

**EXETER CITY COUNCIL**  
**EXECUTIVE**

**Statement of Decisions**

Tuesday 28 September 2010

**Present:-**

Councillor Peter Edwards (Chair)  
Councillors D Baldwin, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish and Sheldon

**Also Present**

Chief Executive, Director Community and Environment, Director Corporate Services, Interim Director Economy and Development, Head of Planning and Building Control, Head of Treasury Services and Member Services Manager

**Minutes (Minute 82)**

The minutes of the meetings of the Executive held on 15 and 29 June 2010 were taken as read and signed by the Chair as a correct record.

**Declarations of Interest (Minute 83)**

A Member declared the following personal interest:

COUNCILLOR	MINUTE
R Hannaford	85 - Resident within the Air Quality Management Area

**Draft Older Persons' Housing Strategy 2010-2015 (Minute 84)**

The report of the Head of Housing Services was submitted, seeking approval for the Older Persons' Housing Strategy 2010-2015.

Scrutiny Committee – Community considered the report at its meeting on 31 August 2010 and the support of Members was noted. The Committee's request for the submission of a progress report to the Scrutiny Committee in March, in the light of the Comprehensive Spending Review, was noted.

Executive resolved that:-

- (1) the Older Persons' Strategy be approved;
- (2) a further report on progress against the action plan be submitted annually; and
- (3) in accordance with the Local Government & Public Involvement in Health Act 2007, the draft Older Persons' Housing Strategy and Action Plan be placed on the website and further comments invited from the community.

### **Local Air Quality Management 2010 Air Quality Progress Report (Minute 85)**

Councillor R Hannaford declared a personal interest in this item as a resident within the Air Quality Management Area.

The report of the Head of Environmental Health Services was submitted, updating Members on the Council's duties relating to local air quality management, considering the findings of the 2010 Air Quality Progress Report and amending the Air Quality Area Management Order. The Director Community and Environment advised members that more detailed data was available on the Council's website.

Members endorsed the great importance of good public transport as a significant factor in reducing air pollution caused by traffic emissions.

Scrutiny Committee – Community considered the report at its meeting on 31 August 2010 and the support and comments of Members were noted.

Executive resolved that:-

- (1) the conclusions of the 2010 Air Quality Progress Report be noted;
- (2) the amended Air Quality Management Area Order detailed in Appendix 1 of the report be approved; and
- (3) the Air Quality Management Area Order be sealed and a copy submitted to DEFRA.

### **Capital Monitoring Statement to June 2010 (Minute 86)**

The report of the Head of Treasury Services, informing members of the current position in respect of the Council's revised annual capital programme, was submitted.

Scrutiny Committee – Resources considered the report at their meeting on 15 September 2010 and the support of Members was noted.

Executive recommended that:-

- (1) the current position in respect of the annual capital programme be noted;
- (2) an increase be approved in the disabled facilities grants budget of £198,330, of which £119,000 will be financed by government subsidy; and
- (3) a report be submitted to a future meeting on the capital programme review.

### **Overview of General Fund Revenue Budget 2010/11 (Minute 87)**

The report of the Head of Treasury Services was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget after three months, for the financial year 2010/11.

Scrutiny Committee – Resources considered the report at their meeting on 15 September 2010 and the comments and support of Members were noted. Executive supported the proposal that the Scrutiny Committee – Resources Budget Working Group meet in due course to review budget proposals for the coming financial year.

Members recorded their appreciation to officers for the relatively healthy projected position in the face of very challenging financial circumstances.

Executive noted and approved:-

- (1) the General Fund forecast financial position for the 2010/11 financial year;
- (2) the HRA forecast financial position for 2010/11 financial year;
- (3) the outstanding Sundry Debt position as at June 2010; and
- (4) the Statutory Performance Indicator BVP18 for creditors' payments.

### **Affordable Housing Supplementary Planning Document (Minute 88)**

The report of the Head of Planning and Building Control was submitted, reporting the outcome of public consultation on a draft Supplementary Planning Document (SPD) prepared to amplify existing policy on the provision of affordable housing. The report sought to agree the Council's proposed responses to representations and to adopt an amended document.

Executive resolved that:-

- (1) the amended Affordable Housing Supplementary Planning Document at Appendix 1 of the report be adopted; and
- (2) the proposed Consultation Statement at Appendix 2 of the report, including the proposed responses to representations made on the draft SPD, be agreed.

