



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 15 DECEMBER 2009**, on the rising of the Extraordinary Meeting of Council which commences at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the meeting held on 13 October 2009.	1 - 6
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 12 October 2009	7 - 16
4 Planning Committee - 2 November 2009	17 - 28
5 Planning Committee - 7 December 2009	29 - 36
6 Licensing Committee - 17 November 2009	37 - 40
7 Scrutiny Committee - Community - 10 November 2009	41 - 58
8 Scrutiny Committee - Economy - 12 November 2009	59 - 76
9 Scrutiny Committee - Resources - 25 November 2009	77 - 84
10 Standards Committee - 2 December 2009	85 - 86
11 Local Government Review Committee - 9 December 2009	87 - 88
12 Executive - 24 November 2009	89 - 96
13 Executive - 8 December 2009	97 - 102

Notice of Motion

Pages

- 14 Notice of Motion by Councillor Mrs Henson under Standing Order No. 6.

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

Pages

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

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

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

Date: 8 December 2009

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 13 October 2009

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, Newcombe, Newton, Noble, Prowse, Robson, Sheldon, Shepherd, Shiel, P A Smith, Starling, Taghdissian, Thompson, Wadham and Wardle

50 MINUTES

The minutes of the Ordinary meeting of Council held on 14 July 2009 were taken as read and signed as correct.

51 OFFICIAL COMMUNICATIONS

There were no official communications.

52 PLANNING COMMITTEE - 20 JULY 2009

The minutes of the Planning Committee of 20 July 2009 were taken as read.

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

COUNCILLOR	MINUTE
Councillor Choules	89* and 90* (he is a member of the University of Exeter Council and his wife, sister-in-law and himself are employees of the University)
Councillor Cole	89 and 90 (partner is employee of University of Exeter)
Councillor Prowse	89 and 90 (student landlord)

RESOLVED that the minutes of the Planning Committee held on 20 July 2009 be received.

53 PLANNING COMMITTEE - 27 JULY 2009

The minutes of the Planning Committee of 27 July 2009 were taken as read.

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

COUNCILLOR	MINUTE
Councillor Choules	94* (he is a member of the University Council and his wife, sister-in-law and himself are employees of the University)
Councillor Cole	94 (partner is employee of University of Exeter)
Councillor Prowse	94 (student landlord)

RESOLVED that the minutes of the meeting of the Planning Committee held on 27 July 2009 be received.

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PLANNING COMMITTEE - 7 SEPTEMBER 2009

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

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

COUNCILLOR	MINUTE
Councillor Choules	108* and 110* (he is a member of the University of Exeter Council and his wife, sister-in-law and himself are employees of the University)
Councillor Cole	108 and 110 (partner is employee of University of Exeter)
Councillor Martin	109 (member of Haven Banks Outdoor Education Centre Advisory Committee) 113* (applicant/owner of property)
Councillor Newcombe	109 (Member of Devon County Council and a Trustee of the Haven Banks Outdoor Education Centre Advisory Committee)
Councillor Mitchell	112 (partner is Manager of the business at 227 High Street)
Councillor Prowse	109 (Member of Devon County Council)
Councillor Taghidissian	109 (overlooks the site from his office)

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

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PLANNING COMMITTEE - 1 OCTOBER 2009

The minutes of the Planning Committee of 1 October 2009 were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Councillor Martin	120 and 121 (Employee of Devon County Council)
Councillor Newcombe	121 (Member of Devon County Council)
Councillor Prowse	120 and 121 (Member of Devon County Council)

RESOLVED that the minutes of the meeting of the Planning Committee held on 1 October 2009 be received.

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LICENSING COMMITTEE - 28 JULY 2009

The minutes of the Licensing Committee of 28 July 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 28 July 2009 be received and, where appropriate, adopted.

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LICENSING COMMITTEE - 22 SEPTEMBER 2009

The minutes of the Licensing Committee of 22 September 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 22 September 2009 be received.

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SCRUTINY COMMITTEE - COMMUNITY - 1 SEPTEMBER 2009

The minutes of Scrutiny Committee – Community of 1 September 2009 were taken as read.

A Member declared the following personal interest:

COUNCILLOR	MINUTE
Councillor Newcombe	53 (Member of Devon County Council and Chair of the County's Children and Young People's Services Overview/ Scrutiny Committee)

RESOLVED that the minutes of the meeting of the Scrutiny Committee - Community held on 1 September 2009 be received.

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SCRUTINY COMMITTEE - ECONOMY - 3 SEPTEMBER 2009

The minutes of Scrutiny Committee – Economy held on 3 September 2009 were taken as read.

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

COUNCILLOR	MINUTE
Councillor P Smith	35* (Chair of Trustee Board of Barnfield Theatre)

RESOLVED that the minutes of the meeting of the Scrutiny Committee – Economy held on 3 September 2009 be received.

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SCRUTINY COMMITTEE - RESOURCES - 16 SEPTEMBER 2009

The minutes of the Scrutiny Committee – Resources of 16 September 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Scrutiny Committee – Resources held on 16 September 2009 be received.

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FINAL ACCOUNTS COMMITTEE - 23 SEPTEMBER 2009

The minutes of the Final Accounts Committee of 23 September 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Final Accounts Committee held on 23 September 2009 be received.

EXECUTIVE - 15 SEPTEMBER 2009

The minutes of the Executive of 15 September 2009 were taken as read.

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

COUNCILLOR	MINUTE
Councillor Cole	104 (Member of Local Government Pension Scheme)
Councillor Mrs Morrish	100 (Member of Methodist Church)
Councillor Newton	102 (employer is potential future user of Bedford Square)
Councillor Thompson	*103 (owner of land included within area of Core Strategy consultation)

In relation to Minute 105 (Honorary Alderman) an Extraordinary Meeting of the Council will be held prior to the ordinary meeting on 15 December 2009.

RESOLVED that the minutes of the meeting of the Executive held on 15 September 2009 be received, and where appropriate, adopted.

EXECUTIVE - 29 SEPTEMBER 2009

The minutes of the meeting of the Executive of 29 September 2009 were taken as read.

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

COUNCILLOR	MINUTE
Choules	*120 (he is a member of the University of Exeter Council and his wife, sister-in-law and himself are employees of the University)
Cole	120 (Partner employed by University of Exeter)
Prowse	120 (student landlord)

In relation to Minute 122 (Public Speaking at Planning Committee – Amendment to Standing Order 19A), Councillor Noble moved an amendment to the Recommendation in the following terms:

“The recommended amendments to Standing Order 19A be approved, subject to the addition of the words ‘Members of the Committee may ask questions of a speaker, solely for the purpose of seeking clarification of points made by the speaker, who may answer by way of such clarification only, provided that the time taken for all such questions and answers shall not exceed two minutes in total.’”

Whilst acknowledging the importance of keeping discussions on planning applications relevant and succinct, Councillor Noble regretted the proposal to discontinue the right of members to ask questions directly of the speaker. His amendment sought to re-instate this facility but impose a two minute limit on the questions and answers.

Other members commented on the tendency for recent meetings to be long and repetitious and were concerned that on a number of occasions it had been necessary to hold additional meetings in order to deal with routine business. It was suggested that the number of major planning applications currently going through the planning process had contributed to the situation. It was considered that the question and answer facility, the purpose of which was to clarify issues, had been misused. Members frequently asked speakers questions of a professional nature, which should properly have been directed to officers, and speakers sometimes used their responses merely to repeat information which they had already conveyed. Members felt that the proposed restriction would be unnecessary if contributors to the debate confined themselves to discussion of planning matters.

Nevertheless members greatly valued the process which enabled the public to directly address the Planning Committee and, whilst accepting the need to curtail overlong and irrelevant discussion, they wished to preserve the question and answer facility. They acknowledged the importance of involving members of the public in debate to re-assure them of the fair and open processes of the Council. The effective operation of all Committees was the joint responsibility of the Chair and all members and should not require a change to Standing Orders.

A vote was taken on the amendment proposed by Councillor Noble and this was lost. A vote was taken on the original recommendation of the Executive and this was also lost. The existing Standing Order 19A therefore remained unamended.

RESOLVED that, subject to the refusal of the recommendation in Minute 122 (Public Speaking at Planning Committee – Amendment to Standing Order 19A) as set out above, the minutes of the meeting of the Executive held on 29 September 2009 be received, and where appropriate, adopted.

(The meeting commenced at 6.00 pm and closed at 7.40 pm)

Chair

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PLANNING COMMITTEE

Monday 12 October 2009

Present:-

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

Also Present

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

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO.09/1237/03 & CONSERVATION AREA CONSENT NO. 09/1238/14 - 13 LYNDHURST ROAD, EXETER, EX2 4PA

The Senior Area Planning Officer presented the planning application for the redevelopment to provide 6 dwellings, parking, alterations to access and associated works and the conservation area consent for the demolition of a dwelling at 13 Lyndhurst Road, Exeter.

At the 30 June 2009 Planning Committee, Members refused an application for one detached and 6 terraced dwellings. Following this refusal this application had been revised to incorporate one less dwelling and to amend the previous terrace to two pairs of semi-detached dwellings. Some of the more important trees would be retained and a total of 14 parking spaces were proposed including garages.

An update sheet was circulated to Members stating that the observations of the Archaeology Officer had been received and that he recommended an additional condition regarding archaeological recording.

The recommendations for the planning application and conservation area consent were for approval subject to conditions as per the report and the additional archaeological recording condition.

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

- the applicant had not consulted local residents on this application
- this proposal would cause a family to be evicted and a family dwelling to be demolished
- the objections had increased on this application to 78 from 58 on the previous refused scheme
- the development was unacceptable by way of its height, design and roof terraces which would cause loss of privacy to neighbouring properties
- the applicants had made minimum alterations to this revised application
- the Council's guidelines stated that there should be 22 metres between habitable windows; there was only 17 metres to his kitchen window and 13 metres to 13a Lyndhurst Road
- the reasons for the refusal on the previous scheme still applied to this proposal

- accepted that there would be development on this site; but it should be of a better quality than the submitted application.

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

- the reasons for the refusal on the 30 June 2009 still applied to this application
- there had been no significant change to this application from the refused scheme
- the applicants had not consulted local residents and Ward Councillors
- the density was too high and the distances to neighbouring properties too close
- asked the Committee to refuse the application for the same reasons as the previous application.

In response to a Member, Councillor Shiel clarified that local residents accepted that there would be development on this site although this proposal was too high a density and too close to neighbouring properties.

Whilst some Members felt that the reasons for the previous refusal had been addressed by this revised application, other Members were of the opinion that the proposal was unacceptable because of its height, density and overlooking, caused by the distance between windows in the development and neighbouring properties and the roof terraces.

In answer to a Member's questions, the Senior Planning Officer stated that the distance between the windows was acceptable as the relationship would be oblique and the 22 metre guideline applied to windows in a straight line.

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

RESOLVED that planning permission for redevelopment to provide 6 dwellings, parking, alterations to access and associated works be **refused** for the following reason:-

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

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

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

(Report circulated)

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**PLANNING APPLICATION NO.09/832/01 - ST LOYES FOUNDATION,
TOPSHAM ROAD, EXETER, EX2 6EP**

The Head of Planning and Building Control presented the planning application for the redevelopment to form a retirement village at the former St Loyal Foundation site on Topsham Road, Exeter.

The application would comprise the retention of Fairfield Lodge for use as a heritage centre, refurbishment and conversion of Fairfield House to provide two retirement apartments and an Estate Manager's unit, partial demolition, conversion and extension of Springbok Hall to provide a Central Facilities Building and two retirement units, demolition of remaining existing buildings, construction of a further 202 retirement homes, 50 Extra Care housing units, 50 bed residential care home and associated roads, footpaths, cycle and car parking spaces, open space, balancing pond and associated landscaping works.

The Head of Planning and Building Control stated that this application had been deferred from the Planning Committee on the 27 July 2009 to allow for further discussion regarding the affordable housing contribution. The Head of Housing Services now had no objections to the revised offer.

Members were informed that Sport England commented that the £250,000 contribution for the loss of sports pitches may not cover the proposed mitigation package of facilities at Wonford Playing Fields. The Head of Planning and Building Control stated that the sum proposed was reasonable and that the applicants had agreed that the funds did not need to be ring fenced and could be used elsewhere in the city should they not be able to be spent at Wonford Playing Field.

An update sheet was circulated to Members giving details of the observations of the Devon County Council Strategic Commissioning Manager for Extra Care Schemes, the applicant's offer of affordable housing contribution, comments from the Head of Housing Services and the changes proposed to the Section 106 agreement.

The recommendation was for approval subject to a Section 106 agreement specifying age restrictions on occupiers of the site; appropriate mitigation for the loss of sports pitches (total £250,000); affordable housing (50 on-site extra care units and £1.85 million off-site contribution); and provision for the long term storage of archaeological finds and the public display of the special ones (£35,000) and conditions as per the report.

Mr Flintoff spoke in support of the item. He raised the following points:-

- had worked closely with City Council officers on this development
- the Grade II listed Fairfield Lodge would be retained
- Springbok Hall would provide a focal building within the development
- would enhance the landscape of the area and be contributing towards improvements to Wonford Playing Field
- would be providing the required 25% affordable housing
- the site was in a sustainable location on main bus routes

- the existing right of way would be improved and a new public right of way was proposed on the southern boundary of the site.

In response to a Member, Mr Flintoff stated that there would be a limited number of maintenance staff on site although contractors would be used to undertake the heavier maintenance work.

Members welcomed this proposal and were pleased with the outcome of the affordable housing contribution.

In response to a Member, the Head of Planning and Building Control stated that a Construction Environment Management Plan was a requirement of condition 22 and times of construction traffic could be considered to address the need to avoid adding to congestion at peak commuter times on Topsham Road.

RESOLVED that planning permission for redevelopment to form a retirement village comprising the retention of Fairfield Lodge for use as a heritage centre, refurbishment and conversion of Fairfield House to provide two retirement apartments and an Estate Manager's unit, partial demolition, conversion and extension of Springbok Hall to provide a Central Facilities Building and two retirement units, demolition of remaining existing buildings, construction of a further 202 retirement homes, 50 Extra Care housing units, 50 bed residential care home and associated roads, footpaths, cycle and car parking spaces, open space, balancing pond and associated landscaping works and ancillary works and structures be **approved** subject to a Section 106 Agreement specifying age restrictions on occupiers of the site; appropriate mitigation for the loss of sports pitches (total £250,000); affordable housing (50 on-site extra care units and £1.85 million off-site contribution); and provision for the long term storage of archaeological finds and the public display of the special ones (£35,000) and the following conditions:-

- 1) C01 - Standard Outline
- 2) C07 - Time Limit - Outline
- 3) C15 - Compliance with Drawings
- 4) C12 - Drainage Details
- 5) Prior to the commencement of the development, a detailed Sustainable Urban Drainage Scheme (SUDs) for the disposal of surface water associated with the development, which conforms with the strategic approach set out in the submitted Flood Risk Assessment dated May 2009, shall be submitted to and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.
Reason: To ensure that the arrangements for disposal of surface water associated with the development are satisfactory and to minimise the potential for flooding arising from the development of the site.
- 6) C17 - Submission of Materials
- 7) C38 - Trees - Temporary Fencing
- 8) Prior to the commencement of the development hereby approved detailed plans of the design, layout and lighting of the public footpath crossing the centre of the site, and the phasing of its construction, shall be submitted to,

and be approved in writing by, the Local Planning Authority. Thereafter the footpath shall be provided and maintained strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the public footpath crossing the site is satisfactorily incorporated into the overall layout of the development in the interests of its continued use and the amenity of the area.

- 9) Prior to the commencement of the development a detailed phasing plan for the construction of the development, and laying out of the open space, shall be submitted to and be approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is implemented in a logical and appropriate manner in the interests of the amenity of the area.

- 10) None of the dwellings/buildings contained within any individual phase identified pursuant to Condition 10 of this consent shall be brought into their intended use until the visibility splays, on-site parking, turning, loading and unloading facilities to serve that phase have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be permanently retained solely for those purposes at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are available to cater for the traffic attracted to the site.

- 11) Prior to the commencement of the development hereby approved details of the proposed refuse storage scheme to serve the development, including the size and design of any communal refuse storage areas, and details of the proposed collection arrangements, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, and the approved arrangements maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities to deal with refuse associated with the development are provided in the interests of the amenity of the locality.

- 12) The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details.

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

- 13) The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to, and approved in writing by, the Local Planning Authority, showing the datum levels at which the development is to be constructed in relation to an agreed fixed point or O.S datum.

Reason: To ensure that the development is constructed at levels appropriate to the surroundings in terms of visual impact and relationship to adjoining properties.

- 14) 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:

a) the recording of historic fabric and features revealed before and during the demolition and/or alteration of the older buildings on the site, principally Millbrook House and Fairfield House (original core and older extensions in both cases); and

b) the excavation, recording and publication of those buried archaeological remains that are affected by the development - principally the Roman fort but also other remains elsewhere within the site.

- 15) No development or construction activity shall be undertaken within the area(s) outlined in green on the attached plan, drawing No. Arch1, until the means of protecting archaeological remains have been agreed in writing with the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure:

a) the fencing off of any sensitive areas during development works, if necessary; and

b) suitable protection of any remains that are left to be unexcavated, where these lie at or immediately below construction levels for example.

- 16) Appropriate arrangements for public access to the archaeological work on site should be agreed with the Local Planning Authority prior to the commencement of the programme of archaeological works.

Reason: To ensure that important discoveries are made accessible to the public in a safe and controlled manner.

- 17) C23 - Permitted Development Restriction

- 18) C34 - Landscape Scheme - Outline

- 19) Prior to the commencement of the development hereby approved a timeframe for the implementation of the landscaping scheme approved as a subsequent reserved matter shall be submitted to, and be approved in writing by, the Local Planning Authority.

Reason: To ensure that the landscaping of the site is carried out within an appropriate timeframe in the interests of the character and visual amenity of the area.

- 20) Unless otherwise agreed in writing by the local planning authority, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until Points 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the contamination to the extent specified in writing by the local planning authority until Point 4 has been complied with.

1. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

2. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than development required to carry out remediation) unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.
4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of

Point 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Point 3.

5. A monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 21) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 22) No construction works shall take place and no deliveries taken at the site outside the following times: - 8am – 6pm Monday to Friday, 8am – 1pm Saturday nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 23) The development hereby approved shall be carried out strictly in accordance with the findings and recommendations set out in the submitted Air Quality Statement and Noise Assessment prepared by WSP. The recommended mitigation measures shall be fully implemented and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the residential amenity of future occupants of the site.
- 24) Prior to the commencement of the development detailed plans and specifications for the proposed new bat house, including the timeframe for its delivery and on-going maintenance arrangements, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure that appropriate arrangements are put in place to provide an alternative and viable habitat for bats displaced as a result of the overall redevelopment of this site.
- 25) No development shall take place 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: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 26) Prior to commencement of any individual phase of the development identified pursuant to Condition 10 a scheme for generating a minimum of 10% of the predicted energy requirement of that phase of the development from on-site renewable sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before any of the dwellings in that phase are first occupied and shall thereafter be maintained so that it provides the required level of generation.

Reason: To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 - Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.

- 27) Prior to the first occupation of any individual unit of residential accommodation comprised in the development a Green Travel Plan (including recommendations and monitoring/review arrangements) shall be submitted to, and be approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented and monitored in accordance with the approved document.

Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on the private motor car in the interests of sustainability.

- 28) Prior to the commencement of the development hereby approved details of any plant, machinery and mechanical extract ventilation equipment, associated with the communal facilities building, apartment blocks and care home, shall be submitted to and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity and the residential amenity of future occupants of the development

- 29) Prior to the commencement of the development hereby approved detailed plans of the design and layout of the cycle/footpath running east/west along the southern boundary of the site with the mill race (as depicted on drawing no. 16251 2.00), and details of the phasing of its delivery, shall be submitted to and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that the details of the path, and arrangements for its delivery, are acceptable.

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

(Report circulated)

**PLANNING APPLICATION NO.09/1371/03 - LAND SOUTH OF YEOFORD WAY,
MARSH BARTON TRADING ESTATE, EXETER.**

The Head of Planning and Building Control presented the planning application for the enlargement and improvement of existing drainage channels at land south of Yeoford Way, Marsh Barton Trading Estate, Exeter.

