



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 12 APRIL 2011**, on the rising of the Extraordinary Meeting of Council which commences at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Extraordinary, Special and Ordinary meetings held on 22 February 2011.	1 – 10
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 21 February 2011	11 - 24
4 Planning Committee - 21 March 2011	25 – 38
5 Licensing Committee - 29 March 2011	39 – 42
6 Scrutiny Committee - Community - 8 March 2011	43 - 48
7 Scrutiny Committee - Economy - 10 March 2011	49 - 54
8 Scrutiny Committee - Resources - 23 March 2011	55 - 60
9 Standards Committee - 23 February 2011	61 – 62

10 Executive - 22 March 2011

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11 Executive - 5 April 2011

75 – 80

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

Date: 5 April 2011

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 22 February 2011

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, Cole, Crow,  
Mrs Danks, Edwards, Fullam, A Hannaford, R M Hannaford, Mrs Henson, Hobden,  
Macdonald, Martin, Mitchell, Morris, Mrs J Morrish, Mottram, Newby, Newcombe, Newton,  
Payne, Prowse, Robson, Ruffle, Shiel, Spackman, Sterry, Sutton, Taghdissian, Thompson,  
Wadham, Wardle and Winterbottom

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### HONORARY ALDERMEN

**RESOLVED** that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council do confer on the following the title of Honorary Alderman, in recognition of their eminent services to Exeter City Council during the period they were Members of the Council:-

John Holman  
Paul Andrew Smith

(The foregoing resolution was passed unanimously)

(The meeting commenced at 6.00 pm and closed at 6.02 pm)

Chair

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

Guildhall  
Tuesday 22 February 2011

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, Cole, Crow,  
Mrs Danks, Edwards, Fullam, A Hannaford, R M Hannaford, Mrs Henson, Hobden,  
Macdonald, Martin, Mitchell, Morris, Mrs J Morrish, Mottram, Newby, Newcombe, Newton,  
Payne, Prowse, Robson, Ruffle, Shiel, Spackman, Sterry, Sutton, Taghdissian, Thompson,  
Wardle, Wadham and Winterbottom

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### **BUDGET 2011/12**

Councillor Newton declared a personal interest as one of her employers had previously received funding from the Exeter Positive Steps Fund.

Councillor Martin declared a personal interest as a Trustee of Exeter Community Transport Association.

Councillor Spackman declared a personal interest as an employee of a Union involved in the negotiations in respect of the Local Government pay agreement.

Councillor Edwards, the Leader of the Council, moved and Councillor D. Baldwin seconded the resolution as set out on the agenda papers in respect of the Council Tax for 2011-2012.

#### **Executive, 8 February 2011 – Minute 14**

Councillor Mrs Henson moved and Councillor Taghdissian seconded an amendment to Minute 14 of the recommendation of Executive of 8 February 2011 in the following terms:

“That this Council gives a commitment to work with all groups participating in recreational playing opportunities by allowing leagues, clubs and other partners the opportunity of working/engaging with the City Council to explore alternative ways to save costs and deliver the Council’s priorities whilst avoiding closure or reduction in facilities which are of immense value to the community”.

The amendment was carried.

In light of the guidance issued by the Local Government Employers that there would be no pay rise for council staff in the coming financial year, the Liberal Democrat Group proposed that the provision set aside by the Council for a pay rise of 1% would not be fully required. The Liberal Democrat Group proposed that £60,000 of that provision be used to reduce some of the proposed cuts now and the rest to be set against cuts required in coming years. The Group was therefore putting forward a revenue-neutral amendment for consideration.

Councillor Fullam, having given notice as required by Standing Order 10 (7) and on behalf of the Liberal Democrat Group, moved and Councillor Mitchell seconded a further amendment to Minute 14(1) of the recommendation of Executive of 8 February 2011, and a consequential amendment to the Council’s budget resolution, in the following terms:

“The Executive minute be amended so that minute 14(1) becomes 14(1)(a) below and 14(1)(b) to 14(1)(f) inserted:

- (1a) the Council’s overall spending proposals in respect of both its revenue and capital budgets be approved;
- (1b) the provision for next year’s pay award be reduced by £60,000, a reduction in provision from 1% to approximately 0.7%;
- (1c) the proposal to reduce the Parks and Open Spaces Reactive Team budget by £17,300 be removed;
- (1d) the proposal to reduce the Community Patrol budget by £68,000 be amended to propose a reduction of £42,300;
- (1e) the proposal to stop the contribution of £31,200 to Exeter Positive Steps be amended to propose a contribution of £15,000; and
- (1f) the proposal to stop the contribution of £7,000 to the Vibraphonic Festival be amended to propose a contribution of £2,000.”

Councillors spoke on the amendment.

The amended motion was put to the vote and carried. Minute 14(1) of the meeting of Executive on 8 February 2011 was consequently adopted as amended.

#### Budget 2011/12

The following resolution, as set out on the agenda papers, which sought to maintain Exeter City Council’s Council Tax at the current level was adopted:-

#### **RESOLVED:-**

- (1) That the following, as submitted in the Estimates Book, be approved:-
  - (a) the Revenue estimates for 2011-2012;
  - (b) the Capital programme for 2011-2012;
- (2) That it be noted that, at the meeting of the Executive on the 25 January 2011, the Council calculated the figure of 37,943, as its council tax base for the year 2011-2012 in accordance with regulation 2 of the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003 made under Section 33(5) of the Local Government Finance Act 1992;
- (3) That the following amounts be now calculated by the Council for the year 2011-2012 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992:-
  - (a) £105,403,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;
  - (b) £91,267,950 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;

- (c) £14,135,050 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
- (d) £9,398,246 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant and indicative council tax freeze grant;
- (e) £124.84 being the amount at (3)(c) above less the amount at (3)(d) above, all divided by the amount at 2 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;

(f) Valuation Bands

A	B	C	D
£83.23	£97.10	£110.97	£124.84
E	F	G	H
£152.58	£180.32	£208.07	£249.68

being the amount given by multiplying the amount at (3)(e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (4) That it be noted that, for the year 2011-2012, Devon County Council, the Devon and Cornwall Police Authority and the Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 83 of the Local Government Act 2003, for each of the categories of the dwellings shown below:-

Devon County Council  
Valuation Bands

A	B	C	D
£744.24	£868.28	£992.32	£1,116.36
E	F	G	H
£1,364.44	£1,612.52	£1,860.60	£2,232.72

Devon and Cornwall Police Authority  
Valuation Bands

A	B	C	D
£104.40	£121.80	£139.20	£156.60
E	F	G	H
£191.40	£226.20	£261.00	£313.20

Devon and Somerset Fire and Rescue Authority  
Valuation Bands

A	B	C	D
£47.85	£55.82	£63.80	£71.77
E	F	G	H
£87.72	£103.67	£119.62	£143.54

- (5) That, having calculated the aggregate in each case of the amounts at (3)(f) and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby set the following amounts as the amounts of council tax for the year 2011-2012 for each of the categories of dwellings shown below:-

Valuation Bands

A	B	C	D
£979.72	£1,143.00	£1,306.29	£1,469.57
E	F	G	H
£1,796.14	£2,122.71	£2,449.29	£2,939.14

(The meeting commenced at 6.03 pm and closed at 7.45 pm)

Chair



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

Guildhall  
Tuesday 22 February 2011

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, Crow, Coates, Cole, Mrs Danks, Edwards, Fullam, A Hannaford, R M Hannaford, Mrs Henson, Hobden, Macdonald, Martin, Mitchell, Morris, Mrs J Morrish, Mottram, Newby, Newcombe, Newton, Payne, Prowse, Robson, Ruffle, Shiel, Spackman, Sterry, Sutton, Taghdissian, Thompson, Wadham, Wardle and Winterbottom

### 3 **MINUTES**

The minutes of the Council meeting held on 14 December 2010 were taken as read and signed as correct.

### 4 **PLANNING COMMITTEE - 17 JANUARY 2011**

The minutes of the meeting of the Planning Committee of 17 January 2011 were taken as read.

A Member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Prowse	140 (student landlord)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 17 January 2011 be received.

### 5 **LICENSING COMMITTEE - 15 FEBRUARY 2011**

Subject to noting the proposed amendment of Min. No. 1 by the insertion of "next meeting" in place of "future meeting", the minutes of the meeting of the Licensing Committee of 15 February 2011 were taken as read.

A Member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Mrs Danks	6 (knows the applicant)

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 15 February 2011, be received, subject to noting the proposed amendment.

### 6 **SCRUTINY COMMITTEE - COMMUNITY - SPECIAL - 11 JANUARY 2011**

The minutes of the meeting of the Special Scrutiny Committee - Community of 11 January 2011 were taken as read.

A Member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Newcombe	1 (Member of Devon County Council)

**RESOLVED** that the minutes of the meeting of the Special Scrutiny Committee - Community held on 11 January 2011 be received and, where appropriate, adopted.

7

**SCRUTINY COMMITTEE - COMMUNITY - 18 JANUARY 2011**

Subject to noting that, in relation to Min. No. 8, Councillor Newcombe's personal interest was as a member of the Turntable Committee and not a Trustee, the minutes of the meeting of the Scrutiny Committee - Community of 18 January 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Newcombe	10 (Member of Devon County Council) 15 (Member of Turntable Committee)
Councillor Morris	13 (Employed by Ben Bradshaw MP)
Councillor Prowse	16 (Landlord of House in Multiple Occupation)

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Community held on 18 January 2011, be received, subject to noting the proposed amendment.

8

**SCRUTINY COMMITTEE - ECONOMY - 20 JANUARY 2011**

The minutes of the meeting of the Scrutiny Committee - Economy of 20 January 2011 were taken as read.

A Member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Wardle	7 (member of the Devon Archaeological Society)

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Economy held on 20 January 2011 be received.

9

**SCRUTINY COMMITTEE - RESOURCES - 26 JANUARY 2011**

Subject to noting an amendment proposed in relation to Min. No. 5 to read "The Scrutiny Committee - Resources noted the report and the recommendation being made to Executive that" in place of "The Scrutiny Committee - Resources noted the report and recommended that", the minutes of the meeting of the Scrutiny Committee - Resources of 26 January 2011 were taken as read.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Resources held on 26 January 2011, be received, subject to noting the proposed amendment.

10

**EXECUTIVE - 25 JANUARY 2011**

The minutes of the meeting of the Executive of 25 January 2011 were taken as read.

A Member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Fullam	5 (employee of a Registered Social Landlord)

**RESOLVED** that the minutes of the meeting of the Executive held on 25 January 2011 be received.

11

**EXECUTIVE - 8 FEBRUARY 2011**

The minutes of the meeting of the Executive of 8 February 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Mrs Henson	14 (husband is Life President of Devon Football Association)
Councillor RM Hannaford	14 (trustee of Exwick Community Association)
Councillor Mrs Thompson	14 (daughter owns property in Well Oak Park)

**RESOLVED** that the minutes of the meeting of the Executive held on 8 February 2011 be received and, where appropriate, adopted.

12

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

Councillors Coates and Sheldon declared personal interests as City Council representatives on the Exeter Arts Council.

Councillor Newcombe declared a personal interest as Chair of the Grants Committee and did not vote on this matter.

Councillor Newton declared a personal interest as one of her employers had worked on a project that had received grant aid from Exeter Arts Council.

Councillor Wadham declared a personal interest as a member of the Exeter Arts Council.

Councillor Coates, seconded by Councillor Wadham, moved a Notice of Motion in the following terms:-

“This Council asserts that any change in the role of Exeter Arts Council can only come about following proper scrutiny and executive process.”

