



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 14 DECEMBER 2010**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Extraordinary and Ordinary meetings held on 12 October 2010.	1 - 6
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 1 November 2010	7 - 18
4 Planning Committee - 6 December 2010	19 - 32
5 Licensing Committee - 30 November 2010	33 - 42
6 Scrutiny Committee - Community - 9 November 2010	43 - 52
7 Scrutiny Committee - Economy - 11 November 2010	53 - 68
8 Scrutiny Committee - Resources - 24 November 2010	69 - 78
9 Executive - 23 November 2010	79 - 88
10 Executive - 7 December 2010	89 - 96

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

“The proposal of Devon County Council to switch off street lighting in the City for part of the night time has raised a good deal of concern with residents in the City. Whilst the contribution this would make to the financial savings required of the County Council and the reduction in energy consumption it would provide, is acknowledged, it is important that full and meaningful public consultation is undertaken before any decision is taken.

The City Council therefore requests Devon County Council to embark on a thorough consultation with members of the public, businesses and the City Council on its proposal before determining what action to take.”

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

Date: 7 December 2010

Philip Bostock
Chief Executive

NOTE: Members are asked to sign the Attendance Register



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Agenda Item 1

THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 12 October 2010

The Right Worshipful the Lord Mayor (Cllr Choules)

The Deputy Lord Mayor (Cllr Sheldon)

Councillors D Baldwin, M A Baldwin, Branston, P J Brock, S Brock, Coates, Crow, Mrs Danks, Edwards, Fullam, A Hannaford, R M Hannaford, Mrs Henson, Hobden, Macdonald, Mitchell, Morris, D J Morrish, Mrs J Morrish, Mottram, Newby, Newcombe, Newton, Payne, Prowse, Sutton, Ruffle, Shiel, Spackman, Taghdissian, Thompson, Wadham and Wardle

52

FREEDOM OF THE CITY

RESOLVED that, in pursuance of its powers under Section 249 of the Local Government Act 1972, the Council do confer on The Coldstream Regiment of Foot Guards Freedom of the City Status in acknowledgement of the high esteem in which the Regiment is held and their valued and historic links with the City of Exeter.

(In accordance with Section 249 of the Local Government Act 1972 the foregoing honour was conferred by resolution of the Council passed by more than $\frac{2}{3}$ of the Members voting thereon at this meeting specially convened for this purpose.)

(The meeting commenced at 6.00 pm and closed at 6.05 pm)

Chair

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THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 12 October 2010

The Right Worshipful the Lord Mayor (Cllr Choules)
The Deputy Lord Mayor (Cllr Sheldon)
Councillors M A Baldwin, D Baldwin, Branston, S Brock, P J Brock, Coates, Cole, Crow, Mrs Danks, Edwards, Fullam, A Hannaford, R M Hannaford, Mrs Henson, Hobden, Macdonald, Mitchell, Morris, D J Morrish, Mrs J Morrish, Mottram, Newby, Newcombe, Newton, Payne, Prowse, Ruffle, Shiel, Spackman, Sutton, Taghdissian, Thompson, Wadham and Wardle

53

MINUTES

The minutes of the Ordinary Meeting of Council held on 13 July 2010 and the Extraordinary Annual Meeting held on 21 September 2010 were taken as read and signed as correct.

54

PLANNING COMMITTEE - 26 JULY 2010

The minutes of the meeting of the Planning Committee of 26 July 2010 were presented by Councillor Prowse and taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
P. J Brock	81 (member of Devon County Council on the Hele Trust)
R Hannaford	81 (member of Devon County Council on the Hele Trust)
Newcombe	81 (member of Devon County Council on the Hele Trust)
Prowse	81 (member of Devon County Council on the Hele Trust and a student landlord)

RESOLVED that the minutes of the meeting of the Planning Committee held on 26 July 2010 be received.

55

PLANNING COMMITTEE - 6 SEPTEMBER 2010

The minutes of the meeting of the Planning Committee of 6 September 2010 were presented by Councillor Prowse and taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
D Baldwin	98 (knows the objector)
Prowse	90 (student landlord) 92 (used to work with the objector) 93 (used to attend Whipton Methodist Church) 96 (knows the applicant and used to own the property)
Wadham	97 (knows the objector)

RESOLVED that the minutes of the meeting of the Planning Committee held on 6 September 2010 be received.

56

PLANNING COMMITTEE - 4 OCTOBER 2010

The minutes of the meeting of the Planning Committee of 4 October 2010 were presented by Councillor Mrs Henson and taken as read.

Members declared the following personal (*prejudicial) interests:

COUNCILLOR	MINUTE
D Baldwin	106* (involved with the site as Ward Councillor)
Prowse	104 (used to work with the objector)

RESOLVED that the minutes of the meeting of the Planning Committee held on 4 October 2010 be received.

57

LICENSING COMMITTEE - 27 JULY 2010

The minutes of the meeting of the Licensing Committee of 27 July 2010 were presented by Councillor Shiel and taken as read.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 27 July 2010 be received.

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LICENSING COMMITTEE - 23 SEPTEMBER 2010

The minutes of the meeting of the Licensing Committee of 23 September 2010 were presented by Councillor Shiel and taken as read.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 23 September 2010 be received.

59

SCRUTINY COMMITTEE - COMMUNITY - 31 AUGUST 2010

The minutes of the meeting of the Scrutiny Committee – Community of 31 August 2010 were presented by Councillor D Baldwin and taken as read.

RESOLVED that the minutes of the meeting of the Planning Committee held on 31 August 2010 be received.

60

SCRUTINY COMMITTEE - ECONOMY - 2 SEPTEMBER 2010

The minutes of the meeting of the Scrutiny Committee – Economy of 2 September 2010 were presented by Councillor Taghdissian and taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Coates	39 (City Council representative on Exeter Arts Council)
Newcombe	41 (ward Councillor for Alphington)
Taghdissian	40 (member of the Exeter Highways and Traffic Orders Committee)
Wadham	41 (ward Councillor for Alphington)
Wardle	40 (member of Devon Metro Rail task and finish working group and member of the Exeter Highways and Traffic Orders Committee)

In relation to Minute 36 (Devon County Council Street Lighting Policy) members were reminded that Devon County Council would be giving a presentation on the issue to members on 3 November at 5.30pm in the Civic Centre.

RESOLVED that the minutes of the meeting of the Scrutiny Committee - Economy held on 2 September 2010 be received.

61 **SCRUTINY COMMITTEE - RESOURCES - 15 SEPTEMBER 2010**

The minutes of the meeting of the Scrutiny Committee – Resources of 15 September 2010 were presented by Councillor Coates and taken as read.

RESOLVED that the minutes of the meeting of the Scrutiny Committee – Resources held on 15 September 2010 be received.

62 **FINAL ACCOUNTS COMMITTEE - 27 SEPTEMBER 2010**

The minutes of the meeting of the Final Accounts Committee of 27 September 2010 were presented by Councillor Edwards and taken as read.

RESOLVED that the minutes of the meeting of the Final Accounts Committee held on 27 September 2010 be received.

63 **EXECUTIVE - 28 SEPTEMBER 2010**

The minutes of the meeting of the Executive of 28 September 2010 were presented by Councillor Edwards and taken as read.

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

COUNCILLOR	MINUTE
Prowse	92 (student landlord)
Thompson	*90 (landowner within Monkerton Masterplan) 92 (daughter owns property in Spicer Road, which is let to students)

In relation to Minute 95 (Appointment of Representatives to serve on Outside Bodies) the appointments set out in the appendix to the minutes were agreed.

RESOLVED that the minutes of the meeting of the Executive held on 28 September 2010 be received and, where appropriate, adopted.

64 **CHANGE IN COMMITTEE MEMBERSHIP**

RESOLVED that Councillor Winterbottom be appointed to replace Councillor Thompson on Planning Committee.

65 **NOTICE OF MOTION BY COUNCILLOR SHIEL**
UNDER STANDING ORDER NO. 6.

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

“Exeter City Council feels that the practice of wheel clamping vehicles is no longer appropriate and will not allow its use on any Council land in the future and looks for the day when it is outlawed altogether.”

Councillor Edwards, seconded by Councillor D Baldwin, moved an amendment in the following terms:

“Exeter City Council feels that the practice of wheel clamping vehicles is no longer appropriate and will not allow its use on any Council land in the future other than for the time being on housing sites where a majority of residents on the site, having been balloted, support the introduction or continuation of the practice. In the meantime, other ways of enforcing parking controls on housing and other Council land will be urgently investigated.”

The proposed motion and amendment were debated. Members condemned the inappropriate and unfair manner in which wheelclamping was sometimes undertaken and the inadequacy of the appeal process. However they were concerned that the implications of withdrawing the practice, together with possible alternative methods of parking control, should be the subject of further investigation and consultation, before a decision was made. It was therefore proposed to refer the Notice of Motion to Executive for further consideration in order that any decision was made in the light of legal and other relevant considerations.

RESOLVED that, under Standing Order 6(5), the Notice of Motion be referred to Executive by reason of legal and other relevant considerations.

(The meeting commenced at 6.05 pm and closed at 7.10 pm)

Chair

Agenda Item 3

PLANNING COMMITTEE

Monday 1 November 2010

Present:-

Councillor Mrs Henson (Chair)
Councillors Cole, D Baldwin, P J Brock, M Macdonald, D J Morrish, Prowse, Sheldon,
R Sutton, Wadham and Winterbottom

Also Present

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

115 **MINUTES**

The minutes of the meetings held on 26 July 2010, 6 September 2010 and 4 October 2010 were taken as read and signed by the Chair as correct.

116 **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor P. J. Brock	117 (member of Devon County Council on the Hele Trust)
Councillor Prowse	117 (member of Devon County Council on the Hele Trust and a student landlord) 118 (student landlord) 119 (knows the applicant)
Councillor Winterbottom	118 (knows the agent) 119 (knows the applicant and objector)

117 **PLANNING APPLICATION NO.10/1533/03 - FORMER TENNIS COURTS, BISHOP BLACKALL ANNEXE, THORNTON HILL, EXETER**

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

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

The Development Manager presented the planning application for a development to provide a three storey building comprising nine flats, access to the highway, parking and associated works at the former Tennis Courts, Bishop Blackall Annexe, Thornton Hill, Exeter.

Members were informed that an application for student accommodation on this site had been refused in July 2010 and this re-submission sought to address those reasons for refusal. The adjacent site of Bishop Blackall School had been granted approval earlier this year for accommodation for 113 students. The site was within Longbrook Conservation Area.

The Development Manager stated that the proposal was for a three storey student accommodation block comprising 42 bedrooms in 9 flats. The upper storey was within the roof space. The building was 'L' shaped and would be faced with brick

and natural slate. A vehicular access would be created into the site by a new opening in the existing wall at the northern end of the Thornton Hill frontage. Parking was provided for four vehicles together with turning space.

The footprint of the proposed building was slightly smaller than the previous refused application and had been moved away from the boundary with the nearest neighbour at No.2 Thornton Hill by 2 metres. The site was heavily constrained by trees and the footprint occupied less than 25% of the site.

Members were circulated with an update sheet giving details of a further 17 letters of objection; clarification regarding revisions to the scheme in respect of materials; details of a contamination report and comments from the Head of Environmental Health and the County Director of Environment, Economy and Culture.

The Development Manager informed Members that five further letters of objection had been received one was from an address in St Leonard's. He also stated that if the legal agreement was not completed by 11 November 2010, not within six months as printed in the circulated report, then the application would be delegated to the Head of Planning and Building Control to refuse.

The recommendation was to approve the application subject to a Section 106 legal agreement to secure a financial contribution towards a new traffic order and an appropriate management agreement, and the conditions as set out in the report.

Mrs Pearson spoke against the application. She raised the following points:-

- was representing Thornton West Residents Association
- surprised that this application had been submitted after a very similar application was refused in July of this year
- design was not appropriate for this conservation area
- proposal did not enhance or preserve the conservation area; it did not have any special qualities
- its site, scale and massing was over development of the site
- moving 2 metres away from the boundary with No.2 Thornton Hill did not make any significant difference to the impact on this neighbouring property
- with the approval for 113 students at Bishop Blackall School and other HMO's in the vicinity, over 40% of the population in the area would be students
- this development would alter the character of the area beyond repair
- asked the Committee to refuse the application.

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

- it was with sadness that he was before the Committee again regarding another proposal for student accommodation in his Ward
- this proposal was very similar to the previous refusal
- asked Committee to reject the application
- was not in keeping with the heritage setting of the area
- would reduce amenity for local residents
- would cause an overconcentration of students on the area
- buildings in a conservation area should be well designed; this building was not
- did not reflect the 'Arts and Craft' heritage of the area
- was contrary to the Local Plan Policies as it did not fit into the existing pattern of area; did not harmonise with surrounding buildings; did not enhance or preserve the conservation area; although it did stand out was not a landmark building; the materials proposed were not in keeping with the character of the area.

- contrary to Local Plan Policy H5 as would cause over concentration of students in the area which would cause an imbalance and have a negative effect on local residents amenity
- should reject this application.

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

- had detailed negotiations with officers regarding the proposal
- the area working party supported the application
- had reduced the proposal considerably
- the building only occupied 23% of the site area
- had addressed neighbours concerns regarding amenity and the previous reasons for refusal
- asked the Committee to agree with the officer recommendation and support the application.

Whilst some Members felt that the proposal was acceptable, other Members had concerns regarding the design not being in keeping with the conservation area and the over concentration of students in the vicinity.

In response to Members, the Development Manager confirmed that as a new development the occupiers would not be entitled to parking permits and that the County Director of Environment, Economy and Culture would be consulted on the Green Travel Plan.

RESOLVED that the application for development to provide three storey building comprising nine flats, access to highway, parking and associated works be **approved** subject to the completion of a Section 106 legal agreement to secure a financial contribution towards a new traffic order, and to secure an appropriate management agreement and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on drawing no's 1800/10/042A; 1800/10/041A; 1800/10/040B; and 1800/10/043 , as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) The site shall not be used for any purpose other than that hereby approved and no other use (including any use within the same Use Class [Class C4] as defined by the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.
Reason: The approved development is not suitable for any use other than that approved.

- 5) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 9) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of local amenity.
- 10) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 11) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the local planning authority. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.

Reason: In the interests of local amenity.

- 12) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.

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

- 13) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
- a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
 - i) windows, including colour, materials, cills, headers and reveals;
 - ii) the roof ridge, hip detailing, eaves, verges, rainwater goods, canopies and external doors;
 - b) provision of refuse storage
 - c) provision of cycle storage
 - d) external lighting

Reason: To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development within the Longbrook Conservation Area and in relation to adjoining buildings.

- 14) No part of the development hereby approved shall be brought into its intended use until the off-street parking and servicing facilities shall have been provided in accordance with the requirements of this permission and retained for those purposes at all times.

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

- 15) No part of the development hereby approved shall be occupied until a travel pack has been provided informing all residents of the car free status and the location of all local and main shopping, leisure and public transport facilities and shall include timetables, as appropriate, all in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that all occupants of the development are aware of the car free status.

- 16) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials during the construction period, in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to avoid obstruction of and damage to the adjoining highway.

- 17) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB.

Reason: In the interests of the preservation and enhancement of biodiversity in the locality.

In the event that the Section 106 agreement is not completed by 11 November 2010, 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 that were intended to be dealt with in the Section 106 agreement.

(Report circulated)

118 **PLANNING APPLICATION NO.10/1392/03 - FORMER RED COW INN, RED COW VILLAGE, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

Councillor Winterbottom declared a personal interest as he knows the agent.

The Head of Planning and Building Control presented the planning application for the development to construct six flats in a three storey development for use as houses in multiple occupancy (C4) or residential dwellings (C3) at the former Red Cow Inn, Red Cow Village, Exeter.

Members were informed that the site was currently empty and had been neglected for some years. The site was formerly occupied by the Red Cow Inn which was demolished in 2006. The site was within the St David's Conservation Area and occupied a prominent plot adjacent to one of the main thoroughfares in and out of the City.

The Head of Planning and Building Control stated that there would be a total of 29 bed spaces within the development. The proposal was a car free development and cycle and refuse storage would be provided.

Members were circulated with an update sheet giving details of the sustainability of the proposal from the applicant; accepting limiting the occupation to students; revised plans received and the impact of these plans on the amenity of the neighbours and a further reason for refusal as a result of the amended plans.

The recommendation was to refuse the application subject to the reasons as set out in the report, the additional reason as per the update sheet and a further reason for refusal regarding a lack of education contribution.

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

- was representing local residents
- was keen to see the site developed as in its present state it was an eye-sore; although not at any price
- there was already too much student accommodation in the area
- had concerns regarding the height and bulk of the proposal
- was higher than the previous building on the site
- was over development of the site
- the development was not in keeping with the conservation area.

In response to a Member's question, Mr Cobbold clarified that he had not objected to the development of the near by Artful Dodger Public House as the existing buildings were to be converted.

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

- the proposal was for six flats to replace the Red Cow Inn
- had fully consulted the Planning Officers on the proposals

- understood that the application had been recommended for approval up until a week ago
- the area working party had supported the proposals subject to some changes to the tower
- was committed to resolving the design issues with regards to the tower
- the tower element would be sandstone to blend in with the conservation area and the Taddyforde Estate
- was the same height as the former Red Cow Inn
- would not cause any overlooking for local residents
- provided refuse and cycle storage
- the application was amended some weeks ago to C4 – student use only
- would enhance the entrance to the City.

During discussion Members raised the following points:-

- concern with regards to the amount of students accommodation in the vicinity particularly as the Artful Dodger Public House now had permission for student accommodation
- the proposal was too high and bulky
- would have an unacceptable impact on the amenity of the adjacent properties due to the high blank wall
- was on a gate way to the City and should be a landmark building.