The works would involve the excavation of one side of the bank on both the Mutton Brook and Matford Brook. The works comprised a flood flow channel five metres wide and one metre deep being excavated along the south bank of the Mutton Brook and a flood flow channel between seven metres and fifteen metres wide and 0.5 metres in depth being excavated alongside the north bank of the Matford Brook. In addition, an interceptor drain would collect floodwater that spilled from the Matford Brook across the field in the southwest corner of the site.

An update sheet was circulated to Members giving details of comments from the Devon Wildlife Trust and the Head of Leisure and Museums.

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

RESOLVED that planning permission for the enlargement and improvement of existing drainage channels be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C35 - Landscape Scheme
- 4) C37 - Replacement Planting
- 5) C57 - Archaeological Recording

(Report circulated)

(The meeting commenced at 6.05 pm and closed at 7.30 pm)

Chair

PLANNING COMMITTEE

Monday 2 November 2009

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

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

136

MINUTES

The minutes of the meetings held on 27 April 2009, 18 May 2009, 1 June 2009, 30 June 2009, 7 July 2009, 20 July 2009, 27 July 2009, 7 September 2009 and 1 October 2009 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Mitchell	138 (employee of the Royal Devon and Exeter NHS Foundation Trust)
Councillor Taghdissian	143 (Girlfriend works at the Royal Devon and Exeter site at Gladstone Road - 09/1072/03)

138

PLANNING APPLICATION NO.09/1291/03 - 68A SHAKESPEARE ROAD, EXETER, EX2 6BU

Councillor Mitchell declared a personal interest as he is an employee of the Royal Devon and Exeter NHS Foundation Trust.

The Head of Planning and Building Control presented the application for the redevelopment to provide three detached buildings comprising 24 self-contained flats and associated sheds and a detached dwelling following demolition of 66 & 68 Shakespeare Road, provision of public footpath/cycleway connecting the site with Well Oak Park, cycle and bin storage, parking, vehicular and pedestrian access to highway and associated works at 68A Shakespeare Road, Exeter.

The Head of Planning and Building Control informed Members that the proposal would comprise of 24 flats being a mix of one and two bed units in three blocks arranged around a communal central space. The blocks ranged in height from two to three storeys. A foot/cycle path would run through the middle of the site and the central open space. The dwellings would be occupied by the over 55's and would be designed to level 4 of the Code for Sustainable Homes.

He outlined the relationship of the development to the surrounding dwellings and stated that the distance to the nearest property in Well Oak Park from Block 3 was a minimum separation distance of about 25 metres. The application site was also at a lower level than the properties in Well Oak Park, and there was a significant tree

screen along this boundary. Given the density of this tree screen and in the interests of the long term health of the trees, 23 trees would be removed within this area.

The Head of Planning and Building Control updated Members on the issue of the provision of a foot/cycle path linking Shakespeare Road with the Wyvern site, and enabling a direct route to Dryden Road. The desirability of such a route was recognised in the consideration of applications to redevelop part of the former Wyvern Barracks site since 2004 when the Section 106 agreement associated with the approval of the housing secured a developer contribution towards the provision of such a link. The Police Architectural Liaison Officer had responded to a consultation on this current application by re-iterating that from the perspective of preventing crime and Anti Social Behaviour, and reducing the fear of crime the Police's preference would be for no link to be provided. However, notwithstanding a preference for a link not to be provided, the Police Architectural Liaison Officer suggested that a route leading in to Well Oak Park with the Masterson Street link closed would represent a compromise that would minimise potential impact on local residents.

Members were circulated with an update sheet giving details of a letter from the Wyvern Park Residents Association, a further letter of objection; details of a bat survey; comments from the County Director of Environment, Economy and Culture; details of further correspondence from the Police Architectural Liaison Officer and the Council's response.

The recommendation was for approval with a further recommendation that the Council undertake the works in the open space, including providing a three metre wide path between the site and Well Oak Park, securely closing off the access to Masterson Street, lighting, landscape and CCTV to be funded from Section 106 money and Housing and Planning Delivery Grant or a request to Executive to alter the capital programme, conditions as per the report and two additional conditions relating to the protection of bats.

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

- there was a desperate need for affordable housing in Exeter
- the dwellings would be for down sizing and free up larger homes for families
- site was close to the hospital and hospice which would enable residents to easily access these facilities
- the path would provide a quick link through from Shakespeare Road to Dryden Road
- the footpath could be used by wheelchairs users and could be used by residents that work at the hospital
- for years there had been an unofficial path through to Dryden Road
- it had been known that there would be a footpath from Shakespeare Road to Dryden Road well before Wyvern Park was built;
- the developer of Wyvern Park had entered into a Section 106 to provide £24,000 towards a footpath
- had sympathy for the residents of Wyvern Park as they had brought their properties not realising that there was provision for a footpath
- there was a need for this footpath provision.

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

- representing residents from Shakespeare Road
- this footpath had been a provision of the Wyvern Park planning approval

- the path would enhance Green Travel by encouraging walking and cycling
- would help a large number of people who walked to and from the hospital and Heavitree
- did have concerns that people could still use the Masterson Street link and this could cause problems as it would not be lit.

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

- had been asked to represent 'unrepresented' local residents
- was not against the development of the flats
- there had been many representations against the proposed footpath including petitions
- asked the Committee to give the footpath its full consideration
- the Police supported local residents in their views that the path would lead to anti social behaviour, increase in crime and disorder and increase in noise
- the flats should be approved without the provision for the footpath
- the proposed footpath would affect the quality of life of the residents of Well Oak Park and Wyvern Park
- there should be alternative route for the path perhaps around the Barracks
- once the decision had been made it could not be undone.

Mr Bath spoke in opposition to the design of the proposal. He raised the following points:-

- represented owners with properties on the northern boundary
- had issues with aspects of the siting and design of Block 3
- Block 3 breached local planning guidance in respect of ridge and eaves heights, massing, space separation and trees
- overshadowing would be an issue for existing residents and new tenants as the new kitchens would only be 20.5 metres away from the rear elevation of his and neighbouring properties: ridge and eaves height would be significantly higher than the adjacent properties
- Block 3 footprint could be moved south by about 6 to 10 metres and there was a strong case to reduce Block 3 by half a storey
- the destruction of the tree corridor was contrary to Council guidance and it provided a significant wildlife corridor; there was no consultation on this extensive tree removal.

Mr Corcoran (representing residents on Well Oak Park) spoke in opposition to the footpath. He raised the following points:-

- 94% of the residents of Well Oak Park objected to the proposed footpath
- when there was a route through from Shakespeare Road previously, there was an increase in anti social behaviour in Well Oak Park and Wyvern Park
- the crime and disorder figures were inaccurate for the area
- there was now a 'Section 30' dispersal order in place in the Burnthouse Lane area
- the proposed footpath would cause noise disturbance with yobbish behaviour
- by applying provisions of Section 17 of the Crime and Disorder Act 1998, if the Committee decided to proceed with the footpath against the recommendation of the Police, it would have arrived at a wrong balance between permeability and crime
- to proceed with the footpath would be against the aim of the Community Safety Partnership that Exeter should be the Safest City in the South West
- would be contrary to the Home Officer paper regarding anticipating the impact of Section 17 of the Crime and Disorder Act

- should defer the decision on the footpath
- had taken legal advice as to other options open to the Police and local residents should the footpath be approved.

Miss Jenkins spoke in support of the footpath. She raised the following points:-

- understood the concerns of the residents of Well Oak Park and Wyvern Park; but you could not judge everyone in the Shakespeare Road/Burnthouse Lane estate by the actions of a few
- vast majority of residents were hard working
- the footpath would be used by residents going to and from work, peacefully and quietly
- would reduce the time it took to get to and from work at the hospital which would be welcomed after a 12 hour shift
- the proposed CCTV, lighting and opening up of the path would prevent misuse of the path
- people should not be discriminated against because of where they live
- was speaking on behalf of those residents who wanted the footpath.

The Head of Planning and Building Control stated that the distance between 18, 20 and 22 Well Oak Park and Block 3 was 25 metres. The distance of 20.5 metres between Block 3 quoted by Mr Bath might be to a conservatory at no.18 Well Oak Park. Because of the difference in ground levels, Block 3 would be seen as no more than a two storey building from 18, 20 and 22 Well Oak Park. 23 trees would be removed along the boundary with Well Oak Park although a large number of trees would remain. The Ministry of Defence had been approached regarding a possible footpath across their land but they had stated that they would not make land available.

During discussion, Members raised the following points:-

- out of all the 60 letters only two had been from residents in Shakespeare Road
- concerned that the Police Architectural Liaison Officer objected to the footpath
- the crime figures for Shakespeare Road/Burnthouse House Lane were no higher than any other area of the City
- the installation of the CCTV and lighting provided a good compromise to the provision of the footpath
- quality of life should refer to all residents not just those on Well Oak Park and Wyvern Park
- should not put barriers up between communities within the city
- was not the Committee's responsibility to be social engineers.

In response to Members' questions, the Head of Planning and Building Control clarified the position of the bins storage. Section 17 of the Crime and Disorder Act had been raised at the previous meetings in 2008, but he doubted that it had been considered when the original applications were approved.

RESOLVED that planning permission for the redevelopment to provide three detached buildings comprising 24 self-contained flats and associated sheds, detached dwelling following demolition of 66 & 68 Shakespeare Road, provision of public foot/cycle path connecting site with Well Oak Park, cycle and bin storage, parking, vehicular and pedestrian access to highway and associated works be **approved** subject to a Section 106 agreement on the provision of affordable housing, the construction of the foot/cycle path to the site boundary and its offering for adoption. It was also **resolved** that the Council undertake works in the open space, including providing a three metre wide path between the site and Well Oak

Park, lighting, landscape, CCTV, and securely closing off the access to Masterson Street funded from the Section 106 monies and Housing and Planning Delivery Grant or a request to Executive to alter the capital programme and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C17 - Submission of Materials
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C37 - Replacement Planting
- 8) C55 - Construction of Roads Before Occupation
- 9) C70 - Contaminated Land
- 10) C72 - Highway - Estate Roads etc
- 11) H02 - Highways - Provision parking, etc
- 12) No construction work in connection with the development hereby approved shall take place outside the hours of 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the residential amenities of the occupants of surrounding properties.
- 13) The stripping of the roofing slates and soffit boxes of the existing building shall only be carried out under the supervision of a licensed bat ecologist, and not during the bat breeding season (April to August). In the event of any bats being found to be present the advice of the attending ecologist shall be followed with regard to how works can and should proceed to protect the bats. The attending ecologist shall subsequently certify in writing to the Local Planning Authority that the works were appropriately supervised, and any remedial measures necessary implemented.
Reason: In the interests of the protection of any bats that might be present in the building.
- 14) Prior to the commencement of the development details of the type and location of 3 bat boxes to be installed within the proposed development, along with the time frame for their installation, and an on-going maintenance programme, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the approved bat boxes shall be permanently retained in situ and be maintained in accordance with the agreed maintenance details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the scheme makes appropriate provision for the enhancement of biodiversity opportunities within the site.

(Report circulated)

**PLANNING APPLICATION NO.09/1427/16 - LAND TO THE REAR OF 87-97
MERLIN CRESCENT, EXETER, EX4 9AF**

The Head of Planning and Building Control presented the application for the redevelopment to provide two, two and a half storey buildings comprising 18 self contained flats, parking, alterations to vehicular and pedestrian access, cycle stores, sheds and associated works at land to the rear of 87-97 Merlin Crescent, Exeter.

This planning application would seek to demolish largely unused garages and construct two blocks of flats. Ten parking spaces were proposed at the eastern end of the site, including one disabled space. The proposed buildings were contemporary in style, with pitched roofs. They would be faced with render, timber cladding and plain clay roof tiles. All units would be affordable housing and achieve a minimum of Level 4 of the Code for Sustainable Homes. It was proposed to encourage people over 55, whose resident families had reduced in size, to exchange their larger houses for the flats.

The recommendation was for approval subject to the completion of a legal agreement or other appropriate arrangement to secure the provision of 25 % of the units as affordable in perpetuity and the conditions as per the report.

The Local Ward Councillor stated that although there had been a public meeting where local residents had raised objections, only two objectors had made written representations on the planning application raising issues of the loss of visual amenity, play space and parking. However, he welcomed this development and he considered that Beacon Health would benefit from this proposal enabling people to down size and stay in the same area.

Members welcomed this proposal for affordable housing.

RESOLVED that planning permission for the redevelopment to provide two, two and a half storey buildings comprising 18 self contained flats, parking, alterations to vehicular and pedestrian access, cycle stores, sheds and associated works be **approved** subject to the completion of a legal agreement or other appropriate arrangement to secure the provision of 25 % of the units as affordable in perpetuity and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C34 - Landscape Scheme - Outline
- 5) C35 - Landscape Scheme
- 6) C70 - Contaminated Land
- 7) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 8) Prior to the commencement of the development, details of all external plant/machinery (such as associated with exhaust air heat pumps) including

sound power levels, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of local amenity.

- 9) No part of the development hereby approved shall be occupied until the on-site parking facilities and any means of access 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) The proposed estate road, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, 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, sections and structural calculations 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 consideration of the detailed proposals.

- 11) C36 - No Trees to be Felled

- 12) C38 - Trees - Temporary Fencing

- 13) No development shall begin until a scheme for generating a proportion of the energy requirement of the development from on-site renewable sources which reduce the predicted CO2 emissions by 10 per cent (or other proportion as agreed in writing), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.

Reason: In the interests of sustainable development.

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

(Report circulated)

140

PLANNING APPLICATION NO.09/1425/16 - LAND TO WEST OF 5 THE OLD COOPERAGE, SIVELL PLACE, EXETER, EX2 5EN

The Head of Planning and Building Control presented the planning application for a development to provide one/one and a half storey building containing three self contained flats, vehicular access, parking, sheds and associated works at land to west of 5 The Old Cooperage, Sivell Place, Exeter.

Members were informed that the upper floor was partially within the roof space with dormer windows, and dropped down to single storey at the eastern end where it was close to the Old Cooperage (Mortuary). There was one, 2 bedroom flat and two 1 bedroom flats, each with an independent entrance.

The site was situated within the Heavitree Conservation Area and at present was used for unofficial parking by some of the local residents, and for display of vehicles for sale by the nearby garage. There was a brick wall of varying height up to 3 metres along the southern site boundary. The building would be faced with render and light grey plain clay tiles. All units would be affordable housing and had been designed to achieve a minimum of Level 4 of the Code for Sustainable Homes. It was proposed to use the units to encourage down sizing.

One further letter of objection had been received which raised no new issues to those covered in the report.

The recommendation was for approval to be delegated to the Head of Planning and Building Control subject to the receipt and consideration of any new and substantive objections received prior to the expiry of the consultation period (2 November 2009), and the conditions as per the report.

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

- was the Local Ward Councillor
- was pleased that this proposal would encourage down sizing
- main concern was the over looking of properties to the rear in Kingsway from the first floor windows
- could the design be slightly changed to avoid overlooking.

Mr Spencer spoke in opposition to the application. He circulated a photograph and drawing to Committee Members. He raised the following points:-

- lived at 68 Kingsway, was also representing residents at 66 and 70 Kingsway
- the windows on the first floor were clear glass opening windows and would look directly into his property's bedroom windows causing an overlooking issue
- bungalows would be more appropriate on this site
- loss of trees would cause noise pollution
- the development would cause loss of parking
- there was only 21.5 metres between the windows on the proposal and his first floor windows.

The Head of Planning and Building Control stated that the relationship between the first floor windows was acceptable as there was limited visibility and would be mitigated as the rooms to the rear of the proposal were a bathroom, kitchen and dining area.

During discussion, some Members had concerns regarding the possible over looking from the windows on the first floor and asked if the design could be amended to alleviate the situation.

The Head of Planning and Building Control stated that he did not believe that it was possible to change the design of the proposal.

RESOLVED that planning permission for the development to provide one/one and a half storey building containing 3 self contained flats, vehicular access, parking, sheds and associated works be **approved** subject to the receipt and consideration of any new and substantive objections received prior to the expiry of the consultation period (2 November 2009), and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C34 - Landscape Scheme - Outline
- 5) C35 - Landscape Scheme
- 6) C70 - Contaminated Land
- 7) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 8) Prior to the commencement of the development, details of all external plant/machinery (such as associated with exhaust air heat pumps) including sound power levels, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of local amenity.
- 9) No part of the development hereby approved shall be occupied until the access, off-street parking facilities and frontage footway to Sivell Place have been provided in accordance with construction 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.

(Report circulated)

141

**TREE PRESERVATION ORDER NO. 604 (CHURCH OF ST. PAUL,
BURNTHOUSE LANE, EXETER) 2009**

The Head of Planning and Building Control presented the report that gave details of an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 604 (Church of St Paul, Burnthouse Lane, Exeter) 2009.

This Tree Preservation Order (TPO) was an area order to protect three trees, a Robinia, Field Maple and Cherry tree. The Field Maple and Cherry trees had a limited life span and were category C trees.

Michael McMillan spoke objecting to Tree Preservation Order No. 604. He raised the following points:-

- was representing the developer of the site; pre application discussions were taking place regarding a development of 24 social housing unit on the site and a Church Community Hall
- the Field Maple and Cherry Tree were barely visible from the road and their inclusion in this TPO could not be justified.

In response to a Member's question, the Head of Planning and Building Control stated that it was recognised that should the Field Maple and Cherry trees constrain any proposals then an application could be made to remove them but, by placing a TPO on the trees the Council could request replacement trees should they be removed.

RESOLVED that the order be confirmed without modification.

(Report circulated)

142 **TREE PRESERVATION ORDER NO. 606 (5 ST. LEONARDS ROAD, EXETER) 2009**

The Head of Planning and Building Control presented the report giving details of an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 606 (5 St. Leonards Road, Exeter) 2009.

Members were circulated with an update sheet giving details of the objection from the owners of 5 St Leonards Road and the Council's response.

RESOLVED that the order be confirmed without modification.

(Report circulated)

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

Councillor Taghdissian declared a personal interest as his girlfriend works at the Royal Devon and Exeter site at Gladstone Road (09/1072/03).

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

RESOLVED that the report be noted.

(Report circulated)

144 **ENFORCEMENT PROGRESS REPORT**

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

Members were informed that the two appeals on 65 Kingsway and the appeal for the Jumbrella at 5-9 The Quay had been allowed, and the appeal at 12 Guildhall Shopping Centre had been dismissed.

RESOLVED that the report be noted.

(Report circulated)

145 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

146 **AREA WORKING PARTIES**

AGREED that Councillor Cole would replace Councillor Newton on the Western Area Working Party.

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 24 November 2009 at 9.30 a.m. The Councillors attending will be P J Brock, D J Morrish and Shepherd.

(The meeting commenced at 5.30 pm and closed at 8.10 pm)

Chair

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PLANNING COMMITTEE

Monday 7 December 2009

Present:-

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

Also Present

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

148

DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor P.J. Brock	149* (Member of the County Council's Exeter County Committee) 153* (the owner of the business occupying the premises)
Councillor Prowse	149* (Member of the County Council's Exeter County Committee) 151 (Student landlord)
Councillor Wadham	149 (Hon. Secretary of the Devon and Exeter Institution who occupy 7 Cathedral Close) 152 (Hon. Secretary of the Devon and Exeter Institution who occupy 7 Cathedral Close)

149

LISTED BUILDING CONSENT NO.09/1640/07 - CATHEDRAL GREEN, CATHEDRAL CLOSE, EXETER, EX1

Councillor P.J. Brock declared a personal and prejudicial interest as a Member of the County Council's Exeter County Committee. He left the meeting during consideration of the item.

Councillor Prowse declared a personal and prejudicial interest as a Member of the County Council's Exeter County Committee. He left the meeting during consideration of the item.

Councillor Wadham declared a personal interest as the Hon. Secretary of the Devon and Exeter Institution who occupy 7 Cathedral Close.

The Head of Planning and Building Control presented the listed building consent for landscaping to the north side of Cathedral Green which would include relocation of Hooker Statue and provision of additional seating at Cathedral Green, Cathedral Close.

The scheme represented the first of four phases for improvement and enhancement works to the area surrounding the Cathedral. The proposal comprised of various elements including relocation of the Hooker statue, refurbishment of existing paths

and the creation of new paths, replacement and additional benches and new lighting columns. The Hooker Statue is a Grade II listed structure.

Members were circulated with an update sheet giving details of the views of Exeter Civic Society, the Police Architectural Liaison Officer and the County Council's Exeter County Committee together with the applicant's response to these comments. Exeter Civic Society and the County Council's Exeter County Committee had objected to the relocation of the Hooker Statue.