Councillor Coates set out the background to a proposal in a report to the Grants Committee on 24 February to withdraw the annual grant support to the Exeter Arts Council and for arts grants to be administered in future by the Council’s Arts and Festival Officers. He considered that this proposal was lacking in transparency and had been brought forward with little prior consultation with the Arts Council and, if agreed, would represent a significant policy change in bringing to an end a long established arms length process of distributing arts grants in the City. He commended the work of the Arts Council and its members who, he felt, brought considerable expertise to the process and offered a differing perspective in the evaluation of the applications for grant support. One of the reasons cited for changing the process had been the administrative costs incurred by the Arts Council and he stated that the Arts Council was considering options for reducing costs. He stated that there was little in the report to explain the background to the

application and there was therefore a possibility that the issues would not be fully scrutinised.

The Portfolio Holder responded by stating that due process would be followed as the matter would be considered by both the Grants Committee and Executive. Both would, in effect, be scrutinising the matter, with the Grants Committee making a recommendation to Executive.

The motion was put to the vote and carried.

13                    **NOTICE OF MOTION BY COUNCILLOR TAGHDISSIAN UNDER STANDING  
ORDER NO. 6**

Councillor Taghdissian, seconded by Councillor Coates, moved a Notice of Motion in the following terms:-

“This Council welcomes and supports the Coalition Government’s policy of freezing the level of Council Tax.”

Councillor Ruffle, seconded by Councillor Newton, moved an amendment in the following terms:-

“This Council welcomes and supports the Coalition Government’s policy of freezing the level of Council Tax noting that this comes with a grant equivalent to 2.5% of our Council tax. This Council notes that the present grant applies at this stage for only the year 2011/12.”

The proposed motion and amendment were debated and Councillor Taghdissian withdrew his motion in favour of the amended motion.

The amended motion was put to the vote and lost.

(The meeting commenced at 7.55 pm and closed at 9.23 pm)

Chair

## PLANNING COMMITTEE

Monday 21 February 2011

### Present:-

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

### Also Present

Director Economy and Development, Development Manager, Senior Area Planner, Planning  
Solicitor and Member Services Officer (SJS)

14

### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P J Brock	15 (member of Devon County Council)
Councillor Edwards	21 (member of Exeter Canal and Quay Trust)
Councillor Newcombe	15 (member of Devon County Council)
Councillor Prowse	15 (member of Devon County Council) 16 (student landlord)
Councillor Ruffle	15 (member of Devon County Council) 21 (member of Exeter Canal and Quay Trust)
Councillor Sheldon	21 (Council is owner of building - Portfolio Holder for Economy and Tourism)
Councillor Winterbottom	21 (member of Exeter Canal and Quay Trust)

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### PLANNING APPLICATION NO.11/0050/26 - LAND ADJACENT A30/A377 JUNCTION, ALPHINGTON ROAD, EXETER, EX2 8SA

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

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

The Development Manager presented the Devon County Consultation for a Park and Ride site at land adjacent A30/A377 Junction, Alphington Road, Exeter. The site was in a Conservation Area, the Valley Park and a Site of Nature Conservation Importance.

Members were updated on the background to the site. A previous application for a Park and Ride facility had been considered by Planning Committee on 1 October 2009 at which it had been resolved to support the principle of the Park and Ride facility in this location but to object to the proposed design. The application went to Devon County Development Management Committee on 2 December 2009. Whilst the County Planning Officer's recommendation was for approval, the application was refused due to its impact on the conservation area, insufficient assessment of alternative Park and Ride locations in the area being explored and lack of evidence that air quality would improve as a result of the scheme. This revised scheme sought to address the previous reasons for refusal.

The Development Manager informed Members that the scheme incorporated two distinct elements. On the site which fronted the A30 would be a Park and Ride facility consisting of 822 parking spaces. In addition, the proposal identified an area for a future customer waiting and facilities building and the incorporation of the route for the Green Circle footpath although this did not form part of this application. He emphasised that part of the applicant's case for the scheme was based on the proposal being part of a comprehensive change of city wide improvements to the transportation system.

The second aspect of the development was an enhancement scheme on the land to the rear of the Park and Ride up to the Alphin Brook. This area was intended to be developed for public amenity with landscape and public access enhancements and to serve as a landscaping and ecology mitigation area.

The Development Manager advised that the proposal was in accordance with the draft Exeter Core Strategy Policy CP9 which proposed additional Park and Ride sites around the city including the Ide interchange and the existing local plan policy. He stated that the use of other Park and Ride sites had increased by 85% from 2003/04 to 2008/09.

Members were circulated with an update sheet giving details of the total number of objections received. A copy of the report relating to the previous application was also circulated. Members were advised that six further letters of objection had been received today taking the total to 50.

The recommendation was for a response that the City Council supported the principle of the Park and Ride in this location although further revisions were necessary to ensure the successful integration of the scheme within the existing landscape. The comments of the Head of Environmental Health Services would be forwarded direct to the County Planning Officer.

Councillor Newcombe, having given notice under Standing Order No. 44, spoke on this item. She declared a personal interest as a member of Devon County Council. She raised the following points:-

- was not against the principle of Park and Ride schemes, but this site was not suitable
- the disadvantages outweighed the benefits
- would have a negative impact on the conservation area and would not improve air quality
- other sites had not been investigated properly
- local plan policy stated that Park and Ride sites should not significantly effect the area; this proposal would
- Devon County Council stated that the proposal would have a slight visual impact; this was not the case
- planting trees would not hide the cars; the lighting columns would cause light pollution
- this proposal could not be integrated into the landscape
- concern that the proposal would not help ease the congestion on Alphington Road
- 20,000 to 30,000 cars used Alphington Road, the proposals only had 822 spaces; to reduce congestion, it would be necessary to take 10 to 15% of cars off the road
- if it does relieve traffic congestion; the increase in capacity would soon get taken up by other car users
- the 200 metres bus lane to Alphington Cross was inadequate

- would only save four minutes for car users coming into the city centre
- there were more suitable sites outside the city
- would cost £5.5 million, which could be better spent on working towards a transport solution for the whole City
- thanked residents who had worked opposing this scheme
- this was not the right site
- asked Committee not to support this proposal.

In answer to Members' questions, Councillor Newcombe clarified that a facebook site had been set up. A petition had not been organised but residents had been encouraged to write in individually with their objections and that this proposal would not take enough traffic off Alphington Road to make a positive difference.

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

- the previous speaker had raised some important issues
- was wide spread feeling against this proposal from residents in the west of the city
- did advocate the use of Park and Ride sites; although there would be no advantage from this site
- this proposal would be a 'white elephant'
- 104 residents attended a public meeting opposing this proposal last week in which the Devon County Council report on this proposal had been discussed
- the rural amenity of the site was understated in the applicant's supporting information
- the applicant had overstated the advantages
- did not accept that the proposal would have a neutral effect on the landscape
- would cause a visual intrusion; the lights would have a negative impact; also concerns with regards to car alarms going off
- advantages were stated as reducing congestion and journey time; this was not the case
- should remain as 'status quo'
- would cause irreversible damage to the landscape
- only 200 metres of dedicated bus lane
- how much time journey time would people save by using this Park and Ride?

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

- thanked the two previous speakers
- the Alphington Park and Ride should not go ahead
- would cause a negative visual impact
- over the last three weeks local residents had voiced their objections to him on this proposal
- concern that the entrance to the site would cause traffic to back up on to the A30
- this was the gateway to the city
- Devon County Council need to come forward with more details explaining the benefits
- was a short dedicated bus lane
- this was a very premature application; further work needed to be undertaken as to its benefits
- when a consultation for supermarkets around the city was previously undertaken, Devon County Council had not wished to see a supermarket on

this site because of flood issues and the run off that would be caused by all the concrete; now they wanted to put a car park on the site; they had to raise the site by 1 metre

- would not improve air quality
- need more information with regards to the traffic benefits
- the entrance would cause obstruction
- people would try it a few times then just go back to driving into the city centre if they would only be saving four minutes.

The Development Manager confirmed that there would be an increase of one metre in height, not for flood alleviation purposes, but to raise the car park to the height of the A377

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

- was part of the movement against the Park and Ride site
- a public meeting against the application had been attended by a 100 people
- Devon County Council had underplayed the visual impact of this proposal
- was in a conservation area and the valley park
- would ruin the landscape
- 1 metre of concrete to raise the height would mean that this the proposal was irreversible
- lights would cause light pollution being on all night
- was too close to the city to work; other Park and Ride sites were further outside city centres such as Oxford
- people would use the site a couple of times and then discover there was no advantage
- empty buses going to and from the site especially during the day would cause congestion
- asked Committee to vote against the application.

Mr Lacey spoke in support of the application. He raised the following points:-

- was a past Chair of the Exeter Business Forum and is the current Chair of the Exeter Vision Partnership
- strategically this proposal was important for the City
- in the next 10 years growth was predicated for the city including an increase in jobs with little or no increase in car parking
- travel solutions would need to be found to accommodate the growth of the city
- Park and Ride sites were key to city enhancements
- need these transfer points from car to public transport to keep the city car free
- the hinterland to Exeter was poorly served by public transport and these sites were needed to transport commuters into the city centre
- the site was already impacted by traffic in the area; landscaping improvements would be undertaken as part of the proposal.

During discussion, Members raised the following points:-

- the Planning Committee had already voted to support a Park and Ride site in this location
- wanted the city to grow and need to improve traffic congestion; all the other Park and Ride sites were well used
- would be highly visible site on a gateway to the city
- understand Park and Ride sites were necessary but this was not the right site
- site too close to Exeter for people to use



- other sites further outside Exeter should be investigated
- what difference would the removal of 800 cars from Alphington Road make?
- this application had not addressed the three previous reasons for refusal given by Devon County Development Management Committee
- the bus lane was too short; would involve yet another set of traffic lights meaning there would be 75 sets of traffic lights in Exeter
- concern regarding start-up pollution from cars.

The Development Manager informed Members that Devon County Council were not claiming that the proposal would improve the air quality along Alphington Road.

The Director Economy and Development stated the city centre had 5,144 parking spaces, there would be little opportunity to increase parking in the future and there was significant growth planned over the next 20 years, over 20,000 new dwellings and 20,000 jobs were anticipated to be created in greater Exeter; the Park and Ride sites provided long stay parking opportunities for employees in the city centre and represented a key plank of our transportation strategy; it was not just about journey time but also about providing options for parking; the park and change facility in East Devon was a smaller facility that did not have frequent buses and encouraged people to car share; and Devon County Council would still work towards making improvement on the highway network around the City, it just would take longer now that funding from the Government had been cut.

Whilst some Members welcomed the provision of a Park and Ride on this site, other Members were of the opinion that the proposal had a negative impact on the conservation area, there had been insufficient assessment of alternative Park and Ride sites in the area and there was insufficient capacity on the planned route into the city centre to accommodate the additional buses.

**RESOLVED** that the Planning Committee does not support a Park and Ride site at land adjacent A30/A377 Junction, Alphington Road, Exeter for the following reasons:-

- 1) that proposal would have a detrimental impact on the Alphinbrook Conservation Area;
- 2) the application does not provide an adequate examination of alternative sites; and
- 3) the proposal will not significantly impact upon traffic congestion within the city due to insufficient capacity along the Alphington Road corridor.

(Report circulated)

16 **PLANNING APPLICATION NO.10/1906/03 & CONSERVATION AREA CONSENT NO.10/1912/14 - 69-73, SIDWELL STREET, EXETER, EX4 6PJ**

Councillor Prowse declared a personal interest as a student landlord.

The Chair raised concerns regarding the amount of additional information that had been circulated and that Members did not have sufficient time to be able to give due consideration to this additional material.