### **Residential Design Supplementary Planning Document (Minute 89)**

The report of the Head of Planning and Building Control was submitted, seeking approval to the formal adoption of the Residential Design Supplementary Planning Document (SPD). The SPD identifies the City Council's requirements in relation to residential development and forms the basis for the determination of planning applications. The document had been subject to a period of formal consultation and had been amended accordingly.

Members thanked officers for the excellent document and welcomed the positive impact that it would have in improving the quality of housing throughout the City.

Executive resolved that the amended draft Residential Design SPD be adopted, subject to any necessary minor editorial amendments being undertaken by the Head of Planning and Building Control.

### **Masterplan for the Future Development of Monkerton & Hill Barton (Minute 90)**

The report of the Head of Planning and Building Control was submitted, informing Members of the outcome of the public consultation on the draft Masterplan, seeking approval for its use for Development Management purposes (superceding the previous draft) and for its future adoption as a Supplementary Planning Document.

The Head of Planning and Building Control reported that Planning Member Working Group had supported the adoption of the Masterplan subject to certain caveats. These were that further guidance would be produced on how structural landscaping would achieve a picturesque ridge and that further technical work would be required on the rail halt. In relation to both the Monkerton/Hill Barton and Newcourt Masterplans, the Working Group

sought deferral of the decision in respect of the location of the two gypsy and traveller sites to allow further consideration, including a site visit by members of the Planning Committee, Executive and ward members.

Councillor Newby attended the meeting and spoke on the item under Standing Order 44. He reported, as Chair of the Planning Member Working Group, that the Group had met that day and supported the Masterplans for both Monkerton/Hill Barton and Newcourt subject to the caveats reported by the Head of Planning and Building Control .

Executive accepted the caveats requested by the Planning Member Working Group. Whilst agreeing to defer the decisions on the exact locations pending further investigation, they endorsed the principle that two gypsy and traveller sites would be provided within the Monkerton/Hill Barton and Newcourt Masterplan areas.

Executive resolved that the use of the Monkerton and Hill Barton Masterplan for Development Management purposes and its future adoption as a Supplementary Planning Document be approved, subject to the following caveats:-

- (1) further guidance to be produced on how structural landscaping would achieve a picturesque ridge and further technical work to be undertaken on the rail halt; and
- (2) whilst endorsing the principle of the provision of a gypsy and traveller site, the decision in respect of the location of the site be deferred to allow further consideration, including a site visit by members of the Planning Committee and Executive and ward members.

### **Masterplan for the Future Development of Newcourt ( Minute 91)**

The report of the Head of Planning and Building Control was submitted, informing Members of the outcomes of the public consultation on the draft Masterplan. The report sought approval for its use for Development Management purposes (superceding the previous draft) and for its future adoption as a Supplementary Planning Document. He reported the receipt of a representation from the owner of the proposed gypsy and traveller site off Topsham Road

The Head of Planning and Building Control reported that Planning Member Working Group had supported the adoption of the Masterplan but, in relation to both the Monkerton/Hill Barton and Newcourt Masterplans, the Working Group sought deferral of the decision regarding the location of the gypsy and traveller sites to allow further consideration including a site visit by members of the Planning Committee, Executive and ward members.

Councillor Newby attended the meeting and spoke on the item under Standing Order 44. He reported, as Chair of the Planning Member Working Group, that the Working Group had met that day and supported the Masterplans for both Monkerton/Hill Barton and Newcourt subject to the caveats reported by the Head of Planning and Building Control.

Executive accepted the request of the Planning Member Working Group to defer the decisions on the exact locations of the gypsy and traveller sites pending further investigation, but endorsed the principle that two gypsy and traveller sites would be provided within the Monkerton /Hill Barton and Newcourt Masterplan areas.

Executive resolved that:-

- (1) whilst endorsing the principle of the provision of a gypsy and traveller site, the decision in respect of the location of the site be deferred to allow further consideration, including a site visit by members of the Planning Committee and Executive and ward members; and
- (2) subject to (1) above, the use of the Newcourt Masterplan for Development Management purposes and its future adoption as a Supplementary Planning Document be approved.

### **Planning Issues Relating to HMOs for 3-6 Students - Proposed Article Four Direction and Amended Planning Policy (Minute 92)**

The report of the Head of Planning and Building Control was submitted, updating Members on Government proposals for planning control of small Houses in Multiple Occupation (HMOs). The report sought agreement to a proposed Article 4 Direction to remove permitted development rights for such uses in parts of Exeter and to undertake further work on proposed amendments to the Council's Supplementary Planning Guidance on Student Accommodation including further public consultation. The Head of Planning and Building Control explained the process for an Article 4 Direction and informed members of the Council's liability for compensation claims should less than 12 months notice be given. He updated members on further representations received from residents both in support of the proposals and expressing concern about the impact on their properties.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order 44. He welcomed the previous Government's proposed new use class and the proposed Article 4 Direction but expressed concern on behalf of residents of his ward regarding the proposed timescale for the consultation. St James had the highest proportion of HMOs, and the numbers continued to increase, and he urged the Council to proceed with the consultation as soon as possible.