The recommendation was for approval of the listed building consent subject to conditions as per the report.

During discussion Members raised the following points:-

- concerns that the proposed lighting columns were not in keeping with the area
- the relocation could hinder any possible opening up of the Roman Baths in the future
- the opportunity for an archaeological dig was missed.

The Head of Planning and Building Control confirmed this high quality contemporary lighting was acceptable and that this application did not cover the area where the Roman Baths were located.

The Director Economy and Development informed Members that guidance in PPG 16 stated that the Council could not create an opportunity for an archaeological dig if one was not required, as was the case with this application.

RESOLVED that listed building consent for landscaping to the north side of Cathedral Green to include relocation of Hooker Statue and provision of additional seating be **approved** subject to the final details of the lighting columns to be delegated to the Head of Planning and Building Control in consultation with the Chair of Planning Committee and the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 October 2009 (dwg nos 471_01(CD)001; 002; 003; 004; 005; 006; 007; 008; 009 & 010; 471_01(MP)011 & 012), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C57 - Archaeological Recording
- 4) 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) colour of sign boards, finger posts and tree guards
 - b) method statement for the relocation of the Hooker statue;
 - c) the specific location and a method statement for the installation of the CCTV cameras;**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

(Report circulated)

150 **VARIATION OF CONDITION NO.09/1429/03 - 46A FORE STREET, TOPSHAM, EXETER, EX3 0HY**

The Head of Planning and Building Control stated that it had been determined that the application was invalid and it would no longer be considered.

Noted that this application was invalid.

(Report circulated)

151 **PLANNING APPLICATION NO.09/1528/03 - THE DELTA CENTRE, VERNEY STREET, EXETER, EX1 2AW**

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

The Development Manager presented the planning application for the change of use from imaging centre to student accommodation comprising 17 bedspaces at first floor level, alterations to windows on all elevations, bin storage and cycle parking facilities and associated works at the Delta Centre, Verney Street, Exeter.

A previous application for student accommodation on this site had been refused for the reasons that the accommodation in the roof space would not provide adequate amenity. This application sought to convert the first floor only into student accommodation comprising thirteen units, nine for single occupation and four for double occupation. The single occupation units would have a floor area of between 23 and 30 sq metres, and the double units 43/44 sq metres. The ground floor would be let on a separate lease and remain in commercial use.

Members were circulated with an update sheet giving details received from the applicants stating that they would enter a unilateral undertaking in relation to limiting the accommodation to student occupation and the management of the accommodation, confirmation of an entry system and that new windows would be fitted throughout the premises and the lower windows facing the adjoining office would be obscure glazed.

The recommendation was for approval subject to a Section 106 Agreement in relation to limiting the accommodation to student occupation and the management of the accommodation, the conditions as per the report with condition six to be amended to reflect the details now received of the design of the bin and cycle storage facilities.

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

- was a partner in the Delta Centre
- for the last two to three years the property had been actively marketed for commercial use
- a proposal for the conversion to affordable housing had been previously discussed but, after meetings with officers, it was thought that the levels of amenity would not be acceptable
- this would be car free development close to amenities
- the use was appropriate for this location and would make a positive contribution to the area.

In answer to a Member's question, Mr Angeloni clarified that an application for affordable housing was discussed but the general amenity standard was thought not suitable. Student accommodation had different criteria.

In response to a Member, the Director Economy and Development stated the Sidwell Street Urban Analysis 2007, which had been agreed by Planning Member Working Group, provided a framework for the planning of the area and included provision for commercial and residential uses.

RESOLVED that planning permission for change of use from imaging centre to student accommodation comprising 17 bedspaces at first floor level, alterations to windows on all elevations, bin storage and cycle parking facilities and associated works be **approved** subject to a Section 106 Agreement limiting the accommodation to student occupation and the management of the accommodation and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) Development shall not begin until a scheme for protecting the proposed accommodation from noise from vehicular traffic has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
Reason: In the interests of residential amenity.
- 4) The student accommodation hereby approved shall not be occupied until sound insulation measures between the units and adjoining properties have been implemented in accordance with full details which have been approved by the Local Planning Authority in writing.
Reason: In the interests of residential amenity.
- 5) C17 - Submission of Materials
- 6) Prior to the first occupation of any of the accommodation comprised in the development hereby approved, the refuse store, and 17 cycle storage facilities, as specified on drawing No. 11 (received on 30th November 2009) shall be fully completed/installed and made available for use by the occupants of the accommodation. The said facilities shall thereafter be permanently retained solely for that use unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate provision is made for refuse and cycle storage facilities to serve the development.
- 7) Prior to the first occupation of any of the accommodation comprised in the development hereby approved a Green Travel Plan incorporating a basic traffic impact assessment , together with mitigation measures to limit the use of private motor vehicles and monitoring arrangements to ensure the continued effectiveness of the Travel Plan, shall be submitted to and be approved in writing by, the Local Planning Authority.
Reason: To ensure that appropriate measures are put in place to limit the use of the private motor car by future occupants of the development.

In the event that the Section 106 agreement/Unilateral Undertaking 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)

**LISTED BUILDING CONSENT NO.09/1327/07 - 8-9A CATHEDRAL CLOSE,
EXETER, EX1 1EZ**

Councillor Wadham declared a personal interest as the Hon. Secretary of the Devon and Exeter Institution who occupy 7 Cathedral Close.

The Head of Planning and Building Control presented the listed building consent for alterations to internal walls, doors and ceilings at 8-9A Cathedral Close, Exeter. 8 and 9a Cathedral Close were Grade I listed buildings located within the Central Conservation Area. Until recently the buildings had been occupied by a firm of solicitors as offices. They were currently unoccupied and the owner was proposing to refurbish the buildings with the intent of re-letting them as offices. A considerable amount of work was retrospective. No works were intended in the Medieval Law Library.

The recommendation was for approval subject to conditions as per the report. As this was a Grade I listed building, the application would need to be referred to the Government Office for the South West.

RESOLVED to recommend to the Government Office for the South West that listed building consent for alterations to internal walls, doors and ceilings be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 14 August 2009 (*dwg. no. 1891/02 and "Design & Access Statement and Schedule of Works"*), 18 September 2009 (*dwg. no. 1891/03A, 1891/04 and 1891/05 and "Heritage Statement"*) and letters dated 23 October 2009 and 11 November 2009, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) 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.
- 4) All new doors shall be first constructed and subsequently maintained in timber with a painted finish. Details of the construction and finish shall previously have been submitted to and approved in writing by the Local Planning Authority prior to fixing.
Reason: To protect and preserve the character of the listed building.
- 5) Notwithstanding the content of the submitted documents relating to proposed "squaring up" of any areas of panelling, no such works are hereby permitted, without the prior written approval of the Local Planning Authority.

Reason: To protect and preserve the character and appearance of the listed building.

- 6) Prior to their installation, full details of all new cast iron radiators to be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect and preserve the character and appearance of the listed building.

(Report circulated)

153 **PLANNING APPLICATION NO.09/1590/03 - 67 MAGDALEN ROAD, EXETER, EX2 4TA**

Councillor P.J. Brock declared a personal and prejudicial interest as the owner of the business occupying the premises. He left the meeting during consideration of the item.

The Development Manager presented the planning application for alterations to the shop front on the south elevation at 67 Magdalen Road, Exeter. This application was for the replacement of the shop front to No 67 (Bran Tub). At present, part of the shop front was recessed and the new shop front would be re-aligned parallel with the footpath. It would retain a single door entrance slightly offset from the centre and would be constructed from softwood timber set on a brick plinth. The existing door between the two shop fronts would be replaced with a full length window to match the rest of the shop front.

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

In answer to a Member's question, the Development Manager stated that there was a portable ramp available for disabled access.

RESOLVED that planning permission for alterations to shop front on south elevation be **approved** subject to the details of the provision for disabled access to be delegated to the Head of Planning and Building Control in consultation with the Chair of Planning Committee and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13th October 2009 (*dwg. nos. 194/09/01 Rev A*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

(Report circulated)

154 **LOCAL DEVELOPMENT FRAMEWORK - ANNUAL MONITORING REPORT**

The Head of Planning and Building Control presented the Local Development Framework Annual Monitoring Report. The Annual Monitoring Report was in two parts, the Local Development Scheme and Monitoring Results.

The Head of Planning and Building Control updated Members on the preparation of the Core Strategy and its delay due to the need for certainty on housing targets for the City coming forward through the Regional Spatial Strategy. He outlined the progress with the revised Local Development Scheme, preparation of

Supplementary Planning Documents and the Masterplans for Monkerton/Newcourt and Alphington.

He informed Members of the monitoring results and that, between 2001 and 2009, development of an average of 7.3 hectares of employment land had been completed each year compared to the Structure Plan 2001-2016 target rate of 5.7 hectares a year. Over the same period, development of an average of 523 dwellings had been completed each year compared to the Structure Plan target rate of 447 dwellings a year. An additional paragraph would be added to the submitted report regarding additional material on employment in relation to Regional Spatial Strategy targets.

During discussion Members raised the following points:-

- 'differential' should be amended to 'ratio'
- was there a 'Library Fields' in the City?
- concern that Local Ward Members had no input into the Masterplans for Monkerton/Newcourt.

The Head of Planning and Building Control outlined the process regarding the Masterplans for Monkerton/Newcourt and that it was intended that these would go to the Planning Member Working Group for Member input early next year.

The Director of Economy and Development updated Members on the process for the Alphington Masterplan. Teignbridge District Council was the lead authority having the majority of dwellings in the area, 2000 dwellings, whilst this Council's interest was 500 dwellings. The consultants acting on behalf of Teignbridge District Council had involved the local ward members at an early stage although this was not a format that was adopted for the Monkerton and Newcourt Masterplans.

RESOLVED that the Annual Monitoring Report 2009 be approved for submission to the Secretary of State with the amendment from 'differential' to 'ratio'; the clarification of site of 'Library Fields' and an additional paragraph regarding additional material on employment in relation to Regional Spatial Strategy targets.

(Report circulated)

155 **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)

156 **ENFORCEMENT PROGRESS REPORT**

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

He informed Members that officers were disappointed that the appeal at 65 Kingsway had been allowed. The appeal at 12 Guildhall Shopping Centre had been dismissed and, although a large area of the decking had been removed, a small area still remained. Officers would pursue its removal.

A Local Ward Member stated that he was dissatisfied with the result of the appeal at 65 Kingsway and that he thought that in this case an informal hearing would have been more appropriate rather than written representations.

The Head of Planning and Building Control clarified that an appeal by written representation would still require the Planning Inspector to visit the site.

The Committee requested that the Head of Planning and Building Control write to the Planning Inspectorate to express the Committee's concern that the appeal on 65 Kingsway had been allowed.

RESOLVED that the report be noted.

(Report circulated)

157

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

158

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 5 January 2010 at 9.30 a.m. The Councillors attending will be Cole, Edwards and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair

LICENSING COMMITTEE

17 November 2009

Present:

Councillor Ben Noble (Chair)

Councillors Branston, S Brock, Cole, Mrs Danks, Gale, R Smith, Sterry, Thompson and Wadham

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

30 **Minutes**

The minutes of the meetings held on 28 July and 22 September 2009 were taken as read and signed by the Chair as a correct record.

31 **Declarations of Interest**

No declarations of interest were made by Members.

32 **Hackney Carriage Licence Appeal - Mr Paul Sandle**

The Licensing Solicitor presented the report on the outcome and implications of a successful appeal by Nick Sandle (on behalf of Paul Sandle) at Exeter Crown Court against the Licensing Authority's refusal to "renew" Mr Sandle's lapsed Hackney Carriage licence and subsequent refusal to grant Mr Sandle's application for a new Hackney Carriage licence.

Given the uncertain position in which the decision had left the Licensing Authority, the Licensing Solicitor advised that the Head of Legal Services had, in agreement with the Head of Environmental Health Services, instigated an appeal by way of case stated to the High Court. The Licensing Solicitor detailed the background to the Learned Judge's decision explaining that an appeal was necessary in order to clarify what had appeared to be a simple point of law, that is, the precise expiry date of a one year Hackney Carriage licence and the ability, or otherwise, of the authority to "renew" a licence after that period.

In response to a Member, the Licensing Solicitor advised that the decision to grant a Hackney Carriage licence to Mr Sandle did not impact directly on the existing policy of not exercising the discretion to increase the number of licences issued above 59, being the current level of significant unmet demand, although the total number of licenses was now 60 as a result of the decision.

RESOLVED that the position be noted.

(Report circulated)

LICENSING ACT 2003

33 **Licensing Act 2003 - Minor Variations to Premises Licence**

The Principal Licensing Officer presented the report setting out details of the applications received to date regarding minor variations under the provisions of legislation that had come into effect on 28 July 2009. The legislation provided that these applications should be dealt with by the Licensing Authority at officer level. This matter had been the subject of a report on 28 July 2009, the Licensing Committee adopting the recommendations in the report at that time with a caveat that details of any applications should be brought to their attention.

RESOLVED that the report be noted.

(Report circulated)

34 **Review of the Licensing Act Policy Relating to the Introduction of a Cumulative Impact Zone : Results of Consultation**

The Head of Environmental Health Services presented the report setting out the results of the consultation under the Licensing Act 2003 in respect of the variation of the adopted Licensing Act Policy of the City Council. The variation had arisen following a request from the Devon and Cornwall Constabulary to introduce a Cumulative Impact Zone (CIZ) in the Fore Street and Sidwell Street areas of the City.

RECOMMENDED that the recommendation of the Head of Environmental Health Services be supported and Council be requested to adopt the Licensing Policy containing the elements relating to the CIZ as set out in the report.

(Report circulated)

GAMBLING ACT 2005

35 **Review of the Gambling Act Policy : Results of Consultation**

The Principal Licensing Officer reported on the outcome of consultations under the Gambling Act 2005.

RECOMMENDED that the policy be adopted by Council for the next three years.

(Report circulated)

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

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

TRANSPORT ACT 1985

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

37 Application for a Hackney Carriage Licence (Mr D.M.M.)

The Principal Licensing Officer reported that an application had been received from Mr M for a Hackney Carriage Vehicle Licence.

Mr M had included with his application signatures from 26 people who had pledged their support for him in obtaining a Hackney Carriage Plate for a wheelchair accessible vehicle and confirmed their current difficulties in obtaining the services of a Wheelchair Accessible Hackney Carriage.

Mr M attended the meeting and spoke in support of his application. He stated that he had driven taxis for four years and that he wished to increase this work by owning a plate. He possessed a long-wheel based Renault Traffic converted to enable the carriage of two wheelchair users simultaneously and be able to carry carers or friends at the same time. He asserted there were very few, if any, of this type of wheelchair accessible vehicles in the City. Mr M added that the vehicle was of a high standard and afforded the choice of rear loading or side loading of wheelchairs. He stated that many disabled users found difficulty in obtaining taxis as many were not equipped to carry wheelchairs and some of those that were so equipped were sometimes unable to offer a service because of broken equipment or other reasons although he had no evidence to support that allegation. Mr M also alleged that disabled persons maintained that they were often charged in excess of the normal rate. In many cases, they ordered a taxi service three or four days before the required journey to ensure that they were able to secure suitable transport. In response to that comment, the Principal Licensing Officer informed the Committee that the services referred to were in fact Private Hire Vehicle Companies who were not controlled by way of fees and charges set by the Licensing Committee in relation to Hackney Carriages.

In his application he had referred to the survey into unmet demand carried out following resolution in October 2007. The survey had concluded that there was no significant unmet demand after which this Committee had ratified the decision that there would be no change in the policy and that a limitation of 59 would remain. In his letter he maintained that the inherent problem with a street survey was that it only measured the patent demand. Mr M maintained that the demand for taxis from a proportion of the population, that is, the disabled, had been so poorly catered for in the past that they had given up using the Hackney taxi service. This is referred to as latent demand in the survey. Mr M referred to the 26 signatures and stated that this was, in his view, evidence that there was a significant unmet demand from the public, albeit that this was for a specialised vehicle and from a specific group within the population.

The Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer only. The Licensing Committee assessed the evidence put before them and the claim that there was a significant unmet demand in the City.

Mr M and officers were requested to return to the meeting in order to provide clarification to Members on certain issues. Mr M confirmed that his vehicle was capable of accommodating two wheelchairs and five passengers at the same time. In response to a question from a Member, the Principal Licensing Officer advised that 24 of the 60 vehicles licensed as Hackney Carriages were wheelchair accessible,

some being side loading and others rear loading. The Principal Licensing Officer confirmed that, to his knowledge, there was only one existing Hackney Carriage capable of transporting two wheelchairs at one time.

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

Members concluded that the specific nature of the vehicle for which a plate was being sought in comparison to other wheelchair accessible vehicles could justify a departure from policy allowing a plate to be granted in these circumstances.

RESOLVED that:

- (1) the evidence adduced by Mr M as to the demand for wheelchair accessible Hackney Carriages caused the Licensing Committee to question the level of significant unmet demand identified by the most recent survey. As a result, the Licensing Committee felt bound to commission a new survey into unmet demand forthwith; and
- (2) the Licensing Committee found the nature of Mr M's application exceptional in that the vehicle was capable of carrying two wheelchairs at one time and, as such, it justified an exception to the policy not to exercise discretion to grant a Hackney Carriage licence above the level of significant unmet demand identified and therefore granted a Hackney Carriage licence to Mr M.

(Report circulated to Members)

38 **Application for a Hackney Carriage Vehicle Licence (Mr K.M.J)**

The Principal Licensing Officer reported that an application had been received from Mr J for a Hackney Carriage Licence. Mr J was a joint owner with Ms T of Hackney Carriage Licence HO26. Mr J intended purchasing a TX4 Wheelchair Accessible vehicle which was a purpose built London type taxi.

Mr J attended the meeting and spoke in support of his application. He stated that he wished to offer a taxi service to old people's homes, hotels and customers wishing to return home from pubs late at night. In response to the Chair, he advised that the vehicle he had identified with the manufacturers would be able to accommodate a wheelchair and four passengers. He confirmed that his name was on an existing plate and Members noted that the current policy did not normally permit an individual to hold a licence for more than one plate

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

RESOLVED that the application for a Hackney Carriage Vehicle licence be refused as the applicant is already the joint owner of a Hackney Carriage licence and grant of a further licence would be contrary to current policy.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.50 pm

Chair

SCRUTINY COMMITTEE - COMMUNITY

10 November 2009

Present:

Councillor Dilys Baldwin (Chair)

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

Director Community and Environment, Head of Housing Services, Head of Environmental Health Services, Head of Contacts and Direct Services, Community Involvement and Inclusion Officer and Member Services Officer (HB)

Also present:

Councillor Mitchell
Councillor Newton

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

63 **Minutes**

The minutes of the meeting held on 1 September 2009 were taken as read and signed by the Chair as correct.

64 **Declaration of Interests**

A Member declared the following personal interest:-

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

65 **Crime and Disorder Reduction Partnership (CDRP) and the Family Intervention Programme (FIP)**

The Chair reported that this Committee had agreed earlier this year to take on the responsibility for scrutinising the work of the CDRP as required by Government. Following a discussion with the Leader of the Council and Superintendent John Vellacott, the Chair of the Partnership, a briefing session on the work of the CDRP had been organised for Monday 15 February 2010 at 5.30pm. The Committee would also receive a presentation on the Family Intervention Programme. The presentations would be undertaken by Superintendent John Vellacott and Michael Miller, the Community Safety Partnership Manager.

66 **Trews Weir Allotments**

The Director Community and Environment declared a personal interest as she was on the waiting list for an allotment.

The Head of Contracts and Direct Services reported that the Planning Western Area Working Party had referred the planning application for a new site for the Trews Weir Allotments to the Planning Committee. It had first been necessary to meet with the

Environment Agency to alleviate their concerns relating to their projections of flood risk at the allotments. As a result, a new type of fencing had been identified and a revised application in respect of .9913 hectares had been registered on 22 October 2009 and was scheduled to be considered at the Western Area Working Party on 17 November 2009. If not determined under delegated powers at the Working Party, the application would go before the Planning Committee on 7 December 2009. A bio-diversity report and a contamination risk report would be provided as part of the application.

Although this matter had taken some time to resolve, with the Environment Agency on board, it was hoped that substantial progress would be made by the New Year. The Allotment Holders were being kept fully informed of developments.

Scrutiny Committee - Community noted the position.