RESOLVED that the application for development to construct six flats in a three storey development for use as houses in multiple occupancy (C4) or residential dwellings (C3) be **refused** for the following reasons:-

- 1) The proposal is contrary to Policies CO6 and CO7 of the Devon Structure Plan 2001-2016 and Policies C1 and DG1 (b, f, g and h) of the Exeter Local Plan 1995-2011 because by reason of its size, scale, design and siting the proposed development would result in an intrusive and unsympathetic form of development detrimental to the character and appearance of the St Davids Conservation Area.
- 2) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001-2016, Policy DG4 (b) of the Exeter Local Plan First Review 1995-2011 and the Council's Residential Design Supplementary Planning Document because the internal space provided within the development is not sufficient to allow residents to feel at ease within their homes.
- 3) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001-2016 and Policies DG1 (f and g) and DG4 (b) of the Exeter Local Plan 1995-2011 because by reason of its size, scale and siting, the proposed development would result in an overbearing form of development detrimental to the amenity of occupants of adjacent dwellings in Red Cow Village.
- 4) In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which make provision for a contribution towards education infrastructure, the proposal is contrary to Policy ST4 of the Devon Structure Plan 2001-2016.

(Report circulated)

**PLANNING APPLICATION NO.10/1247/01 - ORCHARD HOUSE, DEEPDENE
PARK, EXETER**

Councillor Prowse declared a personal interest as he knows the applicant.

Councillor Winterbottom declared a personal interest as he knows the applicant and the objector.

The Development Manager presented the planning application for the development to provide three detached dwellings, access to highway, detached workshop/garage, car parking, cycle and bin storage at Orchard House, Deepdene Park, Exeter.

Members were updated on the planning history for the site and surrounding area. The site was 0.32 of a hectare and was at the southern end of the garden of Orchard House, Deepdene Park. The application was for outline consent for three dwellings with all matters reserved for future consideration and for the erection of a new single storey garage with ancillary spaces as part of the existing property known as Deepdene. This building would be constructed of timber walls and a metal roof, similar to the occupied residential unit.

The recommendation was to approve the application, subject to a Section 106 legal agreement in respect of a financial contribution towards affordable housing and the conditions as set out in the report.

Ms Flood spoke against the application. She raised the following points:-

- concern regarding the preservation of access to her property and for the safety and quality of life to be maintained
- since 2005 there have been a number of building projects which had caused problems including demolition of an old wall opposite; digging up grass to lay pavements; rebuilding of County Hall boundary wall; annexe being built to Orchard House; installation of sales office
- the building works had caused many problems which had included parking problems for local residents due to construction traffic; excessive working hours outside of those agreed; excess mud on road and pavement; numerous advertisement signs
- the unreasonable behaviour of contractors should be monitored.

In answer to a Member's question, Ms Flood clarified that she had written many letters of complaint including to the local M.P.

Mrs Winyard spoke in support of the application. She raised the following points:-

- this land was suitable for development
- three dwellings on this infill site was in keeping with the area
- any disruption during construction would only be temporary
- the dwellings would be well constructed with adequate bin storage
- fully supported the proposal.

In answer to a Member's question, Mrs Winyard clarified that she lived at no. 9 Veitch Close.

During discussion Members raised concerns regarding the enforcement of the hours of construction condition and the off-site affordable housing contribution.

The Development Manager stated that if a breach of condition was reported to the Local Planning Authority this would be followed up by the Enforcement Officer. The applicant was in discussions with Housing Services regarding an acceptable off-site housing contribution.

RESOLVED that the application for development to provide three detached dwellings, access to highway, detached workshop/garage, car parking, cycle and bin storage be **approved** subject to the completion of a Section 106 legal agreement in respect of a financial contribution towards affordable housing and the following conditions:-

- 1) C01 - Standard Outline
- 2) C06 - Time Limit - Approval of Reserved Matter
- 3) The development (excluding the area designated for residential development as defined within the attached plan) to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 4) C12 - Drainage Details
- 5) C15 - Compliance with Drawings
- 6) C17 - Submission of Materials
- 7) C35 - Landscape Scheme
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C57 - Archaeological Recording
- 11) No part of the development hereby approved shall be occupied until the access has been provided in accordance with full construction details that previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No part of the development (excluding the proposed garage) hereby approved shall be occupied until the parking facilities and access drive have been provided in accordance with the requirements of this permission and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 13) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:
 - a) parking and vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of planting and materials;
 - c) storage of plant and materials;
 - d) programme of works to include measures for traffic management;
 - e) vehicle washdown measures and facilities;
 - f) provision of boundary hoarding and
 - g) site compoundhave been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.

Reason: In the interests of public safety, residential amenity and to ensure that adequate on-site facilities are available throughout the development period.

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

Reason: In the interest of residential amenity.

- 15) Prior to occupation of the development hereby permitted (excluding the garage element), secure cycle parking for at least two cycles per dwelling shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.

Reason: To ensure that the cycle parking specified in the application is policy T3.

- 16) No development work shall commence on site for the construction of the garage block until details of the proposed foundation works have been submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with these agreed works.

Reason: To ensure the existing trees in the immediate vicinity are not affected by the proposed garage development.

In the event that the Section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Head of Planning Services 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)

120 **TREE PRESERVATION ORDER NO.TPO 622 (80 EBRINGTON ROAD, EXETER) 2010**

The Head of Planning and Building Control presented the report to update Members on an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 622 (80 Ebrington Road, Exeter) 2010.

RESOLVED that the order be confirmed without modification.

(Report circulated)

121 **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)

122 **ENFORCEMENT PROGRESS REPORT**

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

RESOLVED that the report be noted.

(Report circulated)

123

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

124

AREA WORKING PARTIES - COMPOSITION

RESOLVED that the composition of the Area Working Parties as below be approved:-

Northern Area Working Party:-

Councillor D Baldwin
Councillor Cole
Councillor Edwards
Councillor Prowse
Councillor Sheldon

Southern Area Working Party:-

Councillor Mrs Henson
Councillor Newby
Councillor D Morrish
Councillor Macdonald

Western Area Working Party:-

Councillor P J Brock
Councillor Sutton
Councillor Wadham
Councillor Winterbottom

125

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 23 November 2010 at 9.30 a.m. The Councillors attending will be Macdonald, D.J. Morrish and Wadham.

(The meeting commenced at 5.30 pm and closed at 7.46 pm)

Chair

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PLANNING COMMITTEE

Monday 6 December 2010

Present:-

Councillor Mrs Henson (Chair)

Councillors Cole, D Baldwin, P J Brock, Edwards, Macdonald, Newby, Prowse, Sheldon, Sutton, Wadham and Winterbottom

Also Present

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

Also Present

Devon County Council - Development Management Officer

126

DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor D Baldwin	127 (member of the Cooperative Society) 128 (member of the Cooperative Society)
Councillor Branston	127 (member of the Cooperative Society)
Councillor P.J. Brock	127 (member of the Cooperative Society) 127 *(owner of a business in Magdalen Road) 128 (member of the Cooperative Society and an owner of a business in Magdalen Road)
Councillor Macdonald	127 (member of the Cooperative Society) 128 (member of the Cooperative Society)
Councillor Prowse	127 (a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and a retired Police Officer whose place of employment was the Police Station opposite the site) 128 (a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and a retired Police Officer whose place of employment was the Police Station opposite the site) 129 (student landlord)
Councillor Sutton	127 (member of the Cooperative Society) 128 (member of the Cooperative Society)
Councillor Wadham	130 *(member of Alphington Community Association and agent for the application)

Councillor Winterbottom	127 (Trustee of Exeter Municipal Charities)
	128 (Trustee of Exeter Municipal Charities)

127 **PLANNING APPLICATION NO.10/1594/03 - R D & E HOSPITAL, GLADSTONE ROAD, EXETER**

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

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

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

Councillor Prowse declared a personal interest as a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and a retired Police Officer whose place of employment was the Police Station opposite the site.

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

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

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

Members were advised that on 28 June 2010 an application on the same site for redevelopment to provide a food store, access, parking, landscaping and associated works had been considered by the Planning Committee. The Head of Planning and Building Control had recommended that the application be approved. It had been resolved that planning permission for the application be refused.

This application was identical to the previous application but sought to address those reasons for refusal through further information. The application would provide a food store with 2,231 square metre of net retail floor space and 227 car park spaces. The proposed building was of a contemporary design. A service area would be situated close to the Gladstone Road entrance. A four metre high red brick wall would enclose the yard and the loading facility was orientated to face away from the neighbouring hospital ward block and would be screened by the store building itself.

The Head of Planning and Building Control updated Members on how this application addressed the previous two reasons for refusal with regards to the sequential test in relation to Bus Station and impact upon emergency services.

He stated that there was no suitable available land within the next three to five years and that Land Securities had now confirmed that the Bus Station site would not be available until 2018. The Police Authority did not now object to the application. With the position of the entrance as far back from traffic lights as possible so as not to affect them; the proposed widening of Gladstone Road to two lanes, the right turn in to the site to be protected by a yellow box, two queue lanes to lights, longer right turn lane on Heavitree Road, and altered light phasing the Highways Authority did not object to the proposal.

The Head of Planning and Building Control updated Members on the traffic assessment, which had been agreed by Devon County Council. This assessment was based on the most critical period Friday's peak at 5pm to 6pm when a traffic increase in Gladstone Road from 231 to 612 vehicles and Heavitree Road of 5% to 7% was anticipated. He reported on a visit to the Ambulance Control Centre with regard to the pattern of ambulance movements.

Members were informed that the applicants had offered to provide a bespoke ambulance bay alongside the Occupational Health Unit building with direct access Heavitree Road.

Members were circulated with an update sheet giving details of the number of objections and clarification of the total site area and floor space.

The recommendation was to approve the application subject to a Section 106 legal agreement and conditions as set out in the report.

The Development Management Officer from Devon County Council (Highways) informed Members that Devon County Council had not dismissed the South West Ambulance Services objections and had looked at various highway options to overcome the concerns. The proposed measures were acceptable to the Highway Authority.

In response to a Member's question, the Development Management Officer stated that Ambulances could be fitted with transponders although he did not envisage that this would be appropriate.

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

- the Police Authority still objected to the application although some of the minor concerns had been addressed
- had met with the Ambulance Service who still objected due to the location of the access to the store and the possible impact it could have on response times
- the three main issues were the effect on the local community, traffic impact and the sequential test
- the postcards of support were mainly from people outside of the city; local residents had objected
- would have a major impact on the air quality which already failed to meet acceptable levels; this would not improve now that Devon County Council had put its plans for the high speed bus for Exeter on hold
- the submission stated that 200 jobs would be created although 150 would only be on a part time basis; a recent survey undertaken by 'Boot's' stated that applications for larger stores resulted in an overall loss of jobs as smaller shops close as a result
- the noise of the delivery vehicles would cause noise pollution for local residents
- would increase parking pressure in the area; where would staff park?
- would have major impact on the already busy road network
- Devon County Council had not produced any evidence that the impact on the road network would be acceptable
- would reduce 'freedom of choice' as the proposal would have a negative impact on the smaller shops in the area
- the site of the proposed Ambulance Bay was not suitable coming out directly on the Heavitree Road
- John Lewis was already going to occupy part of the old Debenhams Building; there would still be vacant floor space in that building for a

- Waitrose store; this also had the advantage of being able to use the King William car park to the rear which was currently under used
- the Police Authority and Ambulance Service objected to this application; it would cause an increase in air pollution and traffic congestion; there were other more suitable sites including the Cranbrook development
- should refuse the application as it was contrary to the Council's own policies.

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

- representing residents from a wider area
- the need to ensure that the economy of Exeter remained robust and thriving
- it would not be in the best interest of the City to turn down the application
- local traders supported the application
- would bring jobs to the City
- satisfied that it passed the sequential test
- Devon County Council Highways did not object
- the objections could not be sustained
- supported the application.

Mr Le Chevalier (representing South Western Ambulance Service) spoke against this application. He raised the following points:-

- had real concerns of the impact that this proposal could have on the effectiveness of the Ambulance Service
- was not against the development of the site
- had been in this location for 50 years; it was the ideal location
- answered 13,000 calls a year; 10,000 of those were received at the same times as Waitrose proposed opening hours
- when the service was called out every second counted
- had concerns for the safety of his crews
- do not put sirens on until have left the station so as to protect local residents
- the proposed yellow box and the alternative location for an Ambulance Bay were not acceptable
- this supermarket should not be built opposite the access to the Ambulance station.

In answer to Member's questions, Mr Le Chevalier clarified that there were three standby sites within the City, the stand by sites needed to be able to charge equipment; there was not typical day for the service; the proposed Ambulance Bay was not satisfactory as it would involve crossing a bus lane onto a busy road and would also not have any direct access on to Polsloe Road; and there were about 85 staff stationed on the site.

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

- the previous reasons for refusal had now been addressed
- Land Securities had confirmed that the Bus Station site would not be available until 2018
- the Police Authority were satisfied with the extra lane on Gladstone Road and the yellow box
- had proposed a Ambulance bay adjacent to the Occupational Health Unit building with direct access on to Heavitree Road
- Devon County Council Highways had no objection;
- given the view of South West Ambulance Services that 'any' delay to their response times would be opposed would expect that on that basis they would object to further development within the City Centre.

In answer to Member's questions, Mr Banham clarified that a yellow box would be sited opposite the Ambulance Station entrance in Gladstone Road to prevent any congestion of the access. Waitrose had been looking for 10 years for a suitable site in Exeter this had included the Bus Station site and the former Debenhams building.

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

- Waitrose had undertaken extensive research into a suitable location for a store
- Devon County Council Highways had not raised any objections
- would reduce carbon footprint as residents would not have to travel to Sidmouth or Okehampton to visit Waitrose; also delivery vans would not have to travel such a distance
- generally more residents write in to object than they do to support a development
- can not ignore the 124 local residents who objected to the proposal
- a Waitrose store was a positive for Exeter
- the Ambulance Service had not provided any data to support the objections
- this site would be developed; any development would generate traffic
- concerns regarding noise pollution of delivery traffic, parking for staff; and the objections of the Ambulance Service
- why could there not be a yellow box at the junction of Gladstone Road with Heavitree Road?
- should the start times of construction in condition 14 be 7.00am or 8.00am?

The Development Management Officer stated that the County Council had not undertaken its own traffic assessment although they had checked the figures submitted by Waitrose. The Ambulance Service had not undertaken any traffic assessment.

RESOLVED that the application for redevelopment to provide foodstore, access, parking, landscaping and associated works be **approved** subject to a Section 106 legal agreement as detailed in the report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) With the exception of those already identified and in accordance with the submitted landscaping plan, no trees shall be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) C37 - Replacement Planting
- 7) C57 - Archaeological Recording
- 8) C70 - Contaminated Land
- 9) A detailed Green Travel Plan shall be provided and agreed with the Local Planning Authority prior to the opening of the development for trading.
Reason: To ensure that appropriate measures are in place to encourage and develop the use of alternative travel modes to the private car.

- 10) Prior to construction, a programme of works and details of construction traffic access and management shall be agreed in writing with the Local Planning Authority.
Reason: To ensure that traffic access to the site during the construction phase does not disrupt traffic flow or result in undue detriment to highway safety.
- 11) Unless otherwise agreed in writing, noise levels generated by the fixed plant installed as part of this development shall not exceed an LAeq(1 hour) of 37 dB (0700-2300) and 29 dB (2300-0700) at the Grendon Road boundary, and 43 dB (0700-2300) and 32 dB(2300-0700) at the Gladstone Road boundary. Compliance with these levels should be demonstrated prior to occupation and maintained thereafter.
Reason: In the interests of local amenity.
- 12) Unless otherwise agreed in writing, no development shall take place until a report is submitted and approved in writing by the Local Planning Authority detailing noise levels from deliveries and handling of these. The report shall contain details of predicted noise levels, hours of deliveries etc. The applicant should submit for approval a deliveries management plan which describes (in an enforceable manner) how the levels specified in the report will be achieved. It should be made clear in the plan that the proposals do not conflict with health and safety requirements, for example in respect of reversing beepers. Thereafter the deliveries shall be managed entirely in accordance with the approved management plan
Reason: In the interests of local amenity.
- 13) The store shall not be open to the public outside the hours of 7am and 11pm. **Reason:** In the interests of local amenity.
- 14) Unless otherwise agreed in writing, construction work and associated deliveries shall not take place outside the hours of 7am and 7pm (Monday to Friday), 8am and 1pm (Saturday) and not at all on Sundays and Bank Holidays.
Reason: In the interests of local amenity.
- 15) Prior to the commencement of development, a Construction/Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work to minimise noisy activities on Saturdays and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during this phase of the development, in order to discuss forthcoming work and its environmental impact.
Reason: In the interests of local amenity.
- 16) No development shall take place until details of the kitchen extraction equipment to be used in the café and food preparation areas has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include the information listed in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Unless otherwise agreed in writing,

the development shall be implemented and subsequently maintained in accordance with the agreed details.

Reason: In the interests of local amenity.

- 17) No development shall take place until a Wildlife Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the requirements of the Wildlife Management Plan shall be implemented by the applicant.

Reason: In the interests of preserving and enhancing wildlife opportunities in the area.

- 18) No more than 350 square metres of the overall sales floorspace of the store shall be used for the sale of comparison goods.

Reason: To safeguard the vitality and viability of the existing retail areas.

- 19) No development shall take place until details of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

Reason: To ensure that the development takes place at an appropriate level in relation to neighbouring buildings and the street scene.

- 20) No development shall take place until full details of the recycling facilities have been submitted to and approved in writing by the Local Planning Authority and the development shall take place only in accordance with these details.

Reason: In the interests of ensuring the operational efficiency of the facilities and in the interests of visual amenity.

- 21) The sandstone elements of the building hereby approved shall be constructed in "Aerolite" red sandstone unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

- 22) The building hereby approved shall achieve a Final BREEAM Level Excellent in accordance with the requirements of the relevant BREEAM scheme. The building shall not be brought into use unless and until a Final BREEAM Certificate has been issued for it, certifying that Final BREEAM Level Excellent has been achieved.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials.