**RESOLVED** that the planning application for alterations and refurbishment to number 69, demolition of existing retail establishment (70-73) and replacement with a new build mixed use development comprising student accommodation including external seating, ancillary spaces, retail unit and associated works be **deferred** to allow Members time to further consider the additional information.

**RESOLVED** that the conservation area consent for demolition of existing retail establishment (70-73) be **deferred** to allow Members time to further consider the additional information.

(Report circulated)

17

**PLANNING APPLICATION NO.10/1978/03 - 1 TRESILLIAN GARDENS,  
TOPSHAM, EXETER, EX3 0BA**

The Senior Area Planner presented the planning application for a detached bungalow, parking and associated works at 1 Tresillian Gardens, Topsham, Exeter.

Members were advised that this application was for a new dwelling within the garden of 1 Tresillian Gardens and followed the refusal of two similar schemes in May 2008 and March 2009 and the subsequent dismissal of the latter at appeal. The appeal had been dismissed on the grounds of inappropriate style and siting, and the failure to enhance the character of the conservation area. This application now sought to address the previous reasons for refusal and incorporated observations made in the appeal decision.

The recommendation was for approval subject to conditions as set out in the report and an additional condition regarding no first floor accommodation without prior consent by the Local Planning Authority.

Mr Ness spoke against the application he circulated a paper to the Committee Members. He raised the following points:-

- lived at 6 Tresillian Gardens
- two previous applications had been refused and the subsequent appeal dismissed on grounds of size and overbearing impact; this application would have a greater impact than these proposals
- proposal had 30% larger footprint than previous refused applications
- not really a bungalow as had windows at first floor level
- roofline and positioning would impact on the setting of listed houses on the Strand
- contrary to policy DG4 of the Local Plan and Residential SPD as habitable windows were less than 8 metres away from habitable windows in 1 Tresillian Garden
- if passed, would set precedent for further over development in the conservation area
- this property was larger than the previous refused applications and to approve this proposal would be highly inconsistent.

The Senior Area Planner clarified that the Inspectors' Appeal decision had indicated that a single storey dwelling in this location would be acceptable.

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

- was owner of 1 Tresillian Gardens and had lived there for 30 years
- wished to live in the proposed bungalow
- the previous designs were confused and harmed the conservation area; now had a different architect
- considered that a bungalow with no first floor rooms would not cause harm to neighbouring properties
- architect had consulted with planning officers to bring forward a favourable scheme.

Members that attended the site inspection were of the opinion that this proposal would not harm the Conservation Area.

In response to a Members' question, the Senior Area Planner clarified that the Residential SPD was guidance and that the relationship with neighbouring properties was acceptable in this instance as the windows nearest to the adjoining properties were serving secondary rooms.

**RESOLVED** that the application for a detached bungalow, parking and associated works be **approved** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) No first floor accommodation or living space shall be created within the building hereby approved without the prior approval of the Local Planning Authority.

**Reason:** In the interests of the amenity of nearby residents.

(Report circulated)

18 **PLANNING APPLICATION NO.10/2013/03 & CONSERVATION AREA CONSENT NO.10/2014/14 - KILMORIE HALL, PENNSYLVANIA ROAD, EXETER, EX4 6DG**

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

Members noted that the applications had been **withdrawn**.

(Report circulated)

19 **PLANNING APPLICATION NO.10/1754/03 & CONSERVATION AREA CONSENT NO.10/1755/14 - THE NAB, FERRY ROAD, TOPSHAM, EXETER, EX3 0JW**

The Senior Area Planner presented the planning application for redevelopment to provide a detached dwelling, replacement garages, access to highway and associated works and the conservation area consent for demolition of existing dwelling and outbuildings at the Nab, Ferry Road, Topsham, Exeter.

Members were updated on the main issues of the principle of the demolition of the bungalow, the design of the proposed dwelling and the flood risk issues.

Members were circulated with an update sheet giving details of amended drawings that had been submitted by the applicant which incorporated the additional 300mm in height required by the Environment Agency.

The recommendation was delegated to the Head of Planning and Building Control to approve the planning application subject to receipt of satisfactory details in respect of a revised flood risk assessment to include a flood resistance scheme and conditions as set out in the report and approval of the conservation area consent subject to the conditions as set out in the report.

**RESOLVED** that the planning application for redevelopment to provide detached dwelling, replacement garages, access to highway and associated works be delegated to the Head of Planning and Building Control to **approve**, subject to the receipt of satisfactory details in respect of the flood risk assessment 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) C15 - Compliance with 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) 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.
- 5) 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.
- 6) Demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the residential amenity of adjacent dwellings.
- 7) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the residential amenity of adjacent dwellings.
- 8) The roof of the approved dwelling shall be clad in natural slates, fixed with nails not slate hooks, the size and type of which have been agreed by the Local Planning Authority prior to starting on site.  
**Reason:** To protect and preserve the character of the conservation area.

- 9) The development hereby approved shall be carried out in accordance with the recommendations of the "Protected Species Report" document received on January 5 2011. No works shall be carried out that are not in accordance with this document until details have first been submitted to, and agreed in writing by, the Local Planning Authority. The works shall thereafter be carried out in accordance with these approved details.

**Reason:** In the interests of protecting wildlife habitats and protected species in the locality.

**RESOLVED** that the conservation area consent for demolition of existing dwelling and outbuildings be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) C15 - Compliance with Drawings
- 3) Demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the residential amenity of adjacent dwellings.

(Report circulated)

20 **PLANNING APPLICATION NO.10/1687/03 - 102-104, FORE STREET, EXETER, EX4 3JB**

The Senior Area Planner presented the planning application for partial redevelopment to provide 12 self contained flats over four floors, reformed stock room and associated works at 102-104, Fore Street, Exeter.

Members were informed that the application related to the improvements and expansion of the existing Thomas Moore retail store on Fore Street, the rear of the building was locally listed and in the Central Conservation Area. The application proposed the retention of the retail store on three floors of the existing building. The existing rendered, brick and corrugated iron structures to the rear of the building would be demolished to accommodate a new three storey building. A new entrance off Smythen Street would serve all the new residential units. The Smythen Street frontage would be changed significantly with a new glazed and rendered building with the Heavitree stone retained on the ground floor level.

It was noted that a separate conservation area consent application was necessary for the demolition of the buildings to the rear of the site.

Members were circulated with an update sheet giving details of comments from English Heritage with the officer's response and confirming that a bat and bird survey had been received.

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

In response to Members' questions, the Senior Area Planner confirmed that the cycle storage would be provided inside of the building and the balconies would be approximately five square metres.

Whilst the majority of Members welcomed the improvements this proposal would make to Smythen Street, one Member was of the opinion that the rear of the building was worthy of retention.

**RESOLVED** that the planning application for partial redevelopment to provide 12 self contained flats over four floors, reformed stock room and associated works be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 5 January 2011 (dwg nos. 1535 2.0 0H; 1535 2.1H; 1535 2.2L; 1535 2.3L; 1535 2.4L; 1535 2.6L; 1535 2.8.1L; 1535 2.8.2L; 1535 2.8.3H; 1535 2.8.4L 1535 2.8.5F & 1535 2.9H) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
  - a) windows to include materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) treatment of balcony;
  - f) means of enclosure at first floor level;
  - g) noise assessment and
  - g) location of site compound**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 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 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 development.
- 6) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in location shown on drawing no.1535-2-0G, 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 cycle parking is provided, to encourage travel by sustainable means

- 7) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:
- a) parking and vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of planting and materials;
  - c) storage of plant and materials;
  - d) programme of works to include measures for traffic management;
  - e) vehicle washdown measures and facilities; and
  - f) provision of boundary hoarding
- have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.
- Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 8) 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.
- 9) C57 - Archaeological Recording
- 10) No development shall take place unless and until details of bat and swift boxes have been submitted to and approved by the Local Planning Authority in consultation with the RSPB. Thereafter the development shall be carried out entirely in accordance with the approved plan.
- Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity in the locality.

(Report circulated)

21 **PLANNING APPLICATION NO.10/2024/03 - SITE H FORMER ELECTRICITY BUILDING, HAVEN ROAD, EXETER**

Councillor Edwards declared a personal interest as a member of Exeter Canal and Quay Trust.

Councillor Sheldon declared a personal interest as the Council owned the building and as the Portfolio Holder for Economy and Tourism.

Councillor Winterbottom declared a personal interest as a member of Exeter Canal and Quay Trust.

The Development Manager presented the application for change of use from electricity building to indoor climbing facility and associated works at site H Former Electricity Building, Haven Road, Exeter.

Members were advised that the site had originally had planning approval for a hotel and then a children's play centre but that neither of these decisions had been implemented. This application was for an indoor climbing centre with shop and toilet facilities. A condition would ensure that the internal fabric of the building was preserved.

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

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

Councillor Ruffle, having given notice under Standing Order No.44, spoke on this item. He declared a personal interest as a member of Exeter Canal and Quay Trust. He raised the following points:-

- was in favour of the proposal
- did have some concerns regarding the possible increase in traffic
- would like some reassurance that the applicant would promote green and sustainable transport and that the applicant would encourage visitors to use local car parks.

The Development Manager stated that the proposed Green Travel condition could include provision for the applicant to include details of local car parks on their web site.

**RESOLVED** that the planning application for change of use from electricity building to indoor climbing facility and associated works be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 21 December 2010 (dwg nos. 1244-02; 1245-01 & 1245-03) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C57 - Archaeological Recording
- 5) No part of the development hereby approved shall be brought into its intended use until the footway on the Haven Road frontage have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 6) No amplified music, voice or tannoy system shall become operational unless routed through a suitable noise limiter that has been installed, operated and maintained to the satisfaction of the Local Planning Authority in accordance with details to submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of residential amenity.
- 7) Notwithstanding condition no.2, no work shall commence on this site under this permission until full details have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
  - (a) a method of works for the restoration of the existing windows;
  - (b) internal/external doors;
  - (c) rainwater goods;
  - (d) lighting;
  - (e) refuse storage;
  - (f) acoustic survey;



- (g) loading and unloading and storage of plant and material during construction;
- (h) parking and vehicles of site personnel, operatives and visitors during construction;
- (i) mechanical extract ventilation scheme;
- (j) method of fixture of climbing wall and other equipment to internal walls;
- (k) schedule of works in respect of retained historic joinery including existing doors;
- (l) treatment of the original parquet flooring at first floor level and decorative tiled flooring in the lobby/entrance and
- (m) restoration of the historic fireplaces.

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

- 8) 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.
- 9) The site shall not be used for any purpose other than as an indoor climbing centre and associated functions falling within use class D2, and not for any other use (including any use within Use Class D2 as defined by the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order) without the formal written consent of the Local Planning Authority.  
**Reason:** Any use other than that hereby approved would need to be assessed on its own individual merits in terms of amenity/highway impact.
- 10) The use hereby approved shall not be carried on other than between the hours of 09.00 and 21.00.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 11) No part of the development hereby approved shall be brought into its intended use until a basic Green Travel Plan, with a view to view to encouraging alternative means of access to the private car, in accordance with details that shall have been submitted to, agreed and approved in writing by the Local Planning Authority.  
**Reason:** To encourage access by alternative means of transport to the private car.

(Report circulated)

22                    **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)

23                    **LISTED BUILDINGS AT RISK REGISTER**

The Development Manager presented the report updating Members on the listed buildings at risk register. He advised that three buildings had been removed from

the register including 21-22 Richmond Road and three buildings added including Dean Clarke House, Southernhay East.

**RESOLVED** that the report be noted.

(Report circulated)

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### **ENFORCEMENT PROGRESS REPORT**

The Development Manager presented the report updating Members on enforcement matters. He advised the trial in respect of Bombay Bills had been adjourned until May due to the adverse weather conditions on the originally scheduled dates.