67 **Half Yearly reports of Portfolio Holders**

Councillor Newcombe declared a personal interest as a Devon County Councillor and the Chair of the Play Building Project Board.

Councillors Newton and Mitchell presented progress reports on priorities within the Housing and Community Involvement Portfolio and the Environment and Leisure Portfolio respectively. The priorities and progress reported are appended to these minutes.

The former reported that, in respect of affordable housing, it was now anticipated that 138 units would be provided in this financial year.

The following responses were given to Members' questions:-

Housing and Community Involvement

- The 16-17 years Homelessness pathway covered access to all services including housing and was Social Services led; and
- Work with the Muslim community in respect of building strong and cohesive communities was part of a national project, one of the aims of which was to build closer relationships and therefore contribute to preventing extremism. Work with other ethnic groups was undertaken as part of the City Council's wider equalities work.

Environment and Leisure

- With regard to play in targeted areas including Kings Heath, Wyvern Park and Summerway, consultations were held with local representatives including ward Members prior to the installation of play equipment. In Summerway, for example, it was recognised that attracting young people to a site as a consequence of installing new equipment could impact on local residents living close to the amenity and liaison with them on this would continue;
- The "Students On The Move" pilot scheme fully funded by the University had resulted in the removal of 16 tonnes of rubbish from student areas and there had been extremely positive feedback from local residents;
- An update on progress of the Swimming Pool Working Group would be submitted to the January meeting of this Committee. Other than normal running costs, no additional expenditure had been incurred on the Pool;
- An independent report had recommended a new approach to the Renaissance management regime from 2011. The monies available for schemes across the

country was in a state of flux and it was unclear at present what funding would be available to optimise benefits for Exeter and Devon; and

- The work on parks and open spaces had been commended. New management systems had been introduced as part of the process of improving efficiency. Although some contracting out was proposed as part of the tree management process there was no intention at present of extending this to other parts of the parks service.

MATTERS FOR CONSIDERATION BY EXECUTIVE

68 Proposals for Community Involvement

The Community Involvement and Inclusion Officer presented the report seeking Members' views on proposals for the Council's approach to Community Involvement, the identification of priority neighbourhoods of the City as a focus for one aspect of the Council's involvement work and on the future format of Community Forums.

Proposals for Community Involvement, including the roll out of My NeighbourhoodPACT into eight neighbourhoods, had been identified through the Place Survey results 2009 and with reference to the Geography of Deprivation Priority Neighbourhoods. The Place Survey identified where residents were least satisfied with City Council services and felt least able to influence decisions. The areas where people were least satisfied correlated with the most deprived wards.

With regard to the Community Forums, two models had been proposed - a Question Time format and a thematic approach. It was proposed that four thematic forums and one Question Time a year be introduced.

Some Members queried the need for identifying Area Liaison Officers to work in the eight areas, suggesting that they would be duplicating the work of Councillors whom it was felt were the first point of contact for residents with issues. These Members felt that the Councillors themselves were able to pass on queries to relevant officers in the Council for which a first class response was provided. The question was also asked by a Member why Gloucestershire County Council rather than Gloucester City Council had been approached for guidance, the same Member expressing concern regarding duplication and increased bureaucracy.

The Community Involvement and Inclusion Officer explained that, although Gloucester City Council had a Community Engagement Officer who helped to co-ordinate partnerships across the City as part of a team, the County Council was operating a similar model to that proposed for Exeter with a number of officers across the authority identified as the point of contact for the community areas identified. This supported greater understanding of the importance of involving communities across the whole authority.

She explained that, as part of the Duty to Involve agenda, it was the responsibility of all public sector agencies to seek to improve engagement in their role as service providers. One of the goals of this agenda was to increase public participation in the democratic process including improving turnout at elections. Whilst it was important for Communities to develop their own agenda and that Councillors had a very significant role to play, the Area Liaison Officers would be a key element and would essentially play complementary roles. The Director Community and Environment explained that this initiative would generate greater activities in local areas, and not just focus on housing and environmental issues. Officers would therefore be supporting not supplanting Councillors.

A Member referred to outcomes in the Newtown/Polsloe area, chosen as one of the initial pilots. Use had been made of the Belmont Community Centre in Newtown and valuable work undertaken. The Polsloe Ward did not have a separate Community Centre but a Community Association had been formed. He welcomed the Community kitty of £15,000 to be made available to groups from across the City but suggested that the remainder of the £33,000 budget could be better spent if used by local Councillors themselves on similar lines to individual budgets allocated to Devon County Councillors for use in their areas.

Referring to work in the Digby/Clyst Heath area of the City, the local Member welcomed the rolling out of this initiative. She referred to the on-going joint work of a number of agencies in this area and to the significant number of local people who had attended local meetings.

Another Member, referring to Polsloe Ward, felt that there should be further consideration of the Duty to Involve agenda and what it was hoped to achieve by this programme. He did not oppose the proposal for Area Liaison Officers but emphasised that their roles should essentially be that of intermediates as ultimate responsibility rested with Councillors. Referring to the establishment of a Community Association in Polsloe resulting from the pilot in that area he suggested that communication with this body could be improved and that there should be greater outreach to those in the community who did not want to be involved in the Association.

The Community Involvement and Inclusion Officer emphasised that a key role of Area Liaison Officers was to work with Community Associations and to help ensure that these bodies worked in partnership with Councillors and other key partners. Part of their role would be to ensure that representatives of all relevant agencies were available at public meetings to address issues raised. This had been a key element and role of the officer when the initial pilots had been set up.

In response to the Chair, who suggested that much work in local neighbourhoods was already undertaken by housing officers, the Head of Housing Services explained the role of estate officers in managing Council housing estates who were funded through the Housing Revenue Account. The Area Liaison Officers would have a wider remit and it was not anticipated that there would be duplication of work between the two roles. The former did however have a contributory role in areas with a high percentage of Council houses.

The above views of Scrutiny Committee - Community Members on the proposals for the roll out of My NeighbourhoodPACT into Neighbourhoods identified through the Place Survey results 2009 and the Geography of Deprivation Priority Neighbourhoods would be reported to Executive on 24 November 2009.

Executive would also be advised of this Committee's support for the Community Forum model proposed for further consultation to take place with LSP partners on the thematic areas and format.

(Report circulated)

69 **Review of Anti Social Behaviour and Policy and Procedures for Housing Landlord Services**

The Head of Housing Services presented the report seeking Members' approval for the amended Anti-Social Behaviour Policy and Procedures document following its regular review.

Scrutiny Committee - Community supported the report and requested Executive to adopt the revised Anti-Social Behaviour - Statement of Policy and Procedure.

(Report circulated)

70 **Tree Management in Exeter**

The Head of Contracts and Direct Services presented the report setting out recommendations for the safe, effective and sustainable management of trees within the Council's care.

In response to a Member, he agreed to change the title proposed in respect of Job No. CE11109 and explained that the precise cost of the changes were subject to the results of job evaluation.

A Member queried the need for committing the resources proposed to the management of trees and it was explained that many trees across the City, such as poplars, were coming to the end of their life span. It was important to minimise risks to the public by removing dangerous trees and it was also important when replanting to ensure that the correct species were used. He advised that the contractors used acted solely on the instruction of the Council officers as client and he explained the rationale behind the risk matrix. TPOs were an important part of the tree management process, the responsibility for these covered within the remit of the Head of Planning and Building Control.

Scrutiny Committee - Community supported the report and requested Executive to approve the proposals for tree management in Exeter including:

- revised funding proposals;
- the deletion of the posts of Arboricultural Officer (CE11109) and Assistant Arboricultural Officer (CE11148);
- the appointment to the post of Parks Tree Administration Support Officer (CE11109) at a grade to be determined by Job Evaluation and subject to the renaming of the post;
- developing the existing contractual arrangement to a partnership approach as detailed in section four of the report; and
- supporting the move from reactive to planned maintenance.

(Report circulated)

71 **Council Housing Energy and Sustainability Policy**

The Head of Housing Services presented the report seeking approval of the new Housing (Landlord Services) Energy and Sustainability Policy setting out how the energy efficiency of homes could be improved and incidents of fuel poverty for tenants reduced.

Scrutiny Committee - Community supported the report and requested Executive to adopt the Housing (Landlord Services) Energy and Sustainability Policy.

(Report circulated)

72 **Downsizing Incentives for Council Tenants**

Councillor Edwards spoke on this item having given notice under Standing Order No. 44.

The Head of Housing Services presented the report seeking agreement to implement an amended downsizing incentive scheme for Council tenants to improve the management of the housing stock and increase the supply of family housing to applicants on the Home Choice register.

Councillor Edwards stated that he had received a large number of requests for support for re-housing and that the downsizing scheme was a great help in facilitating such moves. As such, he believed that greater resources should be committed to this initiative. He asked that the annual budget of £50,000 proposed to be made available within the Housing Revenue Account to make downsizing payments to tenants should be increased to £100,000. He also felt that the individual cash incentive payments should not be reduced.

Some Members supported this request and also proposed that the £20,000 identified from reserves for 2009/10 for paying removal fees only for those people still willing to move but who require some financial assistance with the actual move should be used to continue paying cash incentives to move. Other Members did not support these proposals.

The Head of Housing Services advised that the motivation of those accepting support in moving was not always known but there were many advantage for moving and the payments helped greatly with the costs and stress of the process. With regard to moves to new build only help with the cost of removal was on offer as these properties possessed new facilities. The rental for these properties was greater than for existing properties.

He outlined the implications on the overall Housing Revenue Account of increasing the figure proposed for supporting downsizing. He advised that it would be unwise to reduce this account below a working balance of £1.5 million because of the need of a reserve for emergencies. There was also a possibility that borrowing to supplement the capital budget might be necessary in future years. He explained the additional costs associated with improvements necessary to void properties.

Because of the cost implications it was not considered appropriate to seek an increase in the budget to £100,000. The recommendation to request Executive to support the use of £20,000 identified from reserves to pay cash incentives was also not supported. This would be used for paying removal fees as proposed in the report.

Scrutiny Committee - Community supported the report and requested Executive to adopt the amended policy document - Reducing Under-Occupation in the Council's Housing Stock - Incentives for Downsizing.

(Report circulated)

73 **Funding of New Technology for Efficiency Gains in Cleansing Services**

The Head of Environmental Health Services presented the report seeking approval for the introduction of new technology and working practices as outlined in this report together with the initial costs.

Scrutiny Committee - Community supported the report and requested Executive to approve the introduction of new technology and working practises as set out in the report with the initial costs being met from external funding of £110,000 from SWRIEP and up to £127,100, subject to confirmation of final process from systems providers, from the Council's LGR and Mobile Working budget.

(Report circulated)

74 **Replacement of Homecall Equipment**

The Head of Environmental Health Services presented the report notifying Members of a forthcoming withdrawal of support by the Council's current provider for its Home Call equipment and systems and seeking approval to purchase new equipment and systems in this financial year.

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

- (1) adjust the 2009/10 capital programme to include capital funding of £58,800 from new borrowing, with an ongoing revenue cost of £12,000 for five years for the purchase of new Telecare equipment and systems and the purchase of a Uninterruptible Power Supply (UPS) in 2009/10 to replace the existing one before 31 March 2010;
- (2) approve revenue funding of £2,500 from the General Fund Reserve from April 2010 to maintain accreditation with the Telecare Services Association; and
- (3) support the expansion of the customer base subject to the available resources of the service.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY

75 **Review of Control Room Resources**

The Head of Environmental Health Services presented the report seeking Members views of a review being undertaken of the Control Room resources and the likely impact that potential options may have on service delivery. He tabled the comments of the Police on the review. The Police were not able to support a reduction in CCTV real time monitoring and had also advised that they were not in a position to assist in funding the CCTV monitoring. Members felt that the proposals should only be discussed following the completion of consultations and when a detailed report had been finalised.

Scrutiny Committee - Community noted the contents of the report and rejected the proposals for a reduction in CCTV surveillance as set out in paragraph 3.4 of the report. They asked for the deferral of the report and for a further report to be submitted to a future meeting of this Committee.

(Report circulated)

76 **Noise Enforcement Update**

The Head of Environmental Health Services presented the report reviewing the work of Environmental Health Services relating to the investigation of noise complaints and enforcement action undertaken over the last 12 months and reviewing the pilot

scheme that had resulted in an extension of the hours worked by the Community Patrol on the noisiest days of the week and noisiest periods of the year in order to enhance the Council's response to late night noise complaints.

In response to a Member, he advised that, as part of the prosecution process, the full costs incurred by the Council were sought.

Scrutiny Committee - Community supported:

- (1) the work undertaken by officers and noted the improvements to the Council's noise service; and
- (2) the proposal to continue with the extension of the hours of the Community Patrol to maintain an effective out of hours response to late night noise.

(Report circulated)

77 Licensing Policy Statement - Cumulative Impact Zone

The Head of Environmental Health Services presented the report informing Members of the recommendation of the Licensing Committee to introduce cumulative impact zones in the City Centre as part of the Council's Licensing Act 2003 Policy. He advised that the recommendation of that Committee would go straight to Council without the report being submitted to Executive on 8 December 2009.

Scrutiny Committee - Community noted the report in relation to its potential beneficial effect on crime and disorder in the City Centre.

(Report circulated)

78 Energy Efficiency in Private Sector Housing

The Head of Environmental Health Services presented the report informing Members of the progress of initiatives to improve the energy efficiency in private sector housing and to reduce the level of fuel poverty in Exeter.

In response to a Member, he advised that properties targeted as being in need of grant support to improve energy efficiency were identified in a number of ways. These included knowledge of construction, age of house, inspection of private sector houses in respect of other issues together with publicising the availability of grants.

Scrutiny Committee - Community noted the progress made towards the NI 187 target contained in the Local Area Agreement.

(Report circulated)

79 Risk Management

The Head of Environmental Health Services presented the report advising Members of the risks identified relating to its areas and of the action taken and proposed to mitigate the risks concerned.

Scrutiny Committee - Community:

- (1) noted the risks relating to its areas; and

- (2) supported ongoing monitoring to ensure that the risk register remains current and risk assessments are valid and that the proposed mitigating action is taken by the agreed target dates.

(Report circulated)

PERFORMANCE MANAGEMENT

80 Community Services - Stewardship to September 2009

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

The current forecast suggested that, after adjustments for increased capital charges and net movements from reserves, net expenditure for this Committee would increase from the revised budget by a total of £43,080, which represented a variation of 0.3% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

81 Housing Revenue Account Stewardship to September 2009

The Director Community and Environment advised Members of any major differences by management unit to the outturn forecast for the first six months of the financial year up to 30 September 2009. During this period, the total of the variances indicated that there would be a net deficit of £684,220 which would be transferred to the working balance as at 31 March 2010. £682,100 was the planned reduction in the working balance to support Revenue Contributions to capital expenditure (RCC) and £2,120 was the estimated additional deficit identified at the end of the second quarter stewardship. It was estimated that the working balance would stand at £2,174,045 at 31 March 2010.

Scrutiny Committee - Community noted the report.

(Report circulated)

82 Results of Half Year Performance Monitoring 2009/10

The Director Community and Environment advised Members of performance in the middle of the year on a range of services across the Directorate.

Scrutiny Committee - Community noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.25 pm

Chair

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PORTFOLIO HOLDER FOR HOUSING & COMMUNITY INVOLVEMENT
REPORT TO SCRUTINY COMMITTEE COMMUNITY 10 NOVEMBER 2009
HALF-YEAR UPDATE

A City of Strong Communities

- Organise re-elections for the Tenant & Leaseholder Committee (TALC), and carry out training of new committee members so that they can contribute effectively.

Elections took place in June 2009 and the new committee was formed at its AGM in July. The new committee have agreed the content and format for formal induction training and this is now being organised.

- Continue to act on recommendations of Resident Auditor Team.

The Resident Auditor Team are currently finalising their report on the Council's Resident Involvement Strategy. Their recommendations will be fed into a review of the strategy in the latter part of this year

- Review of consultation and engagement practice across the council with recommendations for ways forward up to 2011, with reference to the new Duty to Involve. (Paper went to Executive 30 June 2009.)

Review completed, action plan developed to take forward actions over the next 18 months for:

- *Changing culture - information on the Duty to Involve and what it means for changing practice in the council.*
- *Training and support – on implementing the Duty to Involve and sharing best practice*
- *Exploration of social media to support on-line engagement and promote inclusion – development of new policy*
- *Development of framework and standards for consultation and engagement – to ensure a consistent approach to Duty to Involve*
- *Improved website area on all community engagement activity and duty to involve*
- Partnership with Exeter CVS on the 'Take Part - Active Learning for Active Citizenship' project, including community focused events and training on 'How your city works'.

How your city works tasters starting October 2009.

Actively promote Take Part pathfinder in any community consultation

Continue to be part of planning group for Take Part and link to city councils work on engaging communities

- Ongoing support for the My Neighbourhood pilot areas to support these areas to be 'trailblazers' in the city as a model of good practice in terms of city council partnership working with communities.

New and existing community/resident associations that were supported in the My Neighbourhood pilot areas continue to hold area community meetings in partnership with local councillors. Some of these groups have supported the consultation with residents regarding the changes to refuse collection (St.David's, Exwick, Newtown and Polsloe).

- Develop an appropriate model for roll out of the council's Neighbourhood Engagement work, (depending on the outcome of LGR.)

Proposals have been worked up over the summer and key stakeholders internally and externally have had an opportunity to contribute to the plans.

Proposals to be discussed at Community Scrutiny 10 November and agreed at Executive on 24 November.

- Develop a Consultation and Engagement Strategy for the council, ensuring that the council meets all of its requirements in line with relevant legislation and government guidance.

This will be developed 2011 – 12 once the neighbourhood engagement model is piloted.

- In the light of challenging financial circumstances, develop proposals for working with residents to develop budget proposals for consideration by elected members.

Residents will have the opportunity to comment on 2010/11 budget through the citizens panel, on line and through an engagement event scheduled to take place in October.

- Respond positively, and provide support to community groups developing proposals arising out of the Sustainable Communities Act.

A panel of Exeter residents took part in reviewing SCA proposals in May 2009. Two proposals were supported by the Executive and were submitted to the LGA by the deadline of end of July. We are waiting to hear which proposals the Government are going to take forward. At present there is no commitment to further rounds of the SCA from government.

A City Where Everyone Has a Home

- Provide at least 80 new units of affordable housing.

There are currently over 100 affordable homes 'on-site', most of which are predicted to complete within this financial year. This target should therefore be exceeded.

- Undertake a comprehensive review of the responsive repairs service for council housing, establish a procurement strategy and retender the work.

The Procurement Strategy was agreed at Executive on the 16 June 2009. Informal interviews have been held with a number of potential contractors to help with this process. A formal notice has been placed in the European Journal. A pre-qualification questionnaire has been sent out and is due to be evaluated in October/November which will determine the final shortlist of contractors to be invited to tender. Formal tender documents will be issued in December.

- Continue the Older Persons' service review in partnership with DCC's Supporting People team.

Work on the design of a new service is continuing in negotiation with Devon Supporting People. It is hoped the proposed new service will be reported to Members early in the new year with the service going live in April 2010.

- Implement the Devon Homechoice Scheme.

Implementation of Devon Home Choice will start in December 2009 with the proposed 'live' date for Exeter being January 2010.

- Implement service charges for tenants living in flats.

Work is on-going to identify those areas of work where service charges will apply and we have contacted a number of other landlords to help us understand the process of implementation. Calculations are also being made to 'de-pool' the charge from the current rent. We are on target to issue the new service charge statements with the rent notification letter in February 2010.

- Deliver the Private Sector Renewal Strategy in particular the development of the new loans scheme.

Comprehensive training for staff and the partner Home Improvement Agency on the new loans scheme will commence in October, with the loans being introduced in November 2009 administered by a partner organisation Wessex Home Improvement Loans.

A key part of the strategy is for high risk Houses in Multiple Occupation to be licensed by the Council, and a recent survey of Local Authorities showed that Exeter came 6th overall in England and Wales for the numbers so licensed. In addition, partnership work on an Accreditation Scheme for student houses has made a significant step forward with the appointment of a dedicated officer by the University Accommodation Service, with an anticipated implementation date in Quarter 4. Further partnership working includes the re-launch of a private sector landlord forum in October, with the National Landlords Association.

- Keep working to achieve the adoption of an effective housing and support protocol for young people by all the Devon district councils and Devon County Council.