In the event that the Section 106 legal agreement is not completed before 24 December 2010, authority be delegated to the Head of Planning Services 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)

128 **PLANNING APPLICATION NO.10/1596/03 - R D & E HOSPITAL, GLADSTONE ROAD, EXETER**

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

Councillor P J Brock declared a personal interest as a member of the Cooperative Society and as an owner of a business in Magdalen Road. He did not vote on this application.

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

Councillor Prowse declared a personal interest as a member of the Police Choir who rehearse on the site, a member of the Cooperative Society, a regular customer of the costcutter store immediately behind the site and a retired Police Officer whose place of employment was the Police Station opposite the site.

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

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

The Head of Planning and Building Control presented the planning application for the re-orientation of car park at the R D & E Hospital, Gladstone Road, Exeter. The proposal would involve the loss of six car parking spaces and the removal of a hedge and tree.

The recommendation was to approve the application subject to the conditions as set out in the report.

RESOLVED that the application for re-orientation of car park be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C35 - Landscape Scheme
- 4) With the exception of those already identified and in accordance with the submitted landscaping plan, no trees shall be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) C37 - Replacement Planting
- 6) C38 - Trees - Temporary Fencing
- 7) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.

(Report circulated)

129 **PLANNING APPLICATION NO.10/1710/03 - 9 THORNTON HILL, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the planning application for a change of use from a six person house in multiple occupation to an eight person house in multiple occupation, cycle store on south elevation and rooflights (2) on west elevation at 9 Thornton Hill, Exeter.

Members were advised that the ground and first floor layout would remain the same and the two vacant rooms on the second floor would be converted into bedrooms. The only elevational changes would be the insertion of two velux roof lights in the loft storage space.

Members were circulated with an update sheet giving details of an additional letter of objection and information that the Head of Environmental Health Services had confirmed that the new bedrooms had an acceptable standard of amenity. Members were informed of a late letter of the objection that had been received from the Civic Society.

The recommendation was to approve the application subject to the conditions as set out in the report.

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

- been before the Committee many times recently with regards to student accommodation in this area
- was already an over concentration of students in this area
- the Council's policies with regards to the zones of student accommodation were out of date
- a similar application for an HMO submitted a few months ago at 7 Thornton Hill had been refused by this Committee; this refusal was now the subject of an appeal
- to keep an element of consistency this application should be refused
- was contrary to the Council's Local Plan Policy H5 as would change the character of the area and create an imbalance
- the report stated that as the property was an end terrace with only one adjoining wall to another HMO; do students not have rights?
- the appeal defence of 7 Thornton Hill stated that the proposal was contrary to the Devon County Structure Plan and the Council's Local Plan policies as it would cause an increase in noise and activity and would be detrimental to local residents amenity; this application would cause the same issues
- was in the Longbrook Conservation Area; this proposal would not enhance or preserve the area and would have a negative impact on the character of the area
- would exacerbate the problems already in the area
- would cause noise nuisance by late comings and goings and loud music; would be lack of maintenance; problems with excess refuse on the street; and cause problems with on street parking
- this application should be refused as it was overdevelopment of the site.

In answer to a Member's question, Councillor Mitchell stated that, although there were parking restrictions in place, it was not possible to prevent students from bringing cars to the City.

Mr H Temple (representing Thornton West Resident's Association) spoke against this application. He raised the following points:-

- majority of local residents objected to this proposal
- it was becoming difficult to retain a mixed community in the area with the recent approvals for student accommodation on the Bishop Blackhall site and adjacent tennis courts
- would increase anti social behaviour, late night noise in the area and problems with refuse
- not many families left living in the area
- asked Committee to reject the application.

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

- had reassured neighbours that this proposal would not cause problems and he would respond to any reasonable concerns
- the Bishop Blackhall site was on Pennsylvania Road
- was different to the application for 7 Thornton Hill as this property was already a HMO
- this application should be assessed on its own merits
- this proposal was not for the creation of a new HMO
- cycle and refuse storage would be provided
- the size of the rooms were above the minimum standards
- would not impact on the neighbours.

In answer to Member's questions, Mr Canter clarified that he currently lived overseas although he had a Manager who lived in the city who would deal with any problems, he had had only one email of complaint which had been dealt with and the property had been let as a HMO since September 2009.

Whilst some Members did have concerns regarding additional student accommodation in this area, other Members were of the view that this proposal was a modest increase and was acceptable.

RESOLVED that the application for change of use from a six person house in multiple occupation to an eight person house in multiple occupation, cycle store on south elevation and rooflights (2) on west elevation 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 ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 12 October 2010, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) All new rooflights shall be of a conservation type, the exact type and size of which shall be agreed in writing with the Local Planning Authority prior to its fixing.
Reason: To protect and preserve the character of the listed building.
- 5) No part of the development hereby approved shall be occupied until all residents have been issued with a Green Travel Pack to inform them that they will not qualify for on-street parking permits and shall include the locations, routes and times of public transport services, the locations of walking and cycle routes, central shopping and leisure facilities in accordance with details that shall previously have been submitted to, agreed

and approved in writing by the Local Planning Authority and shall be updated annually.

Reason: To ensure that all residents are aware of the car free status of the development.

- 6) No part of the development hereby approved shall be brought into its intended use until the cycle parking facilities have been provided in accordance with the requirements of this permission and retained for that purpose at all times.

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

(Report circulated)

130 **PLANNING APPLICATION NO.10/1718/03 - THE COMMUNITY CENTRE,
CHURCH ROAD, ALPHINGTON, EXETER**

Councillor Wadham declared a personal and prejudicial interest as a member of Alphington Community Association and as the agent for the application. He left the meeting during consideration of the item.

The Head of Planning and Building Control present the planning application for a community noticeboard on the east boundary at the Community Centre, Church Road, Alphington, Exeter.

The recommendation was to approve the application subject to the conditions as set out in the report.

RESOLVED that the application for a community noticeboard on the east elevation be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) Unless otherwise agreed in writing, the aluminium frame and legs of the notice board hereby permitted shall be coloured black.
Reason: In the interests of the character and appearance of the adjacent listed building and the Alphington Conservation Area.

(Report circulated)

131 **TREE PRESERVATION ORDER NO. 623 (FOLLETT ORCHARD, FOLLETT
ROAD, EXETER) 2010**

The Development Manager presented the report to update Members on an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 623 (Follett Orchard, Follett Road, Topsham, Exeter) 2010.

Members were advised that Tree Preservation Order No. 623 protected one Eucalyptus tree in the side garden of Follett Orchard, Follett Road, Topsham, Exeter. The Tree Preservation Order was made following a conservation area notification to prune branches back to the main trunk of the Eucalyptus which overhung the boundary with Barn House, Exe Street, Topsham.

Mr Pidgeon (owner of the tree) spoke in support of the Tree Preservation Order. He raised the following points:-

- the Tree Preservation Order was made as a result of an application to prune the tree

- the tree was at no risk of dropping its branches
- heavy pruning could result in damage to the tree; even causing silver leaf disease
- any re-growth would be rapid and these branches would be more likely to drop
- the residents at 'Barn House' who wanted to prune the tree had only recently moved in to the property
- the tree had been planted long before the surrounding dwellings were built and should be protected.

RESOLVED that the order be confirmed without modification.

(Report circulated)

132 **TREE PRESERVATION ORDER NO. 624 (5 HARRINGTON LANE, EXETER) 2010**

The Development Manager presented the report to update Members on details of objections that had been received by the Council to Exeter City Council Tree Preservation Order No. 624 (5 Harrington Lane, Exeter) 2010.

Members were advised that Tree Preservation Order No. 624 protected one Horse Chestnut, three Thujas and two Cedar trees located within the side garden of 5 Harrington Lane, Exeter. Tree Preservation Order 624 was made following a report that the trees were to be felled. The owner would like to keep the Cedar trees. However, one of the Cedar trees was in decline with the crown thinning and damage around the base of the tree. The two trees had grown together and the removal of one would leave the other susceptible to damage from high winds. It was proposed to exclude the Cedars from the Tree Preservation Order.

RESOLVED that the order be confirmed with a modification to exclude the two cedar trees.

(Report circulated)

133 **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)

134 **LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT**

The Head of Planning and Building Control presented the report to consider the content of the Local Development Framework Annual Monitoring Report. He updated Members on the main conclusions with regards to the Local Development Scheme and the monitoring results and advised that the Annual Monitoring Report, if approved, would be submitted to the Secretary of State.

Members were advised that, due to the judgement on the abolishment of the Regional Spatial Strategy (RSS), submission of the Core Strategy was now delayed slightly for further work to justify 12,000 homes instead of 15,000 homes and the Council was also waiting to see what impact the Localism Bill could have. The Council was expected to submit the Core Strategy in early January 2011.

The housing completions were down to 365 and this was the third year that they had fallen from the peak of 891 in 2006/07. The Council was required to maintain a five year supply of housing otherwise it could be in danger of developers going to appeal. The Council currently had five years and one month's supply of housing land.

RESOLVED that the Annual Monitoring Report 2010 be approved for submission to the Secretary of State.

(Report circulated)

135

ENFORCEMENT PROGRESS REPORT

The Head of Planning and Building Control presented the report updating Members on enforcement matters. Members were advised that the appeal decision on 26 Victoria Road, Topsham had been dismissed and the notice varied.

RESOLVED that the report be noted.

(Report circulated)

136

APPEALS REPORT

The Head of Planning and Building Control presented the report detailing the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

137

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 4 January 2011 at 9.30 a.m. The Councillors attending will be Edwards, Prowse and Wadham.

(The meeting commenced at 5.30 pm and closed at 8.25 pm)

Chair

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LICENSING COMMITTEE

30 November 2010

Present:

Councillor Shiel (Chair)

Councillors Sterry, S Brock, A Hannaford, Macdonald, Newby, Ruffle, Taghdissian, Wadham and Winterbottom

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

33 **Minutes**

The minutes of the meetings held on 27 July and 23 September 2010 were taken as read and signed by the Chair as correct records.

34 **Declarations of Interest**

No declarations of interest were made by Members.

LICENSING ACT 2003

35 **Review of Hackney Carriage Policy : Disability Discrimination Act Consultation Response**

The Principal Licensing Officer presented the report on the outcome of the consultation undertaken in order to review the current policy in respect of the requirement for hackney carriage proprietors to provide disabled accessible vehicles and, in particular, the provision of swivel seats, in line with determined policy. The policy had been adopted in 2007 as a result of changes brought about by regulations made under the Disability Discrimination Act 1995.

Consultation had taken place with all licensed private hire and hackney carriage drivers' operators and vehicle owners as well as with disabled user groups. Approximately 1,000 letters had been sent out with 98 responses received, 92 with comments. Of these 92 responses, 13 were from the taxi trade. Seven of the 13 from the trade did not support the policy requiring the installation of swivel seats. The trade wished the requirement to provide accessible vehicles with swivel seats to be removed. Of the 92 responses, 83% were supportive of the continuance of the policy, 12% were opposed to the continuance of the policy and 5% expressed no view.

A Member was concerned that, because of the perceived cumbersome nature of the swivel seats, they might present a danger should the vehicle be involved in an accident. The Head of Environmental Health Services stated that swivel seats were manufactured for both the commercial and domestic market and there were many thousands of such in every day use across the UK. In response to a Member, the Principal Licensing Officer advised that, according to the figures supplied by the Unite representative in his response, 19% of local authorities required all vehicles to be wheelchair accessible and that most of these were larger authorities.

RESOLVED that the modification to the original policy requiring all new hackney carriages to be wheelchair accessible, which allowed the installation of swivel seats as an alternative in hackney carriage saloon cars, be discontinued.

(Report circulated)

36 **Review of the Licensing Act Policy : 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 City Council's Licensing Policy, the consultation having taken place in line with statutory provisions.

RECOMMENDED that:

- (1) the Policy be amended by the following changes:
 - (a) the amendment of the last line in paragraph 5.1 to read "the issue of need is a matter for the market to decide and does not form part of this policy"; and
 - (b) the amendment of the address of the Planning Authority to include Building Control; and
- (2) the Statement of Licensing Policy be accepted with the revisions identified and recommended to Council for approval.

(Report circulated)

TOWN POLICE CLAUSES ACT 1847 **TRANSPORT ACT 1985**

37 **Annual Top Up Surveys into Unmet Demand in Exeter**

The Principal Licensing Officer presented the report on the outcome of research into the level of taxi rank provision in the City. This followed the Licensing Committee's request, at its meeting on 23 September 2010, that a report be submitted on the recommendation for top-up surveys of demand for the services of hackney carriages. The proposal that this be done having arisen from the survey into unmet demand carried out by Mouchel Ltd. in May of 2010.

The cost of a top-up survey has been identified as currently being between £1,500 and £2,000 per annum. An additional levy on the existing hackney carriage licence fee would be required if the proposal was adopted. In the past, it had been the practice to subsidise the surveys into unmet demand with the trade paying 80% and the Council absorbing the other 20%. There was currently no budget identified to pay the 20% contribution.

Members considered whether a top-up survey should be undertaken. There was some opposition to the Council contributing to the cost although some Members also felt that it would be appropriate as part of the service to Exeter citizens. It was suggested that payment should be considered further at a later date. A Member suggested that more frequent, but smaller scale, surveys at costs similar to that proposed for a top-up survey would be less costlier than a full survey. The Principal Licensing Officer advised that this would not be a viable option as the smaller surveys would be inadequate. Official guidance indicated that a survey should be

undertaken at least every three years. Rather than an annual survey, it was proposed that a top-up survey at 18 month intervals would be appropriate.

RESOLVED that:

- (1) the principle of top-up surveys be supported, a survey to be undertaken in 18 months following a triennial survey; and
- (2) the current practice of the Council absorbing 20% of the payment of the survey be considered at a future meeting of this Committee.

(Report circulated)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

38 Provision of Taxi Ranks in Exeter

The Principal Licensing Officer presented the report on the outcome of research into the level of taxi rank provision in the City following this Committee's request, at its meeting on 23 September 2010, that a report be submitted on the need for a review of the provision of ranks in the City, the request having arisen from the survey into unmet demand carried out by Mouchel Ltd. in May 2010.

The report had shown that there were a significant number of rank spaces that were very rarely, if ever, used, while other ranks were heavily used and could benefit from the addition of more spaces if possible.

RESOLVED that a decision relating to the removal of the unused ranks and the exercise of any options relating to the heavily used ranks be deferred for a report to be brought back to a future meeting of this Committee when the options are identified.

(Report circulated)

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

39 Renewal of Purpose Built Hackney Carriage Vehicle Licences

The Principal Licensing Officer presented the report seeking approval to amend the scheme of delegations for the Head of Environmental Health Services to deal with the renewal of purpose built hackney carriage vehicle licences, normally referred to as London type cabs, until they reach 12 years old. All applications for the renewal of a licence for a London type cab were considered by the Licensing Sub-Committee in order that they could consider the merits of the application and determine whether or not to grant the licence when the vehicle presented was over eight years old.

This class of vehicle was designed and built to last at least 12-15 years and were often perfectly serviceable for some time after that, assuming good servicing and maintenance practices were adopted. The applications put before Sub-Committee meetings were almost always non-controversial with full maintenance histories, MOT certificates and general maintenance documents made available, and the applications were generally granted without too much debate.

Current policy allowed for the Head of Environmental Health Services to re-licence all licensed vehicles, including London type cabs that were less than eight years old,

under delegated powers, therefore the proposal was to extend this term to less than 12 years old in respect of London type cabs only.

Any application for further renewal of vehicle licenses after attaining the age of 12 years would be referred to a Licensing Sub Committee, as was the present policy.

RECOMMENDED that the scheme of delegations in the Council's Constitution be amended to authorise the Head of Environmental Health Services to determine hackney carriage vehicle licenses relating to London type cabs that were no more than 12 years old under delegated powers.

(Report circulated)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

40 Renewal of Street Trading Consent

The Principal Licensing Officer presented the report seeking approval to amend the scheme of delegations for the Head of Environmental Health Services to deal with applications for non-contentious street trading consent renewals.

All new street trading consents were referred to the Licensing Committee in order that they could consider the merits of the application and determine whether or not to grant consent. All applications to renew consents were currently referred to a Licensing Sub-Committee for determination. These were almost always non-contentious, had not been the source of any complaint or comment from the enforcing bodies and agencies and were generally granted without too much debate.

RECOMMENDED that the scheme of delegations in the Council's Constitution be amended to authorise the Head of Environmental Health Services to determine applications for non-contentious street trading consent renewals.

(Report circulated)

41 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.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

42 Application for the Issue of a Street Trading Consent (Mr DJ)

The Principal Licensing Officer presented an application for consent to street trade from Mr DJ for a period of three months in Budlake Road Exeter, which was designated as a consent street under the provisions of the Local Government Act 1982.

Mr DJ attended the meeting and spoke in support of his application. He was seeking to trade Mondays to Fridays 0800 hours to 1500 hours, selling fast food from a mobile trailer, preparing the food on site and using disposable packaging, the residual waste to be collected daily. A 4.4 metre x 1.8 metre mobile unit would be

used, to be removed at the end of the trading period. There were no other consent holders currently trading in this area.

Mr DJ advised Members of the location where he intended to trade and confirmed that he would be using biodegradable materials.

The Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that street trading consent be granted to Mr DJ for a period of three months, as requested by the applicant.

(Report circulated to Members)

TRANSPORT ACT 1985

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

43 Application for an hackney carriage licence (Mr AA)

The Principal Licensing Officer reported that Mr AA had applied for an hackney carriage licence.

Mr AA was not in attendance.

RESOLVED that the application for the grant of an hackney carriage licence be deferred to the next meeting of this Committee for Mr AA to be allowed to present his application and to be notified that the application may be dealt with in his absence.

(Report circulated to Members)

44 Application for an hackney carriage licence (Mr SB)

The Principal Licensing Officer reported that Mr SB had applied for an hackney carriage licence.