Other members stated that the number of HMOs was of particular concern to residents of their wards and hoped that it would be possible to bring some of the properties back into family accommodation.

Members endorsed the proposals to proceed with the Article 4 Direction in respect of the area identified on the Plan but to undertake specific consultation in respect of those areas where there was significant opposition from the majority of residents with the option to exclude these roads or disapply the policy at a later stage.

Executive resolved that:-

- (1) authority be delegated to the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Development and Transport to make an Article 4 Direction covering the area shown on Plan 1, to remove permitted development rights for changes of use from Class C3 dwellings to Class C4 (small HMOs) with twelve months notice and to consider any representations made and, if appropriate, confirm any direction with or without amendment; and
- (2) officers undertake informal consultation on amending Council policy on student accommodation in residential areas, as outlined above and report back to Planning Member Working Group on a draft amended document for further public consultation.

**Teignbridge: Issues and Alternative Options/ East Devon Preferred Options: Consultation Document on Core Strategy (Minute 93)**

The report of the Head of Planning and Building Control was submitted, seeking to formulate a response to the consultation documents recently published by Teignbridge District Council and East Devon District Council as part of their ongoing Core Strategy.

The support of the Planning Member Working Group to the proposed response was noted.

Members referred to the under-provision of education, health and transport services in areas where significant development had taken place and urged that a more robust infrastructure should be achieved for any future developments. They requested that all means should be explored to ensure that a suitable infrastructure was assured at an early stage of development and enquired what mechanisms the Council could apply to achieve this.

The Interim Director Economy and Development informed members that this Council worked with East Devon District Council, Teignbridge District Council and Devon County Council to consider the infrastructure needs and all were agreed on the challenges of funding it. Officers were co-operating on the Local Investment Plan to consider a range of funding options particularly where up-front funding was required which developers were often reluctant to provide.

Executive resolved that:-

- (1) no development should be permitted to take place in the "edge of Exeter Area" (West End if replying to East Devon) until a delivery mechanism has been identified to secure the delivery of the key social and community infrastructure including secondary and primary schools; and
- (2) subject to the additional point set out in (1) above, the proposed basis of a response to Teignbridge District Council set out in paragraph 5.1 of the report and the response to East Devon District Council set out in Paragraph 8.1 of the report be approved.

**Local Development Framework/ Local Development Scheme (LDS) (Minute 94)**

The report of the Head of Planning and Building Control was submitted, seeking to consider a revised programme for the preparation of the various documents that make up the Local Development Framework (LDF).

The Head of Planning and Building Control reported a minor correction to the time schedule whereby the adoption of the Monkerton and Newcourt Masterplans would be in August rather than July 2011.

The support of the Planning Member Working Group for submission of the Local Development Scheme to the Secretary of State was noted.

Executive resolved that the Local Development Scheme be approved for submission to the Secretary of State and that the scheme shall come into force on 1 December 2010 provided that no notice under section 15(4) shall have been received from the Secretary of State by this date.

**Appointment of Representatives to Serve on Outside Bodies (Minute 95)**

A schedule of appointments to outside bodies was circulated.

Executive resolved that the current Portfolio Holders be appointed to the relevant places on the outside bodies as identified on the schedule and recommended that outstanding appointments be made by Council following consideration by the Group Leaders.

#### **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public (Minute 96)**

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

#### **Civic Centre Facilities Management - Staffing (Minute 97)**

The report of the Head of Corporate Customer Services was submitted, requesting approval to the redundancy of the holder of post CS07143 and subsequent severance payment for the current post-holder, together with other subsequent staffing changes to the remaining Civic Centre Facilities Management Team.

The Director Corporate Services reported a minor correction to the salary costs shown as the totals for the Proposed Structure in the Appendix which should read £90,841, making the Grand Total £117,548 but confirmed that this made no difference to the overall level of savings.

Executive resolved that:-

- (1) the restructuring of the Civic Centre Facilities Management service be approved as detailed in the report; and
- (2) compensation be paid to the holder of post CS07143 in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006.

#### **Provision of Building and Electrical Services (Minute 98)**

The report of the Head of Contracts and Direct Services was submitted, presenting the revised structure for the provision and operation of internal building and electrical services.

