiny function in the transitional period. The Chief Executive responded that the Exeter and Devon (Structural Changes) Order 2010 stated that normal Scrutiny arrangements did not apply during the transitional period but required a joint scrutiny Committee to be established to report to Exeter City Council and Devon County Council at least every three months. Scrutiny was included as a necessary element in the programme but the limited remit laid down by the Order and the constrained timetable for transition would prevent the operation of extensive conventional scrutiny procedures. The Chair requested that members with specific ideas in relation to scrutiny take these to officers for discussion with Group Leaders prior to proposals being developed for consideration by Implementation Executive.

Members enquired about the resource implications of the proposals, particularly in the context of Exeter City Council's reported financial situation. The Chief Executive (ECC) reported that detailed financial costs would be the subject of future reports to the Committee. He advised members that recent media reports regarding the Council's financial position should be read in the context of the Council's request to Communities and Local Government for the capitalisation of potential losses in respect of the Council's investment in Icelandic banks. He assured members that reserves would nevertheless be maintained at an appropriate level. The Chair requested that a broad outline of costs to date be made to the Committee at the earliest opportunity.

The Chief Executives of both Devon County and Exeter City Councils acknowledged the importance of effective communication with staff and outlined some of the proposed measures to keep staff informed. A more detailed Communications Plan was in development and would be submitted to the Committee.

In relation to the specific work streams identified on the governance diagram, the Chief Executive responded that the diagram was indicative and that the groups were not necessarily equally balanced in terms of their resourcing requirements, but this level of detail was still being determined.



**RESOLVED** that:-

- (1) the approach to implementation proposed in the report be endorsed;
- (2) a detailed Implementation Programme be reviewed at the July meeting of the Implementation Executive;
- (3) the Chief Executive (ECC) investigate and report to the next meeting proposals for further member involvement at an early stage in the implementation programme;
- (4) an outline of expenditure on the transition process so far be brought to a meeting of the Implementation Executive as soon as possible.

(Report circulated)

8 **DEVELOPMENT OF JOINT PROTOCOLS TO INFORM TRANSITION WORK**

The report of the Chief Executive (ECC) was submitted, seeking agreement from the Implementation Executive for the proposed High Level Protocol and the development of further detailed protocols to inform the transition to a unitary council for Exeter. The protocol was subject to agreement by Devon County Council's Cabinet.

The Chief Executive (ECC) reported that both authorities had indicated their support and commitment to the principles within the Protocol with the exception of the reference to the secondment of DCC staff. The Chief Executive (DCC) stated that whilst Devon County Council was fully committed to working alongside ECC staff and external advisers in the transition process, he was unable to give an absolute assurance that very senior staff could be seconded due to their extensive responsibilities and the need to maintain services throughout the County. On the basis of that caveat, he was happy to leave the reference to secondment, as proposed, and the Committee endorsed the proposed High Level Protocol.

**RESOLVED** that:-

- (1) the principles and details of the High Level Protocol be agreed as set out in the appendix to the report; and
- (2) the planned development of the specific protocols identified in section 4.2 of the report be noted.

(Report circulated)

9 **ESTABLISHMENT OF A JOINT TRANSITION BOARD**

The report of the Chief Executive (ECC) was submitted, seeking members' agreement to the establishment of a Joint Transition Board (JTB). The role of the Board would be to make recommendations regarding matters related to the transition to a unitary council for Exeter which have consequences for both the new unitary authority as well as the remaining county council, primarily relating to disaggregation and shared/commissioned service issues.

The Chief Executive reported that the JTB would operate as an informal meeting since Communities and Local Government (CLG) had indicated that they were not minded to pursue the regulation required for it to operate as a formal joint committee. This meant that this would not be subject to the normal procedures of council committees. Recommendations would be made for formal decision by the Implementation Executive and Devon County Council's Cabinet. The Board would be chaired by the Leader of Exeter City Council and comprise three other City Councillors, representing the four political groups, and four nominations from Devon County Council Cabinet were sought.

Members acknowledged the extent of the detailed work for the Board and agreed that a smaller body was likely to operate more effectively. In response to a question regarding how the disaggregation of assets would work in practice, the Chief Executive (DCC) responded that, whilst in the majority of cases it would be relatively straightforward, more extensive discussion would be required in certain areas, for example in relation to operational and non-operational assets which were utilised to deliver services beyond Exeter City's boundaries. Members enquired about arbitration arrangements and were reminded that these were provided for within Paragraph 9 of the High Level Protocol.

**RESOLVED** that:-

- (1) the role, membership and terms of reference for the Joint Transition Board as identified in the report be agreed; and
- (2) nominations be made on behalf of the City Council to the Joint Transition Board and nominations be sought from Devon County Council's Cabinet to be agreed at the next Implementation Executive.

(Report circulated)

10

#### **DATE OF FUTURE MEETING**

The next meeting will be held on 9 June.

Due to a clash of meetings, it was agreed to change the date of the Implementation Executive provisionally arranged for Tuesday 7 December 2010 to **Wednesday 8 December at 5.30pm**.

(The meeting commenced at 5.30 pm and closed at 6.50 pm)

Chair

## **IMPLEMENTATION EXECUTIVE**

Wednesday 9 June 2010

Present:-

### **Exeter City Council**

Councillors Edwards, D Baldwin, M A Baldwin, Coates, Cole, Mrs Henson, Hobden, D J Morrish, Shepherd and P A Smith

### **Devon County Council**

County Councillors Leadbetter, Newcombe, Spence and Westlake

Also Present

### **Exeter City Council**

Chief Executive, Director Corporate Services, Assistant Chief Executive and Member Services Manager

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### **CHAIR OF MEETING**

Councillor Edwards, the Deputy Chair, chaired the meeting in the absence of Councillor Fullam, the Chair of the Committee.