**RESOLVED** that the report be noted.

(Report circulated)

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### **APPEALS REPORT**

The Development Manager presented the schedule of appeal decisions and appeals lodged. He updated Members on the decisions for 7 Thornton Hill and the former Tennis Courts Bishop Blackall Annexe, Thornton Hill.

**RESOLVED** that the report be noted.

(Report circulated)

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### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 8 March 2011 at 9.30 a.m. The Councillors attending will be Cole, Prowse and Sutton.

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair

## PLANNING COMMITTEE

Monday 21 March 2011

### Present:-

Councillor Mrs Henson (Chair)  
Councillors Cole, P J Brock, Edwards, Mrs J Morrish, Newby, Prowse, Sheldon, Sutton,  
Wadham and Winterbottom

### Also Present

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

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### MINUTES

The minutes of the meetings held on 17 January 2011 were taken as read and  
signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P.J. Brock	31 (member of Devon County Council)
Councillor Prowse	29 (student landlord) 30 (student landlord) 31 (member of Devon County Council)

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### PLANNING APPLICATION NO.10/1906/03 & CONSERVATION AREA CONSENT NO.10/1912/14 - 69-73, SIDWELL STREET, EXETER

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the applications for planning permission and  
conservation area consent for alterations and refurbishment to number 69,  
demolition of existing retail establishment (71-73) and replacement with a new build  
mixed use development comprising student accommodation including external  
seating, ancillary spaces, retail unit and associated works 69-73, Sidwell Street,  
Exeter.

Members were advised that these applications were reported to the January 2011  
meeting of the Planning Committee, when Members resolved to approve them  
subject to completion of a Section 106 legal agreement. It was subsequently  
established that the statutory requirement to consult English Heritage had not been  
met in this instance. The views of English Heritage had now been received.

The proposal was for student accommodation for 96 bed spaces with a retail unit on  
the ground floor and conservation area consent was sought to demolish nos.71-73  
Sidwell Street, no.69 would be retained. The building would be brick and render with  
a slate roof.

The Development Manager updated Members on officers' response to the six  
specific points raised by English Heritage including the viability of the scheme  
enabling the ability to demolish part of the frontage to enable building work behind

to take place; the heritage value of the buildings to be demolished, the replacement buildings and impact on the street scene. He clarified the position with regards to Government guidance contained within PPS5, the adopted Supplementary Planning Guidance relating to the expansion of the University and the value of providing managed purpose-built student accommodation in a city centre location. He addressed the relationship between the proposal and the listed terrace in Oxford Road and the long range views from Blackall Road. The Development Manager stated that English Heritage had not formally objected to the proposals.

Members were advised that one late letter of objection had been received.

The recommendation was that the planning application be delegated to the Head of Planning and Building Control to approve, subject to the completion of a Section 106 legal agreement and conditions as set out in the report, and the conservation area consent be delegated to the Head of Planning and Building Control to approve subject to 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:-

- although English Heritage had not formally objected to the proposal, they had serious concerns
- in his view would not enhance the conservation area or provide any public benefit
- English Heritage commented that there had been no strategic approval to student accommodation and this proposal was the equivalent to 45 medium size hotels
- the proposal was out of scale with the defining townscape and the design of the buildings to the rear were too large; this proposal set a dangerous precedent
- the buildings proposed to be demolished did make a positive contribution to the conservation area
- the application was contrary to the Council's Local Plan Policies as the buildings were of special architectural interest and of historic importance in the conservation area; the new build did not respect the historic setting of the area or harmonise with the existing buildings
- this proposal would stand out and the area did not need a new landmark building
- the buildings to the rear would obscure views across St James
- there would be an over concentration of students in the area with the student accommodation at near-by James Owen Court and another proposal for student accommodation in the vicinity due to come to the next meeting
- no strategic assessment had been undertaken; did not harmonise with the conservation area; was detrimental to the Grade II listed buildings in Oxford Road; would cause an imbalance in the area by the over concentration of students; was a poor design and asked Committee to refuse the application.

In answer to Members' questions, Councillor Mitchell stated that the current proposal was too large and a new proposal on a smaller scale could be viewed in a more positive light.

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

- this proposal would have a negative impact on the residents of Newtown caused by the increase in the level of late night noise and anti social behaviour
- there were eleven late night takeaways in Sidwell Street; the tenants of the 70 Council flats which housed the elderly and parents deserve a decent nights sleep

- the Supplementary Planning Guidance 2007 on student accommodation did not have a time limit when it should be reviewed
- with the existing student accommodation and those proposed there would be 1,122 students in this small area of the city; this would cause an imbalance between residents and students
- this proposal would upset the balance of the small independent shops on Sidwell Street
- over 6000 square metres of retail space would be lost by this proposal
- with taxi's now not operating outside Arena nightclub the late night noise nuisance would increase in the area by people walking to the taxi rank in Sidwell Street
- this application would cause an over concentration of students in the area and increase the problems with late night noise in Sidwell Street and surrounding areas.

In response to a Member, Councillor Branston stated that should a smaller scale be submitted he would be mindful of the views of the public in deciding whether to support it.

Dr J Cox spoke against the application. She raised the following points:-

- the building was ideal for mixed use
- the building should be protected from demolition
- the three Georgian buildings of traditional materials were identified as making a positive contribution to the conservation area
- 71-73 Sidwell Street were in a group of Georgian buildings and were a row of low buildings between a listed building and the Odeon
- If you demolish buildings in a conservation area you need to replace with better quality buildings than existing the proposed were not
- the buildings did need some improvements and alterations
- 100 students would cause over concentration in the area and have a damaging impact
- once demolished would be lost for good
- asked Committee to refuse the application.

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

- the principal of student accommodation had been established at the January Planning Committee when the application had been approved
- English Heritage had commented but not objected or asked for the application to be refused
- this proposal was for student accommodation which would help to free up private sector housing for families
- the officers report stated that the application was in accordance with the Council's Supplementary Planning Guidance and Government Policy PPS 5
- was like a shanty town to the rear
- would provide a retail unit on ground floor
- asked Committee to accept officer's recommendation.

In response to a Members' question, Mr Vallis stated that the only way to improve the rear curtilage was through the demolition of 71-73 Sidwell Street.

During discussion Members raised the following points:-

- the buildings would obscure views in St James
- buildings to the rear were too high and out of keeping with the area
- would have a negative impact on the street scene
- if the roof was raised the chimney would be less prominent

- why couldn't the existing building be renovated? did the existing buildings have to be removed to tidy up the rear?
- students could be better managed when in one building rather than in HMO's
- the design was inappropriate
- the city centre was the ideal location for student accommodation
- cause over concentration of students in the area
- need to provide more purpose built student accommodation to house the increasing number of students coming to the University
- the tenants in the Council flats opposite had not objected
- there were other areas in the city that had a higher concentration of students.

In answering a Members' question, the Development Manager confirmed that the chimney to the gable of no.69 was to be retained.

The Conservation Officer informed Members that the buildings to the rear had been revised from the original design at the request of officers so that they were not any higher than the parapet of the Odeon; 71-73 Sidwell Street were not defined individually in the conservation area appraisal; discussions had been undertaken with the applicant regarding the height, treatment and materials; and the ground floor retail would have two shop fronts this was more in keeping with the area.

Whilst some Members were of the opinion that the proposal was acceptable, other Members had concerns regarding the effect that the proposal had on the street scene and conservation area, the comments from English Heritage and the over concentration of students in the area.

**RESOLVED** that the application for alterations and refurbishment to number 69, demolition of existing retail establishment (70-73) and replacement with a new build mixed use development comprising student accommodation including external seating, ancillary spaces, retail unit and associated works be delegated to the Head of Planning and Building Control to **approve** subject to a Section 106 agreement as set out in the report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 16 November 2010 (dwg. nos. 10076.L.02.01 P2, 10076.L.02.01 P1, 10076.L.02.02 P1, 10076.L.02.10 P1, 10076.L.02.11 P1, 10076.L.02.12 P1, 10076.L.03.01, 10076.L.03.02, 10076.L.04.00 P2, 10076.L.04.10 P1 and 10076.L.93.01) and 23 December 2010 (dwg. nos. 10076.L.01.01 P2, 10076.L.04.01 P2, 10076.L.93.00 P3 and 10076.L.94.00 A) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C70 - Contaminated Land
- 7) C57 - Archaeological Recording

- 8) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.
- 9) As a minimum, the development shall achieve the 'Minimum Recommended Sound Reduction Index (SRI) for External Building Fabric Glazing' at the locations specified in Tables 3 and 4 of the WSP acoustic report submitted as part of the application and dated 24 December 2010. Rooms facing onto Sidwell Street shall be provided with mechanical ventilation which achieves at least the same level of reduction in external ambient noise levels as the glazing units on that façade.  
**Reason:** In the interests of the amenity of future occupants.
- 10) The level of noise emitted from fixed plant and equipment on the site shall not exceed a rating noise level of 43dB (measured in accordance with BS4142:1997) at the nearest residential receptors (or other surrogate point with appropriate distance corrections). The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.  
**Reason:** In the interests of local amenity.
- 11) 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;  
**Reason:** To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development, in the interests of the character and appearance of the St Sidwell's Conservation Area.
- 12) No deliveries shall be taken at or dispatched from the site outside the hours of 7am to 11pm Monday – Saturday, 10am to 4pm on Bank or Public Holidays, and at no time on Sundays.  
**Reason:** To minimise the impact on local residents.
- 13) The development shall operate within the terms of the Travel Plan Technical Note submitted by the applicant and dated 5 January 2011. This shall be updated annually 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 minimising the impact of private vehicle travel associated with the development.

In the event that the Section 106 agreement is not completed by 21 April 2011, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

**RESOLVED** that the conservation area consent for demolition of existing retail establishment (70-73) be delegated to the Head of Planning and Building Control to **approve** subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area

2) C58E - Contract Prior to Demolition

3) C57 - Archaeological Recording

In the event that the Section 106 agreement is not completed by 21 April 2011, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

30

**PLANNING APPLICATION NO.10/1979/03 - FORMER TENNIS COURTS,  
BISHOP BLACKALL ANNEXE, THORNTON HILL, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the application for development to provide a three storey building comprising nine flats with extended disabled facilities, access to highway, parking and associated works (amendment to 10/1533/03 granted 01 November 2010) at the former Tennis Courts, Bishop Blackall Annexe, Thornton Hill, Exeter.

Members were advised that this proposal was very similar to a scheme approved by the Planning Committee in November 2010 with changes internally to accommodate an increase in disabled facilities. Prior to the approval, a slightly larger scheme was refused and subsequently dismissed on appeal.

The site comprised the former tennis courts of the Bishop Blackall School and was in the Longbrook Conservation Area. The proposal was a three storey student accommodation block initially comprising 42 bedrooms now revised to 36 flats in nine flats. The upper storey was within the roof space. Parking would be provided for four vehicles together with turning space. This application sought to address the Inspectors comments on the application that had been refused and subsequently dismissed at appeal

The Head of Planning and Building Control informed Members that a result of comments from the Area Working Party revised plans had been submitted which showed a reduction in the total floorspace from 433 square metres to 377 square metres equating to 13%. Members were circulated with an update sheet giving details of revised plans that had been received.

The recommendation was that the application be delegated to the Head of Planning and Building Control to approve 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 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:-

- expressed anger over the way application had been handled in relation to the omission of consultation with English Heritage
- the scale, layout and appearance of the building would be harmful to Thornton Hill
- would not preserve or enhance the conservation area
- contrary to government guidance PPS 5 and local plan policy C1 and GG1
- English Heritage's response was brief as there was already an approval on the site
- welcomed the revisions to the roof



- not in keeping with the conservation area and would not harmonise with the locality
- read out a quote from a local residents email stating concerns regarding lack for consultation with English Heritage, the Inspector recommendations regarding the dismissed appeal had not been incorporated in this development; inappropriate proposal for the street scene; and would not make a positive contribution to the conservation area
- questioned the legality of the previous approval and asked about its revocation; was premature to consider this application whilst there was concerns over the validity of the previous approval.