Following a landmark ruling by the High Court placing responsibility for vulnerable homeless 16-17 years olds on Children's and Young People's Services, we are continuing to work with Devon County Council to agree a protocol for jointly assessing and supporting any such applicants to prevent them from becoming homeless.

A Safe City

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

The review of the existing anti-social behaviour policy has been completed and is on the agenda for tonight's meeting

- Continue to work with others to build strong and cohesive communities and meet the requirements of the Prevent agenda.

Several meetings have taken place between City Council, police, county council, community safety staff and Muslim community leaders and representatives. City Council staff are attending Advice and Information sessions at the mosque. The Chief Executive is involved in discussions with police and Government Office with regard to security of the city under the Prevent agenda.

A Prosperous City

- Use all the tools at our disposal to help owner occupiers retain their homes including participation in the national mortgage rescue schemes and advice and support.

The mortgage advice service continues to work with households who have difficulties paying their mortgage and/or who are in mortgage arrears. Since April, 24 clients have been referred to Homemaker South West. By helping clients with budgeting and benefits advice this work has resulted in each client increasing their income by an average of

£1,400. We have also successfully assisted one household through the national mortgage rescue scheme – the first in Devon – and their home has been purchased by a local association with them becoming the tenant.

- Implement the Enhanced Housing Options Scheme to help people access homes where there are jobs.

Staff have now been recruited to this scheme and are working across Devon to implement the services outlined in the bid document. A major part of the plan is to link the new Devon Home Choice scheme with other housing options, such as private sector renting, Extralets etc and to give all applicants the widest choice of housing solutions possible. The new service will also link housing opportunities with job vacancies

S:LP/Cttee/Nov09

PORTFOLIO HOLDER FOR ENVIRONMENT & LEISURE

REPORT TO SCRUTINY COMMITTEE COMMUNITY 10 NOVEMBER 2009

HALF-YEAR UPDATE

Healthy and Active City

- Develop the exit/continuation strategy for the Free Play City project. Funding ends August 2010. Continue to deliver the play strategy. Hold a further 200 play ranger sessions.

A bid has been submitted to the Local Children's Trust for funding to extend the current play ranger service and to also extend play rangers working in the city's youth clubs during the holiday periods. This funding would sustain the service until March 2011

- Develop play in targeted areas including Kings Heath, Pinhoe, Wonford, Summerway. Support the use of playbuilder grant.

Successful play events were held in all of the targeted areas. From February 2010 two static Play Ranger sessions will occur in Wonford and St Thomas. A further two sessions will rove around the City to provide experience with as many children as possible in the City.

A bid has been submitted to Playbuilder to enhance play opportunities in the Riverside Valley Park. This was turned down and was re-submitted in October with additional consultation evidence. An additional bid for Wonford Playing Field will also be submitted.

The Wyvern Special is now in place and looking good. The other play equipment will hopefully be in place the early part of next year.

Consultations continue at Summerway and I will once again be meeting with the local Councillors to discuss the plans further.

The planning application for the Countess Wear MUGA should be submitted next week.

- Deliver a youth sports programme in target sports and achieve target number of sessions and attendance.

Youth sports sessions have been delivered over the spring and summer periods in the following: Football; Girls Football; Netball; Baseball; Running; Golf. Over 120 sessions have been delivered (Apr-Sep) with a total of over 4600 attendances.

- Work with Exeter Schools Sports Partnership to deliver Sports Unlimited and Skilled for Health Programmes. Deliver target number of sessions and activities.

Phase 2 of the Sports Unlimited programme is under way with delivery to schools of the following activities: Golf Xtreme; Futsal; Dance; Running; Cage Football. These activities are targeted to reach over 500 school children with delivery via the Exeter Schools Sports Partnership.

Skilled for Health is continuing to develop, but at this point in time there is limited scope for our sports development staff to be directly involved.

- Continue to explore options for future swimming provision in the City.

The Pool Working Party has continued to meet and intends to report to Scrutiny Community in January 2010.

Cultural and Fun Place to Be

- Continue to make progress with the scheme to improve and extend RAMM, closely monitoring the budget.

The building is now out of the ground and the unforeseen structural problems largely overcome. Both the senior Members Group and Scrutiny Resources continue to oversee the budget. A further grant has been obtained from the Wolfson Foundation and an externally funded fund raiser is working hard to obtain more contributions towards the project

- Plan and agree arrangements for the opening and exhibitions for the new RAMM.

Staff are working on a number of ideas and negotiations for opening events with impact and a report will be brought to Committee when more details are available. The new building will open relatively quietly as soon as everything is in place with a high profile formal event planned for later

- Let the new Leisure Management Contract.

This is progressing according to the timetable. The contract documentation has been developed with the support of external consultants and scrutinised by Resources Scrutiny Committee. 11 organisations expressed an interest in the contract, and some of these submitted pre-qualifying questionnaires, which are currently being evaluated. Tenderers have already been told that they will be invited to tender and the tender documents will go out at the end of the month.

- Engage fully with the new Renaissance management regimes to optimise benefit for Exeter and Devon.

This is a critical time for Renaissance as an independent report has recommended a completely new approach from 2011. We are trying to ensure that Exeter is well placed to benefit from any changes.

City of Strong Communities

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

A programme has been developed with sole responsibility given to one environmental health officer in order to engender a consistent and targeted approach. Part of this work has involved designating more time to carry out face-to-face advice with BME non-compliant businesses. This approach will be evaluated during Quarter 4 of the year to establish its effectiveness, but initial indications are that the businesses welcome this changed approach.

Excellence in Public Services

- Set up the new Harbour Authority or re-activate municipal port activity as cost neutral and effective dependant on inspector's report.

We are still awaiting the Secretary of State's decision, along with the inspector's report. We agreed at the inquiry not to proceed further until the outcome of local government review was clear.

- Use benchmarking and unit cost information to critically review the parks and open space service and to deliver efficiencies.

Extensive work has been undertaken to populate the asset management database with unit costs and maintenance regimes moderated to meet current needs making it possible to model changes to optimise performance.

- Explore the remodelling of waste collection rounds from 5 day to 4 day working week.

Work is progressing on this in conjunction with a working party of Members and a series of public consultation events have been held. A report will be brought to Community Scrutiny Committee in the New Year.

A City Where the Environment is Cared For

- Manage the exit strategy for the Wild City Project to leave plans in place for continuation of constituent projects where possible.

A series of potential projects have been identified and early feasibility work carried out. The Devon Wildlife Trust's fundraising team are now seeking funding for these. The City Council's two year funding of this work ends in April 2010.

- Review the action plans of both the Local Authority Carbon Management Programme and the Climate Change Strategy in the light of budget and staffing reductions.

These were reviewed and reported through the last committee cycle.

- Improve our recycling rate beyond 37% and continue to reduce waste collected.

Our recycling rate is currently approximately 35%, which reflects a regional drop in recyclates due to the economic downturn. New initiatives such as one recently launched that focuses on removing glass bottles from the residual to the recycling waste stream, should assist in improving the recycling rate and reducing the residual waste collected. More substantial initiatives, such as moving more properties onto a bi-weekly collection, will be needed to sustain further improvements in the recycling rate.

- Develop a pilot initiative with the University to target student household rubbish problems in student areas.

A successful pilot scheme was launched in partnership with the University and University Guild of Student during the end of term period in early summer. The scheme, branded as 'Students on the Move' has been positively commented upon by residents in student areas; it was fully funded by the University. Over 16 tonnes of rubbish were collected from student areas as part of the scheme.

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

The Tree and Woodland Strategy was adopted by the Council in January this year. A report on the agenda of tonight's meeting outlines how we propose to deliver this. Inaugural meetings have been held with Tree Wardens and a programme of events including tree planting is planned for this autumn.

A Safe City

- Reduce the incidence of discarded needles in public conveniences by 20%.

At mid-term the incidence of needle finds in public conveniences has decreased by 10% compared to the same period last year. This issue is currently subject to a multi-agency approach with a range of partners, and as part of this EDP Alcohol and Drug Services (Exeter Drugs Project) has been conducting out-reach work in the city centre over the second quarter of the year. It is anticipated that this will have a gradual impact upon the incidence of discarded needles as their client group grows.

- Review the role and deployment of the Community Patrol to ensure service improvements.

The role of Community Patrol has expanded with the introduction of later night working to deal with noise nuisance. The effectiveness of this change has increased customer confidence and a corresponding increase in customer demand, and several service improvements have been introduced to cope with this increase, including stream-lining the processes, enhanced customer contact and better joined-up working between the different teams involved (Control Room, Business Support, Environmental Protection, Housing, Community Patrol and Legal). However, in order for the service to cope with this increasing demand effectively, a review of all functions is programmed for Quarter 4 of the year.

A Prosperous City

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

Both the Food Law Enforcement Plan 2009/10 and the Health and Safety Enforcement Plan 2009/10 incorporate the tenets of better regulation, changing the emphasis of regulatory interventions to focus on high-risk, non-compliant businesses, and assisting other businesses in compliance. The approach of the Commercial Team has been re-organised to develop lead officers for health and safety regulation and non-compliant food businesses, and initiatives include the development of a Health & Safety Business Pack and improved working with BME businesses.

SCRUTINY COMMITTEE - ECONOMY

12 November 2009

Present:

Councillor Margaret Baldwin (Chair)

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

Director Economy and Development, Head of Economy and Tourism, Head of Estates Services, Projects and Business Manager, 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

37 **Minutes**

The minutes of the meeting held on 3 September 2009 were taken as read and signed by the Chair as a correct record.

38 **Declarations of Interest**

Members declared the following personal (*prejudicial) interests:

COUNCILLOR	MINUTE
Wardle	42 (Member of the Avocet Line Rail Users Committee Group)
P Smith	45 (Independent Chair of the Barnfield Theatre) 54 (User of the Building Control Service)

39 **Portfolio Holders Half Yearly Report**

Councillor Wadham and Councillor Mrs S R Brock presented progress reports on the priorities in their respective Sustainable Development and Transport Portfolio and Economy and Tourism Portfolio. A copy of the priorities and progress circulated to Members would be appended to the Minutes.

The following responses to Members' questions were given:-

Sustainable Development and Transport

- **New Growth Point** - The Director advised that the Inter-Modal Freight Terminal had planning consent, but the market was unlikely to deliver it. A report to Committee in January would set out proposals for input to the County Council's Local Transport Plan.
- **Climate Change** - The Director stated there were now clear proposals and funding for a Combined Heat and Power scheme to serve Skypark and

Cranbrook and possibly beyond, and that this was an excellent example of a private and public partnership.

- **Civil Parking Enforcement** - The Portfolio Holder commented that he would seek an improved response relating to parking enforcement outside the school gates particularly in Alphington, Westexe, Newtown and Whipton schools.

Economy and Tourism

- **Festivals** -The Portfolio Holder responded that the demands on the forthcoming budget were still being discussed and all aspects of the Council's expenditure were under review, but every effort would be made to continue funding the festivals portfolio.
- **Science Park** - The Head of Economy and Tourism stated that the Business Plan, including the structure of the equity status for the Science Park was still being worked up. Although the project was being taken forward in a commercial way, it is hoped that the confidence generated by the public sector investment would encourage the private sector to come forward with significant investment at the next stage.

The Chair suggested the Portfolio Holder reports should include an outline of future intentions.

Scrutiny Committee – Economy noted the reports.

MATTER FOR CONSIDERATION BY THE EXECUTIVE

40 **Concessionary Fares**

This report was considered as an urgent item of business in view of the need for a response to a Government consultation paper by the deadline of 30 December.

The Director Economy and Development circulated an urgent report and sought the views of Members on a proposed response to a recent consultation paper issued by the Department for Transport, on the national funding formula for concessionary fares for 2010/11. He outlined the issues relating to a serious underfunding of the scheme in Exeter which was exacerbated by our position as a “hub” authority. The Council has made a substantial effort to address the equity of the scheme with repeated representations, and were extremely gratified that the Department for Transport was now recommending a revised grant distribution which would provide a further £1.65 million in 2010/11 for the City Council.

Members noted that the Projects and Business Manager would also be producing a technical paper to accompany the response, by the deadline of 30 December. The Director set out the challenging timetable for Government to confirm their proposals, which includes an eight week consultation period and the analysis of all responses before any Order can be laid before Parliament. This is against the backdrop of the setting of the Council Tax by local authorities in February.

Scrutiny Committee – Economy supported the proposed response on the funding of the concessionary fares scheme and requested that the Executive endorse the submission to the Department for Transport (DfT).

(Report circulated)

MATTER FOR CONSIDERATION BY SCRUTINY ECONOMY

41 Office of Fair Trading Reference - Local Bus Services

The Projects and Business Manager advised Members of the Council's response to an Office of Fair Trading (OFT) consultation in relation to local bus services in Great Britain, prompted by its proposed referral to the Competition Commission of the bus industry for a market investigation. The response, which was attached as an appendix to the report, had already been sent with the agreement of the Portfolio Holder for Sustainable Development and Transport, because of the views in favour of supporting the referral expressed by Members at the last meeting of Scrutiny Economy.

The Council's response included support for the referral of the local bus industry to the Competition Commission particularly as in the local context, bus fares remained a pertinent issue in Exeter, with many believing that they paid an above average fare. Other issues included a desire for more integrated working between bus and other transport services, as well as the development of more innovative technology such as smart and integrated ticketing. A Member suggested that bus services should remain privately run, but be publicly regulated, through a franchise setting out the required levels of service.

Scrutiny Committee - Economy noted the report and Members endorsed the response submitted by officers to the Office of Fair Trading in time for the 15 October deadline.

(Report circulated)

42 Consultation by Network Rail - Great Western Route Utilisation Strategy

Councillor Wardle declared a personal interest as a member of the Avocet Line Rail Users Group.

The report of the Projects and Business Manager outlined the publication by Network Rail of a consultation draft of the route utilisation strategy (RUS) for the Great Western rail network focusing on the period to 2019. In view of the importance of the issues to Exeter, and with the agreement of the Portfolio Holder for Sustainable Development and Transport, Members' endorsement was sought in respect of the Council's response which had already been submitted. Any further comments could be forwarded to Network Rail to meet the final deadline of 27 November 2009.

The response included acknowledgment of improvements in the Exeter area with an hourly service to London Waterloo commencing in December, and a half hourly frequency from Exeter to Paignton proposed in the draft RUS. There was concern over the missed opportunity for reference to improvement of the local Exeter to Exmouth branch line, and concern over the lack of reference to any new stations in the local area, particularly serving areas where future development would take place. The response emphasised the importance of ensuring a transport choice for residents of those future developments at Newcourt, Monkerton and Cranbrook, with the implications of failure to serve them by rail being traffic access in the city.

In response to a question from a Member, the Projects and Business Manager outlined the basis for securing contributions under Section 106 agreements, adding that the basis for any such agreement was subject to intense scrutiny, therefore it was necessary to have costed infrastructure proposals drawn up. A Member

welcomed the Council's response but voiced disappointment at Network Rail's lack of forward thinking.

Scrutiny Committee - Economy noted the report and Members endorsed the response to Network Rail.

(Report circulated)

43 **Sustainable Communities Act 2007 - Proposals from Transition Exeter**

The report of the Director Economy and Development referred to the Sustainable Communities Act 2007 when local authorities, community groups or individuals were invited to bring forward proposals for consideration by Government to stimulate economic, social or environmental sustainability projects in an area. The report set out the background to a proposal made by Transition Exeter, under the SCA Act, to introduce a tax on car parking at stores outside of the city centre.

The Director outlined the background to this and another bid selected for submission as reported to the Executive in June. Although both schemes were entirely laudable there were a number of issues, not least how such schemes could be policed. He responded to a query on the costs to promote this scheme so far, advising that there had been some officer time and a panel had considered the proposals. The impact of a shift of any activity to out of town centres from the city centre was acknowledged. The Local Government Association had now listed all such proposals on their web site. It was noted that the Transition Exeter proposal could only be pursued if national legislation were in place.

Scrutiny Committee – Economy noted the report.

(Report circulated)

44 **Economy Update**

The report of the Head of Economy and Tourism presented a report which provided Members with a brief update on the effect the recession was having on Exeter.

Exeter's position as a city with a strong commuting pattern has proved more resilient than similar areas adversely affected by recession, and confidence was slowly returning. A briefing note detailing the latest unemployment figures for October including the Exeter travel to work area was circulated at the meeting. The high level of unemployed aged under 25 years and the increase in those unemployed for a period of more than six months remained a worrying trend. A Member referred to the upward trend of youth unemployment and the increased uptake of those college courses, but there was only so much capacity for college or modern job creation schemes. He suggested that the level of employees in the public sector might also be affected by public expenditure reductions in the future.

Scrutiny Committee – Economy noted the report.

(Report circulated)

45 **Festivals Review 2009**

Cllr P Smith declared a personal interest as the Independent Chair of the Barnfield Theatre and Member of Exeter Arts Council.

The report of the Head of Economy and Tourism presented a review and report back on the performance of the festivals portfolio. The report summarised the key characteristics and changes to the Autumn Festival, Animated Exeter, Vibraphonic and the Summer Festival which had all had a positive impact. He reported the successful outcome of a funding grant of £30,000 which had been awarded to Animated Exeter to be used to develop schools involvement.

The Chair also wished to record the appreciation of the Committee to the Festivals Manager for the smooth operation of the Festivals portfolio, particularly in this difficult climate.

Scrutiny Committee – Economy noted the report and supported the future development of the festivals portfolio.

(Report circulated)

46 **Heritage Open Days 2009**

The Head of Economy and Tourism presented a report on the City Council's involvement and performance of the Heritage Open Days event in Exeter. This was the City Council's tenth year of involvement in the Heritage Open Days event in Exeter, which resulted in numbers in excess of 4,000 visits. The Open Days had included many regular venues and the event itself had grown in numbers. Members' support for a similar event in 2010 was sought as part of the overall promotion of Exeter's heritage attractions. The organisational costings were noted together with the considerable commitment by those taking part, all of whom offer admission to the venues free of charge.

Scrutiny Committee – Economy noted the report and the success of Exeter Heritage Open Days in 2009, and supported a similar event in 2010, between 9 and 12 September 2010, as part of the overall promotion of Exeter's heritage attractions.

(Report circulated)

PERFORMANCE MONITORING

47 **Capital Programme Monitoring**

The report of the Projects and Business Manager was presented, which advised Members of the latest position with regard to the 2009/10 capital programme for the Economy and Development Directorate. The report also included a summary of the position at the end of September 2009, in an appendix which contained a complete list of capital projects.

The Director highlighted a number of schemes and confirmed that tenders for the new road, car park and boat store at the Canal Basin and Quayside had been accepted and would go forward. Devon County Council's planning application to redevelop the Haven Banks Education Centre had been approved. The Head of Estates Services had agreed the terms for use of the Old Electricity Building as a children's facility. Funding for the Science Park had been approved and planning consent would follow allowing a start on site by 2011. It was anticipated that the substantial public sector funding which had

initiated the project may allow the contributing partners to be able to benefit from a financial return in the longer term.

Scrutiny Committee – Economy noted the report.

(Report circulated)

48 Economy Stewardship to September 2009

The report of the Head of Treasury Services was reported which advised Members of any forecast variations to the budget, based on the first six months of the financial year 2009/10. This report highlighted any differences by management unit to the outturn forecast for the first six months of the financial year up to 30 September 2009 compared with the approved annual budget. During this period the total of the variances indicated that the overall net expenditure for this Committee would increase by £412,930 which represents a variation of 33.10% from the revised budget of £1,247,700. This included supplementary budgets of £125,930.

Scrutiny Committee – Economy noted the report.

(Report circulated)

49 Risk Management

The Director Economy and Development presented a report which identified the risks relating to the areas within the remit of this Committee, and of the actions proposed and taken to mitigate the risks concerned. He highlighted the significant new risks identified in the latest review. The Director invited Members to comment.

A Member commended the way the information and formulation of the degree of risk was presented.

Scrutiny Committee – Economy:-

- (1) noted the report and
- (2) supported ongoing monitoring of its own areas of responsibility to ensure that the risk register remains current and risk assessments are valid, and that proposed mitigating action are taken by the agreed target dates.

(Report circulated)

50 Half year Results of Performance Monitoring

The report of the Projects and Business Manager was considered which detailed the half year figures for those statutory and local performance indicators that relate to the service provided by the Economy and Development Directorate. He was pleased to report that the overall performance was broadly positive and he outlined a number of the key areas.

Scrutiny Committee – Economy noted the report.