Mr SB attended and spoke in support of his application. In his view, there existed an unmet demand in Exeter as there was a shortage of vehicles between 1900 hours and 0700 hours. Mr SB stated that the vehicle he proposed to purchase, subject to obtaining a licence, would accommodate a wheelchair and up to five passengers.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr SB's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. Mr SB had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

45 **Application for an hackney carriage licence (Mr AD)**

The Principal Licensing Officer reported that Mr AD had applied for an hackney carriage licence.

Mr AD was not in attendance.

RESOLVED that the application for the grant of an hackney carriage licence be deferred to the next meeting of this Committee for Mr AD to be allowed to present his application and to be notified that the application may be dealt with in his absence.

(Report circulated to Members)

46 **Application for an hackney carriage licence (Mr KH)**

The Principal Licensing Officer reported that Mr KH had applied for an hackney carriage licence.

Mr KH spoke in support of his application stating that he had significant experience of working with people with disabilities and held a certificate relating to working with the disabled obtained whilst he was a Stagecoach bus driver. As a taxi driver, a significant proportion of his work was with the disabled and he referred to the work he undertook transporting the disabled to and from care homes, the hospital and their own homes. Mr KH stated that he had a contract with Home Care for this. The supporting papers contained numerous references from these bodies and from those he had transported. Mr KH advised that the vehicle he proposed to purchase, subject to obtaining a licence, could hold one large (electric) wheelchair with a disabled person, one folded wheelchair and its user and two carers at the same time.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr KH's application be granted. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. While Mr KH had not adduced any evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was any unmet demand, the Licensing Committee did find reasons that justified a departure from its policy not to exercise its discretion to grant further hackney carriage licences, in that Mr KH's vehicle would be configured to accommodate a large electric wheelchair and its occupant as well as one folded wheelchair and its occupant and two other passengers. In addition, Mr KH had shown exceptional consideration for, and accommodation of, a large number of disabled users.

(Report circulated to Members)

47 **Application for an hackney carriage licence (Mr JA)**

The Principal Licensing Officer reported that Mr JA had applied for an hackney carriage licence.

Mr JA was not in attendance.

RESOLVED that the application for the grant of an hackney carriage licence be deferred to the next meeting of this Committee for Mr JA to be allowed to present his application or to be notified that the application may be dealt with in his absence.

(Report circulated to Members)

48 Application for an hackney carriage licence (Mr KJ)

The Principal Licensing Officer reported that Mr KJ had applied for an hackney carriage licence.

Mr KJ spoke in support of his application and stated that, in his view, there was an unmet demand in Exeter because British Transport Police no longer limited the number of taxis that could wait at the St. David's Station rank. As such, potentially all hackney carriages could choose to wait at this rank which would lead to a demand at other ranks such as at the rank outside Debenhams. Mr KJ also stated that, subject to being granted a licence, both the RD&E Hospital and the Exeter Community Transport Association office had confirmed that they would be prepared to use his service. Mr KJ stated that his vehicle would be wheelchair accessible, carried six people and had a swivel seat.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr KJ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. Mr KJ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

49 Application for an hackney carriage licence (Mr GQ)

The Principal Licensing Officer reported that Mr GQ had applied for an hackney carriage licence.

Mr GQ spoke in support of his application and stated that, in his view, there was an unmet demand in Exeter. Mr GQ referred to demand for an eight seater hackney carriage late at nights from two groups - students wishing to return to their residences and other groups wishing to be taxied home to outlying areas such as Tiverton. In both cases, the use of a single vehicle was cheaper than hiring two taxis - the fare to Tiverton, for example, increasing from about £35 in the case of a single vehicle to £60-70 if two taxis were used. Mr GQ proposed, subject to obtaining a licence, purchasing an eight seater vehicle and stated that there was only one other eight seater vehicle currently operating in Exeter. Mr GQ confirmed that his vehicle would be configured to take one wheelchair and four additional passengers as opposed to the usual one or two additional passengers.

It was noted that, as a result of granting a licence to Mr KH (Min. No. 46 above), there would potentially be a second, eight seater vehicle operating in Exeter.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr GQ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. Mr GQ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

50 **Application for an hackney carriage licence (Mr JR and Mr BR)**

The Principal Licensing Officer reported that Mr JR and Mr BR had applied for an hackney carriage licence.

Mr BR spoke in support of his application. Mr BR stated that the application for a licence was on behalf of himself and his brother, the two brothers intending to share the hackney carriage. Mr BR explained that he suffered from certain medical conditions and that taxi driving was an occupation where his health would not be affected. Referring to the British Transport Police decision to no longer limit the number of taxis waiting at the St. David's Station rank, he stated that, in his view, there was an unmet demand in Exeter. Mr BR believed that this would lead to a demand for hackney carriages elsewhere in Exeter such as at the rank outside Debenhams. Mr BR said his reasons for wanting a hackney carriage licence were personal and he could not make out any "public reason".

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr BR's and Mr JR's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. Mr BR had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

51 **Application for an hackney carriage licence (Mr SBR)**

The Principal Licensing Officer reported that Mr SBR had applied for an hackney carriage licence. A further reference on behalf of Mr SBR was tabled.

Mr SBR spoke in support of his application and referred to his work as an interpreter and to the fact that he was attending a further education establishment.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr SBR's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. Mr SBR had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

52 Application for an hackney carriage licence (Mr AT)

The Principal Licensing Officer reported that Mr AT had applied for an hackney carriage licence.

Mr AT spoke in support of his application. Referring to the British Transport Police decision to no longer limit the number of taxis waiting at the St. David's Station rank, he stated that, in his view, there was an unmet demand in Exeter. Mr AT believed that this would lead to a demand for hackney carriages elsewhere in Exeter, such as at the rank outside Debenhams.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr AT's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. Mr AT had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

53 Application for an hackney carriage licence (Mr WAT)

The Principal Licensing Officer reported that Mr WAT had applied for an hackney carriage licence.

Mr WAT spoke in support of his application and explained that he had been a resident of Exeter since 1975 and a taxi driver since 1972. Mr WAT had previously jointly owned two hackney carriage licences which he had bought in 1992 with his former wife but that this had been transferred out of his name when he was out of the country visiting relatives in Iraq in 2004. There had been a delay in his return to Exeter from Iraq because his passport had been taken from him at the airport and it became impossible for him to leave. Mr WAT's ex-wife had informed the Licensing Authority that he was not coming back. Mr WAT stated that he had always driven an hackney carriage and that he knew Exeter very well. Mr WAT, in response to Members' questions, gave further information on his personal circumstances assisted by the Principal Licensing Officer who verified details of the licence previously held and the circumstances of its subsequent transfer. Mr WAT had divorced in 2003. The licences remained in the name of his ex-wife.

Mr WAT stated that he currently rented a hackney carriage.

It was noted that this was the third occasion Mr WAT had applied to this Licensing Committee for a licence, the previous two applications having been refused. The Licensing Solicitor advised that the previous refusals should not fetter the discretion of this Licensing Committee.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. The Head of Environmental Health Services was also present but took no part in the deliberations.

RESOLVED that Mr WAT's application be granted. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) that there was no significant unmet demand for hackney carriages in Exeter. While Mr WAT had not adduced any evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was any unmet demand, the Licensing Committee did find reasons that justified a departure from its policy not to exercise its discretion to grant further hackney carriage licences, in that the circumstances in which Mr WAT's previous licence had been transferred out of his name were exceptional and their discretion should be exercised to grant him a new licence.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.05 pm

Chair

SCRUTINY COMMITTEE - COMMUNITY

9 November 2010

Present:

Councillor Kevin Mitchell (Chair)

Councillors Shiel, Branston, Mrs Danks, Hobden, Morris, Mottram, Newton, Robson, Sterry, Wardle and Winterbottom

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

Also present:

Councillor D. Baldwin - Portfolio Holder for Housing and Community Involvement
Councillor R.M. Hannaford - Portfolio Holder for Environment and Leisure

57 Minutes

The minutes of the meeting held on 31 August 2010 were taken as read and signed by the Chair as correct.

58 Declaration of Interests

A Member declared the following personal interest:

COUNCILLOR	MINUTE
Councillor Wardle	Min. No. 66 (Member of the Devon Archaeology Society)

59 Minutes of Community Safety Strategy Group

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

Members had no queries on the latest minutes circulated, those of 8 September 2010.

60 Reports of Portfolio Holders

Councillors R.M. Hannaford and D. Baldwin presented progress reports on priorities within the Environment and Leisure Portfolio and the Housing and Community Involvement Portfolio respectively. The priorities are set out below together with responses (in italics) given to Members' queries:

Environment and Leisure

- to manage the RAMM redevelopment project to minimise the cost and reopen in December 2011;
 - to make necessary savings in a careful and considered way trying to minimise the impact on the public;
 - to continue to implement the changes to the refuse collection service and make any necessary adjustments; and
 - to maintain all our current play areas to a good standard, to tackle vandalism and maximise the use of Section 106 monies to make improvements.
-
- *the RAMM project had been overseen by a senior Member Working Group and it was anticipated that there would be no further deviation from the budget;*
 - *the preservation and maintenance of play areas had been identified as a priority, partly to counter the impact on children and young people resulting from recent cutbacks in Government funding and there would be a greater channelling of Section 106 monies for this purpose. As the full impact of the Government cuts was not yet fully clear, it was not possible at this stage to provide detailed information on other priorities - for example, the future of the Play Rangers;*
 - *with Devon County Council having resolved not to upgrade the Central Library at a cost of £10 million, there could be a case for seeking expenditure of this money for the provision of a new swimming pool for the City; and*
 - *the importance of the Green Team was acknowledged but confirmation was awaited as to whether the County Council would continue funding the Temporary Education Officer. A generation of young people were now more environmentally aware and it was hoped to maintain this initiative into the future.*

Housing and Community Involvement

- to work with the Social Health and Inclusion Partnership to focus our work to support priority groups and areas;
 - to provide at least 100 new units of affordable housing;
 - to effectively manage the new council housing repairs contract, ensuring a smooth transition that delivers service improvements;
 - to consult council housing residents on the new Tenant Services Authority regulatory framework for social housing and develop a set of local standards for Exeter to meet our obligations;
 - to continue to work with the Resident Auditor Team for Council Housing and act on their findings;
 - to review the My Neighbourhood/PACT project and use the evaluation to drive forward continuing improvements to our community involvement work; and
 - to review the processes by which the need for disabled adaptations are assessed and provided.
-
- *the Council housing stock is an asset and maintaining and improving the quality of housing is important. Many of the empty properties visible throughout the City are not Council owned; and*
 - *a progress report on My Neighbourhood/PACT will be submitted to a future meeting.*

The portfolio holders' reports had been circulated electronically in advance of the meeting after the agenda had been circulated. A number of Members expressed dissatisfaction at the brevity of the reports.

Scrutiny Committee - Community:

- (1) noted the reports; and
- (2) asked that Council be made aware of Members' dissatisfaction over the lack of detail in the portfolio holders' reports and of their hope that greater information will be provided in the future.

61 Domestic Waste Collections and Recycling Collections

The Head of Environmental Health Services updated Members on the progress with the changes to the domestic waste and recycling collections. He explained the background to the changes. After consideration by a Member Working Group, a remodelling of the old inefficient rounds had been undertaken together with moving a residual 14,000 properties suitable for a bi-weekly collection to bring them in line with the rest of the City. There had been public resistance to changing from back alley to front gate collection and the staff had not supported a move to a four day working week which meant that these latter two proposals were not carried.

The changes had been introduced on 20 September 2010 and the new regime was therefore now in week seven. He highlighted the following issues:

- because of the volume of properties, initial public responses seeking clarifications etc. had been very high but had now settled down with data updated and improved;
- problem areas were being examined, Monks Road in Polsloe, for example, had remained a back alley collection but had still suffered from the public leaving their rubbish out too early for collection. The Enforcement Officers and Community Patrol had helped educate the public to reduce the problem;
- minor adjustments were being made to the rounds as the crews settled in to the new collection regime. Certain ad hoc arrangements with individual members of the public had changed;
- the existing 11 crews had been reduced to 10, with one less crew and vehicle. Although there was a greater balance between the workloads, minor differences remained that had to be examined. There was also less call on agency staff. The task and finish regime remained, but consultations were being held with the Union to consider moving to a 37 hour week;
- extra enforcement and public education was being carried out, especially in student areas of the City, where refuse had been presented at the wrong time; and
- average weekly times showed eight crews working just under 37 hours per week with two crews just over 37 hours per week. There had been an average of 33 hours of overtime per week (equating to one hour per operative) but overtime had always been incurred for vehicle breakdown and cleaning back lanes and it was anticipated that this would reduce as crews became familiar with their new rounds.

In response to Members' queries, he advised that:

- a whole scale change from back alley to front collections had not been carried out but where there were small pockets of back alley collection points in predominantly front collection areas, those pockets had been changed, where practical, for operational efficiency;
- Fore Street was another complex problem area targeted by enforcement officers. It comprised a mix of flats above shops, retail premises, houses in multiple

- occupation and housing association properties and there were a variety of causes for the rubbish being presented incorrectly;
- it was too early to decide if the volume of re-cyclates had increased, but it was anticipated that the new regime would result in an increase in recycling of 22% for those moved to alternate weekly collection;
 - in monitoring the bulky waste collection, around half of the 26 areas had decreased in the tonnage of refuse collected, whereas some areas had produced very high tonnage of nearly 100 tonnes. There were problems with bulky collection - people dumped waste too early, dumped dangerous waste such as LPG cylinders and asbestos cement and the service was abused by non domestic users. The service, in some ways, went against the Council policy of minimising waste, as it did not encourage recycling or re-use;
 - although there had originally been a consensus supporting a four day working week, the staff had subsequently voted against such a change. However, a four day working week would need to remain a long term objective;
 - there was a good working relationship with the University Liaison Officer and student wardens were also very supportive, so there was close working with the University;
 - an important element of these large scale logistical changes was encouraging feedback from the crews who, from their in-depth knowledge of the rounds, could advise on further fine tuning to improve efficiency; and
 - the service would seek to further reduce overtime.

Scrutiny Committee - Community noted the report.

(Report circulated)

MATTER FOR CONSIDERATION BY EXECUTIVE

62 Private Sector Housing Policy - Annual Review

The Head of Environmental Health Services presented the report proposing specific changes to the Private Sector Housing Renewal Policy in order to address local needs, as identified in the on-going private sector house condition survey.

He emphasised that the strategy focused on housing standards and did not impact on the nature and composition of development sites for students.

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

- (1) adopt the changes to the Private Sector Housing Renewal Policy outlined in the report; and
- (2) agree to the incorporation of the Private Sector Housing Strategy as a sub-strategy of the Council's overall Housing Strategy, with amendments made, as appropriate, in order to address local needs and changing Government policy.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY

63 Housing Strategy 2007-2012

The Head of Housing Services presented the report updating Members on progress in meeting the targets set out in the revised Housing Strategy 2007-2012.

The following responses were given to Members' queries:

- the full impact of the Government Spending Review would not become apparent until the end of the year. The grant to the Homes and Community Agency had been cut by 50% and a decision on the allocation on a national basis was not yet known. The response of developers to the Government changes and the impact of reduced benefits was unknown at present;
- the challenging 2005 Government target of reducing the homeless figure of 350 by 50% had been achieved one year early, with 130 homeless and in temporary accommodation on 31 March 2010. This had been achieved, in part, by improvements in preventative measures. It was a multi agency approach and the value of the voluntary sector was recognised;
- an officer had been seconded for two days a week to work on modernisation schemes for people with learning disabilities;
- new initiatives to engage young people were of value and the Resident Involvement Manager was seeking to improve communication with this difficult to engage group;
- a budget of £50,000 remained for downsizing and it was likely that interest would increase with new infill developments coming on line;
- the majority of Devon Councils, including Exeter, had met the Government target for reducing youth homelessness; and
- the PORCH scheme, previously funded through a one off Government grant, had been valuable and it was hoped that an element of the homelessness grant could be utilised to maintain this service.

Scrutiny Committee - Community:

- (1) noted the progress being made towards achieving targets set out in the Housing Strategy 2007-12 Action Plan; and
- (2) requested the submission of a report in March 2011 setting out the effects of the Comprehensive Spending Review on the Council's Housing Strategy.

(Report circulated)

64 Empty Homes Strategy 2009-2014

The Head of Housing Services presented the report advising Members on progress in delivering the Empty Homes Strategy.

Scrutiny Committee - Community noted the progress being made towards achieving targets set out in the Empty Homes Strategy 2009-2014 Action Plan.

(Report circulated)

65 Homelessness Strategy 2008-2013

The Head of Housing Services presented the report updating Members on progress in meeting the targets set out in the Homelessness Strategy 2008-2013.

Scrutiny Committee - Community noted:

- (1) the progress being made towards achieving targets set out in the Homelessness Strategy 2008-2013 Action Plan; and
- (2) the increased demand being placed on the homelessness service as a result of the economic climate.

(Report circulated)

66 Restructuring Exeter's Museum Service for the Future

Councillor Wardle declared a personal interest as a member of the Devon Archaeological Society.

The Head of Leisure and Museums presented the report setting out proposals for changes to museum staffing and to operational policies in preparation for the re-opening of the Royal Albert Memorial Museum (RAMM) and providing an update on the Renaissance in the Regions programme as it affects RAMM.

The support from the Renaissance in the Regions programme had been administered by the Museums Libraries and Archives Council which had signalled that it would end in its present form on 31 March 2011, the date the current funding agreement expired. RAMM was due to re-open to the public towards the end of 2011 with a formal opening date of 14 December 2011 fixed for some time. The broad aim was to create a new permanent staffing structure at the minimum level required to operate the public service, with additional services provided by Renaissance staff as and when finance was available.