The Planning Solicitor clarified the position with regards to any possible revocation of the previous approval.

The Head of Planning and Building Control clarified that applicants had a right to expect a decision even if an appeal on the same site was outstanding. He stated that this was a new application and not a revision of the previous approval.

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

- lived close to the development
- the proposal was in a special road dating back to the Arts and Crafts period
- was a unique road in the conversation area
- the houses in the area were similar in appearance
- agreed with English Heritage and the Inspector's comments
- welcomed the revised plans, as it was now further away from 2 Thornton Hill, however it was still a large mass building
- would have negative impact on 2, 6a, 6 and 8a Thornton Hill
- if the application was approved a condition should be added stating that this decision superseded the previous approval.

In response the Head of Planning and Building Control stated that a condition could not be added to stop the developers from implementing the previous approval.

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

- there was already an approval for student accommodation on this site
- this application had been amended to take on board comments from the Area Working Party
- the proposal would be used to accommodate disabled students
- materials would be brick and render with a red clay tiled roof
- the building had been reduced by 1500 square feet to that of the previous approved application
- the building would only occupy 22% of the site
- St Loyes wished to relocate from Hope Court
- a lift would be installed to enable disabled access to all floors
- 112 consultation letters were sent out; only 11 objections received.

The Head of Planning and Building Control advised that if this application was approved the applicant could implement this decision or the previous approved proposal.

**RESOLVED** that the application for development to provide three storey building comprising 9 flats with extended disabled facilities, access to highway, parking and associated works (amendment to 10/1533/03 granted 01 November 2010) be delegated to the Head of Planning and Building Control to **approve** subject to 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 13 September 2010 (dwg. no. 1800/10/042 A), 6 October 2010 (dwg. no. 1800/10/040 B) and 22 October 2010 (dwg. nos. 1800/10/041 A & 1800/10/043), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C15 - Compliance with Drawings
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.

- 9) 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.

- 10) 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.

- 11) 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.

- 12) 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.

- 13) 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

- 14) 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.

- 15) 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.

- 16) 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.

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

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

- 18) 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 within one month of the date of the resolution to approve, 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)

31

**PLANNING APPLICATION NO.11/0206/26 - LAND AT PINHOE QUARRY,  
HARRINGTON LANE, EXETER**

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

Councillor Prowse declared a personal interest as a member of Devon County Council and left the meeting during consideration of the item.

The Head of Planning and Building Control presented the Devon County Council consultation for submission of details required under conditions 22, 24 & 26 of the Review of Old Mineral Permission (Ref: 00/1278/25) at land at Pinhoe Quarry, Harrington Lane, Exeter.

Members were advised that Devon County Council had received an application relating to the submission of schemes for the restoration of Pinhoe Quarry. Mineral extraction at the quarry had ceased and there was a requirement to restore the site. The submission of a restoration and aftercare scheme was required by conditions 22, 24 and 26 of a Review of Old Minerals Permission (ROMP) granted in 2000. The landowner was seeking to agree the required details with Devon County Council in order that the restoration works could commence.

Members were advised that the restoration material would be imported by HGV and would access Pinhoe Quarry via the Harrington Lane entrance. This would generate an increase in HGV movements on the wider highway network.

The recommendation was that no objection was raised to the proposals subject to consideration of the comments made by the Head of Environmental Health Services.

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

- a public meeting had taken place regarding the future use of Pinhoe Quarry
- understood that there was obligation to fill the quarry but had concerns regarding adequate infrastructure being in place to facilitate this
- there were two applications for this site
- was in favour of restoration; residential development would result in a larger increase in traffic movement
- restoration would maintain the character of the area and encourage wildlife
- HGV vehicles would not produce the volume of traffic that a residential development would
- A new road along Exhibition Way would be required to facilitate this proposal
- there could be two planning consents for this site.

The Head of Planning and Building Control stated that any application for housing on this site would come to this Committee to determine, this application would be determined by Devon County Council.

A Member raised serious concerns regarding the inadequate road structure in the Pinhoe area, its capacity to cope with the projected increase in HGV movements and if the developer would be obliged to make contributions towards a new link through Exhibition Way.

Members were of the opinion that the developer should provide a financial contribution towards the cost of the link and that until the link was implemented there should be a limitation on commencement of deposit of waste.

**RESOLVED** that no objection is raised to the proposals subject to:

- i) Consideration of the comments by the Head of Environmental Services; and
- ii) Traffic in the Pinhoe area has increased since the ROMP due to natural growth and recent developments this will continue to increase due to the future proposed development in Pinhoe and just over the boundary in East Devon. The Pinhoe Access Strategy proposes a new link road from Exhibition Way to Harrington Lane to serve the area. A financial contribution towards should be sought the cost of the link and a limitation placed on commencement of deposit of waste until it is available.

(Report circulated)

**LISTED BUILDING CONSENT NO.10/2055/07 - 9 COLLETON CRESCENT,  
EXETER**

The Development Manager presented the application for Listed Building Consent for the installation of folding doors between the dining room and living room at 9 Colleton Crescent, Exeter. The dwelling was an end terrace Grade II\* Listed Building located within the Southernhay and Friars Conservation Area.

The recommendation was for refusal of the application for Listed Building Consent for the reason as set out in the report.

The Conservation Officer advised that the installation of the folding doors would detract from a fine front room and was contrary to Government guidance contained with PPS5.

Whilst one Member was of the view that the installation of folding doors was acceptable the majority of Members agreed with the recommendation to refuse the Listed Building Consent

**RESOLVED** that the application for Listed Building Consent for installation of folding doors between dining room and living room be **refused** for the following reason:-

- 1) The proposal relates to a grade II\* listed building located within the Southernhay Conservation Area. The proposal is contrary to Planning Policy Statement 5: Planning and the Historic Environment (specifically Paragraphs HE9.1 and 9.2), the Historic Practise Guide (March 2010) paragraph 182, Policy C07 of the Devon Structure Plan 2011 to 2016 and Policy C2 of the Exeter Local Plan First Review 1995 to 2011 because the works would have a detrimental impact on the fabric and form of a highly significant listed building.

(Report circulated)

**PLANNING APPLICATION NO.11/0144/03 - 13 DENMARK ROAD, EXETER**

The Head of Planning and Building Control presented the application for the ground floor extension to north east elevation at 13 Denmark Road, Exeter.

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

**RESOLVED** that the application for ground floor extension to north east elevation be **approved** subject to the following conditions:-

- 1) C05 – Time Limit – Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 January (dwg. No. D3), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 – Submission of Materials
- 4) No development shall commence unless works in connection with the approved scheme at No. 11 Denmark Road (Ref. 11/0145/03) are commenced simultaneously.

**Reason:** To ensure the approved scheme is built at the same time as the approved scheme at No. 11 Denmark Road and in the interests of residential amenity.

(Report circulated)

34 **PLANNING APPLICATION NO.11/0145/03 - 11 DENMARK ROAD, EXETER**

The Head of Planning and Building Control presented the application for the ground floor extension to the south west elevation at 11 Denmark Road, Exeter.

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

**RESOLVED** that the application for ground floor extension to south east elevation be **approved** subject to the following conditions:-

- 1) C05 – Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out other than in strict accordance with the submitted details received by the Local Planning Authority on 28 January 2011 (dwg. no. D3), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 – Submission of Materials
- 4) No development shall commence unless works in connection with the approved scheme at No. 13 Denmark Road (ref. 11/0144/03) are commenced simultaneously.  
**Reason:** To ensure the approved scheme is built at the same time as the approved scheme at No. 13 Denmark Road and in the interests of residential amenity.

(Report circulated)

35 **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)

36 **ENFORCEMENT PROGRESS REPORT**

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

A Local Ward Member requested that the application to the County Court for an Injunction Order in respect of unauthorised signage on Route 2, 1-2 Monmouth Hill Topsham be deferred for further talks with the owners to resolve the situation. This was not supported by the majority of the Committee Members.

**RESOLVED** that the report be noted.

(Report circulated)

37

**APPEALS REPORT**

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

**RESOLVED** that the report be noted.

(Report circulated)

38

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 5 April 2011 at 9.30 a.m. The Councillors attending will be Edwards, Mrs Henson and Wadham.

(The meeting commenced at 5.30 pm and closed at 8.55 pm)

Chair



## LICENSING COMMITTEE

29 March 2011

### Present:

Councillor Norman Shiel (Chair)

Councillors Sterry, Branston, S Brock, Mrs Danks, Newby, Newton, Robson, Ruffle, Wadham and Winterbottom

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

### 12 **Minutes**

Subject to the amendment of Min. No. 1 by replacing the words "a future" by the words "the next", the minutes of the meeting held on 15 February 2011 were taken as read and signed by the Chair as a correct record.

### 13 **Declarations of Interest**

No declarations of interest were made by Members.

### 14 **Clarification of decision to end the requirement for certain Hackney Carriages to be disabled accessible vehicles**

The Chair referred to correspondence received from the taxi trade raising issues relating to disabled accessible vehicles. As specific issues were being raised which did not relate to the substance of the report, he felt that it would be more appropriate for them to be raised at a future meeting when general policy matters were to be considered. This report would be brought to this Committee after changes in primary legislation arising from the Equality Act 2010 had been introduced.

The Head of Environmental Health Services presented the report clarifying the situation in relation to the decision made by this Committee on 30 November 2010 to end the requirement placed on the remaining hackney carriages in the fleet that were not accessible by disabled users, to become disabled accessible vehicles (DAVs). He explained why the draft minute of that decision had differed from the published minute.

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

- (1) the report be noted;
- (2) future reports pertaining to Licensing policy follow the normal convention for Committee reports and contain a clear recommendation by officers;
- (3) a report be brought to a future meeting of this Committee on a comprehensive taxi policy; and
- (4) Min. No. 35 of the Licensing Committee meeting of 30 November 2010 be approved.

(Report circulated)

15 **Review of Demand for Hackney Carriage Services in Exeter 2011**

In support of the Head of Environmental Health Services' report setting out the outcome of the top-up survey into unmet demand carried out by Mouchel Ltd., the Chair welcomed Mr Ian Millership, Study Manager of Mouchel. Mr Millership reported that a top-up survey had been undertaken on 12 and 13 March 2011 at the taxi ranks at Sidwell Street, Fore Street and Bailey Street and at locations near Rococo and Arena nightclubs between 2300 hours and 0500 hours late Saturday/early Sunday. Overall demand had been 40% of that in May 2010 and passenger queues had been less than when the full survey had been undertaken. Therefore the cessation of the agreement between certain nightclubs and a private hire company to collect club goers had not impacted significantly on demand. He further reported on the pattern of usage observed during the survey period. He responded to Members' queries. The Principal Licensing Officer also responded to Members' queries advising that full consultation with interested parties had been undertaken as part of the May 2010 survey. Mr Millership also advised that the Sidwell Street rank should be improved as part of the upgrading to the pavement area outside the new John Lewis store.

**RESOLVED** that:-

- (1) the top-up survey be received and the results showing that it remained the case that there was no significant unmet demand in relation to Hackney Carriages in Exeter be noted;
- (2) in light of (1) above, this Committee was not required to exercise its obligation to grant additional hackney carriage licences and does not wish to review its policy of not exercising its discretion to grant hackney carriage licences above the level of significant unmet demand; and
- (3) a Special Meeting of this Committee be held as soon as possible to consider the 11 outstanding applications for hackney carriage licenses.