(Report circulated)

51 **Property Performance Indicators**

The Head of Estates Services submitted an annual report informing Members of the position regarding the Council's performance on Property Performance Indicators (PPIs) to establish further targets for those indicators, and to authorise officers to review the suite of indicators used.

Scrutiny Committee – Economy noted the report and supported the adoption of targets for 2009/2010 and that officers be authorised to review the Property Performance Indicators to see if the suite of indicators can be improved.

(Report circulated)

52 **Property Voids and Debts**

The Head of Estates Services submitted a report which informed Members of the City Council's commercial portfolio regarding void properties as at 30 September 2009 and debts for the four quarters ending on the September 2009 quarter day. The report identified key local indicators and both long and short term empty property levels. Despite the national picture, Exeter's retail property market position remained balanced, and the rental value of current voids was only 2% of the total rental value of the commercial portfolio.

A Member suggested more flexible terms such as lower rents and turnover rents could address future long term voids. The Head of Estates Services agreed that negotiations needed to be as flexible as they could be but without damaging the wider value of the commercial estate.

Scrutiny Committee – Economy noted the report.

(Report circulated)

MATTER FOR CONSIDERATION BY THE EXECUTIVE

53 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

54 **Building Control Review**

Cllr P Smith declared a personal interest as he had recently been a client of the service.

The Director Economy and Development presented a joint report which outlined a number of proposed changes in the structure and charges for the Building Control service. The proposals will ensure that the budgetary issues facing the team are addressed and will enable it to operate more effectively in an increasingly competitive environment.

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

- (1) the employment of the holder of one of the posts of Building Control

Officer (ED07167-70) be terminated on the grounds of redundancy on 31 January in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the holder of the selected post in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination)(Discretionary Compensation)(England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;

- (2) voluntary severance is invited and accepted if financially appropriate, as a preferred alternative to redundancy;
- (3) the proposed Building Control schedule 1 & 2 charges for new dwellings and domestic extensions be increased to match those of the Devon Building Control Partnership from 1 January 2010;
- (4) a system for charging for street naming and numbering services be introduced from 1 January 2010 based upon the charges outlined at Appendix 3 of the report;
- (5) the post of Technical Clerk (ED07176) be increased from 0.57 fte to full time and take responsibility for checking the Local Land and Property Gazetteer, funded by street naming and numbering charges and by Corporate Services; and
- (6) the Planning and Building Control Unit's budgets be amended accordingly.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.30 pm

Chair

SCRUTINY ECONOMY COMMITTEE 12 NOVEMBER 2009

Sustainable Development and Transport Portfolio Programme for 2009/10

Long Term Spatial Strategy

June Statement

As I previously reported, the key to a long term strategy for the City is the Secretary of State's decision on the Regional Spatial Strategy modifications. We are assured that these will be published at the end of June and based on her recent decision re the South East Regional Spatial Strategy, we might expect the South West's allocation to be towards the upper end of the range. If that is the case, the City will face a very challenging prospect of finding space for up to 15,000 dwellings within the City's existing boundaries. We will bring forward a revised Core Strategy by the end of this year and seek public views on that Strategy. In the length of time needed to take this through the approvals process, the Council will have to consider, during the latter part of this year, what interim measures it should take to ensure that a five year housing land supply is maintained.

Current Position

As Members are aware, there has been a significant delay in the publication of the Secretary of State's finalised Regional Spatial Strategy with the decision to commission further work on a sustainability appraisal which will not be available until the New Year. The City Council has, in the meantime, decided to go out to consultation on options for accommodating both 12,000 dwellings and a maximum of 15,000 dwellings. The 15,000 dwellings target is not one which we support but we are undertaking the consultation out of necessity to avoid the process being de-railed if the higher target is subsequently adopted by the Secretary of State. The consultation will be completed by 19 November and we will be reporting to Planning Member Working Group and Executive in early 2010 on the results of that consultation and the recommended way forward.

The New Growth Point

June Statement

Despite the impact of the recession on the housing market, progress is being made on the key projects which are being led by the New Growth Point. Given the combination of confirmed funding from the Department of Communities and Local Government, the Department for Transport, the Homes and Communities Agency and the three local authorities, it is very likely that the infrastructure that is needed for these projects will be delivered over the next two years or so. The infrastructure enhancements include the passing loop at Axminster (to provide hourly train services to Exeter), the Clyst Honiton Bypass, the main local route at Cranbrook, the enhancement to Junctions 29 and 30 and a new Walking/Cycling Bridge over the M5 between Gypsy Hill and the Science Park. Negotiations continue with the New Community Partners on key funding issues; the County Council has announced its joint venture partner for Skypark; and the Science Park is likely to see the construction of the first building starting on site in 2010.

Current Position

There has been very significant progress for the New Growth Point partners in the last six months with the grant of consent for Cranbrook and Skypark imminent and the consideration by East Devon of the Science Park application due on 17 November. Whilst this may at first sight appear to be slow progress, as Cranbrook and Skypark have been in the system for some considerable time, there has been a major restructuring of the funding of the infrastructure for these schemes to deal with the consequences of the Recession and extensive negotiations have had to take place over the last year to keep these projects on track. There has also been very good progress in negotiations between the New Community Partners, the New Growth Point, the Homes and Communities Agency and a leading energy provider to ensure that a Combined Heat and Power scheme is delivered at the start on site of development in this area. A comprehensive funding package is in place and a series of legal agreements are being negotiated which back up the planning consent and funding packages which will hopefully see a series of linked starts on site in Spring 2010. Enhancements to Junction 29 now sits with the Secretary of State for final decision and tenders are in preparation with a view to a contract being placed in mid 2010 for the construction work to start. Planning Consent has been given for the new Walking/Cycling Bridge over the M5 between Gypsy Hill and the Science Park.

Affordable Housing

June Statement

As previously outlined, we will include the enhanced 35% standard and the lower threshold in the revised Core Strategy to be published later this year. Achievement of full provision on each development will still be critically dependent on sufficient central government funding.

Current Position

There is no further progress on this position until the Core Strategy is published.

Climate Change

June Statement

Research which was commissioned by the New Growth Point has highlighted the scope for, and costs of, delivering low and zero carbon development. The scope for Combined Heat and Power is being assessed as part of the delivery of the various projects in the New Growth Point.

Current Position

As I outlined above the proposal for a Combined Heat and Power scheme to serve Skypark and Cranbrook is well advanced with a planning application imminent and funding in place to deliver it. Other CHP or renewable energy opportunities will be explored as part of the urban extension proposals for Monkerton, Newcourt and south west Exeter.

Bus Station Site

June Statement

We continue to work on the background studies for preparing a Master Plan for the Bus Station which include a Transportation Study, a Parking Study and an Archaeological Evaluation. This work will be completed in late 2009 enabling a full Master Plan to be prepared during 2010. It remains a commitment to provide a high quality public transport interchange at the heart of a mixed use, commercial scheme.

Current Position

Work on the Transportation Study is almost complete and the Parking Study is well underway, for completion by Christmas. The Archaeological Evaluation will shortly be on site. As a result of all of this work being completed early in the New Year, we will move to the preparation of a full Master Plan during 2010. It is not anticipated that there will be a start on site in less than five years.

City Centre Enhancements

June Statement

We have recently completed the re-paving of Martin's Lane and we are now developing proposals for the Gandy Street area. Following this work, we are looking at the Fore Street/North Street/South Street area that needs to be planned in conjunction with proposals for the High Quality Public Transport project on which Devon County Council are leading.

Current Position

Members have agreed to prioritise resources on improvements to Northernhay Street, the top of Fore Street and Gandy Street. Design proposals for Fore Street and for Northernhay Street have progressed, but the Gandy Street proposals are on hold whilst discussions regarding the Madhouse unit are completed.

Pedestrian Signing in the City Centre

June Statement

I am pleased to draw Members' attention to the completion of this very high quality scheme which has replaced the old finger posting system which was nearly 30 years old. It is a much more extensive, high quality signing system for pedestrians across the whole of the City centre. This work was completed in the early Spring and we are now installing City centre plans in our car parks.

Current Position

As previously indicated, this work is now complete.

Cowick Street Enhancement

June Statement

Having completed work at Heavitree Fore Street we are keen to see a range of enhancements at Cowick Street and consultation on a number of options was completed before Easter. I am expecting to see detailed proposals put before Planning Member Working Group very shortly for implementation in 2010.

Current Position

Outline design work is proceeding well with full public consultation having taken place in August and three meetings of the Steering Group dealing with more detailed design work having taken place since then. Unfortunately London and Cambridge Properties are not prepared to participate in this scheme and so the focus is on most of the length of Cowick Street and adjacent streets. The design is being very much driven by local residents and we will be reporting back on progress to the November meeting of Planning Member Working Group, with the likelihood of a final public consultation in January 2010.

Long Term Transportation Strategy

June Statement

We will continue to work with the County Council to find a package of measures that will limit the growth in car traffic and ensure reasonable air quality. We welcome the County Council's commitment to expand Park and Ride and we are working with

them on the development of their High Quality Public Transport proposals. I continue to believe that the interests of the City centre are best served by effective traffic management which puts pedestrians and shoppers ahead of the convenience of motorists. We want to work with the County Council to ensure that this is achieved.

Current Position

The County Council has now started work on the preparation of Local Transport Plan 3 (for the period 2011-16) which is scheduled for submission to the Department for Transport by late 2010. Given the questions posed earlier by Council with regard to the operation of Paris Street, it is apparent to me that we need a comprehensive City Centre Transport Strategy and I am hopeful that the County Council will work with us over the next few months to prepare such a Strategy for consultation.

Concessionary Travel

June Statement

This continues to be of very significant concern for the Council in that we have incurred costs in excess of £1.3 million during 2008/09, over and above the grant aid provided by government. In the current year we expect this cost to increase to £1.67 million, and thus we are engaged in continuing lobbying efforts to change the system in the longer term, but more crucially, to amend the grant formula in 2010/11 to overcome the inequity whereby there are some ten authorities with deficits in excess of £1 million and there are many other authorities who are receiving grant in situations where their costs have declined from previous years.

I am also pleased to say that we are about to sign the agreement with Stagecoach which caps the Council's liability for reimbursing the cost of the scheme to Stagecoach in return for a three year deal. In the light of two other authorities where Stagecoach have successfully appealed against the established reimbursement rate, this looks like a good outcome for Exeter.

Current Position

The City Council has recently had the opportunity to re-state its case by virtue of a ministerial delegation in September. The response from the Minister was very positive with a clear commitment to address the funding shortfall in 2010/11 which we have identified. It is hoped that a revised funding formula will be published in the near future which will address our concerns for 2010/11 (though not for 2008/09 or 2009/10).

Civil Parking Enforcement

June Statement

The Council assumed responsibility for on-street parking enforcement in May 2008 and since then has been developing the service in response to the priorities of the County Council (as highway authority) and local residents. The response to the Council's running of the service has been largely favourable and there is ongoing dialogue between the service, the County Council and local residents on how further improvements can be delivered in the current year. One of the particular aspects of the service I hope to see developed in the coming year is extended evening enforcement.

Current Position

Since the last report in June, there have been a number of positive developments in relation to the operation of civil parking enforcement. These include a redesign of beats to improve both effectiveness and coverage, higher levels of Sunday enforcement in residents' parking zones, and the launch of motorcycle patrols to deliver more rapid reactive enforcement. The motorcycle

team have responded to 128 specific requests for enforcement action since the introduction of this service and, as a result of all these initiatives, the number of calls and complaints to the enforcement 'hotline' have decreased sharply.

**Councillor Peter Wadham
Portfolio Holder Sustainable Development and Transport**

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SCRUTINY ECONOMY COMMITTEE 12 NOVEMBER 2009

Key Elements of the Programme for the Economy Portfolio for 2009/10

Economic Development Strategy

June Statement

We have now revised the Economic Development Strategy, setting out a range of priorities and an associated programme of projects for the next five years. Making the most of the local economy depends on cross working with a wide range of key stakeholders in the City and working with our partners outside the City through Exeter and the Heart of Devon Partnership and through the New Growth Point. Given the state of the economy at large, we will closely watch performance in the local economy to review our Strategy in late 2009, in the light of that performance.

Current Position

Officers continue to present updates on the Economy to each meeting of Scrutiny. A comprehensive update was provided to the September meeting with a comparatively positive picture emerging.

Responding to the Recession

June Statement

Whilst the Economic Development Strategy deals with longer term aspirations, there is an immediate need to address the impact of the recession. I have asked officers to bring forward a number of proposals to design a package of measures to lessen the impact of the recession on individuals and on businesses, as well as improving the competitive position of Exeter by expanding our marketing activity. That paper is on tonight's agenda for discussion. In addition to these specific proposals, we will continue to work closely with organisations in the City with regular meetings which have been chaired by the Chief Executive since the early Spring.

Current Position

As Members are now aware Executive agreed a wide ranging package of measures to help address the problems created by the Recession and I am pleased to say that those initiatives are now underway. The initiative of particular importance is that which provides funding for the Citizens' Advice Bureau to provide debt counselling and home repossession advice through the City Council's Customer Service Centre. That has now been running for two months and the use of the CAB service has been particularly high. In terms of the Recession itself, it would appear that at present the impact on Exeter is less than had been feared, with unemployment having dropped between August and September and currently standing at 2.6%. The retail vacancy rate stands at around 8% and re-lettings of both the City Council's own stock and units in Princesshay have been going well. Evidence from other partners suggests that whilst there a worrying increase in youth unemployment one particular side effect has been a rise in 16-18 year olds going on to Exeter College rather than going on directly to employment. The Council has been working particularly with the Federation of Small Businesses to set up a website to assist small businesses in offering their services to the public sector as a way of encouraging public sector buyers to place more business with local companies. The new website will be launched at the end of November.

Participating public sector organisations include the Met Office, the University, the Royal Devon and Exeter Foundation Trust, Devon County Council, Devon and Cornwall Police, Exeter College and the Devon and Somerset Fire Service.

City Centre Promotion

June Statement

A major programme of enhancements has now been completed and will focus on promoting the City centre through additional marketing, whilst seeking to reduce vacancies through active marketing of our own premises, reducing the impact of vacant units on the appearance of the City centre (by installing displays in vacant shop fronts) and by continuing with the programme of special markets as outlined in the attached sheet.

Current Position

A series of displays were commissioned and have been in place in vacant units owned by the City Council. With the letting of units in South Street, only one display is in place at present in the former card shop at the top of Fore Street. We continue to press private sector partners to use this free service but with limited results. The Christmas launch event will be on 17 November fronted by Toby Anstis. Some 80,000 brochures have been printed for distribution in Devon.

Canal Basin

June Statement

Regeneration continues to make sound progress with Bridger Marine now in new premises at Haven Road Car Park. Work on the 14 Affordable Housing Units at the head of the Basin is progressing well. It is expected to go out to tender very shortly for the construction of Michael Browning Way which will provide access to Bridger Marine's premises, the winter boat laying up area and a re-designed Haven Road Car Park.

Current Position

Work on the 14 Affordable Housing Units will be completed in November and it is expected that tenants will be occupying the properties shortly afterwards. The tender for the construction of Michael Browning Way has been returned and is within budget and a start on site is expected in November.

Science Park

June Statement

This partnership project continues to progress well with a new Science Park Company about to be formed with the appointment of a Chair recently agreed, a planning application due this month with the associated infrastructure provision making excellent progress in terms of approvals and funding. The £750,000 contribution to the Science Park Company will be one of the biggest commitments on the Economy budget.

Current Position

There have been significant changes in this project recently with the formation of the Science Park Company anticipated imminently, and the arrival of the new Chair – Professor Sir William Wakeham – who has now taken over the steering of the development and implementation of this key project. The planning application for the Science Park is due for consideration by East Devon District Council's Development Management Committee later this Autumn. The progress that is being made on the Junction 29 alterations is obviously critical to the implementation of the Science Park and, as Cllr Wadham has indicated, this progress looks most encouraging.

Science Base/City of Science

June Statement

We will continue to work closely with the University and other partners to establish a much higher profile for the City in terms of science based companies and the leading research undertaken by the Met Office, the Peninsula College of Medicine and Dentistry, and the University. The aim is to develop a strong brand for the city through, for example, coordinating and providing a focus for promoting a range of activities relating to innovation, education and the development of knowledge based businesses in the area. Establishing a reputation for the city as a recognised "science base" will be essential for the successful development of the science park to support those organisations already successfully operating here.

Current Position

Senior representatives of the partner organisations involved, remain committed to this initiative and have asked their communication/PR colleagues to work with the City Council in taking it forward. Details of the many science based activities undertaken in the City are being collated and a new website and promotional plan is being developed. It is intended that the initiative will be publically launched early next year.

Inward Investment

June Statement

At the present time inward investment levels are very low as companies review their operations and investment plans. Nevertheless, I would like to highlight the recent opening of the Reuters base in the City, a success in terms of our long term efforts to secure high profile knowledge-based companies. The Economic Development team worked closely with Reuters over several years to ensure that their accommodation needs could be met in a high profile, quality building. The attraction of the new Jury's Inn Hotel and other smaller relocations and investments are other examples of this important area of work.

Current Position

The number of enquiries for sites and premises had picked up in the last three months following an understandably quiet period in view of the Recession. There is some evidence of greater interest from investors to open new branches, relocate their existing business or to secure business partners. In addition, enquiries have also arisen via Pera network, which is funded by the UK Trade and Investment Service, from foreign owned companies looking to secure business partnerships with local firms. So far this year 53 business partnership enquiries have been received compared to none in 2008. The Economic Development Team worked closely with LGC (Laboratory of Government Chemists) over several years to identify suitable high quality lab space at the Innovation Centre Phase II; it was officially opened by Princess Anne in April 2009. Over the summer the team worked closely with the National Coastwatch Institution to find them offices for their National Headquarters, they officially opened at the Basepoint Business Centre, Matford in September this year

Tourism

June Statement

The successful re-launch of the Underground Passages in late 2007 has already been reported. The attraction continues to experience growing visitor numbers. We have now reached an agreement with Exeter Canal and Quay Trust to support the Quay House Visitor Centre for the medium term. We will be investing in the Visitor Centre later this year to bring facilities up to modern standards. In order to take

advantage of adverse exchange rates, we will also be increasing our Tourism Marketing budget, targeting particularly the weekend break market for the coming Autumn and the family market for Spring 2010.

Current Position

Marketing campaigns have been implemented to increase promotional activity for the Autumn and are being put in place ready to start promoting the area for next Spring and Summer. This includes targeting the UK Flybe routes. City Council officers play a leading role in driving the activities of the Exeter and Essential Devon Tourism Partnership. Additional businesses are being recruited as partners to participate in and support increased marketing and to encourage greater use of the improved website to attract as many visitors as possible. Development plans to improve Quay House are well advanced and work should be completed by March next year. There has been a record number of people taking part in Heritage Open Days.

**Councillor Stella Brock
Portfolio Holder Economy and Tourism**

SCRUTINY COMMITTEE - RESOURCES

25 November 2009

Present:

Councillor Coates (Chair)

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

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

Also present:

Councillor Fullam (*Leader*)

Mr M Lee: Focus Consultants (UK) Limited, Project Manager, RAMM Development Project

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

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

58 **Minutes**

The minutes of the meeting held on 16 September 2009 were taken as read and signed by the Chair as correct.

59 **Declarations of Interest**

Members made no declarations of interest.

60 **Annual Audit Letter - 2008/09**

Mr Morris and Ms Masci of Grant Thornton, the Council's External Auditor, presented the Annual Audit Letter for 2008/09.

Mr Morris outlined to Members the context in which the work had been undertaken stating that the Council had prepared good quality financial statements, in line with statutory requirements. The Council had managed a challenging financial position and the projected outcome for the present year was a £300k underspend.

Mr Morris stated that Grant Thornton had recognised some innovative approaches adopted by the Council in the delivery of quality services an example of which was the Green Accord Scheme. The Audit Commission had confirmed that this example was one of those that they intended to publish on their internet site with a view to promoting good practice nationally. Housing Services had developed a good Service Improvement Plan and had demonstrated a good understanding of its costs and factors that influenced these by comparing and benchmarking unit cost information.

In answer to Members' questions, Mr Morris clarified:-

- the size of the paper report on the Use of Resources had been unavoidable as there was a new reporting system, in future years it was anticipated that the report would be shorter
- Exeter City Council had been compared to other Local Authorities both locally and nationally to assess its score

- Grant Thornton would be publishing Best Practice Guidance from Local Authorities that scored 3 and 4: this would help the Council to design a action plan which could help to move the Council up to level 3
- there would be a joint Seminar of the South West Local Authorities in which Best Practice in the region could be shared.