Scrutiny Committee – Resources considered the report at their meeting of 15 September 2010 and the support of Members was noted.

Executive approved the outcome of the consultation process together with the revised structure and arrangements set out in the report with effect from 4 October 2010 and specifically:

- (1) the redesignation of the posts of Support Officer (CE11123) and Building Support Officer (CE11136) to Contracts Support Officers with the posts subject to review for JE purposes;
- (2) the deletion of the post of Building Services & Projects Supervisor (CE11127), the post holder having been granted ill health retirement;
- (3) the deletion of the post of Electrical and Mechanical Support Officer (CE11128), Building Support Officer (CE11139) and the Part Time Building Support Officer (CE11143) as a result of the work transferring;

- (4) the employment of the post holder of the post of Maintenance Foreman/ Supervisor (CE11138), the part time post holder of the post of Multi-Skilled Craftworker (CE111003) and the temporary contract of the post holder covering CE11136 be terminated on the grounds of redundancy upon expiry of the contractual notice period in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; a one-off pension strain cost payment of £1,428.33 and £129.73 respectively; redundancy costs of £31,853.17, £12,381.00 and £1891.76 respectively;
- (5) the deletion of the post of Building Maintenance Foreman/Supervisor (R.R.& P) (CE11141), Multi-Skilled Craftworker (CE111005) and Apprentice Electricians (CE111108), (CE111112) as a result of the work transferring;
- (6) the retention of the posts of Working Building Supervisor (CE111000), part time Multi-Skilled Craftworker (CE111003) and Multi-Skilled Craftworkers (CE111007) and (CE111011) to the establishment as part of the revised structure;
- (7) the retention of the posts of Working Electrical Supervisor (CE111101) and Electricians (CE111100), (CE111103), (CE111105), (CE111106), (CE111107) to the establishment as part of the revised structure; and
- (8) an ongoing review of the operation of the revised structure is performed by the Head of Contracts and Direct Services in consultation with the Head of Treasury Services to ensure the service is functioning as envisaged and changes made where appropriate.

**Community and Environment Administration and Project Services - Restructure (Minute 99)**

The report of the Administration and Project Development Manager was submitted, seeking approval to release the necessary funding to finance a redundancy payment within the Administration and Project Services Unit of the Community and Environment Directorate.

Scrutiny Committee – Resources considered the report at their meeting of 15 September 2010 and their support was noted.

Executive resolved that:-

- (1) the employment of the holder of the post of CE02106 be terminated on the grounds of redundancy on 1 October 2010 in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007;
- (2) compensation be paid to the holder of post CE02106 in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; and
- (3) the new structure of the Administration Unit in Appendix II of the report be approved with the posts of Senior Finance Administration Officer CE012106, Project Officer CE02125 and Finance Administration Assistant CE02124, deleted from the establishment of the Council; and the post of Administration Manager CE02100 be subject to revaluation in December 2010.



### **Quarterly Progress Report - RAMM Development Project (Minute 100)**

The proposal of the Chair to withdraw this item at the present time was agreed in view of the need to consider the issues regarding the RAMM Development Project in greater depth.

### **Disposal of 24 White Street, Topsham (Minute 101)**

The report of the Head of Housing Services was submitted seeking approval to dispose of 24 White Street, Topsham from the Housing Revenue Account by selling it on the open market.

Executive authorised the Acting Head of Estates Services to market and dispose of 24 White Street on the terms outlined in the report.

### **Isca Centre - Lease (Minute 102)**

The report of the Head of Leisure and Museums was submitted advising Members on future management options for the ISCA Bowls and Bridge Centre. The Director Community and Environment updated members on the position in relation to the management of the Centre.

Members discussed the relative financial and social merits of the options. They emphasised that the Bowls Centre should be a socially inclusive community facility. Councillor R Hannaford, seconded by Councillor D Baldwin proposed that, in the light of the issues discussed, terms for the future management of the centre by Parkwood Leisure should be agreed. Members stated that the level of future charges should not be a deterrent to potential users of the Centre.

The Director advised Members that legal advice would be sought regarding use of the improvement reserve.

Executive resolved that:-

- (1) the Head of Leisure and Museums be authorised to agree terms and enter into a Deed of Variation with Parkwood Leisure to add the Isca Bowls Centre into the new Leisure Management Contract; and
- (2) the Acting Head of Estates be authorised to agree terms and enter into a new lease with Parkwood Leisure of the Isca Bowls Centre.

(The meeting commenced at 5.30 pm and closed at 7.15 pm)

**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 12 October 2010.**

30 September 2010