The report set out in detail the advantages and disadvantages of introducing charging and, as the Heritage Lottery Fund had provided some £10.3 million towards the project, its views had been sought on introducing charges. It had referred to its stipulation when making the grant that the Museum should provide value for money when re-opened. A breakdown of charging structures from other museums was provided. A number of charging options were available. It was noted that a 60% reduction in visitor numbers could be anticipated with the introduction of charges. Although it was not unusual for voluntary museums to charge, national museums were free. Retention of free entry could lead to a loss of between £100,000 to £200,000 per annum. However, it would also be necessary to engage additional staff if charging was introduced.

With regard to opening, RAMM had previously opened on Mondays to Saturdays 10am to 5pm and closed on Sundays. It was proposed to open on Sundays and to close on Mondays with an additional option of a Tuesday closure if necessary. There was support for Sunday opening with closure on Mondays. The option for also closing on Tuesday could also be examined. It was noted that there were no additional payments for Sunday working.

RAMM had previously held archaeological finds from development sites in Devon but this had become unsustainable. There was currently a moratorium on accepting any more material from any archaeological contractor because of the pressure of the

project and there was a substantial backlog of material currently held by Exeter Archaeology. The formal stores would be full by 2012 and it would be necessary to consider the overall policy, both of maintaining the existing archive but, more importantly, of accepting material from digs. Storage was expensive, although these archives did not have to be in the city centre and could be shared with other museums.

While curriculum based education was a desirable service, it was felt that it was not a core function of RAMM. Any continuation post Renaissance therefore would have to be on the basis of full cost recovery and Members supported this. An approach would be made to the County Council for financial support, but most funding was now devolved to schools, so it was likely that the decision to pay for such services would lie with them. Much outreach work had been undertaken during the closure and would continue for 18 months after 1 April 2011. Thereafter, continuation would be dependent on any new format agreed for Renaissance in the Regions.

Members were fundamentally and unanimously opposed to charging and the possibility of a 60% reduction in visitor numbers was unacceptable. A reference was made to the reduction in visitor numbers at the Cathedral since a charging policy had been introduced - a drop from 300,000 to 150-200,000 visitors per annum. Noting that a large number of visitors to the Museum had been of a lower socioeconomic status, which was unusual for museums, a Member predicted that introducing charging would lead to a significant drop in attendance by such groups. One Member suggested that charging for high profile exhibitions could be appropriate.

Scrutiny Committee - Community noted and supported the following:

- (1) a policy of no charging;
- (2) the need to restructure the staffing radically to create a core team to manage the new museum and work with the new funding regime. There would be a need for the core team to possess commissioning and external funding skills. Most of the team would be required to work five days out of seven;
- (3) the likelihood that there would be transitional Renaissance funding into 2012/13 so that some additional capability could be managed;
- (4) on the re-opening of RAMM, the museum to open on Sundays, with closure on Mondays, consideration to be given to closure on Tuesdays as well, if appropriate;
- (5) the education function to be self-funding; and
- (6) the need for the Council to address the issue of archaeological archives in early 2012.

(Report circulated)

PERFORMANCE MONITORING

67 Half Year Results of Performance Monitoring 2010/11

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)

68 Housing Revenue Account Stewardship to September 2010

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 2010. During this period, the total of the variances indicated that there would be a net deficit of £420,553 which would be transferred to the working balance as at 31 March 2011. This represented a reduction of £222,017 compared to the budgeted reduction to the working balance of £642,570. It was estimated that the working balance would stand at £2,261,176 at 31 March 2011.

Scrutiny Committee - Community noted the report.

(Report circulated)

69 Community Services - Stewardship - Stewardship to September 2010

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 decrease from the revised budget by a total of £502,820, which represented a variation of 4.09% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

70 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.

MATTER FOR CONSIDERATION BY EXECUTIVE

71 Restructure of the Housing Needs Service

The Head of Housing Services presented the report setting out proposals for the restructure of the Housing Needs Service to create a new Housing Options Team to provide a comprehensive housing options service to all those in housing need.

Scrutiny Committee - Community supported the report and requested Executive to agree to the following restructure of the Housing Needs Service:

- (1) the termination of the employment of the holders of the posts of Home Choice Assistant (CE06124 and CE06122) and Home Choice Officer (CE06217) on the grounds of redundancy upon implementation of the new structure in accordance with the provisions of Regulation 19 of the Local Government

Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, with compensation being paid to the holders of the posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination)(Discretionary Compensation)(England and Wales) Regulations 2006; payments of compensation to be made in respect of the notice/unexpired period of notice to which the employees would otherwise be entitled under their contracts of employment and the posts to be deleted from the establishment of the Council;

- (2) the creation of the post of Housing Options Officer;
- (3) the deletion from the establishment of the post of Former Tenant Arrears Officer (CE06218), in order to create the post of Housing Needs Support Officer;
- (4) the re-designation of Administration Team Leader (CE06125) to Housing Needs Support Team Leader;
- (5) renaming the Housing Advice Team the Housing Options Team;
- (6) re-designating all Housing Advice Officers as Housing Options Officers (CE0 6111, 6112, 6113, 6120, 6121, 6224, 6210, 6181, 6206);
- (7) re-designating the Housing Advice Team Leader (CE06207) the Housing Options Manager; and
- (8) re-designating all Administration Support Officers (CE06186 and CE06204) as Housing Needs Support Officers.

(Report circulated to Members)

72 **Restructure of the Tenancy Services Team**

The Head of Housing Services presented the report setting out proposals for the restructure of the Housing Unit's Tenancy Services Team to create a new neighbourhood management team that provided a range of responsive and pro-active services to the Council's tenants and leaseholders.

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

- (1) approve a new structure for the Tenancy Services Team, as set out in the report, including the creation of two Neighbourhood Manager posts, a Voids and Lettings Co-ordinators post, a Neighbourhood Assistant post and a new Neighbourhood Support Officer post, subject to the completion of staff consultation on both the restructure and any resultant redundancies; and
- (2) agree, subject to full consultation, to the termination of the employment of the holders of the posts of Tenant Participation and Liaison Officer (CE06176) and Tenant Liaison Officer (CE06180) on the grounds of redundancy on the 31 December 2010 in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, with compensation being paid to the holders of the posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination)(Discretionary Compensation)(England and Wales) Regulations 2006; payments of compensation to be made in respect of the notice/unexpired period of notice

to which the employees would otherwise be entitled under their contracts of employment, the posts to be deleted from the establishment of the Council.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.15 pm

Chair

SCRUTINY COMMITTEE - ECONOMY

11 November 2010

Present:

Councillor Stella Brock (Chair)

Councillors Mrs Danks, M A Baldwin, P J Brock, Payne, Prowse, Robson, Spackman, Sterry, Taghdissian and Ruffle

Interim Director Economy and Development, Head of Economy and Tourism and Member Services Officer (SLS)

Also present:

Councillor Greg Sheldon	- Portfolio Holder for Economy and Tourism
Councillor Rachel Sutton	- Portfolio Holder for Sustainable Development and Transport
Mr David Allen	- University of Exeter

43 Minutes

The minutes of the meeting held on 2 September 2010 were taken as read, and signed by the Chair as correct.

44 Declarations of Interest

Members declared the following personal interests:

COUNCILLOR	MINUTE
Councillor Prowse	45 (student landlord)
Councillor Prowse	47 (member of Devon County Council regarding civil parking enforcement)
Councillors Mrs S R Brock, Ruffle and Spackman	49 (individual stallholders at Exeter Respect Festival 2010)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - ECONOMY

45 Presentation by David Allen, Exeter University

Councillor Prowse declared a personal interest as a student landlord.

A presentation was made by David Allen, Deputy Chief Executive of Exeter University about their development plans and the contribution made to the local economy as an employer, as an institution and economic driver. He also spoke about the impact of the spending review on the University and proposals for new graduate contributions. He referred to the University's proven reputation and provided detailed facts and figures about the two campus sites of Streatham and St Luke's and student numbers, which in term time made up 12.5% of the city's population. He emphasised the University's contribution to the local economy, which delivered £360 million of additional economic benefit in 2009/10, and was likely to rise to nearly £450 million by 2012. There had been a significant capital investment both in the academic facilities and student residences with Phase 1 having cost over

£300 million, and Phase 2 should be in excess of £80 million. This was matched by careful management to ensure minimal impact on the environment, and the University's commitment to reduce 60% of their Co2 emissions by 2050.

The University had been working in partnership with a number of organisations throughout the city and been particularly supportive of the case for Exeter and the City Council in the recent Local Enterprise Partnerships consultation. The University continues together with the City Council to be involved in the development of the Science Park, the growth of the Innovation Centre, as well as the expansion of the medical college and building on a productive relationship with the Met Office.

Members asked the following questions -

- Whether any future privatisation would affect the working relationship between the Met Office and the University. David Allen explained that the relationship remained a tangible positive asset for the city, and every effort would be made to maintain dialogue over areas where there was a common interest.
- Whether the Green Travel Plan was rigorously pursued as the increasing numbers of students who brought their cars to University was an issue. David Allen advised that students were strongly discouraged from bringing cars to University and together with staff were encouraged to use public transport. There had been a major investment in the D bus, and he would continue to put the message across to students and work with the City Council.
- What contingency plans were in place if Lord Browne's proposals for higher education funding were not implemented. David Allen outlined the University's financial position and the number of opportunities to progress development and employment including the Science Park which was now under way.
- With just under 15,000 students and increasing numbers now on campus, what targets were set for the future? David Allen referred to the continued investment and current building programme of student accommodation around the Streatham site to address the pressure on the city's infrastructure.
- What assistance could the University offer to help secure the Northcott Theatre's future and if the recent changes in car parking will have an effect on its future. David Allen outlined the plans for the Theatre and the surrounding area which included a new piazza, landscaped areas and provision for disabled parking. He felt sure that once finished, the Theatre would be at the heart of a very attractive environment.
- What could the City Council do to support the University outside of the planning process and should they be working on a more international basis potentially in association with the University. David Allen welcomed any opportunity to continue to work in partnership with the City Council.

The Chair thanked David Allen for his very informative presentation.

46 **Impact of Public Sector Spending Cuts**

The Head of Economy and Tourism presented a report which briefed Members on issues raised, based on the analysis of the impact of the public sector spending cuts by the South West of England Regional Development Agency.

The Interim Director Economy and Development commented on the need to view the wider picture and address the dependency and inevitable transfer of activity from the public to the private sector. A Member referred to the recent debate over Local Enterprise Partnerships (LEP's) and if closer partnership working with international organisations such as Exeter University might help attract more inward investment. The Head of Economy and Tourism referred to extensive, existing collaborative work, but it was not clear at this stage who would take the LEP lead as Government was looking for private sector leadership.

The Scrutiny Committee – Economy noted the potential impact of cuts in the public sector on the Exeter economy and that they be kept under review; with both key private and public sector employers invited to outline to Scrutiny Committee an assessment of their organisation's financial "stress" tests, and the level of risk to the Exeter economy.

(Report circulated)

47 **Portfolio Holders to Present their Reports**

Councillor Prowse declared a personal interest as a Devon County Council Member in relation to a comment on civil parking enforcement.

Councillor Sutton presented the following priorities within the Transport and Sustainable Development Portfolio for the forthcoming year, and covered the following topics:- *Long Term Spatial Strategy; the Challenge of Delivering Strategic Sites; Quality of Residential Development; The New Growth Point; Affordable Housing; Single Conversation; Climate Change; Bus Station Site; City Centre Enhancements; Long Term Transportation Strategy; Concessionary Travel; Civil Parking Enforcement; 1- 11 Sidwell Street (formerly Debenhams); Canal Basin and the Livestock Centre.*

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

Councillor Sutton gave the following responses to Members' questions –

- That it was in everyone's interest to adequately consult, responding to the comment on the recent proposals for a gypsy and traveller's site at Topsham, but recognised there was a balance to be struck in the extent of engagement on any particular issue.
- That her report was a reflective account on this occasion, and she would provide a detailed programme at a future meeting.
- She reported that the City Council's Leader and the County Council's Director of Transport, Culture and the Environment had met to discuss civil parking issues. The Member referred to adverse publicity for the City Council over the collection of fines in their capacity as agents for the County Council.

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

Councillor Sheldon presented the following priorities within the Economy and Tourism Portfolio for the forthcoming year, and covered the following topics:- *Developments - the Bus and Coach Station site, 1 – 11 Sidwell Street (formerly Debenhams), Canal Basin, and Livestock Centre; Economic Development Strategy - Supporting New Businesses, City Centre Promotion, Science Park, City of Science, Inward Investment, Skills and Workforce Development, and Tourism; Strategic Priorities; Regional Growth Fund; “Re-Localising the Business Rate”; and Local Enterprise Partnership*

Councillor Sheldon gave the following responses to Members’ questions –

- that a number of options would be explored in respect of the Livestock Centre.
- He hoped that a sound solution would be found for the Old Electricity Building, but that and the development of the Outdoor Centre at Haven Banks, presented many challenges.
- He welcomed more collaborative work between the city’s high schools and colleges, to encourage and develop more of an interest in science, and the future development of the Science Park should contribute to such a prospect.

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

Scrutiny Committee – Economy noted the priorities presented for the Sustainable Development and Transport and Economy and Tourism Portfolios for the forthcoming year.

MATTER FOR CONSIDERATION BY THE EXECUTIVE

48 A Sustainable Energy Future - A Strategic Partnership with E.On

The Interim Director Economy and Development presented the details of a proposal to enter into an Energy Partnership agreement between the City Council and the energy supplier E.ON. This will enable the City Council to continue their environmental and economic aim to reduce carbon emissions as well as support business growth and long term sustainability, and build on the resolutions agreed by the Council’s Executive in February 2010. The Partnership arrangement will also provide the opportunity to pool the available expertise, resources and financing options within the respective organisations in order to progress the delivery of projects.

The Interim Director responded as follows to Members’ queries:

- In terms of the benefits for the City Council, the Partnership will enable a local energy solution to drive low carbon standards ever higher, particularly in planning. E.ON has recognised that future business will require a greater community involvement to reach a solution to ensure sustainable development, as well as improving their environmental credentials.

- Although a number of practicalities were recognised, this Partnership did not have any apparent risk and will help focus and draw together existing work with no additional financial commitment.
- In the unlikely event that that this Partnership did not work out equitably, then the model structure could be changed without any obligation.
- That following Members' comments there would be a more regular review of the work of the Partnership on a quarterly basis, and the suggestion of additional officer meetings would also be explored.

The Scrutiny Committee – Economy welcomed and supported the proposal and recommended approval of the following action by the Executive that :-

- (1) Exeter City Council enters into an Energy Partnership agreement with E.ON and East Devon District Council;
- (2) the Exeter and East Devon New Growth Point Board function as the governance structure for assessing performance and managing the Partnership;
- (3) the Partnership will seek to engage Devon County Council in taking forward the work programme;
- (4) the New Growth Point Projects Director act as the principal lead for the Partnership; and
- (5) a review of progress on both the working of the Partnership and the Energy Strategy be made quarterly.

(Report circulated)

MATTER FOR CONSIDERATION BY SCRUTINY COMMITTEE - ECONOMY

49 Festivals Review 2010

Councillors Mrs S Brock, Ruffle and Spackman declared personal interests as individual stallholders at Exeter Respect 2010.

The Head of Economy and Tourism presented a review and report back on the performance of the festivals portfolio, including the Autumn Festival 2009, Animated Exeter, Vibraphonic and the Summer Festival 2010. He summarised the main characteristics of each of the festivals, as well as providing a detailed breakdown of the marketing analysis and financial implications. Funding support for events remained a challenging issue, although they continued to explore smaller funding opportunities and alternative ways of working with a number of venues in the city. He responded to a Member comment about increasing the scope for sponsorship, stating that the challenge was particularly great in the current economic climate. Sponsorship levels had dwindled in recent years from a high of over £80,000 to just £16,000, despite the hard work and effort of the marketing team. The reduction in sponsorship had meant a reduced ability to take more risk on cutting edge or more expensive familiar performers. There were still opportunities to cross subsidise events, but the capacity for tickets sales had changed.

The Head of Economy and Tourism also replied to a Member about housekeeping in relation to the stocks of marketing literature and brochures displayed in hotels and establishments around the county, stating that where possible his staff directed enquiries to the web site, but demand for brochures remained high. A distribution service refreshed and ultimately collected any out of date brochures as well as providing individual feedback to adjust future stock levels to minimise wastage.

Scrutiny Committee – Economy noted the report.

(Report circulated)

50 Capital Programme Monitoring

The Interim Director of Economy and Development presented a report which advised Members of the latest position with regard to the 2010/11 capital programme for the Economy and Development Directorate. This report also included a summary of the position at the end of September 2010, together with an appendix which contained a complete list of capital projects. The Interim Director highlighted a number of schemes and responded to a Member comment on the deferral of funding for enhancement work at Central Station due to the mounting pressures on the County Council's capital programme.

Scrutiny Committee – Economy noted the report.

(Report circulated)

51 Economy Scrutiny Stewardship to September 2010

The Interim Director Economy and Development presented a report which advised Members of any forecast variations to the budget, based on the first six months of the financial year 2010/11. This highlighted any differences by management unit to the outturn forecast for the first six months of the financial year up to 30 September 2010, compared with the approved annual budget. During this period the total of the variances for overall net expenditure for this Committee would decrease by £265,170 and included supplementary budgets of £21,610.

The Interim Director referred to the Archaeological Field Unit, which had worked hard to address their significant deficit. Planning had a reduced income from development applications in part due to the economic downturn and general lack of construction taking place. A Member referred to the City Council's relatively low planning fee for major developments and if that might be remedied in the future. The Interim Director referred to current debate and hoped that there might be more flexibility or discretion in the future. He responded to enquiries on bus shelter maintenance and would pursue the accuracy of anticipated energy savings in respect of street lighting, although this might be in relation to a number of private streets, but he would make enquiries and update Members if necessary.

Scrutiny Committee – Economy noted the report.

(Report circulated)

52 Risk Management

The Interim 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.