(Report circulated)

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

16 **Licensing of Purpose Built Hackney Carriage Vehicles**

The Head of Environmental Health Services presented the report seeking the approval for the Head of Environmental Health Services to deal with the grant of purpose-built hackney carriage vehicle licences, normally referred to as London-type cabs, from up to four years old rather than the current three years, without the need for an independent mechanical inspection report.

**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 are no more than four years old, without the need for an independent mechanical inspection report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.35 pm

Chair

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## SCRUTINY COMMITTEE - COMMUNITY

8 March 2011

### Present:

Councillor Kevin Mitchell (Chair)

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

Director Community and Environment, Assistant Chief Executive, Head of Contracts and Direct Services, Head of Environmental Health Services, Community Inclusion and Engagement Officer 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

### 20 **Minutes**

Subject to the following amendments to the minutes of the meeting held on 18 January 2011:-

- (1) the amendment of Min. No. 8 to show that Councillor Newcombe's interest in Turntable was as a Committee Member and not a Trustee; and
- (2) the amendment of Min. No. 12 to show that the request for a report back on community toilets had been proposed by Councillor Newton and seconded by Councillor Hobden;

the minutes of the meetings held on 11 January and 18 January 2011 were taken as read and signed by the Chair as correct.

### 21 **Declaration of Interests**

There were no declarations of interest.

### 22 **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 of the meeting held on 12 January 2011.

## 23 **Community Toilets**

The Head of Environmental Health Services reported on progress on research into community toilet schemes as requested at the previous meeting of this Committee. He confirmed that a report was tabled on the Forward Plan for the September meeting of this Committee and that it was necessary to examine in depth the practicalities of setting up a scheme, how that related to existing public toilet provision in the City, the potential scaling back of that provision in order to produce savings and issues related to the detailed operation of such a scheme over time. The report would also address the monitoring regime necessary for a scheme and the support needed to sustain its members. It was also necessary to carry out a detailed cost-benefit analysis of provision for different user types.

A Member stated that the introduction of community toilet schemes was gathering momentum across the country and she referred to a number of places similar in nature to Exeter where these had been introduced. She felt that Members of this Committee should be fully involved in the research and development of proposals and requested that a working group be established to fully scrutinise this issue for a report to the Committee. This proposal was moved and seconded.

Scrutiny Committee - Community:-

- (1) noted the progress report; and
- (2) supported the proposal to establish a Community Toilets Working Group, membership to include one Member from each political group.

### **MATTER FOR CONSIDERATION BY EXECUTIVE**

## 24 **Private Sector Housing Policy : Financial Assistance Packages 2011/12**

The Head of Environmental Health Services presented the report informing Members of the changes in financial assistance awarded to private sector households in 2010/11 in light of the Government's removal of the entire private sector renewal allocation and the Regional Single Housing Pot as well as the proposed changes to the types and levels of financial assistance that would be available in 2011/12. Financial assistance packages formed one of the policy tools available to improve housing conditions in the private sector. A review of the other policy tools would be contained in the Private Sector Housing Renewal Policy that would form a sub-strategy of the Housing Strategy, which would be the subject of a report to this Committee in September.

In response to Members, he confirmed that means testing was an integral part of accessing financial assistance packages as they were aimed at low income households. He also explained that the reduction in Government funding for housing renewal over time would necessarily lead to the increased use of enforcement tools to address poor housing, where the Council had a Duty to act.

In response to a question from a Member, he advised that, in exceptional circumstances where housing conditions were very poor, legal action could include enforced vacation of a property and, in those exceptional cases, local ward Members would be informed.

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

- (1) approve the financial assistance tools, as set out in the circulated report, and their respective budget allocation; and
- (2) authorise the Head of Environmental Health Services, subject to prior consultation with the Portfolio Holder for Housing and Community Involvement, to re-allocate uncommitted parts of the respective budget allocation between financial assistance tools, in order to meet need.

(Report circulated)

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

#### **25 Evaluation of the My Neighbourhood PACT project**

The Community Involvement and Inclusion Officer presented the report providing an evaluation of the City Council's My Neighbourhood PACT project 2010, delivered in partnership with the Devon and Cornwall Police.

A Member felt that the project had been very positive and stated that she had been very impressed with the three Exeter Decides Events where groups had bid for a community grant of up to £500 to support community initiatives. Groups and the wider public had voted for their preferred bid at a well attended event at the Guildhall. She and other Members agreed that this had been a valuable networking exercise, bringing together different groups from across the City and, although the grants had been relatively small, they were beneficial in providing impetus and inspiration to local communities. A Member had also remarked that City Council officers who had acted as Area Liaison Officers as part of the project had benefitted from the experience in terms of gaining a wider understanding of the work of the City Council and other partner agencies in the City.

Referring to the work undertaken in the Digby area in the first "My Neighbourhood" pilot in 2007, a Member was very supportive and advised that an active Community Association with its own newsletter etc. had now been established as a result. This group continued to be very active and was able to take a lead role in organising partnership meetings to address priorities for that community. She felt that such partnership working was of great value within new communities and that it should be extended as other new communities came into being in the City. In the Newtown area, the Area Liaison Officer had organised a series of workshops inviting local people to contribute writing or art work about Living in Newtown. Over 50 people had taken part in the project leading to an exhibition of work held at local venues. It was felt that this was a very positive example of what could be achieved in a short amount of time.

One Member referred to the large number of groups who had attended the Exeter Decides events and to the disappointment that it had not been possible to support more of the applications, given the significant work that had been put into preparation and presentation. Over the three events, £13,600 had been given out in grants to 31 groups. The work had been recognised in national publications such as the Local Government Association "First" magazine and had helped the City Council receive an award and £12,500 from South West Councils as an exemplar authority in the region for its work in engaging with communities. It was confirmed that successful groups were asked for an evaluation and outcomes of the work funded by the grant they had received.

Members congratulated the Community Involvement and Inclusion Officer and Area Liaison Officers for their work on the project.

Scrutiny Committee - Community noted the outcomes of the evaluation of the community engagement project.

(Report circulated)

## 26 **Allotment Strategy Review**

The Director Community and Environment declared a personal interest as an allotment holder.

The Head of Contracts and Direct Services presented the report setting out progress to date on the Allotment Strategy Action Plan adopted by the Council in 2007. The report also set out further actions planned for 2011/12.

He reported that the cost of allotment hire in Exeter matched that of the national average, as did the level of subsidy for the over 60s and under 18s. The number of allotments was higher than the national average - 1,500 compared to 1,000 as was the average number of plots per site - 55 compared to 40. There was closer liaison with the Planning Section and allotment provision should benefit from the greater emphasis on utilising Section 106 monies on community uses rather than infrastructure issues.

Scrutiny Committee - Community noted the progress made and approved the future proposals contained in the plan.

(Report circulated)

## **PERFORMANCE MONITORING**

## 27 **Stewardship - Housing Revenue Account to December 2010**

The Director Community and Environment reported on any major differences by management unit to the outturn forecast for the first nine months of the financial year up to 31 December 2010. During this period, the total of the variances indicated that there would be a net surplus of £765,737 which would be transferred to the working balance at 31 March 2010. This represented a reduction of £1,408,307 compared to the budgeted reduction to the working balance of £642,570. It was estimated that the working balance would stand at £3,447,466 at 31 March 2010.

Scrutiny Committee - Community noted the report.

(Report circulated)

## 28 **Stewardship - Community to December 2010**

The Director Community and Environment reported on any major differences by management unit to the outturn variances forecast for the third quarter of the financial year up to 31 December 2010 compared with those reported for the second quarter that had ended on 30 September 2010.



The current forecast suggests that net expenditure for this Committee would decrease from the revised budget by a total of £769,160 representing a variation of 6.2% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

29 **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 following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 4 of Part I of Schedule 12A of the Act.

**MATTER FOR CONSIDERATION BY EXECUTIVE**

30 **Cessation of Play and Sports Development Services**

The Head of Leisure and Museums presented the report setting out the formal arrangements for ending the sport and play services.

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

- (1) delete the posts of Lead Play Ranger (CE12242), Support Ranger (CE12243) and Support Ranger (CE12244) from the establishment of the Council, and terminate the employment of the holders of those posts on the grounds of redundancy on 31 March 2011 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; and
- (2) delete the posts of Sports Development Manager (CE12124), Sports Development Officer (CE12138), Play Development Manager (CE12122) and Play Development Officer (CE12126) from the establishment of the Council, and terminate the employment of the holders of those posts on the grounds of redundancy on 31 July 2011 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.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 6.32 pm

Chair

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## SCRUTINY COMMITTEE - ECONOMY

10 March 2011

### Present:

Councillor Mrs S R Brock (Chair)

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

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

### Also present:

Councillor Sheldon - Portfolio Holder for Economy and Tourism  
Councillor Sutton - Portfolio Holder for Sustainable Development and Transport

### 11 Minutes

The minutes of the meeting held on 20 January 2011 were taken as read, and signed by the Chair as correct.

### 12 Declarations of Interest

The following personal interests were declared:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Wardle	20 (Member of the Devon Archaeological Society)
Councillors P J Brock and Prowse	14(Members of Devon County Council)

### **MATTER FOR CONSIDERATION BY EXECUTIVE**

### 13 Social Enterprise Support

The Head of Economy and Tourism provided an update on the performance of the pilot project launched in April 2010, created to promote and offer business support for new and existing social enterprises in Exeter. Executive approval was also sought for a second year of funding to continue the service. Although the pilot does not formally finish until the end of March 2011, the additional funding will be used by the Community Enterprise Unit (CEU) for a further 12 month period to provide one-to-one advice and workshops with a specific focus on supporting further new start-ups. They will continue to follow up contact with the clients to monitor outputs, particularly job creation, and provide City Council officers with an update on performance data, which will reported to the Scrutiny Committee when available.

The Head of Economy and Tourism responded as follows to Members' comments:-

- Support has been given to a number of projects creating businesses and employment opportunities with a clear social benefit. Examples of social enterprises supported by the project include the Petroc Project, giving St Petroc's clients practical construction experience on local building

projects; County Unwrapped provides transport and support for projects helping clients with autism, and Ways to Win helps other organisations to bid for public sector contracts with any surplus profit ploughed back into the business.

- The funding of £25,000 will meet the employee cost of an advisor at CEU.

Scrutiny Committee – Economy supported the report and

- (1) the release of £25,000 from the 2010/2011 Economy and Tourism Budget to fund a second year of service delivery to promote job creation through support and further development of social enterprises in the city; and
- (2) recommended that Executive approve this expenditure.

(Report circulated)

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

### **14 Report of the Rail Task and Finish Group**

Councillors Prowse and P Brock declared an interest as members of Devon County Council with regard to the discussion relating to the County Council's Rail Task and Finish Group.

The Projects and Business Manager presented a report on behalf of the Rail Task and Finish Group which had been set up to study issues relating to the rail system in and around Exeter, including the required infrastructure and rolling stock. The aspirations for rail in and around Exeter were considered, including the need for stations at Cranbrook, Newcourt, Monkerton/Hill Barton and Marsh Barton, all of which were considered vital to serve the development being proposed through the Local Development Framework. Members of the Task Group also heard from a number of witnesses associated with the rail industry.

The report referred to the deliberations of the Devon County Council's Rail Task Group and the need for a concerted approach together with other stakeholders to try to influence the future planning and development of the rail system.