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

The Scrutiny Committee - Resources noted the letter.

(Report circulated)

61 **Use of Resources 2009 - findings and conclusions**

The Use of Resources – findings and conclusions was submitted.

The Scrutiny Committee - Resources noted the report.

(Report circulated)

62 **The Leader's half yearly report**

The Leader updated Members on progress on the priorities in terms of the budget and providing value for money across the Council's services:-

This year:-

- Exeter residents enjoy the fifth lowest (district) level of Council Tax
- Exeter suffered a poor grant settlement of just 0.9% increase
- Good Auditor's report indicating sound financial performance
- Icelandic Banks investments set to be substantially recovered – currently estimated at 90% recovery.

The increased revenue pressures were:-

- Increased cost of Concessionary Fares
- Falling investment income
- Falling Car Park revenues
- Falling Planning & Building Control Income
- Large reduction in LABGI grant in comparison with previous years

And in response:

- Over £2.5 million of savings identified in the current budget – on target to be achieved.
- Tight management of vacancies and opportunities for efficiencies.

He outlined the Key variances to the Budget

- Archaeology (-£296k)
- Car Park Income & Rates (-£184k)
- Housing costs (-£117k)
- Investment Interest (-£100k)
- Planning Fees (-£50k)
- LABGI grant (-£44k)
- Building Control (-£39k)
- LGR (+£700k)
- Redundancy provision (+£166k)
- Markets/Halls/Commercial (+£116k)
- Increased HB subsidy (+£115k)

- Recycling (+£38k)

The overall budget under-spend was anticipated to be £300k, with a projected withdrawal from balances of £2.2 million (Budget: £2.5 million)

Over the next year:-

- Likelihood of improved funding for concessionary bus fares
- Major fiscal problems nationally
- Likelihood of frozen/reduced grant settlements
- Threats of further income falls
- Solvency of debtors
- Increased demand on services
- Disproportionate effect of public sector cuts
- Continued savings required to stabilise budget
- Sufficient reserves required to weather a “second phase” of recession
- £1 million savings identified and prepared for scrutiny
- £600,000 to £1.4 million of further savings required over following two years

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

- the changes to the concessionary bus fare scheme were out for consultation and it was hoped that the funding rebate of £1.65 million would be received before the end of the financial year; there was also a separate consultation taking place for a new scheme for year 4 onwards
- there had been a reduction in income in Building Control this was due to the fact that the Council had to compete with private companies and other local authorities and also the down turn in the economy
- efficiencies would have to be made and there could be a reduction in some council services; long standing vacant posts would be deleted
- his Group’s priorities were Housing and Street Cleaning
- discussion had already taken place with Unison regarding the need for budget cuts and the Resources Budget Working Group would be meeting next week to discuss proposals
- the proposed Council Tax increase for 2010/2011 would be 4.5% as per the medium term financial plan.

PERFORMANCE MANAGEMENT

63 AIM Property Maintenance Progress 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 Scrutiny Committee – Resources noted the financial position of the £7.4 million programme of reactive and planned property maintenance and refurbishment for 2009/10.

(Report circulated)

64 Performance Monitoring 2009/10

The report of the Director of Corporate Services was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

65 Resources Scrutiny Stewardship to September 2009

The report of the Head of Treasury Services was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

66 Corporate Complaints Monitoring

The report of the Assistant Chief Executive was submitted.

In response to a Member's question regarding when a wider review of the complaints handling system would take place, the Assistant Chief Executive indicated that there was no plan at this stage of when to instigate a review. Before establishing whether a Review was necessary, comparative work would be done with other Devon districts to identify examples of best practice and any gaps in the Council's current system.

Members were assured that services were continuing to use customer complaints to improve services but that perhaps more work might be done to communicate this back to complainants. The Corporate Complaints Group, with representatives from across services continued to work to identify issues with the System, for example, work would be done with Housing to pick up on issues identified in the Mock Housing Inspection.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

67 Capital Monitoring Statement

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

Members were informed that the capital programme for the current financial year was £25,307,040. It was projected that £1.4 million of the programme would need to be carried forward into future years. During the first six months of the current financial year the Council spent £6,013,431 of the 2009/10 Capital Programme. This equated to 23.8% of the revised Capital Programme being spent in the first six months of 2009/10, this was slightly higher than the 19.6% that had been spent in the first six months of 2008/09.

In response to Members' questions, the Director Community and Environment stated that the Housing Revenue Account budget for upgrading Council roads and footpaths was a small residual sum rolled over from the previous years programme of re-surfacing garage forecourts. The budget was deleted and the funds transferred would help to ease overspends in the responsive maintenance budget. The budget could be reinstated should the need arise. Regular surveys were undertaken to identify asbestos although additional areas where asbestos was present were sometime uncovered during routine maintenance work and when this happened the problem had to be addressed immediately.

The Scrutiny Committee - Resources:-

- (1) noted the current position in respect of the annual capital programme; and
- (2) requested Executive to amend the Council's annual capital programme as outlined in Appendix 2 of the report.

(Report circulated)

68 **Overview of the General Fund Revenue Budget 2009/10**

The Head of Treasury Services presented the report advising Members of the overall projected financial position of the General Fund Revenue Budget after six months, for the 2009/10 financial year. He informed Members that the outstanding debt at 31 March 2009 was £4.061m but by October 2009 it was £3.001m. The aged debt showed that of the £3.001m debt, £0.7m was less than 30 days old. Debt over 30 days old had decreased over the ten months from £2.691m to £2.229m. The Council was now predicated to have an underspend of £300k for 2009/10.

The Scrutiny Committee - Resources supported the report and recommended approval by Executive of the:-

- (1) forecast financial position for the 2009/10 financial year;
- (2) HRA forecast financial position for 2009/10 financial year;
- (3) outstanding Sundry Debt position as at October 2009;
- (4) recovery position of Icelandic investment; and
- (5) Statutory Performance Indicator BVPI8 for creditor's payments.

(Report circulated)

69 **Annual Statement of Minimum Revenue Position**

The Head of Treasury Services presented a report on the Annual Statement of Minimum Revenue Provision for the Council. The Council had not made a Statement before as it had been debt-free last year and did not believe that it was necessary. However it had since been clarified that all Authorities were required to make a Statement regardless of whether they had debt.

The Head of Treasury Services outlined the Minimum Revenue Provisions (MRP) options and in respect of 2008/09 and 2009/10, the Council would match borrowing against specific capital investment and adopt the Asset Life (Equal Instalment) Method for MRP.

In response to a Member, the Head of Treasury Services confirmed that it was intended to use the same option each year.

The Scrutiny Committee - Resources supported the report and recommended approval by Executive of the Annual Statement of Minimum Revenue Provision.

(Report circulated)

70 **Treasury Management half year report 2009/10**

The Head of Treasury Services presented a report on the current performance for the 2009/10 financial year and the position regarding investments and borrowings as at 30 September 2009. The General Fund showed an estimated net reduction in interest received compared to the budget, the net interest was £99,500 this was due to lower interest rates than anticipated.

The Head of Treasury Services advised that the Icelandic Government supported local authorities as preferred creditors although this could be challenged in the courts by other creditors. The solicitors working for the LGA had prepared claims for local authorities to be submitted to the Banks, it was anticipated that the process to recover the funds could be protracted and that the Council would not know if it was a preferred creditor until at least July 2010. The costs involved in recovering the funds would be minimised as one firm of solicitors would be acting for all local authorities affected.

The Scrutiny Committee - Resources supported the report and recommended approval by Executive.

(Report circulated)

71 **Housing Benefits Staffing**

The Head of Treasury Services presented the report to seek approval for an increase in the establishment of the Housing Benefits Team by 1 full time member of staff. The Council case load had increased by 7% and the Government had recognised the pressures that local authorities were facing with regard to their statutory duty of administering housing benefit claims. As a result of an increased grant from Government the additional amount of funding that Exeter would receive in 2009/10 was £50,249.

In response to a Member's question, the Director Corporate Services stated that the Council sought to fill posts internally whenever possible but if was not successful then posts were advertised externally.

Scrutiny Committee - Resources supported the report and recommended approval by Executive of the creation of an additional post of Benefits Assessment Officer at Grade 5.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES

72 **Internal Audit Work - 1st Half Year 2009/10**

The Head of Audit presented the report advising Members of the work undertaken by the Internal Audit Unit. This Committee was responsible for considering the work undertaken by Internal Audit as part of the overall probity checking and systems testing of the Council. The 2009/10 Audit programme was approved at this Committee's 25 March 2009 meeting.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

73 **Risk Management**

The Head of Audit presented the report advising the Committee of the Council's risk management process and to seek approval for the updated corporate risk register. He informed Members that external factors within the economic climate had resulted in new risks and changes to some of the existing scores.

In response to a Member, the Director Community and Environment stated that the New Council Housing Building Programme was a medium risk due to the effect of possible project overspends or not delivering the project within Government timescales.

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

(Report circulated)

74 **Scrutiny Committee Resources - Budget Working Group**

The Scrutiny Committee - Resources appointed Councillor Coates, Hobden, Martin and D. J. Morrish to the all party Resources Budget Working Group which would consider the budget savings proposals for 2010/11.

The meeting would take place on Tuesday 1 December 2009 at 2.00pm.

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

75 **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, 3 and 4 of Part I, Schedule 12A of the Act.

76 **Information Management Staffing**

The Director Corporate Services presented the report that requested approval for the changes to the staffing in Information Management and of various other staffing changes to both the Corporate Customer Services and IT Services Units.

He stated that the revised arrangements would provide a more resilient and flexible service whilst also addressing the funding loss for the part-time GIS officer, which was funded from the Capital Programme, and provide an overall saving to the Council of approximately £8,000 in a full year.

The Scrutiny Committee - Resources supported the report and recommended that the Executive approve:-

- (1) the restructuring of the Information Management service, as detailed in the report.
- (2) the employment of the holder of the post of Information Manager CSO7150 be terminated on the grounds of redundancy on 31 December 2009 in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007;

- (3) compensation be paid to the holder of post CSO7150 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;
- (4) a payment of compensation to be made in respect of the unexpired period of notice to which the employee would otherwise have been entitled under the contract of their employment.

(Report circulated to members)

77 **RAMM Project Progress Report**

The Director Community and Environment presented the report updating Members on the current situation with respect to the various contracts now let for the RAMM Development Project.

Members were informed of the on site progress, fit-out and displays, the budget position including grants awards and applications, the appointment of a programme consultant, risks and the S151 Officer Statement.

Members discussed the progress made to date, the anticipated opening date and the possibility of a soft opening. They acknowledged the financial risks involved and appreciated all the hard work of the officers on this difficult and complex project.

The Director Community and Environment stated that the opening was anticipated to be in May or June 2011. In answer to a request from a Member she agreed to ask the project team to look at the feasibility of a phased opening although she feared that this would be impracticable.

Michael Lee from Focus Consultants (UK) Limited, the Project Manager for the RAMM Development Project, gave a short presentation to Members updating them on the current position with regards to the project. He outlined the methodology and approach which included Issues Analysis, Risk/ Cost Assessment Workshops, Strategic Cost Reports and Risk Reduction/ Control Measures. He updated Members on the current financial position.

The Chair thanked Mr Lee for his presentation.

The Scrutiny Committee - Resources placed on record their appreciation for all the work officers had put into the taking forward this project, the Committee supported the report and recommended Executive to approve:-

- (1) the report;
- (2) agree to settle the current outstanding claims, as set out in paragraph 4 of the circulated report, the remainder of the report be accepted; and
- (3) a new budget for the project of £20.355m.

(Report circulated to members)

The meeting commenced at 5.30 pm and closed at 8.10 pm

Chair

STANDARDS COMMITTEE

Wednesday 2 December 2009

Present:-

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

(Independent Members)
Andrew Mimmack and Lynda Smith

Also Present

Head of Legal Services and Member Services Officer (SLS)

11 **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of the Standards Committee held on 3 June 2009 were taken as read and signed by the Chair as a correct record.

12 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13 **DVD ASSESSMENT STAGES OF A COMPLAINT**

The Head of Legal Services/Monitoring Officer introduced a DVD which Members viewed as a training tool, aimed at Members of Standards Committee to assess complaints about elected or co-opted members. The DVD covered the various stages of the local assessment process, including pre-assessment, assessment, decision and review. She led a discussion on the main aspects of the procedure.

The Chair agreed that the DVD was a useful training tool and he hoped that in time all Members of the City Council would have the opportunity to view it.

14 **STANDARDS FOR ENGLAND INTERVENTIONS, DISPENSATION AND JOINT STANDARDS COMMITTEES**

The report of the Head of Legal Services/Monitoring Officer updated Members on the provisions of the new Standards (Further Provisions) (England) Regulations 2009 (S12009/1255) which make provision for:-

- (a) Suspending the functions of a local authority's Standards Committee where the Committee is failing to perform its functions satisfactorily;
- (b) Extending the power of the Standards Committee to give Members dispensations, where they would otherwise be prohibited from participating in a matter because of a prejudicial interest; and
- (c) Establishing joint Standards Committees.

The provisions were noted, but it was suggested that establishing a joint Standards Committee with another local authority, would not be advantageous to Exeter, because of the low level of complaints involving this Authority's Members.

Members noted the report and authorised the Head of Legal Services/Monitoring Officer to circulate the report to all Members to highlight the new provisions.

(Report circulated)

15

UPDATE ON CASE LAW

The Head of Legal Services/Monitoring Officer circulated details of recent case law involving Members of local authorities from Plymouth City Council, Essex County Council, West Felton Parish Council and Balborough Parish Council. Members found the variety of cases and decisions taken very useful and instructive.

Members noted the report.

(Report circulated)

16

CHAIRMAN'S REPORT - UPDATE ON MEETING WITH GROUP LEADERS

The Chair presented a report which updated Members of the Standards Committee on a recent meeting with the City Council's Group Leaders. This had proved to be a positive experience and helped to fulfill one of the desired areas highlighted by Standards for England's Annual Return.

It was considered appropriate that the Chair of Standards Committee continue to present an annual report to Council, as this would also highlight the importance of the Member's Code of Conduct. Members suggested that a press release could also be issued annually by the Chair of Standards Committee.

Members noted the report.

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 6.00 pm)

Chair

LOCAL GOVERNMENT REVIEW COMMITTEE

Wednesday 9 December 2009

Present:-

Councillor Peter Edwards (Chair)
Councillors Mrs Henson, Coates, Fullam, D J Morrish, Noble, Shepherd and Sterry

Also Present

Chief Executive, Director Community and Environment, Assistant Chief Executive, Head of Policy and Member Services Officer (HB)

11 MINUTES

The minutes of the meetings held on 19 and 30 March 2009 were taken as read and signed by the Chair as correct.

12 DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

13 BOUNDARY COMMITTEE FOR ENGLAND'S REVIEW OF LOCAL GOVERNMENT STRUCTURES IN DEVON

Following consultation on and consideration of the following two specific draft proposals:

- a county unitary authority; and
- a two-unitary pattern comprising Exeter and Exmouth and Rural Devon.

the Boundary Committee had advised the Secretary of State that its alternative proposal was "a unitary county comprising the whole of the existing two-tier area of Devon, on the basis of the arrangements set out in our report"

The Secretary of State would now decide on whether:

- to implement the original, that is, the City Council's proposal, with or without modification;
- to implement the alternative proposal of a County unitary authority with or without modification; or
- to take no action.

There would be a period for representations to be made to the Secretary of State about either the Boundary Committee's alternative proposal or the original Exeter proposal. This period would run from 8 December 2009 until 19 January 2010.

Members considered the advice against the background of earlier decisions in respect of unitary local government in neighbouring Counties, the history of the City Council's bid and its previous decisions on the matter, the position in respect of the Boundary Committee's advice on unitary local government in Norfolk and Suffolk, the potential response of other Devon Authorities both to the Boundary Committee's recommendation and the City Council's representations on it and the likely timetable for the implementation of any decision other than the retention of the status quo.

Members were unanimously opposed to the Boundary Committee's recommendation for a single unitary authority for Devon, excluding Plymouth and Torbay. Some Members suggested that, given the current economic and political climate, the third option above, that is, retaining the status quo might be more widely welcomed. The widespread view however was that the only way forward was to re-assert to the Secretary of State Exeter's desire for unitary governance based on its current boundaries.

RECOMMENDED that:-

- (1) Council rejects the Boundary Committee's recommendation for a single unitary authority for Devon, excluding Plymouth and Torbay, as it believes the scale of such a body would leave it remote from and unrepresentative of the citizens who would rely on its services; and
- (2) Council believes there is little support for a unitary form of local government in rural Devon and so calls on the Secretary of State to accept Exeter City Council's original proposal for unitary status on its existing boundaries, which would provide strong, democratic and dynamic governance for Exeter and leave the rest of Devon within the two-tier structure.

(Report circulated)

(The meeting commenced at 4.00 pm and closed at 5.00 pm)

Chair

EXECUTIVE

Tuesday 24 November 2009

Present:-

Councillor Fullam (Chair)

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

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

126

MINUTES

The minutes of the meetings of Executive held on 15 September and 29 September 2009 were taken as read and signed by the Chair as a correct record.

127

DECLARATIONS OF INTEREST

No declarations of interest were made.

128

PROPOSALS FOR COMMUNITY INVOLVEMENT

The report of the Assistant Chief Executive was submitted, seeking the approval of Executive to the Council's proposed approach to Community Involvement and the identified priority neighbourhoods of the city as a focus for one aspect of the Council's involvement work. The views of Executive were also sought on the future format of the Community Forums.

The Assistant Chief Executive identified the main drivers for the initiative including the "Duty to Involve" introduced by the Local Government and Public Involvement in Health Act which was designed to ensure that local people have greater opportunities to influence decision-making.

Scrutiny Committee – Community considered the report at their meeting on 10 November 2009 and the comments and concerns of members were noted.

A Member expressed concern that the Area Liaison Officers would duplicate the role of Councillors and also queried whether working alongside the PACT meetings was the most effective vehicle for public engagement. Another member expressed particular concern at the principle of extending the initiative at a time when the Council was under considerable financial pressures and queried the financial contribution that the Police would be making to the initiative.

The Assistant Chief Executive responded that the previous My Neighbourhood pilot scheme had cost £51,000 compared with proposed expenditure of £33,000 for the current initiative. The financial contribution of the Police would include the promotion of the PACT meetings through leafleting and part-funding the training programme. Whilst initial discussions with Devon County Council and other partners had indicated their support for the scheme, the approval of Executive was being sought before engaging in more detailed discussions. The payment of an honorarium to the Area Liaison Officers reflected the requirement to work additional hours and beyond the scope of their day-to-day jobs.

Other members noted the considerable success of the My Neighbourhood pilot scheme and welcomed the proposals to extend the initiative. A member reported on how the work of the Community Consultation and Engagement Officer had complemented and enhanced her role as Councillor rather than encroached on it. The scheme enabled Councillors to make direct contact with a much broader sector of the community than would otherwise have been possible.

Members discussed how the initiative would operate alongside PACT and many felt that this would be an effective way of working with partners. Issues were frequently raised at PACT meetings which were outside the remit of the Police and related directly to the services provided by partners such as the City or County Council. Members also referred to the "Duty to Involve" and the desire to improve the dialogue between the Council and residents. The Area Liaison Officers were intended to support and extend the work of Councillors and were not intended to supercede their role.

Executive supported the proposals in relation to the future of Community Forums. In response to a question, the Assistant Chief Executive stated that it was the intention that the Forums should continue to meet at the Guildhall.

RESOLVED that:-

- (1) the proposed pilot My Neighbourhood/PACT model of Community Involvement be approved for introduction in the eight areas of Exeter identified in the report; and
- (2) the Community Forum model proposed in the report be agreed and further consultation takes place with Local Strategic Partnership partners on the thematic areas and format.

In accordance with Standing Order 43, Councillors Edwards and Mrs Henson requested that their names be recorded as having voted against the resolution.

(Report circulated)

129 **REVIEW OF ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURES FOR HOUSING LANDLORD SERVICES**

The report of the Head of Housing Services was submitted seeking approval for the amended Anti-Social Behaviour Policy and Procedure document following its regular review.

Scrutiny Committee – Community considered the report at their meeting on 10 November 2009 and their comments were noted.