Scrutiny Committee – Economy :-

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

(Report circulated)

53 Half Year Results of Performance Monitoring 2010/11

The Interim Director Economy and Development reported the half year figures for those statutory and local performance indicators that relate to services provided by the Economy and Development Directorate. The national and local indicators were attached as an appendix to the report and included details of any variance from targets and remedial action taken.

Scrutiny Committee – Economy noted that the report.

(Report circulated)

54 Property Voids and Debts

The Interim Director Economy and Development presented a report which informed Members of the City Council's commercial portfolio regarding void properties as at 30 September 2010, and debts for the four quarters ending on the September 2010 quarter day. The report identified key local indicators including both long and short term vacant property levels against a relatively robust performance of the portfolio against national and regional trends. A further update to the report was made.

Scrutiny Committee – Economy noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.30 pm

Chair

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SCRUTINY ECONOMY COMMITTEE 11 NOVEMBER 2010

Sustainable Development and Transport Portfolio Programme for 20010/11

Long Term Spatial Strategy

The Regional Spatial Strategy is to be abolished, enabling the Council to proceed with its proposals for 12,000 additional homes for the period to 2026.

A revised Local Development Scheme was agreed by Executive on 28 September for submission and agreement with the Government Office.

The pre-submission Core Strategy was subject to public consultation that concluded on 24 September. Representations have been received from 44 parties. These will be considered by PMWG and Executive before Council is asked to agree submission of the Core Strategy to the Secretary of State in December. The examination in public should take place in the Spring. The evidence base continues to be developed.

Funding of essential infrastructure to support development in a context of significant public sector cuts is now a major challenge.

The abolition of the RSS reduces the risk of early shortfalls in five year housing supply. The Council considered representations on the draft Monkerton/Hill Barton and Newcourt masterplans and adopted amended documents for development management purposes enabling housing land in these strategic allocations to come forward as soon as possible.

The challenge of delivering strategic sites

Work on delivering plans and the viability of proposals at the strategic sites continues and on seeking to establish agreed equalisation mechanisms between the various owners. The Interim Director of Economy & Development is engaging with the local development industry on ideas for funding infrastructure and a national debate is taking place on the challenges of funding infrastructure in a period of cuts.

Quality of residential development

The Residential Development Supplementary Planning Document was adopted by Executive on 28 September.

The New Growth Point

The Section 106 Agreement for Cranbrook has been signed and planning permission issued on 29 October. All remaining funding agreements are being completed and contracts for the building of the Clyst Honiton Bypass and the main local route to the new railway station should be set to enable construction work in the February/March 2011. The key affordable housing package of £16.6m appears

to have been agreed in principle. This will provide Exeter with nomination rights on 25% of the first 300 affordable housing dwellings. It is anticipated that house building will start in 2011.

Affordable Housing

The Affordable Housing Supplementary Planning Document was adopted by Executive on 28 September.

Single Conversation

The HCA's guidance on the Local Investment Plan has been subject to significant change in the light of changes in the national picture. The focus is now very much on the affordable housing programme. The funding for this programme is significantly reduced. A draft LIP has been submitted to the HCA following consideration by the Growth Point Steering Board.

Climate Change

The Interim Director will report to Executive in November on the principles of a strategic partnership with a major energy provider to deliver sustainable energy initiatives. A study of the viability of a local energy network for the north east city centre/Heavitree Road corridor focused on the Bus Station will be reported to Members towards the end of the year. Local energy network contributions have been agreed for proposed developments at Matford Park and Waitrose and are subject to ongoing negotiations and investigations on other sites.

Bus Station Site

The City Centre Vision, transport study and feasibility study should be concluded by the end of 2010

We continue to work with the Planning team to deliver a concept masterplan for the site and with Land Securities with a view to them reporting on scheme viability by Christmas 2010. A two year Exclusivity Agreement has been agreed in principle with Land Securities/Crown Estate to provide comfort to all parties during this process.

City Centre Enhancements

Further consultation and design development of proposals for Gandy Street were reported to PMWG on 19 October. Work on Northernhay Gate must await completion of work to the RAMM.

The capital programme budget for Cowick Street was frozen; a scheme for 2011/12 will be considered as part of the next budgetary cycle. Work to King William Street Car Park was agreed by PMWG in June and is now underway. Proposed improvements to the public realm outside the former Debenhams building are intended for 2011/12.

Long Term Transportation Strategy

Uncertainties over DfT funding would suggest we need to have a dialogue following the CSR on how the Highway Authority envisages delivering the key elements of the Transportation Strategy. I believe it is entirely appropriate that Scrutiny push ahead with its Task 2 Finish work to explore the Devon Metro proposals. It is unlikely that for the high quality public transport route and improvements within the Principal Urban Area will be funded by the Department for Transport; both schemes represented a £90m bid and therefore I have asked the Interim Director Economy and Development to explore a pragmatic way forward with Devon County Council. Clearly this is a major issue for the City and one that we must focus our attention on.

Concessionary Travel

Funding and responsibility for concessionary travel will transfer to upper tier authorities (in our case the County Council) with effect from 1 April 2011. The government has consulted on the mechanism for transferring funding which involves choosing between different options for removing special grant and adjusting levels of formula grant. The options are complex and the implications difficult to follow, but there is a risk that the option finally chosen by government to transfer funding will in effect perpetuate the financial inequities which have caused so many problems for the City Council in recent years, namely by removing more funding than we have in fact received. This would clearly add to the financial pressures the Council is already facing. Officers have responded to the consultation paper making these points and we will continue to lobby government and others to press our case which, I am sure, all parties on this Committee would be happy to support.

Civil Parking Enforcement

This function continues to be very high profile and consumes a considerable amount of management time. The revenue stream from civil parking enforcement reverts to the County Council and no financial benefit accrues to the City Council from running it efficiently and effectively. The management resources devoted to CPE, including dealing with large numbers of enquiries, Freedom of Information requests and high levels of media interest, are inevitably being diverted from other areas of parking operations. It is important for Members to recognise that the Council's own parking service is a complex multi-million pound business which is essential to the Council's overall budget strategy, and that senior managers must have the necessary capacity to focus on this business rather than constantly responding to the demands of the civil parking enforcement regime. Accordingly, I have asked senior officers to meet with the County Council at the earliest opportunity to review the way in which civil parking enforcement is operating and I will report the outcome of this meeting to Scrutiny Committee members in a future report.

Much of the publicity surrounding the CPE function has been unsatisfactory and I will pursue with DCC a number of the issues that have been publicly around. Exeter is the only agency that generates a surplus of income back to DCC and I am not entirely satisfied that everything is being done by DCC to address the arguments over enforceability.

1-11 Sidwell Street (former Debenhams)

An Agreement for Lease has been entered into with Land Securities under which they will refurbish the lower floors of these premises for a new retail occupier. A new lease will be granted once agreed pre-conditions have been discharged by the developer. It is hoped that the new retailer will be open for trade in October 2011.

Canal Basin

The developer for the Old Electricity Building has agreed a package of works to seek to protect the fabric of the building whilst we await favourable conditions for a redevelopment commencement. Negotiations with Sutton Harbour for a start on the second new build site at the head of the Basin are well advanced and a Development Agreement may be drawn down shortly. Although provisional terms have been agreed between DCC and ECQT for a site for the new Haven Banks Outdoor Education Centre, the County Council is reviewing the position. We should know shortly whether they intend to proceed. In the light of that eventual decision, an update on the overall Delivery Strategy will be submitted to Executive.

Livestock Centre

We are in the process of reviewing the future of the Livestock Centre and a report on this review will be presented to Executive in due course.

Councillor Rachel Sutton
Portfolio Holder Sustainable Development and Transport

SCRUTINY ECONOMY COMMITTEE

11 November 2010

Key Elements of the Programme for the Economy Portfolio for 2010/11

Developments

Bus & Coach Station Site

We continue to work with the Planning team to deliver a Master Plan for the site and with Land Securities with a view to them reporting on scheme viability by Christmas 2010. A two year Exclusivity Agreement has been agreed in principle with Land Securities/Crown Estate to provide comfort to all parties during this process.

1-11 Sidwell Street (former Debenhams)

An Agreement for Lease has been entered into with Land Securities under which they will refurbish the lower floors of these premises for John Lewis. A new lease will be granted once agreed pre-conditions have been discharged by the developer. It is hoped that the new retailer will be open for trade in October 2011.

Canal Basin

The developer for the Old Electricity Building has agreed a package of works to seek to protect the fabric of the building whilst we await favourable conditions for a redevelopment commencement. Negotiations with Sutton Harbour for a start on the second new build site at the head of the Basin are well advanced and a Development Agreement may be drawn down shortly. Although provisional terms have been agreed between DCC and ECQT for a site for the new Haven Banks Outdoor Education Centre, the County Council is reviewing the position. We should know shortly whether they intend to proceed. In the light of that eventual decision, an update on the overall Delivery Strategy will be submitted to Executive.

Livestock Centre

We are in the process of reviewing the future of the Livestock Centre and a report on this review will be presented to Executive in due course.

Economic Development Strategy

This year the priorities of the Economic Development Strategy continue to focus on promoting and securing the growth of businesses, a better-trained workforce, helping people into work, bringing forward the availability of employment land and lobbying for investment in transportation and the communications infrastructure.

Supporting new businesses

Through the Exeter Business Support initiative, secure the starting up of 50 small businesses in the city and support existing businesses particularly through working with Business Link and the Innovation Centre.

City Centre Promotion

Work is continuing with the business community to prepare a business plan and gain support for the establishment of a Business Improvement District for the city centre seeking to further improve the attractiveness of the city centre to visitors and investment.

A package of activities has been pulled together to attract the very important Christmas trade into the city; some 40% of annual retail turnover.

Science Park

Working as an active partner with the Exeter Science Park Company we will continue to progress and market the project to encourage the development and growth of science, technology, and research based sectors in the local economy. We are pleased to have played our part in lobbying for confirmation of the funding for the improvements to Junction 29.

City of Science

Launched the first stage of the initiative with a new website to promote the scientific assets of the city as a basis for working with partners to attract investment and increase interest amongst younger people in studying STEMM related subjects (science, technology, engineering, maths and medicine)

Inward Investment

Have established a public private partnership to promote a positive and progressive image of the City's economy including the New Growth Point projects and to encourage inward investment.

Skills and workforce development

Work with the Employment and Skills Board to promote investment in relevant training provision for employers and identify skills issues relating to potential job opportunities arising from the Exeter and East Devon New Growth Point projects.

Work is continuing to assist a minimum of 300 people from the most deprived neighbourhoods in the city to take up training and/or employment by continuing the successful activities of the Exeter Positive Steps Fund. Projects in hand are helping 235 people.

Tourism

We have continued to grow and develop the Exeter and Essential Devon Tourism Partnership increasing its membership base to 300 businesses and thereby its resources to undertake a marked increase in promotional activity.

We shall also continue to manage and promote the range of City Council attractions and collaborate with other organisations in the city to attract and raise visitor expenditure which is vital to the retention of many jobs and the quality and variety of retail and restaurants which can be enjoyed by residents.

A new Tourism Strategy will be developed for spring 2011.

Strategic Priorities

We will explore options to enable the City to get to grips with the critical infrastructure improvements needed against the changed financial background. It is important not to lose sight of:-

- necessary improvements to the wider urban area;
- securing funding for the proposed high quality public transport system linking the growth point developments with the city centre;
- achieving park and ride improvements particularly to the south west of the city;
- stimulating/supporting diversification and growth of the city's economy.

There are four key factors which relate to how and with whom the Council works to be proactive in supporting economic sustainability and medium to longer term recovery and growth:-

- maintaining strong partnerships with public, private and third sector organisations, working to build upon the city's distinctive assets – its university, business make up, and quality of place – and that of the economic role of the city in the wider geography;
- working across administrative boundaries to secure investment in economic development and regeneration to maximise the sub-region's competitiveness
- securing investment in workforce skills;
- responding to changes in the economy – it is important to attract and grow private sector knowledge-intensive services, firms, jobs and individuals as well as developing retail, leisure and tourism sectors to provide better quality employment opportunities for those with lower skills, and those entering or returning to the labour market.

Regional Growth Fund

One key area of funding is the Government's recently announced Regional Growth Fund, with an emphasis on support for those areas with a high dependency on the public sector. Local authorities per se cannot lead bids, but we must work with partners to try and secure funding for progressing the Science Park and support for business creation, development and growth.

“Re-localising the business rate”

The main source of local tax revenue for local government is Council tax, which is only 17% of its income. With localism and radical changes taking place at the centre of Government, we should be lobbying for the proposed greater local control over business rates. This could provide a major local opportunity to support the right local conditions for economic jobs and growth.

Local Enterprise Partnership

To date we, like other district councils, have been excluded from discussions on the development of the new LEPs. These are meant to replace the RDA and to provide the opportunity for partnership working, on the basis of real functional economic areas, to take an integrated approach to growth and infrastructure delivery though transport, housing and planning.

We will continue to proactively pursue our involvement in the potential LEP for a grouping of functional economic areas, broadly covering the geographical areas of Devon and Somerset, in order to seek recognition and a collective strategic commitment to building upon Exeter's wider economy in collaboration with other parts of the South West. The aim is to establish a sound basis for promoting private sector based employment growth and secure the resources to achieve the priorities to support it.

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SCRUTINY COMMITTEE - RESOURCES

24 November 2010

Present:

Councillor Coates (Chair)

Councillors Cole, M A Baldwin, Branston, Crow, Hobden, Macdonald, Morris, Spackman, Thompson and Wardle

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

Also present:

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

Councillor Martin – Portfolio Holder for Business Transformation and Human Resources

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

59 **Minutes**

The minutes of the meeting held on 15 September 2010 were taken as read and signed by the Chair as correct.

60 **Declarations of Interest**

Members made no declarations of interest.

61 **Annual Audit Letter 2009/10**

Mr Morris of Grant Thornton, the Council's External Auditor, presented the Annual Audit Letter 2009/10.

Mr Morris updated Members on the challenges that the Council faced in the current economic climate and advised that from next year the Council would prepare the accounts in accordance with the International Financial Reporting Standard. He outlined the financial performance, the progress the Council had made and that action had been taken to implement recommendations made in the 2008/09 interim report.

The Chair thanked Mr Morris for his presentation.

The Scrutiny Committee – Resources noted the letter.

(Letter circulated)

62 **Portfolio Holders to present their reports**

The Leader updated Members on progress on the priorities in terms of the budget, providing value for money across the Council's services and Human Resources.

A copy of the briefing note is attached to the minutes.

In answer to a Member's question, the Leader clarified that there was not a confirmed timetable for the review of the Council's organisational structure. The Strategic Management Team, Portfolio Holders, Scrutiny Chairs and Deputy Chairs were meeting on 29 November 2010 with consultants to consider a possible systems review of the whole organisation.

The Portfolio Holder for Business Transformation and Human Resources updated Members on the work priorities for 2010/11.

A copy of the briefing note is attached to the minutes.

He answered Members' questions concerning the workload of Housing Benefits and the Customer Service Centre which were both experiencing an increase in demand for service.

PERFORMANCE MANAGEMENT

63 AIM Property Maintenance Progress 2010/11

The joint report of the Head of Contracts and Direct Services, Head of Housing Services, Head of Treasury Services and Acting Head of Estates was submitted.

The Scrutiny Committee – Resources noted the financial position of the second quarter financial position of the £7.6m programme of reactive and planned property maintenance and refurbishment for 2010/11.

(Report circulated)

64 Performance Monitoring - Corporate Services

The report of the Director of Corporate Services was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

65 Resources Scrutiny Stewardship to 30 September 2010

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.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

67 Overview of General Fund Revenue Budget 2010/11

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 2010/11 financial year.

The Head of Treasury Services advised that the Service Committee budgets showed a forecast underspend of £372,890 (2.15%) against a revised Service Committee Net Expenditure budget of £17,356,360 and an overall underspend of £32,356 against the General Fund Expenditure. The Scrutiny Committee - Community under spend was £416,280 and that of the Scrutiny Committee - Economy was £265,170.

The Scrutiny Committee - Resources had an over spend of £308,560 due to a reduction in Housing Benefits subsidy mainly in respect of Rent Allowances which was projected to be £223,580. Also expenditure had been incurred on the Local Government Review relating to the Judicial Review and the subsequent work to identify a date for the required elections.

Members were updated on the Housing Revenue Account, the outstanding sundry debt and the creditor payments performance. The forecast General Working Fund balance at 31 March 2011 was £3,222,806 and equated to 17.9% of the General Fund net expenditure.

In response to Members' questions, the Head of Treasury Services outlined the current position with regards to the Council's investment in Icelandic Banks and advised that the court cases were on going. Although there was a court hearing in January 2011, he envisaged that it could be at least two years before the Council might receive any funds from these investments.

Housing Benefits overpayments were largely due to claimants' change of circumstances which lead to a lower benefit entitlement once a reassessment was made. The Council recovered over 90% of this overpayment.

The Head of Contracts and Direct Services clarified that the Council did not have any direct contracts with ROK.

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

- (1) General Fund forecast financial position for the 2010/11 financial year;
- (2) HRA forecast financial position for 2010/11 financial year;
- (3) outstanding Sundry Debt position as at September 2010; and
- (4) Statutory Performance Indicator BVPI8 for creditor's payments.

(Report circulated)

68 Capital Monitoring Statement to September 2010

The Head of Treasury Services presented the report setting out the current position in respect of the Council's revised annual Capital Programme.

Members were informed that the revised Capital Programme for the current financial year was £30.484 million. During the first six months of the year the Council spent £6.964 million on the programme, which equated to 22.8% of the revised programme. This compared with £6.013 million (23.8%) being spent in the first six months of 2009/10. The total forecasted spend for 2010/11 was £27.974 million, with schemes totaling £4.189 million being deferred to 2011/12.

The Scrutiny Committee – Resources noted the current position in respect of the revised annual Capital Programme and recommended approval by Council of the revised annual Capital Programme.