One Member considered the Task Group had been a very worthwhile and positive experience and welcomed the efforts by both the City and County Councils to address future congestion. A Member expressed concern about the funding of future rail infrastructure including stations, and ensuring there was enough rolling stock. Another Member reiterated the need for both the City and County Council to speak to Government with one voice to ensure that there was adequate future investment in rail. He pointed out that funds from a Community Infrastructure Levy were going to be subject to competing demands, and urged Members to continue to support rail improvements when considering those demands.

Members thanked the Rail Task and Finish Group for their input and Ross Hussey for a very comprehensive and thorough report.

Scrutiny Committee – Economy supported the recommendation that :-

- (a) Devon County Council's "Devon Metro" proposals be endorsed, and that City Council members and officers actively support the process of making them a reality;
- (b) the principle of working with Devon County Council and other public and private sector stakeholders to lobby for rail improvements be endorsed:-

- (i) with prospective supporters to include Exeter businesses, Exeter Chamber of Commerce and Industry, the University of Exeter, Exeter Airport, Travel Watch South West, the local media, MPs and MEPs;
- (ii) with prospective drivers of the process to include the Exeter and East Devon New Growth Point Steering Board, the Exeter and Heart of Devon Economic Partnership, and the emerging Local Enterprise Partnership;
- (iii) with specific objectives being:-
  - the need for procurement of a new fleet of diesel multiple units, to address a national shortage and enable sufficient rolling stock to be allocated to the south west;
  - cascades of suitable rolling stock if opportunities arise;
  - a review by Network Rail of the Great Western Route Utilisation Strategy to reflect the increase in passenger numbers in excess of predictions;
  - the inclusion of the Devon Metro improvements in new franchises, and in resignalling schemes;
- (c) all opportunities be taken to secure funding for Devon Metro, including financial contributions from developers (through section 106 agreements or the Community Infrastructure Levy) as well as the safeguarding of land; and
- (d) the Projects and Business Manager to provide members periodically with summary sheets in relation to key issues, in advance of the critical dates identified in the report.

(Report circulated)

## 15 City Centre Performance Update

The City Centre Manager submitted a report which briefed Members on current city centre performance levels, with updates on retail unit vacancy rates, car park statistics, retail sales information and pedestrian footfall. The report concluded that maintaining the city centre renewal and securing the Business Improvement District (BID) initiative was considered vital to ensure the continuation of a broadly successful city centre. The latest full retail units' vacancy survey was undertaken in January 2011 and included a vacancy rate of 6.1.% against a national rate of 14%. Comparative City Council car park data (ticket sales data) was also set out in an appendix to the report.

The City Centre Manager referred to the effect on retail in Exeter following the temporary closure of Marks and Spencer. The store was expected to reopen very shortly and he referred to the efforts made by the management team to reopen in as short a time as possible and return to a regular trading position. He also responded to a comment on the car park data stating that the temporary closure of the King William Street car park, the snow and adverse weather conditions at the end of December all had a detrimental impact on numbers coming in to the city and being able to use the city's car parks.

Scrutiny Committee – Economy noted the performance update.

(Report circulated)

16 **Update on the Progress and Outcomes of the Exeter Visitor/Tourism Strategy 2007 - 2010**

The Head of Economy and Tourism presented a report which updated Members on the progress and outputs of the Exeter Visitor/Tourism Strategy 2007 - 2010 and to propose objectives as the basis for the preparation of the Exeter Visitor/Tourism Strategy 2011 - 2015. A new draft will be prepared and the consultation document will be sent to a cross section of the tourism industry, neighbouring authorities and key agencies involved in promoting and supporting tourism within Exeter, the wider area and the rest of Devon.

The following five priorities were suggested to form the framework for a detailed action plan to :-

- Encourage and support market led investment in the visitor economy in Exeter; encompassing retail, food & drink, the arts, visitor attractions, accommodation and transport;
- Develop the visitor experience within Exeter maximising existing assets, to provide year round jobs and a vibrant economy;
- Raise skill levels of the existing visitor workforce and those entering employment;
- Develop consumer focused visitor marketing of Exeter and the Heart of Devon; and
- Build on work already undertaken, to further develop the Heart of Devon Tourism Partnership to secure additional funding to implement more effective marketing of the area.

The Head of Economy and Tourism responded to comments over a reduction of the daily opening hours of the Exeter Visitor Information and Tickets centre and stated that a number of permutations were currently being considered. A Member was disappointed that more of Exeter's history was not more visible and referred to the Roman Bath House and Civil War defences and suggested that more archaeological remains should be kept exposed in some way as part of the planning conditions.

A Member also asked if an exhibition or some commemoration could be organised for the upcoming 70<sup>th</sup> anniversary of the Blitz of Exeter in 2012. He understood that the Imperial War Museum was prepared to release some artefacts to the city. The Head of Economy and Tourism noted the suggestion.

Scrutiny Committee – Economy noted the progress and outputs of the Exeter Visitor/Tourism Strategy 2007 – 2010; and supported the development of the Exeter Visitor/Tourism Strategy 2011 - 2015 based on the aim and five priorities as set out in paragraph 7.3 of the circulated report.

(Report circulated)

17 **Briefing Note : Proposed Heart of the South West - Local Economic Partnership**

The Head of Economy and Tourism provided a briefing note for Members on the current stage of development of a proposed Local Enterprise Partnership (LEP) for Devon and Somerset. Following the rejection of the original Devon proposal, a new Draft Prospectus for Devon, Plymouth, Somerset and Torbay has been drafted by a joint private and public sector LEP Steering Group. The document will be presented as an outline document to set the scene and secure initial support from Government.

Although the consultation deadline was 25 February 2011, Members' comments on the issues raised by the draft Prospectus were sought. When a final version of the Prospectus is produced, it will be circulated to members of the Scrutiny Committee.

Members considered it was important to ensure that every effort was made to promote the city and local economy to ensure there was adequate representation for the city. A Member asked whether there was adequate transparency or accountability as many of the proposed representatives on the planned LEP were dominated by business and the unitary authorities of Plymouth and Torbay. The Head of Economy and Tourism appreciated the concern but suggested waiting to see the detail. The Director Economy and Development agreed that the lack of representation afforded to District Councils was an issue and every effort was being made to address that and ensure that the Exeter economy was adequately represented. The role of the LEP might be very different in the future and more of an assurance that there will be an Exeter based private sector representation was needed.

Scrutiny Committee – Economy noted the progress and the issues raised by the briefing note on the Draft Prospectus for the proposed LEP for Devon and Somerset.

(Report circulated)

## **PERFORMANCE MONITORING**

### **18 Scrutiny Economy Stewardship to December 2010**

The report of the Head of Treasury Services was submitted and he advised Members of any forecast variations to the budget, based on the first nine months of the financial year 2010/11. The differences by management unit were highlighted for the outturn forecast in the financial year up to 31 December 2010, compared with the approved annual budget. During this period the total of the variances indicate that the overall net expenditure for this Scrutiny Committee would decrease by £478,590. This included supplementary budgets of £21,510.

The Director Economy and Development would respond directly to a Member on a query relating to bus shelter maintenance and also look into comments made about a possible impact on bookings due to the décor of parts of the Corn Exchange.

Scrutiny Committee - Economy noted the report.

(Report circulated)

## **MATTER FOR CONSIDERATION BY EXECUTIVE**

### **19 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

### **20 The Future of Exeter Archaeology (Archaeological Field Unit)**

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

The report of the Head of Exeter Archaeology was submitted on the future of Exeter Archaeology/ the Archaeological Field Unit. This report outlined the continuing effects of the economic downturn particularly in relation to the construction industry as well as increased levels of competition. The potential responses to the financial situation were set out for consideration. Members discussed the options outlined in the report and considered that the proposed way forward was the most appropriate way to discharge the responsibility of the service obligations and commissioned work.

In response to a number of comments, the Head of Archaeology confirmed that arrangements were being made to ensure the safe deposit of the Unit's archaeological material to allow public view or continued study. A Member was concerned about the future handling of the Unit's archive and requested a further report. This proposal was moved and seconded. A Member also proposed that the wording 'with regret' be added to the recommendation. This proposal was seconded.

Members of the Scrutiny Committee – Economy and the Director Economy and Development acknowledged the valued and sterling effort and professionalism of the staff in the Unit.

Scrutiny Committee – Economy supported the report and requested Executive to:-

- (1) approve, with regret, a staged closure of the Exeter Archaeological Unit, with the retention of a skeleton staff until the beginning of April 2012; and
- (2) a further report be made in 12 months time, to Scrutiny Economy outlining the approach to the safe management and deposit of the Unit's archive.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.40 pm

Chair



## SCRUTINY COMMITTEE - RESOURCES

23 March 2011

### Present:

Councillor Coates (Chair)

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

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

### Also present:

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

### 15 **Minutes**

The minutes of the meeting held on 26 January 2011 were taken as read and subject to the amendment to the recommendation of minute 5 to read 'The Scrutiny Committee - Resources noted the report and the recommendation being made to Executive that' in place of "The Scrutiny Committee - Resources noted the report and recommended that", were signed by the Chair as correct.

### 16 **Declarations of Interest**

Members made no declarations of interest.

### 17 **Annual Audit Fee Letter 2011/12**

Mr Morris of Grant Thornton, the Council's External Auditor, presented the Annual Audit Fee letter 2011/12. He informed Members that the published fees were based on the proposed 2010/11 fee adjusted to provide a reduction in scale fees of 5% for districts. This was to reflect no inflationary increase in 2011/12, a reduction in scale fees due to the new approach to local value for money audit and a reduction to reflect the lower ongoing costs after implementing IFRS. The fees were set by the Audit Commission.

Mr Morris advised Members that due to the impending abolition of the Audit Commission there was still uncertainty about how its assets and liabilities would impact on local authorities. An announcement regarding a rebate from the Audit Commission was expected later in the year.

In response to a Member's question, Mr Morris clarified that the fee was for work to be undertaken from 1 April 2011 to 31 March 2012.

The Chair thanked Mr Morris for his presentation.

The Scrutiny Committee – Resources noted the letter.

(Letter circulated)

## **PERFORMANCE MANAGEMENT**

### **18 AIM Property Maintenance Progress Report 2010/2011**

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

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

(Report circulated)

### **19 Resources Scrutiny Stewardship to 31 December 2010**

The report of the Head of Treasury Services was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

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

### **20 Overview of General Fund Revenue Budget 2010/11**

The Head of Treasury Services presented the report which advised Members of the overall projected financial position of the General Fund Revenue Budget after nine months, for the 2010/11 financial year.

The Service Committee budgets showed a forecast under spend of £1,059,050 against a revised Service Committee Net Expenditure budget of £17,356,360 and an overall under spend of £1,312,516 against the General Fund Expenditure. This compared to a forecast under spend of £372,890 at September 2010. The main reason for the change had been the Government allowing the Council to capitalise the impairment loss on the Icelandic investments which had removed £694,000 of forecast expenditure and savings from the re-letting of the leisure management contract.

The Head of Treasury Services advised that the overall net transfer to the General Fund Working Balance was estimated to be £632,485 at 31 March 2011 after accounting for the approved supplementary budgets of £152,160. Members were updated on the outstanding debt position which was £3,567,259 as at 31 December 2010.

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

- (1) General Fund forecast financial position for the 2010/11 financial year;
- (2) HRA forecast financial position for the 2010/11 financial year;
- (3) outstanding Sundry Debt position as at 31 December 2010; and
- (4) Statutory Performance Indicator BVPI8 for creditors' payments.

(Report circulated)

## 21 **Capital Monitoring Statement to December 2010**

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

He informed Members that the revised capital programme for the current financial year was £28.034 million. It was projected that a further £4.908 million of the programme would be needed to be carried forward into future years. During the nine months of the year to 31 December, the Council spent £12.264 million on the capital programme, which equated to 43.7% of the revised 2010/11 programme. This compared with £10.561m million (41.6%) being spent in the first nine months of 2009/10.