RESOLVED that the revised Anti-Social Behaviour – Statement of Policy and Procedure be agreed.

(Report circulated)

130 **TREE MANAGEMENT IN EXETER**

The report of the Head of Contracts and Direct Services was submitted, presenting recommendations for the safe, effective and sustainable management of trees within the Council's care.

Scrutiny Committee – Community considered the report at their meeting on 10 November 2009 and their support and comments were noted. Executive endorsed the proposal of Scrutiny Committee – Community to change the title of the post of Parks Tree Administration Support Officer (CE11109).

RESOLVED that:-

- (1) the revised funding proposals contained in the report be approved;
- (2) the deletion of the posts of Arboricultural Officer (CE11109) and Assistant Arboricultural Officer (CE11148) be approved;
- (3) the appointment to the post of Parks Tree Administration Support Officer (CE11109) be approved at a grade to be determined by Job Evaluation and subject to the renaming of the post;
- (4) the development of the existing contractual arrangement to a partnership approach as detailed in section 4 of the report be approved; and
- (5) the move to planned from reactive maintenance be approved.

(Report circulated)

131

COUNCIL HOUSING ENERGY AND SUSTAINABILITY POLICY

The report of the Head of Housing Services was submitted, seeking approval to the new Housing (Landlord Services) Energy and Sustainability Policy that sets out how the Council will seek to improve the energy efficiency of its homes and help reduce incidence of fuel poverty for tenants.

Scrutiny Committee – Community considered the report at their meeting on 10 November 2009 and the support of members was noted.

RESOLVED that the Housing (Landlord Services) Energy and Sustainability Policy be agreed.

(Report circulated)

132

DOWNSIZING INCENTIVES FOR COUNCIL TENANTS

The report of the Head of Housing Services was submitted, seeking Members' agreement to implement an amended downsizing incentive scheme for Council tenants to improve the management of the housing stock and increase the supply of family housing to applicants on the Home Choice register.

Scrutiny Committee – Community considered the report at their meeting on 10 November 2009 and the views of members were noted.

Councillor Edwards did not support the proposal to reduce the level of cash incentive payments which he felt would deter tenants from moving into smaller properties thereby resulting in families having to remain for longer periods in over-crowded conditions.

The Portfolio Holder Housing and Community Involvement responded that it was no longer sustainable to fund overspends on the downsizing scheme from savings within the housing revenue budget as had happened in the current and previous years. The proposal aimed to redress the balance by providing advice and support to tenants through other means including the payment of removal fees. Further research was being undertaken to explore the many reasons why tenants chose to move.

The Chair commented that the revised policy aimed to operate a balanced and fair scheme within the current budgetary constraints.

RESOLVED that the amended policy document, Reducing Under-Occupation in the Council's Housing Stock – Incentives for Downsizing, be adopted.

(Report circulated)

133 **FUNDING OF NEW TECHNOLOGY FOR EFFICIENCY GAINS IN CLEANSING SERVICES**

The report of the Head of Environmental Health Services was submitted, seeking approval for the introduction of new technology and working practises in Cleansing Services.

Scrutiny Committee – Community considered the report at their meeting on 10 November 2009 and their comments were noted.

RESOLVED that the introduction of new technology and working practises be approved as outlined in the report; the initial costs to be met from external funding of £110,000 from South West Regional Improvement and Efficiency Programme (SWRIEP) and up to £127,000, subject to confirmation of final prices from systems providers, from the Council's LGR and Mobile Working Budget.

(Report circulated)

134 **REPLACEMENT OF HOMECALL EQUIPMENT**

The report of the Head of Environmental Health Services was submitted, notifying Members of a forthcoming withdrawal of support by the Council's current provider for Home Call equipment and systems, and seeking approval to purchase new equipment and systems in the financial year.

Scrutiny Committee – Community considered the report at their meeting on 10 November 2009 and their support was noted.

A Member queried the comparison of costs between the options for acquiring the new equipment and the Portfolio Holder for Housing and Community Involvement undertook to look into this and respond.

RECOMMENDED that:-

- (1) an adjustment to the 2009/10 Capital Programme be made to include capital funding of £58,800 from new borrowing, with an ongoing revenue cost of £12,000 for 5 years, for the purchase of new Telecare equipment and systems, and the new purchase of a UPS in 2009/10 to replace the existing equipment before 31 March 2010;

- (2) revenue funding of £2,500 from the General Fund Revenue from April 2010 be approved to maintain accreditation with the Telecare Services Association; and
- (3) the service expand its customer base subject to the available resources of the service.

(Report circulated)

135

PARKING TARIFFS

Executive were advised that Parking tariffs need to be increased to reflect the reversion of the VAT rate to 17.5%. No further increase was recommended in view of the wider economic climate and it was proposed to implement the tariffs shown in the schedule attached to the report with effect from 11 January 2010, thus allowing time for the necessary Amendment Order to be advertised and made.

The Chair hoped that the retention of the current parking tariffs, other than the VAT adjustment, would benefit businesses in the City.

RESOLVED that:-

- (1) the changes to tariffs detailed in the schedule attached to the report be approved;
- (2) notice of intention be given to make a Parking Places Amendment Order to revise the City of Exeter (Civil Enforcement Off-Street Parking Places) Order 2008 to enable the tariff changes detailed in the schedule to come into effect on 11 January 2010;
- (3) officers be authorised to make any further necessary changes to the City of Exeter (Civil Enforcement Off-Street Parking Places) Order 2008 to ensure it remains fit for purpose;
- (4) authority to consider any objections be delegated to the Director Economy & Development in consultation with the Leader of the Council and Portfolio Holder for Sustainable Development & Transport; and
- (5) subject to consideration of any objections, the Order be made and sealed.

(Schedule circulated)

136

FUNDING OF CONCESSIONARY FARES

The report of the Director Economy and Development was submitted advising Members of the recent consultation paper issued on the funding of concessionary fares for 2010/11 and seeking advice on the response to the Department for Transport.

Scrutiny Committee – Economy considered the report at their meeting of 12 November 2009 and their support for the proposed response was noted.

Executive warmly welcomed the proposals of the Department for Transport to ensure that the available funding is fairly distributed across the country. Members placed on record their appreciation for the work of the various individuals involved, including Ben Bradshaw MP, Councillor Edwards and the other Group Leaders and officers, who had successfully lobbied the Department for Transport to address the inequity of the scheme.

RESOLVED that the proposed response to the Department for Transport be endorsed.

(Report circulated)

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

138 **SERVICE REVIEW OF BUILDING CONTROL**

The joint report of the Head of Planning and Building Control and Director Economy and Development was submitted, outlining a number of proposed changes in the structure of the Building Control team. The changes were proposed to respond to the budgetary issues facing the team, particularly a reduction in fee income.

Scrutiny Committee – Economy considered the report at their meeting of 12 November 2009 and their support was noted.

RESOLVED that:-

- (1) the employment of the holder of one of the posts of Building Control Officer (ED07167-70) be terminated on the grounds of redundancy on 31 January 2010 in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the holder of the selected post in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;
- (2) voluntary severance is invited and accepted if financially appropriate, as a preferred alternative to redundancy;
- (3) proposed Building Control Schedule 1 & 2 charges for new dwellings and domestic extensions be increased to match those of the Devon Building Control Partnership from 1 January 2010;

- (4) a system for charging for street naming and numbering services be introduced from 1 January 2010 based upon the charges outlined at Appendix 3 to the report;
- (5) the post of Technical Clerk (ED07176) be increased from 0.57 full time equivalent to full time and take responsibility for checking the Local Land and Property Gazetteer, funded by street naming and numbering charges and by Corporate Services; and
- (6) the Planning and Building Control Unit's budgets be amended accordingly.

(Report circulated to Members)

139

SOIL EROSION AT CLIFTON HILL

The report of the Head of Leisure and Museums was submitted, informing Members of the soil erosion problem at Clifton Hill and requesting urgent spending to prevent further erosion.

Councillor Shepherd attended the meeting and spoke on this item under Standing Order 44. He addressed the issue of liability for the work and urged the Council to take a longer term view of the position and consider the benefits of undertaking a more permanent solution.

Members considered the relative merits of the other options and acknowledged that the decision should be made in the context of the longer-term use of the land. Executive agreed that further work was required to evaluate the options and that a decision on the matter should be deferred pending further information.

RESOLVED that a decision on the issue be deferred and a further report be made to the next meeting of Executive where further consideration would be given to the Options.

(Report circulated to Members)

140

DECISION MADE UNDER DELEGATED POWERS

The report of the Head of Leisure and Museums was submitted, informing Members of a decision, taken under delegated powers, to waive Standing Orders to make a payment to a supplier prior to goods being received.

RESOLVED that the decision be noted.

(Report circulated to Members)

141

THE FUTURE OF EXETER ARCHAEOLOGY

The report of the Director Economy and Development was submitted, presenting the proposed structure for a smaller core unit of Exeter Archaeology following consideration of the issue at the previous meeting of Executive.

RESOLVED that:-

- (1) the proposed staff restructure indicated in Appendix 2 of the report be approved;
- (2) the funding as set out in Section 6 of the report be approved;

- (3) the method of implementation be approved;
- (4) the employment of the holder of the post of Project Manager (ED6103); holders of the post of Project Officer (ED6106, 6107, 6111, 6154); Project Archaeologist (ED6152); and Illustrator (ED6132) be terminated on the grounds of redundancy on 31 January 2010 in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the holder of the selected posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected posts be deleted from the establishment of the Council.

(Report circulated to Members)

142

ECONOMY AND DEVELOPMENT - STAFFING

The report of the Chief Executive was submitted regarding the request of the Director Economy and Development to retire with effect from 31 March 2010, under the terms of the Local Government Pension Scheme (LGPS) "85 Year Rule".

RESOLVED that:-

- (1) the retirement of the Director Economy and Development be approved, with effect from 31 March 2010, in accordance with the provisions of the "85 Year Rule" as described in the report;
- (2) decisions on measures to ensure appropriate senior management arrangements in the short term, and on the process described in paragraph 4.3 of the report, be delegated to the Chief Executive, in consultation with the political Group Leaders; and
- (3) an interim report be made to Executive in the New Year regarding progress on the consideration of the Council's future direction and appropriate senior management structure.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.50 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 15 December 2009.

EXECUTIVE

Tuesday 8 December 2009

Present:-

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

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

143 DECLARATIONS OF INTEREST

No declarations of interest were made.

144 2010-2011 BUDGET STRATEGY

The report of the Head of Treasury Services was submitted, providing a strategic overview of the budgetary position for the 2010/11 financial year and beyond including an indication of the likely level of available resources, the known demand for resources and the proposals to ensure that a balanced budget is achieved.

The Head of Treasury Services corrected the reference to the level of increased revenue costs for 2010/11 in paragraph 6.1 of the report which were £1,069,000 and not £1,016,000 as stated. He outlined the key assumptions made with regard to the following year's budget including the economic factors outside the Council's control. He informed members of the likely revenue resources and spending commitments and identified the risks inherent in the budgets set.

Members noted the very challenging financial position facing the Council in the next and future years.

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

(Report circulated)

145 CAPITAL MONITORING STATEMENT TO SEPTEMBER 2009

The report of the Head of Treasury Services was submitted, setting out the current position in respect of the Council's annual capital programme, and advising of the anticipated variations. In accordance with the Prudential Code for Capital Finance in Local Authorities, it is necessary to monitor performance against the prudential indicator for capital expenditure and highlight significant deviations from expectations.

The Head of Treasury Services reported that £1.4 million of this year's Capital Programme of £25,307,040, would need to be carried forward into future years, as detailed in the report. During the first six months of the current financial year, 23.8% of the revised Capital Programme had been spent compared with 19.6% in the first six months of the previous year.

Scrutiny Committee – Resources considered the report at their meeting of 25 November 2009 and their comments and support were noted.

RECOMMENDED that:-

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

(Report circulated)

146

OVERVIEW OF THE GENERAL FUND REVENUE BUDGET 2009/10

The report of the Head of Treasury Services was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget after six months, for the 2009/10 financial year.

He reported the forecast underspend of £367,040 (1.85%) on Service Committee budgets for the year and highlighted the level of outstanding debt by the end of October 2009. Members were pleased to note the decrease in debt over 30 days old over the ten month period and the good performance in relation to creditor payments.

Scrutiny Committee – Resources considered the report at their meeting of 25 November 2009 and their comments and support were noted.

A member queried the position in respect of the re-letting of 88 Fore Street. The Director Economy and Development responded that this premises posed particular challenges but officers were actively pursuing the re-letting of the property. Executive congratulated the Estates team on their very successful record of negotiation for re-lets, particularly in respect of premises in South Street, and acknowledged the important source of revenue that lettings generated for the Council.

RESOLVED to note:-

- (1) the General Fund forecast financial position for the 2009/10 financial year;
- (2) the HRA forecast financial position for the 2009/10 financial year;
- (3) the outstanding Sundry Debt position as at October 2009;
- (4) the recovery position of Icelandic Investment; and
- (5) the Statutory Performance Indicator BVP18 for creditors' payments.

(Report circulated)

147

ANNUAL STATEMENT OF MINIMUM REVENUE PROVISION

The report of the Head of Treasury Services was submitted, seeking approval to the Annual Statement of Minimum Revenue Provision for the Council as required by the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008.

Scrutiny Committee – Resources considered the report at their meeting of 25 November 2009, and their comments and support were noted.

RECOMMENDED that the Annual Statement of Minimum Revenue Provision for the Council be approved.

(Report circulated)

148

TREASURY MANAGEMENT 2009/10

The report of the Head of Treasury Services was submitted on the current performance for the 2009/10 financial year and the position regarding investments and borrowings at 30 September 2009. He reported that the fund manager had performed well but the General Fund had been adversely affected by the low interest rates.

Scrutiny Committee – Resources considered the report at their meeting of 25 November 2009 and their comments and support were noted.

RESOLVED that the Treasury Management report for the first six months of 2009/10 be noted.

(Report circulated)

149

STAFFING - HOUSING BENEFITS

The report of the Head of Treasury Services was submitted, seeking approval for an increase in the establishment of the Housing Benefits Team by one full time member of staff. The post was needed as a result of the significant increase in caseload resulting from the current economic downturn. The Government had allocated an additional £30 million subsidy to local authorities in addition to the previously agreed £45 million, of which Exeter would receive £50,249 in 2009/10.

Scrutiny Committee – Resources considered the report at their meeting of 25 November and their comments and support were noted.

RESOLVED that the creation of an additional post of Benefits Assessment Officer at Grade 5 be approved.

(Report circulated)

150

RESULTS OF PUBLIC CONSULTATION: DRAFT SUPPLEMENTARY PLANNING DOCUMENT ON PLANNING OBLIGATIONS

The report of the Head of Planning and Building Control was submitted, seeking approval for the adoption of the amended Supplementary Planning Document on planning obligations.

Executive noted the support of the Planning Member Working Group for the amended document. Members congratulated officers on the clarity of the document.

RESOLVED that the amended document be approved as a formal Supplementary Planning Document on Planning Obligations.

(Report circulated)

151

WAVELENGTH 20 - SURVEY RESULTS

The report of the Assistant Chief Executive was submitted, presenting the main findings of the Wavelength 20 survey. She reported that 623 forms had been returned from 901 sent out, which equated to a return rate of 69%. She drew Members' attention to the proposed next steps identified in the report.

RESOLVED that the findings of the Wavelength 20 survey be noted and the proposed next steps be approved.

(Report circulated)

152

COUNCIL HOUSE BUILDING PROGRAMME 2009-11 - DELEGATED AUTHORITY

The report of the Director Community and Environment was submitted, seeking to agree a level of delegated authority to enable the Council to enter into agreements and contracts to ensure the new properties being built through the Council House Building Programme 2009 -11 would be delivered on time. The Chair had agreed to accept the item as a matter of urgency in order to enable start on site by March 2010.

RECOMMENDED that:-

- (1) authority be delegated to the Head of Housing Services in consultation with the Portfolio Holder for Housing and Community Engagement, the Chair of the Scrutiny Committee – Community, the Head of Contracts and Direct Services and the Head of Treasury Services for the award of the building contracts relating to the Council's own build policy in accordance with the scheme details set out in the report;
- (2) authority be delegated to the Head of Housing Services in consultation with the Portfolio Holder for Housing and Community Engagement, the Chair of the Scrutiny Committee – Community and the Head of Legal Services for entering into the Grant Agreement with the Homes and Communities Agency; and
- (3) a total of £1,022,500 capital grant be allocated to these schemes from the Council's Affordable Housing Budget and a sum of £6,081,160 is borrowed, financed by the future rental income from these properties.

(Report circulated)

153

CHANGE OF COMMITTEE MEMBERSHIP

The Chair proposed the replacement of Councillor Cole with Councillor Newton on the Licensing Committee. The item was accepted as a matter of urgency in the interests of the effective operation of the Committee.

RECOMMENDED that Councillor Newton be appointed to replace Councillor Cole on Licensing Committee with effect from 16 December 2009.

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

RESOLVED that, under Section 100 (A) (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, 3, 4 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

155 **INFORMATION MANAGEMENT - STAFFING**

The report of the Head of Corporate Customer Services and the Head of IT Services was submitted, requesting approval to the redundancy of the Information Manager's post and subsequent severance payments for the current post-holder. The report also noted various other staffing changes to both the Corporate Customer Services and IT Services Units.

Scrutiny Committee – Resources considered the report at their meeting of 25 November 2009 and their comments and support were noted.

RESOLVED that:-

- (1) the restructuring of the Information Management service be approved as detailed in this report;
- (2) the employment of the holder of the post of Information Manager (CSO7150) be terminated on the grounds of redundancy on 31 December 2009 in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007;
- (3) compensation be paid to the holder of post CSO7150 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;
- (4) a payment of compensation be made in respect of the unexpired period of notice to which the employee would otherwise have been entitled under the contract of their employment.

(Report circulated to Members)

156 **QUARTERLY PROGRESS REPORT - ROYAL ALBERT MEMORIAL MUSEUM (RAMM) DEVELOPMENT PROJECT**

The report of the Head of Leisure and Museums was submitted, updating Executive on the current situation with respect to the various contracts now let for the Royal Albert Memorial Museum Development Project.

Scrutiny Committee – Resources considered the report at their meeting of 25 November 2009 and their comments and support were noted.

Executive noted the current contractual and budgetary position and the outstanding risk factors identified in the report. Members were pleased to note the significant progress made on site and congratulated officers on the advancement of the project.

RECOMMENDED that:-

- (1) the progress report on the Royal Albert Memorial Museum Development Project be received and approved;
- (2) the agreement to settle current outstanding claims be concluded, as set out in paragraph 4 of the report, and
- (3) a new budget for the project of £20.355 million be approved.

(Report circulated to Members)

157

SOIL EROSION AT CLIFTON HILL

The report of the Head of Leisure and Museums was submitted, informing Members of the revenue costs of each of the three options for resolving the soil erosion problem at Clifton Hill. Executive had initially considered the issue at their meeting on 24 November 2009 and had deferred a decision pending further information in relation to the financial implications of the options.

Councillor Shepherd attended the meeting under Standing Order 44 and spoke in support of Option 2, thanking officers for expediting the report back to Executive on the matter.

RECOMMENDED that:-

- (1) the Council's duty of care to its neighbouring residents in this case be accepted;
- (2) Option 2 be implemented and funding of up to £100,000 to resolve the matter be authorised;
- (3) implementation of the works by the Golf Driving Range operators at lower cost be investigated and implemented if appropriate;
- (4) no payment be made to the Golf Driving Range operators unless approved by the Head of Leisure and Museums in consultation with the Portfolio Holder for Environment and Leisure.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.35 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 15 December 2009.

Agenda Annex

SEATING IN THE GUILDHALL

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

Cllr Shepherd (L)	Cllr Sterry (L)	Cllr D Baldwin (L)	Cllr Sheldon (L)	Cllr Edwards (L)	Cllr Mrs Morrish (LIB)	Cllr Mrs Danks (LIB)	Cllr Gale (LIB)	Cllr D J Morrish (LIB)
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LD: Liberal Democrat : 13
 C: Conservative : 12
 L: Labour : 11
 LIB: Liberal : 4

Portfolio Holders

Fullam: Leader
 Newton: Housing and Community Involvement
 Cole: Business Transformation and Human Resources
 Mitchell: Environment and Leisure
 Wadham: Sustainable Development and Transport
 Brock, S.R.: Economy and Tourism

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