(Report circulated)

69 Treasury Management 2010/11

The Head of Treasury Services presented a report on the current performance for the 2010/11 financial year and the position regarding investments and borrowings as at 30 September 2010.

Members were updated on the net interest position which was a reduction of £100,000 compared to the budget, due to interest rates staying at a lower rate than estimated. The Council had reduced its temporary borrowing over the first six months of the year. Borrowing now stood at £10 million, down from £21.8 million at the start of the year. Interest rates remained very low and the Council was keeping borrowing and investment to a minimum, continuing to have no long term debt.

The Scrutiny Committee - Resources noted the Treasury management report for the first six months of 2010/11 and recommended approval by Executive.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES

70 Risk Management update

The Head of Audit presented the report advising the Committee of the Council's risk management process and seeking approval for the updated corporate risk register, seven amendments having been made to the register.

In response to a Member's question, the Head of Audit clarified that work had been periodically undertaken to try and stop a small leak at Topsham Lock but this had not been successful and there was the possibility that the leak could affect the canal bank and towpath.

In answer to a Member's question, the Head of Contracts and Direct Services updated Members on the current position with regards to Connaught. The original contract had not been signed and after receiving legal advice to reduce the risk of challenge, there would be a re-tendering process for the kitchens and bathrooms refurbishment programme for council housing. In the meantime, Lovell's would be given a short term three month emergency contract to complete any urgent works.

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

(Report circulated)

71 Internal Audit Work - 1st half yearly report 2010/11

The Head of Audit presented the report advising Members of the work undertaken by the Internal Audit Unit. Internal Audit's objective was to examine the Council's financial and non-financial systems to check that adequate internal controls were in place to prevent loss due to frauds, errors and inefficiency, and that due attention was paid to Corporate Governance and risk management.

In answer to a Member's question, the Head of Audit stated that the problems with Capita's housing benefit software was a national issue which Capita does not regard as a high priority. However, the Council was trying to get them to rectify the software problem as soon as possible.

A Member commented that he was pleased to see that health & safety audits were being undertaken and that regular use was being made of the Council's on-line 'Report It' fraud hotline by the public.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

72 Scrutiny Committee Resources - Budget Working Group

The Scrutiny Committee - Resources appointed Councillor Coates, Coles, Branston, and D. J. Morrish or a substitute Liberal Group representative to the all party Resources Budget Working Group which would consider the budget savings proposals for 2011/12.

The meeting would take place on Tuesday 6 December 2010 at 10.00am.

The meeting commenced at 5.30 pm and closed at 6.30 pm

Chair

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Leader's Half-Yearly Report (Nov 2010)

We face a very difficult 4 years of cuts imposed by the Con-Dem Government. The public sector is paying a harsh price for greed of the banks, with local government paying especially in this first year. The people of Exeter will have to pay their share for the banker incompetence.

- The difficult financial situation and the unprecedented reduction in government grant will impact significantly on our staffing resources. This is why, for the current year, many HR responsibilities are being aligned with the budget process to ensure we can make the savings we need to, while protecting services and the jobs that deliver those services wherever possible.
- However, a significant priority for next year will be a fundamental review of the structure and organization of the Council. We need to ensure that we have a streamlined, efficient and effective structure which will allow our reduced resources to be targeted towards supporting services that benefit residents and businesses.
- For the purposes of budget planning we are assuming that there will be an overall cut of 30% in Formula Grant over the next 4 years. It was previously thought that this cut would be evenly spread – it is now apparent that the cut will be front loaded and we could now expect a cut of 15% in our grant for next year.
- It is currently estimated that the Council will need to reduce its revenue budget by £2.7 million next year, a further £1.6 million in 2012/13 and a further £1.7 million by the end of 2014/15. This would amount to a cumulative reduction of £6 million over the next four years.
- A large proportion of the Council's controllable costs are the costs of employing staff and without significantly reducing these over the next four years it cannot unfortunately hope to meet the necessary budgetary savings. This is why, for the current year, many HR responsibilities are being aligned with the budget process to ensure we can make the savings we need to, while protecting services and the jobs that deliver those services wherever possible. Where we can, I want to see a phased approach to reducing staff numbers to keep down restructuring costs and that will require coordinated budget and staffing planning.
- Need to protect essential services wherever possible - this is what the public pay their council tax for. We will, therefore, be proposing to maintain basic functions while looking hard at discretionary spending.
- Looking to next year's budget there are still some significant variables:-
- Concessionary Fares

There is still uncertainty over the funding for concessionary fares - the responsibility and government funding transfers to the County Council from 1 April 2011. The details of this funding transfer are complex and a number of options are currently under consideration by the Government. The budget we are currently working on for next year has assumed that the loss resulting from the transfer will be £500,000. The eventual loss could however be as much as a £1 million. This is in addition to the significant funding gap that the Council has already had to meet since the national concessionary travel scheme was first introduced in April 2008.

- Formula Grant

Although we have made assumptions about the level of formula grant the actual detail is not expected to be available until December. This will be when Exeter and all other Councils find out exactly how much grant it will be getting from Government.

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**Portfolio Holder Business Transformation and HR
Work Priorities for 2010/11**

- Corporate Services Directorate provides core support services across the whole Council yet nearly half its staff provide key front line services, namely Housing Benefits, Customer Service Centre including telephony, and Council Tax
- Regardless of whether it is front-line or back-office, the overall objective is the same, to provide effective, efficient services at the most economical cost
- Benefits are currently performing above the levels commended by the external auditors last year but it will be a struggle to maintain this as caseload increases. The last year has seen a 6% increase in claimants, the number has increased from 10,400 to 11,000. This disguises the additional work from assessing claims that do not result in an award of benefit. For example, for every two successful claims there are about three unsuccessful ones. So, for the 600 new claimants, staff will have to assess nearly 1,500 applications. Despite this, performance has been sustained and improved and further savings identified for next year by streamlining processes.
- More customers are visiting or telephoning the Council seeking advice or services such as housing/homelessness, benefits or parking permits. Since January this year, the Customer Service Centre has seen something like a 20% increase in contacts (face to face and telephone). The challenge is to maintain acceptable levels of service without any additional resources.
- Key back-office support in finance, HR and IT will be critical in the downsizing and re-focusing the Council must undergo in order to adjust to significantly less income. There will be increased demand on these services during the change process yet they will be operating with reduced resources also.
- Overall last year, corporate services reduced its staffing by almost 5%, some 10 FTE posts and provided cash savings of £436,000, about 4%, and a similar outcome will be needed again for next year.

Councillor Ian Martin
Portfolio Holder, Business Transformation and Human Resources
November 2010

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EXECUTIVE

Tuesday 23 November 2010

Present:-

Councillor Edwards (Chair)

Councillors D Baldwin, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish, Sheldon and R Sutton

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

103

MINUTES

The minutes of the meeting of Executive held on 28 September 2010 were taken as read and signed by the Chair as a correct record.

104

DECLARATIONS OF INTEREST

A Member declared the following personal interest:

Councillor	Interest
Edwards	Minute 110 (employee of Stagecoach Devon)

105

MASTERPLAN FOR THE FUTURE DEVELOPMENT OF NEWCOURT

The report of the Head of Planning and Building Control was submitted re-presenting the responses to the consultation and further responses received on the Newcourt Masterplan and seeking approval for the inclusion of a location for a Gypsy and Travellers Site within the Masterplan.

The Head of Planning and Building Control presented the report. He reminded members that Executive in September 2010 had approved the Newcourt Masterplan for development management purposes and in due course as a Supplementary Planning Document, but had deferred approval of the location for the Gypsy and Travellers site. He outlined the consultation that had taken place and reported that 450 representations had been received to date from local residents and significant landowners in the vicinity in opposition to the identification of Site 2, land to the east of St Bridget Nurseries, for a Gypsy and Traveller site. He identified the main areas of objection including the perceived inadequacy of consultation, fears of anti-social behaviour and the concerns of landowners that potential housebuilders would withdraw from the development. He also reported a request from Councillor Mrs Danks to withdraw or defer the proposal. He summarised the Council's response to the main issues raised as set out in the report, including the requirement to provide a site, the suitability of the proposed site, the consultation process and the impact on the local area. He stressed the distinction between unlawful encampments and a properly managed permanent site. He also briefed Members on the current position with regard to the Regional Spatial Strategy following a successful legal challenge.

Councillor Mrs Henson presented a petition signed by 524 persons, in the following terms:

"We the undersigned, petition the Council to revoke the planning permission for the Gypsy and Travellers site in Topsham Road. We further call upon the Council to locate this site in a non-residential area as existing sites."

Councillor Margaret Baldwin attended the meeting and spoke on this item under Standing Order 44. She reported the anger and frustration of local residents illustrated by the significant number of people who had come to the Civic Centre. She reported their concerns that consultation had been inadequate and their views that settled and travelling communities could not co-exist happily. Given the transient nature of travellers, she queried whether they would wish to reside in a densely populated residential site. She questioned the need for additional pitches and why the Council was proceeding with proposals that were not supported by local Council Taxpayers. She requested that the proposal was withdrawn for further consultation and consideration.

Councillor Newby attended this meeting and spoke on this item under Standing Order 44. He stated that the publicity and consultation that had taken place on the Masterplan had not focussed on the Gypsy and Traveller site. He queried why it appeared that only sites to the east of the City were being considered, how the criteria were scored and how the site would be funded and suggested the possibility of exploring joint provision with neighbouring authorities. He reported the concern of residents at the perceived negative impact on the future development of Newcourt and the inadequacy of facilities, particularly primary schools. He emphasised the concern of residents regarding the inadequacy of consultation. He requested that a decision on the proposed site be delayed pending further Government guidance after which a fairer consultation process should be undertaken.

The Head of Planning and Building Control responded to the various points raised. He reported that the consultation process on the Masterplan had been agreed by members and that the Gypsy and Travellers site constituted only one element of a comprehensive plan. He explained the weighting of criteria and the operation of the scoring process in selecting the site. He advised members that funding would be considered at a later stage. He reported that joint provision with neighbouring authorities was not an option as they had to meet their own provision for pitches. He accepted that local landowners had made their position clear in respect of the proposed site and that the Council would need to negotiate on how they could work together. He emphasised that extensive research had already been undertaken into all potential Gypsy and Traveller sites in the City as a result of which the identified sites had been assessed as most suitable according to the criteria.

Councillor Mrs Henson stated her view that a Gypsy and Traveller site would not work within a new development. She endorsed the concern of residents about a potential negative impact on the housing market. She was disappointed at the lack of consultation and advertisement and regretted that there had not been more opportunity for public discussion. She felt that the site identified in the Monkerton /Hill Barton Masterplan was sufficient provision and that the Council did not need to provide so many pitches.

Councillor Fullam stated that he found it abhorrent that caravan dwellers should be regarded as illegal residents and regretted that there were no permanent managed sites in the city for travellers. He strongly disagreed with the presumption by some people that members of the gypsy and traveller community posed a greater threat in terms of criminal and anti-social behaviour and reminded members that the legal system existed to deal with all members of society who broke the law. He reminded

members that the proposal to establish a site had been established in principle some time ago and that there was a responsibility on local Councillors to keep their residents informed. In the context of the number of dwellings proposed in the area, he felt that the 12 pitches proposed constituted a very small element of the development.

Councillor Mrs Morrish endorsed the considerable efforts that had been made by the residents of Digby to achieve an integrated community and understood concerns that this might be jeopardised by the proposals. She felt that it was essential for the City to have a permanent well-managed site to avoid the repetition of past problems caused by illegal encampments. Whilst she would welcome further consideration of the whole city, she considered that some residents may be over-apprehensive in relation to the proposal.

Councillor Martin re-iterated the concerns regarding the distress caused by illegal encampments and abhorred the prejudice with which some people regarded the Gypsy and Traveller community. He emphasised that Councillors had a responsibility to all citizens not just their own wards.

Councillor Hannaford re-iterated that a city-wide search for potential sites had already been undertaken and acknowledged that there would be opposition wherever the site was proposed. He felt that a legal site would strengthen the Council's position in dealing with illegal encampments. He felt that travellers should be treated in the same way as other residents and that their children had the right to an education.

Councillor Edwards stated the importance of working with relevant landowners and moved an additional recommendation in these terms which was agreed by Executive.

RESOLVED that:-

- (1) Site 2 be included as the location for a Gypsy and Travellers site in the Newcourt Masterplan and the Masterplan thus amended be approved for Development Management purposes in due course for adoption as a Supplementary Planning Document; and
- (2) in supporting the principle of this provision in the area, based on established need, the Council is prepared to enter into meaningful discussions with the relevant landowners to explore all options for actual site delivery.

(Report circulated)

106

MASTERPLAN FOR THE FUTURE DEVELOPMENT OF MONKERTON AND HILL BARTON

The report of the Head of Planning and Building Control was submitted representing the responses to the consultation on the Monkerton and Hill Barton Masterplan and seeking approval for its use for Development Plan purposes with the inclusion of a location for a Gypsy and Traveller Site.

The Head of Planning and Building Control reported that there had been one further representation from the Met Office re-iterating previous concerns regarding security and requesting a "buffer zone".

Councillor Edwards stated the importance of working with relevant landowners and moved an additional recommendation in these terms which was agreed by Executive.

RESOLVED that:-

- (1) the site north of the Met Office be agreed for inclusion in the Monkerton and Hill Barton Masterplan as a Gypsy and Travellers site, the use of the Masterplan be approved for Development Management purposes and it be adopted in due course as a Supplementary Planning Document; and
- (2) in supporting the principle of this provision in the area, based on established need, the Council is prepared to enter into meaningful discussions with the relevant landowners to explore all options for actual site delivery.

(Report circulated)

107 **LOCAL DEVELOPMENT FRAMEWORK - CORE STRATEGY SUBMISSION**

The report of the Head of Planning and Building Control was submitted considering the representations received following the pre-submission publication of the Core Strategy and making a recommendation concerning the formal submission of the document to the Secretary of State.

The Interim Director Economy and Development informed members of the relatively low number of representations received and of the principal issues raised. He reported that the additional evidence required to support the figure of 12,000, rather than 15,000, new homes would require some additional work and may incur a slight delay in the submission timescale.

RECOMMENDED to Council that the Core Strategy be formally submitted to the Secretary of State and that the Head of Planning and Building Control, in conjunction with the Interim Director Economy and Development and the Portfolio Holder, be authorised to submit a list of minor amendments and editorial changes to the Core Strategy at the time of submission.

(Report circulated)

108 **PRIVATE SECTOR HOUSING POLICY - ANNUAL REVIEW**

The report of the Head of Environmental Health Services was submitted proposing specific changes to the Private Sector Housing Renewal Policy in order to address local needs, as identified in the on-going private sector house condition survey.

Scrutiny Committee – Community considered the report at its meeting on 9 November 2010 and the support of members was noted.

Members supported the proposals of Wessex Home Improvement Loans to improve the take-up of loans. They noted that a report would be made to Scrutiny Committee – Community in due course regarding the feasibility of introducing additional licensing in respect of Houses in Multiple Occupation.

RESOLVED that:-

- (1) the changes to the Private Sector Housing Renewal Policy outlined in the report be adopted; and

- (2) in future the Private Sector Housing Strategy be incorporated as a sub-strategy of the Council's overall Housing Strategy, with amendments made as appropriate in order to address local needs and changing government policy.

(Report circulated)

109

A SUSTAINABLE ENERGY FUTURE - A STRATEGIC PARTNERSHIP WITH E.ON

The report of the Interim Director Economy and Development was submitted on proposals for an energy partnership agreement with E.ON.

Scrutiny Committee – Economy considered the report at its meeting on 11 November and the support of members was noted. Scrutiny Committee's request for the work of the partnership to be kept under regular review was supported.

Executive welcomed the proposed partnership with E.ON with the aim of creating a thriving low carbon city where residents and businesses take action to reduce their carbon emissions. Members particularly welcomed the opportunity to achieve high quality energy standards in house building at competitive cost.

RESOLVED that:-

- (1) Exeter City Council enter into an energy partnership agreement with E.ON and East Devon District Council;
- (2) the Exeter and East Devon New Growth Point Board function as the governance structure for assessing performance and managing the partnership;
- (3) the partnership seeks to engage Devon County Council in taking forward the work programme;
- (4) the Projects Director for the New Growth Point acts as the principal lead for the Partnership; and
- (5) a review of the progress on both the working of the Partnership and the Energy Strategy be made regularly to Scrutiny Committee.

(Report circulated)

110

PARKING TARIFFS

The report of the Head of Operational Services and Transport was submitted seeking agreement to the increase in car park tariffs set out in the report and its annex.

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

Members supported the proposed tariffs but requested that the position be monitored to ensure that there were no adverse implications for the City's retail economy.

Councillor D Baldwin, seconded by Councillor Sheldon, proposed that discussions were held with Stagecoach regarding the possible provision of a Park and Ride service on Sundays.

RESOLVED that:-

- (1) 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 changes proposed in the report and its Annex to come into effect on 10 January 2011;
- (2) authority to consider any objections be delegated to the Interim Director Economy and Development in consultation with the Leader of the Council and the Portfolio Holder for Sustainable Development and Transport;
- (3) subject to consideration of any objections, the Order be made and sealed;
- (4) officers be asked to review the present arrangements for permit parking in off street car parks and report back to Executive with any proposals for changes prior to the commencement of the new financial year; and
- (5) discussions be held with Stagecoach regarding the possible provision of a Park and Ride service on Sundays.

(Report circulated)

111

HONORARY ALDERMEN

Section 249 of the Local Government Act 1972 empowers the Council to confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent service to the Council as a past member of the Council. An Honorary Alderman is invited to participate in those Civic ceremonies which the Mayor attends In State, and to which it is usual to invite Past Mayors.

The Council resolved in 1976 to confer the title on past Members who had rendered eminent service as Past Mayors, Past Lord Mayors, Past Leaders or as Members with 12 years' service or more. Former Councillors are eligible to have the title of Honorary Alderman conferred upon them should the Council so decide.