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### **MINUTES**

The minutes of the meeting of 4 May 2010 were taken as read and signed by the Deputy Chair.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made.

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### **UPDATE ON UNITARY POSITION**

The Chief Executive (Exeter City Council) updated members on the latest position regarding the Government's intention to reverse Parliament's approval to the granting of unitary status for Exeter.

He informed members that a Local Government Bill seeking to stop the restructuring of councils in Norfolk, Suffolk and Devon had been introduced in the House of Lords on 26 May. The Second Reading in the House of Lords had been scheduled to take place on Tuesday 8 June but, following approval of a motion tabled by Lord Howarth, the Bill had been referred to the parliamentary Examiners to consider whether it was a Hybrid Bill (a bill with characteristics of both a public and a private bill) which involved a different parliamentary process.

The Chief Executive referred to a letter from Bob Neill MP, Parliamentary Under Secretary of State, which had been emailed to the Leader of the Council the previous day and had only just come into the Chief Executive's possession via the local media, as the Leader was away. The letter re-iterated that, pending the Bill's enactment the Government would not expect Councils to take any further steps or incur expenditure on taking forward plans to implement unitary structures. Furthermore the letter stated that it would not be proper to use Council resources to seek to influence the parliamentary passage of the current bill.

Members accepted that the practical effect of the Government's statement was to preclude further work by the City Council on preparation for a unitary structure since this would require the deployment of resources and the co-operation of Devon County Council and Communities and Local Government and both these parties had already indicated that they were not progressing work on the transition. Members were, however, extremely concerned about their legal position in the light of the Government's statement since, whilst the original implementation order remained in place, their role and legal duty, as members of the Implementation Executive, was to discharge the transitional functions set out in that order. They urged that clarification of the legal position be sought as a matter of urgency.

Members raised serious concerns about the latest letter from the Under Secretary of State and considered that he was in danger of exceeding his powers in trying to prevent the Council seeking to influence the passage of the current Bill through its parliamentary process. The Council had a right to protect its interests and engage in any democratic and legitimate process and it was wrong for the Under Secretary of State to seek to prevent it doing so. It was suggested that he should be asked to explain which powers he was relying on in order to issue such a statement.

They recognised that the current circumstances placed the Council in an extremely difficult position, particularly since the enactment may not take place until the autumn, rather than prior to the summer recess as had originally been anticipated. This raised serious concerns regarding the extremely short time period this would leave for the establishment of the unitary authority in April 2011, should the passage of the Bill be unsuccessful. It was suggested that the establishment of a shadow authority might be a more feasible alternative.

In response to questions regarding the Judicial Review undertaken in April, the Chief Executive advised that the decision of Mr Justice Ouseley was still awaited and that it was not known when it would be made.

Council Leadbetter, seconded by Councillor Coates, moved an amendment to the second recommendation to replace "government" with "CLG". This amendment was put to the vote and lost.

**RESOLVED** that:-

- (1) members note the report and acknowledge that, in light of the statements by CLG, it is impractical to continue any significant further implementation planning for the creation of a unitary council on 1 April 2011;
- (2) the failure of the government to acknowledge the risks its action raises and to advise what contingency measures should be considered be deplored;
- (3) the Secretary of State for Communities and Local Government be pressed to clarify the powers he is relying on in order to instruct the suspension of all planning for the implementation of a unitary structure for Exeter as this would be a significant issue should the risks identified in the report be realised;
- (4) appropriate legal advice be obtained as to the government's approach to this matter and the position in which this places the council and its members.

In accordance with Standing Order 43 County Councillor Leadbetter requested that his name be recorded as having abstained from voting on resolutions (2) and (4) above.

(Report circulated)

**DATE OF NEXT MEETING**

The next meeting of the Implementation Executive is scheduled to take place on **Monday 5 July at 5.30pm**. Confirmation would be sent to members nearer that date.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair

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## SEATING IN THE GUILDHALL

≡ ≡ ≡ ≡ ≡	Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Sheldon (L)	Lord Mayor Councillor Choules (L)	Chief Executive	Assistant Chief Executive	
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Member Services Manager	Head of Legal Services	Head of Treasury Services		Director Corporate Services	Director Community and Env.	Interim Director Economy and Development
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Councillors	Councillors	Councillors		Councillors	Councillors
Branston (L)	Mrs Thompson (C)	Shiel (C)		Fullam (LD)	Newcombe (LD)
Wardle (L)	Taghdissian (C)	Coates (C)		Cole (LD)	PJ Brock (LD)
RM Hannaford (L)	Starling (C)	Newby (C)	TABLE	Wadham (LD)	
AJ Hannaford (L)	Prowse (C)			Mitchell (LD)	
	Winterbottom (C)			Newton (LD)	
				Hobden (LD)	

Cllr Sterry (L)	Cllr D Baldwin (L)	Cllr Mrs Morrish (LIB)	Cllr Mrs Danks (LIB)	Cllr D J Morrish (LIB)
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LD:	Liberal Democrat	:	8
L:	Labour	:	8
C:	Conservative	:	8
LIB:	Liberal	:	3
Ind:	Independent	:	

### 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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