RECOMMENDED that:-

- (1) the title of Honorary Alderman be conferred on John Holman and Paul Andrew Smith; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held prior to the ordinary meeting on 22 February 2011, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

112

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

A schedule of appointments to outside bodies was circulated.

RESOLVED that the following appointments be made to outside bodies:-

Joint Pilotage Committee	Portfolio Holder for Sustainable Development and Transport River and Canal Manager
St Edmunds and St Mary Major Charities, Exeter	Councillor P Brock Councillor J Coates

(Schedule circulated)

113 **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 for the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

114 **RESTRUCTURE OF THE HOUSING NEEDS SERVICE**

The report of the Head of Housing Services was submitted seeking approval to the restructure of the Housing Needs Service.

Scrutiny Committee – Community considered the report at its meeting on 9 November 2010 and the support of members was noted.

RESOLVED that the restructure of the Housing Needs service as outlined in the report be agreed, specifically:-

- (1) the termination of the employment of the holders of the posts of Home Choice Assistant (CE06124 and CE06122) and Home Choice Officer (CE06217) on the grounds of redundancy upon implementation of the new structure in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, with compensation being paid to the holders of the posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; payments of compensation to be made in respect of the notice/unexpired period of notice to which the employees would otherwise be entitled under their contracts of employment and the posts be deleted from the establishment of the Council;
- (2) the creation of the post of Housing Options Officer;
- (3) the deletion from the establishment of the post of Former Tenant Arrears Officer (CE06218), in order to create the post of Housing Needs Support Officer;
- (4) the re-designation of Administration Team Leader (CE06125) to Housing Needs Support Team Leader;
- (5) renaming the Housing Advice Team the Housing Options Team;

- (6) re-designating all Housing Advice Officers as Housing Options Officers (CE0 6111, 6112, 6113, 6120, 6121, 6224, 6210, 6181, 6206);
- (7) re-designating the Housing Advice Team Leader (CE06207) the Housing Options Manager; and
- (8) re-designating all Administration Support Officers (CE06186 and CE06204) as Housing Needs Support Officers.

(Report circulated to Members)

115

RESTRUCTURE OF THE TENANCY SERVICES TEAM

The report of the Head of Housing Services was submitted seeking approval to the restructure of the Housing Unit's Tenancy Services team to create a new neighbourhood management team. The Director Community and Environment reported a small decrease in the reported overall cost of the new team structure.

Scrutiny Committee – Community considered the report at its meeting on 9 November 2010 and the support of members was noted.

Members supported the proposed restructure and urged that all Council officers with neighbourhood responsibilities worked collaboratively and involved ward Councillors.

RESOLVED that:-

- (1) the new structure of the Tenancy Services Team be approved as shown in Appendix 2 to the report, including the creation of 2 Neighbourhood Manager posts, a Voids and Lettings Co-ordinator post, a Neighbourhood Assistant post and a new Neighbourhood Support Officer post, subject to the completion of staff consultation on both the restructure and any resultant redundancies; and
- (2) subject to full and proper consultation, the employment of the holders of the posts of Tenant Participation and Liaison Officer (CE06176) and Tenant Liaison Officer (CE06180) be terminated on the grounds of redundancy on the 31 December 2010 in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the holders of the posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employees would otherwise be entitled under their contracts of employment and the posts be deleted from the establishment of the Council.

(Report circulated to Members)

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

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 14 December 2010.

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EXECUTIVE

Tuesday 7 December 2010

Present:-

Councillor Edwards (Chair)

Councillors D Baldwin, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish, Sheldon and R Sutton

Chief Executive, Director Corporate Services, Interim Director Economy and Development, Assistant Chief Executive, Head of Leisure and Museums, Head of Planning and Building Control, Head of Treasury Services and Member Services Manager

116

DECLARATIONS OF INTEREST

A Member declared the following personal interest:

Councillor	Interest
Prowse	118 (student landlord)

117

PETITION FROM RESIDENTS OF ST JAMES WARD - ARTICLE 4 DIRECTION

The Chair agreed to accept this item as a matter of urgency in order that the petition could be considered together with other representations received, prior to the confirmation of the Article 4 Direction by 31 December, in accordance with the agreed timetable. The petition, which had been signed by 772 residents of St James ward, had been presented to the Portfolio Holder for Sustainable Development and Transport on 1 December 2010.

The report of the Head of Planning and Building Control was submitted. He reported that a meeting had been arranged for members of the six affected wards on 14 December to brief them on the results of the consultation and receive feedback before the delegated power to consider representations was exercised. In response to the request of the petitioners to implement urgently the planning policies, including the Article 4 Direction, he reported that the Council had already moved as quickly as possible. The twelve month notice agreed by Executive prior to the Article 4 Direction taking effect sought to avoid any compensation liability and was in accordance with the decisions of the four other local authorities in the country who had so far sought a Direction.

In response to the specific points raised in the petition, he advised members that Executive on 28 September had requested officers to undertake informal consultation on amending Council policy on student accommodation in residential areas and to report back to Planning Member Working Group on a draft amended document for further consultation. This would include the review of the Nine Principles policy, which required 75% of accommodation to be purpose-built, as well as the Supplementary Planning Guidance on student accommodation. The Localism Bill which was due to be published shortly may also have implications for the Council's ability to allocate sites for family housing and this would be addressed.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order 44. He emphasised that the context of the petition was not anti-student but a desire by residents to preserve a balanced community in St James. They acknowledged the University's significant economic investment in the City, the voluntary service of the students and the work of the University Liaison Officer and their team. He identified the high percentages of student accommodation in the streets of the ward and outlined the problems, including noise, rubbish and car parking which arose in a densely populated area. Whilst understanding the reason for the 12 month notice period in respect of the Article 4 Direction, he sought reassurance that other measures to control student accommodation would be implemented as soon as possible. He also challenged the reference in Policy H5 to student accommodation being "close" to the campus and suggested that it could be spread out over a wider area given the small size of the City and effective transport links.

Councillor Sutton stated that she was happy to receive the petition from residents and that their views would be considered alongside other representations received. She re-iterated that the Article 4 Direction was not "anti-student". Many students wanted to live within the community and made a positive contribution to the vibrancy of areas but she acknowledged the need to manage the situation effectively. The spread of accommodation throughout the city was dictated by students and landlords and not the Council itself.

Whilst expressing sympathy for the views of the residents of St James and understanding their wish to preserve family accommodation in the community, members endorsed the need for the 12 month notice period in view of the potential compensation liability. They requested the Head of Planning and Building Control to review other policies relating to student accommodation and to bring forward a report including a timescale for implementation as soon as possible in order to expedite other measures of control.

RESOLVED that:-

- (1) the petition in respect of the proposed Article 4 Direction be considered by the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Development and Transport, in association with other responses to the recent consultation exercise;
- (2) any other petitions received on the proposed Article 4 Direction be treated in the same manner; and
- (3) the representations in respect of future policy on HMOs, purpose built university related accommodation and strengthening the character of St James Ward be referred to Planning Member Working Group for initial consideration.

(Report circulated)

118 **MASTERPLAN FOR THE FUTURE DEVELOPMENT OF STREATHAM CAMPUS,
UNIVERSITY OF EXETER**

The report of the Head of Planning and Building Control was submitted, updating Members and seeking agreement to the adoption of the Masterplan as a Supplementary Planning Document. He reported on the consultation process and the University's response to the proposed caveats. Agreement with the University had been reached other than on the final text relating to the provision of purpose-

built student accommodation. The adoption of the Masterplan had been delayed due to this issue.

Councillor Prowse attended the meeting and spoke on this item under Standing Order 44. He declared a personal interest in the matter as a student landlord. He considered that the difference between the words “may” and “will” was significant in this context and requested that a decision on the issue was deferred pending further discussion.

The Head of Planning and Building Control responded that the purpose of the caveat, to clearly indicate the importance of the issue to the Council, had been achieved. He considered that there were some advantages to using the word “may” as this accorded the Council greater flexibility in deciding its approach in 2015. A further delay in the adoption of the Masterplan would be regrettable as it may diminish the Council’s ability to influence development at the University.

Councillor Mrs Henson felt that the Council should adhere to its original preference for the word “will”. Other Councillors felt that the University was clear about the Council’s view on the issue and acknowledged the advantage of greater flexibility. They expressed concern about the potential effect of a further delay. They hoped to continue the positive relationship with the University by working together to bring forward development proposals.

RESOLVED that Executive adopts the Masterplan as a Supplementary Planning Document including the proposed additional text in place of the two caveats as set out in the Appendix to the report.

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

(Report circulated)

119

OVERVIEW OF REVENUE BUDGET 2010/11

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 2010/11 financial year. He identified the main variances and issues influencing the projected outturn figure.

Members thanked officers for successfully delivering a very challenging budget and requested clarification on various issues. In response to a request, the Head of Treasury Services agreed to provide a year-on-year comparison in respect of the debt situation in future years, though noting that the current accounting system had only been in place for 12 months.

Scrutiny Committee – Resources considered the report at the meeting of 24 November 2010 and the support of members was noted.

RECOMMENDED that Council approve:-

- (1) the General Fund forecast financial position for the 2010/11 financial year;
- (2) the HRA forecast financial position for 2010/11 financial year;
- (3) the outstanding Sundry Debt position as at June 2010; and

(4) the Statutory Performance Indicator BVPI8 for creditors' payments.

(Report circulated)

120

CAPITAL MONITORING STATEMENT TO SEPTEMBER 2010

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

The Head of Treasury Services reported that a review of the capital programme had been undertaken to identify the extent to which uncommitted schemes could be deferred, reduced or removed from the programme and to identify any potential savings. He identified the main variances and other issues.

Scrutiny Committee - Resources considered the report at the meeting of 24 November 2010 and the support of members was noted.

Executive noted the current position in respect of the capital programme.

RECOMMENDED that Council note and approve the current position in respect of the annual capital programme.

(Report circulated)

121

TREASURY MANAGEMENT 2010/11

The report of the Head of Treasury Services was submitted on the current performance for the 2010-11 financial year and the position regarding investments and borrowings at 30 September 2010.

The Head of Treasury Services reported on the implications for the Council of the national economic position. He reported that the low interest rates were favourable for the Council in terms of short-term borrowing but the position would be closely monitored. The weak performance of investments had resulted in a significant reduction in investment income. The Council had reduced its borrowing from £21.8 million at the start of the financial year to £10 million at present.

Scrutiny Committee – Resources considered the report at the meeting on 24 November 2010 and the support of members was noted.

RESOLVED that the Treasury Management report for the first six months of 2010/11 be noted.

(Report circulated)

122

2011/12 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN

The report of the Head of Treasury Services was submitted, providing a strategic overview of the budgetary position for the 2011/12 financial year and beyond, including an indication of the likely level of available resources and the proposals to ensure that a balanced budget is achieved.

The Head of Treasury Services reported that the Council faced unprecedented reductions in its financial support from the Government although the precise details of the Formula Grant settlement were not yet known. For the purpose of budget planning the Council was working on the basis of an overall cut of 30% in Formula Grant over the next four years. He reported that local authorities who freeze their Council Tax in 2011/12 will have the resultant loss to their Council Tax income funded at the rate of 2.5% in each year of the spending review period. It had therefore been assumed that Exeter would freeze its Council Tax in 2011/12 but thereafter increase it by 2.5% each year from 2012/13 to 2014/15. He reported on the consultation on the "New Homes Bonus" but noted that additional funding would probably come from top-slicing from the formula grant settlement. He identified the other budgetary assumptions, additional spending pressures and proposed budgetary reductions.

A member commented that the level of Council Tax should be a matter for local decision and not for Government direction. Members also expressed concern at the possible implications of the transfer of funding responsibilities for the Concessionary Fares scheme to the County Council. Executive welcomed the prudent approach to the Council's budget strategy for 2011/12 and the Medium Term Financial Plan.

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

(Report circulated)

123 **NEW EXECUTIVE ARRANGEMENTS UNDER THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

The report of the Head of Legal Services was submitted, highlighting the requirement set out in the Local Government and Public Involvement in Health Act 2007 for authorities to change their Executive Arrangements and move towards either:

- (a) a new style of Leader and Executive where the Strong Leader is elected by members of the Council for a four year term or until the Leader's term of office ends. The Executive members are appointed by the Leader from members of the Council; or
- (b) a directly elected Mayor and Executive where the Mayor is elected for a period of four years. The Executive members are appointed by the Mayor from members of the Council.

Executive was informed that the present government had publicised its intention to revoke the relevant provisions in the Act but it was unlikely that the necessary legislation would be passed before the end of 2011. In the meantime the Council was required to pass a resolution by 31 December 2010 to move to one of the new models, to take effect in May 2011. Should the Council fail to do so, Executive decisions made after that date could be subject to legal challenge.

Members noted the four responses that had been received in response to the consultation. They commented that, in the spirit of "localism", the constitutional arrangements of the Council should be a matter for the Council to determine in consultation with local residents, rather than central Government. A number of members commented that the proposed models did not fit well with a system of election by thirds.

Executive expressed a strong preference for the new style “Strong Leader” rather than the elected Mayor model but requested that the Constitution should be amended in such a way as to preserve some of the effective governance conventions which currently operated.

RECOMMENDED to Council that:-

- (1) having regard to the views of interested parties and the electorate and the preference of the Executive for the “Strong Leader” option, this option be adopted with effect from May 2011;
- (2) the Assistant Chief Executive be authorised to make any associated and necessary changes to the Council’s Constitution in accordance with paragraphs 5.3, 5.5 and 5.6 of the report to be effective from May 2011; and
- (3) the Assistant Chief Executive be authorised to publish a notice in accordance with paragraph 7.5 of the report.

(Report circulated)

124

WHEELCLAMPING

Council on 12 October 2010 considered a Notice of Motion submitted by Councillor Shiel and seconded by Councillor Mrs Henson in the following terms:-

“Exeter City Council feels that the practice of wheel clamping vehicles is no longer appropriate and will not allow its use on any Council land in the future and looks for the day when it is outlawed altogether.”

Council was concerned that the implications of withdrawing the practice, together with possible alternative methods of parking control, should be the subject of further investigation and consultation, before a decision was made. It was therefore resolved to refer the Notice of Motion to Executive for further consideration in order that any decision was made in the light of legal and other relevant considerations.

Executive noted that investigation into the issue was continuing and a full report would be made to Executive in the New Year.

125

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 involve the likely disclosure of exempt information as defined in Paragraph 1, 3 and 4 of Part I, Schedule 12A of the Act.

126

LEGAL SERVICES - STAFFING REDUCTION

The report of the Head of Legal Services was submitted, reviewing the staffing establishment of the Legal Services unit.

RESOLVED that subject to a full and proper consultation, Post No. CS05103 be reduced to three days a week with appropriate compensation payable in accordance with the provisions of the Local Government (Early Termination) (Discretionary Compensation (England and Wales) Regulations 2006 to that employee who is made redundant after a selection process.

(Report circulated to Members)

127

QUARTERLY PROGRESS REPORT - RAMM DEVELOPMENT PROJECT

The report of the Head of Leisure and Museums was submitted bringing the Committee up to date with the current situation with respect to the various contracts now let for the RAMM Development Project. Although the project was making progress and was stable, he pointed out that there were a number of risk factors which could still affect the timetable and the cost which had yet to be eliminated.

The Head of Leisure and Museums updated Executive on recent progress and informed members that monthly programme boards took place with the Architects, contractors and senior Council officers in addition to regular meetings with the Senior Members' Group.

Scrutiny Committee - Resources considered the report at their meeting of 15 September 2010 and the support and comments of members were noted.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order 44. He complimented the Head of Leisure and Museums and senior officers for the way they had managed the contract despite the very major issues which had arisen.

Members thanked officers for their continuing work on the project and supported the approach proposed in the report.

RECOMMENDED to Council that:-

- (1) officers continue to maintain strenuous efforts to control costs and delays;
- (2) in the light of the latest information on the risks which the project continues to face, contained in the Focus Strategic Cost Review of August 2010, the budget for the project be increased to £24.263m, noting the reasons for the increase in the forecast expenditure as reported in the report.

(Report circulated to members)

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

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 14 December 2010.

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SEATING IN THE GUILDHALL

Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Sheldon (L)	Lord Mayor Councillor Choules (L)	Chief Executive	Assistant Chief Executive	
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Member Services Manager	Head of Legal Services	Head of Treasury Services		Director Corporate Services	Director Community and Env.	Interim Director Economy and Development
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Councillors	Councillors		Councillors	Councillors	Councillors
Branston (L)	Edwards (L)		Mrs Henson (C)	Prowse (C)	Ruffle (LD)
Robson (L)	Baldwin, D (L)		Taghdissian (C)	Crow (C)	Payne(LD)
Spackman (L)	Martin (L)		Shiel (C)	Mottram (C)	Newcombe (LD)
AJ Hannaford (L)	RM Hannaford (L)	TABLE	Coates (C)	Winterbottom(C)	Brock, PJ (LD)
Morris (L)	Sutton (L)		MA Baldwin (C)		Hobden (LD)
Macdonald (L)	Sterry (L)		Newby (C)	Mrs Thompson (C)	Mrs Brock (LD)

Cllr Wardle (L)	Cllr DJ Morrish (LIB)	Cllr Mrs Danks (LIB)	Cllr Mrs Morrish (LIB)	Cllr Fullam (LD)	Cllr Cole (LD)	Cllr Mitchell (LD)	Cllr Newton (LD)	Cllr Wadham (LD)
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L:	Labour	:	15
LD:	Liberal Democrat	:	11
C:	Conservative	:	11
LIB:	Liberal	:	3

<u>Portfolio Holders</u>	
Edwards:	Leader
Baldwin, D.:	Housing and Community Involvement
Martin:	Business Transformation and Human Resources
Hannaford, R.M.:	Environment and Leisure
Sutton:	Sustainable Development and Transport
Sheldon:	Economy and Tourism

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