In response to a Member's question, the Head of Contracts and Direct Services clarified the position with regards to the re-tendering process for the contract for kitchens and bathrooms.

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

- (1) current position in respect of the annual capital programme; and
- (2) a reduction in the disabled facilities grants budget of £198,330.

(Report circulated)

## 22 **Annual Sustainable Procurement and Commissioning Report 2010/11**

The Head of Contracts and Direct Services presented the report updating Members on the progress made against last year's Procurement Action Plan and outlining the Sustainable Procurement and Commissioning Action Plan for 2011/12.

He updated Members on working with small businesses, changes to public procurement procedures and collaborating with procurement bodies across Devon.

In response to Members' questions, the Head of Contracts and Direct Services stated that the Council was working with all Councils across Devon to develop a standard document to monitor the take up of contract opportunities by small and medium enterprises, black minority ethnic, disabled and women only organisations. He advised Members on the publishing of contracts and tenders above £500 in value on the web site and the weighting given with regards to price and equal opportunities. The Council had close links with the Federation of Small Businesses and the Chamber of Commerce in Exeter to encourage local business to tender for contracts.

The Scrutiny Committee - Resources supported the Sustainable Procurement and Commissioning Action Plan for 2011/12 and recommended to the Executive that:-

- (1) it approves the Sustainable Procurement and Commissioning Action Plan for 2011/12; and
- (2) notes that changes to the Contract Regulations will be made under delegated powers to reflect the new requirements identified in section 4 of the report.

(Report circulated)

**23 Corporate Governance Risk Register - Annual Review 2011**

The Head of Audit presented the report on the Council's Corporate Governance Risk Register Annual Review and sought Members' support to submit the updated corporate risk register to the Executive for approval.

Members' attention was brought to the changes that had been identified in the risk register.

Members discussed the implications of climate change and unpredicted adverse weather conditions.

The Scrutiny Committee - Resources:-

- (1) reviewed the updated Corporate Risk Register; and
- (2) approved submission of the annual corporate risk register and the revised risk management policy to the Executive.

(Report circulated)

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

**24 Guildhall Marriages and Civil Partnerships Licence - update**

The Director Corporate Services presented the report to provide an update on the application for the Guildhall to be licensed for marriages and civil partnerships. He stated that the licence had now been issued and it was anticipated that the Council would be a position to start taking bookings from May 2011, although the Council was still waiting formal confirmation from Devon County Council of the necessary amendments to be put in place to the Road Traffic Order to allow "wedding cars" to attend the Guildhall.

Members requested that Devon County Council be asked to process the traffic order as quickly as possible to allow bookings for the Guildhall to be taken.

The Scrutiny Committee - Resources noted the report.

(Report circulated)

**25 Internal Audit Plan 2011/12**

The Head of Audit presented the report seeking approval of the 2011/12 Internal Audit Plan.

The Scrutiny Committee - Resources approved the 2011/12 Internal Audit Plan.

(Report circulated)

**26 Internal Audit Work - 2nd Half -Year 2010/11**

The Head of Audit advised Members of the work undertaken by the Internal Audit Unit. This Committee was responsible for considering the work undertaken by Internal Audit as part of the overall probity checking and systems testing of the Council.

The Scrutiny Committee - Resources noted the Internal Audit Report for the 2<sup>nd</sup> half - year of 2010/11.

(Report circulated)

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

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

**MATTER FOR CONSIDERATION BY THE EXECUTIVE**

28 **IT Services Restructure**

The Director Corporate Services presented the report seeking approval to a restructure of IT Services. He updated Members on the IT Services review of its staffing structure to rebalance workloads and achieve efficiencies through staff savings.

The Scrutiny Committee – Resources supported the report and recommended that Executive approves the proposal to terminate the employment of the holder of post CS08114 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.

(Report circulated to Members)

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

29 **RAMM Update**

The Head of Leisure and Museums presented the report providing an update on the position in relation to the various contracts let for the Royal Albert Memorial Museum Development Project. He advised that the Council had now taken possession of the RAMM building from the main contractor.

The Museum Manager updated Members on the on-site progress with regards to the refit of the Museum.

In answer to a Member's question, the Head of Treasury Services clarified that the currently approved overspend for the project was £9.114 million.

The Scrutiny Committee – Resources noted the report.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 6.50 pm

Chair

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## STANDARDS COMMITTEE

Wednesday 23 February 2011

### Present:-

Mr A Mimmack (Independent Chair)  
Councillors Mrs S Brock, Mrs Danks, Thompson and Winterbottom

(Independent Members)  
Professor B Kirby, L Smith

### Also Present

Head of Legal Services/Monitoring Officer, Member Services Manager and Member Services Officer (SLS)

### 1 MINUTES OF PREVIOUS MEETING

The minutes of the meeting of Standards Committee held on 30 June 2010 were taken as read and signed by the Chair as a correct record.

### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3 THE FUTURE OF STANDARDS UNDER THE LOCALISM BILL

The report of the Head of Legal Services/Monitoring Officer updated Members on the content of the Localism Bill in relation to the Standards Regime.

The Government published the Localism Bill on the 13 December 2010, and included proposals to abolish the Standards Regime in its entirety including:-

- the revocation of the Code of Conduct;
- the removal of the requirement on local authorities to have a Standards Committee;
- the abolition of Standards for England without transferring its functions to any other body; and
- the Removal of the First Tier Tribunal's power to hear complaints.

Although the Standards regime was likely to continue for at least a further 12 months, Members were invited to consider the City Council's future approach after the current arrangements comes to an end. It was noted that the Devon Solicitors Group were considering proposals for a Devon-wide Code of Conduct, which would offer clarity to both Members as well as to the public. The Head of Legal Services/Monitoring Officer highlighted the continuing duty to promote high standards of conduct and responded to comments about the future role of the Independent Members. Members paid tribute to their valuable contribution and arms length approach, and asked whether there was any possibility of retaining their services in any future regime. The Head of Legal Services/Monitoring Officer undertook to explore this further together with the possibilities of agreeing a shared Code of Conduct with the Devon Solicitors Group.

**RESOLVED** that Members noted the report and that a further report by the Head of Legal Services/Monitoring Officer would consider the future options for a voluntary Code of Conduct.

(Report circulated)

4

#### **UPDATE ON LOCAL CASES**

The Head of Legal Services/Monitoring Officer circulated details of recent case law involving Members from North Tyneside Metropolitan Borough Council and Oldham Metropolitan Borough Council primarily as a learning exercise. The details of both cases were discussed.

**RESOLVED** that the case summaries be noted.

5

#### **REPORT OF THE COUNCILLOR DEVELOPMENT GROUP**

The Member Services Manager presented a report which considered the recent work undertaken by the Councillor Development Steering Group. This included details of a review of the Learning and Development Strategy and the completion of the portfolio for the South West Charter for Elected Member Development. The Assessment visit was due to take place on 23 March.

The Steering Group had progressed a number of initiatives over the last year, including the Learning and Development programme of events, an assessment of Councillors Learning and Development needs and a review of the Learning and Development Strategy to ensure that it was still fit for purpose. The importance of training Members of Committees with regulatory functions, such as Planning and Licensing, to ensure effective and lawful decision making was endorsed.

The Councillor Induction process for 2011 was also considered with new initiatives including a presentation on 'Things I wish I had known when I was first elected'. It was noted that a Councillor had been trained for the pool of mentors as part of the Devon/ Wiltshire Mentoring Scheme and an invitation had been extended to Exeter's councillors to join the scheme as mentees.

**RESOLVED** that the Standards Committee note the work undertaken by the Councillor Development Steering Group and progress on the implementation of the Councillors' Learning and Development Strategy.

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 5.10 pm)

Chair



## EXECUTIVE

Tuesday 22 March 2011

### Present:-

Councillor Edwards (Chair)

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

Chief Executive, Director Community and Environment, Director Corporate Services, Director Economy and Development, Assistant Chief Executive, Head of Planning and Building Control and Member Services Officer (SLS)

28

### MINUTES

The minutes of the meetings of the Executive held on 25 January and 8 February 2011 were taken as read and signed by the Chair as a correct record.

29

### GRANTS COMMITTEE

Councillor RM Hannaford declared a personal interest as the Vice Chair and a Trustee of Exwick Community Association, and as a Board Member of Exeter Age Concern. Councillor Martin declared a personal interest as a Trustee of Exeter Community Transport Association (ECTA).

The Director Community and Environment responded to a Member's comment on the loss of the core grant awarded to the Bournemouth Symphony Orchestra and gave reassurance that the number of concerts held in the city would not be affected, as the Council's funding had been mainly used for workshops in schools and outreach projects in the city. A Member responded to questions about the Exeter Phoenix grant by indicating that it enabled accommodation to be offered to a number of small, locally based arts and theatre groups providing jobs and activities. A Member referred to the cuts in grant as very regrettable, but suggested that prioritising the remaining grants budget would help some organisations remain solvent.

**RESOLVED** that the minutes of the meeting of the Grants Committee held on 24 February 2011 be received and, where appropriate, adopted.

30

### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTES</b>
Cllr R Hannaford	29 (Vice Chair and Trustee of Exwick Community Association and Board Member of Exeter Age Concern)
Cllr Martin	29 (Trustee of Exeter Community Transport Association ( ECTA) ) 33 (Member of the Co-operative Party)

31 **DRAFT SUPPLEMENTARY PLANNING DOCUMENT ON HOUSES IN MULTIPLE OCCUPATION (INCLUDING CLASS C4 USES)**

The Head of Planning and Building Control presented a report seeking approval of a draft Supplementary Planning document (SPD) for public consultation.

The document provides guidance on the interpretation of the Exeter Local Plan Policy H5, relating to the development of houses in multiple occupation and the future provision of student accommodation. Members were updated on the background including the Article 4 Direction and the existing policy framework. A copy of the planning document was circulated as an appendix to the report. A map was also circulated showing the area where the proportion of houses exempt from Council Tax already exceeds 20% and the five zones which would be subject to further restrictions if they reached the level of 20%.

The public consultation will take place from 2 April to 14 May and information will be available on the City Council's web site, as well as planned media coverage and a targeted campaign to a range of interested parties. A further report will be made to Members of the Planning Member Working Group and Executive after the consultation has been completed.

Members broadly welcomed the consultation. A Member agreed that growth in the student population was essential as a contribution to the local economy, but restrictions on the location of student housing were needed to maintain a balanced community. It was highlighted that there were other options for students including renting accommodation on campus.

**RESOLVED** that the draft Supplementary Planning Document circulated as an appendix with the report be published for public consultation.

(Report circulated)

32 **TELECOMMUNICATIONS APPARATUS, PRINCE CHARLES ROAD, EXETER**

The report of the Acting Head of Estates Services asked Members to consider an application from Vodafone to upgrade their existing telecoms site at Prince Charles Road, sharing with the telecommunications group O2. This move forms part of a national agreement to enable Vodapfone and 02 to share their mobile assets and consolidate the number of base stations held throughout the UK. A location plan and photograph were circulated with the report.

**RESOLVED** that the surrender of the existing lease and the grant of a new lease to Vodafone for the proposed telecommunications apparatus in Prince Charles Road, Exeter be approved.

(Report circulated)

33 **SOCIAL ENTERPRISE SUPPORT**

Cllr Martin declared a personal interest as a member of the Co-operative Party.

The report of the Head of Economy and Tourism was submitted, which provided an update on the performance of the pilot project launched in April 2010 to promote and offer business support for new and existing social enterprises in Exeter. The report also sought Member approval for a second year of funding to continue the

service providing one-to-one advice workshops with a specific focus on supporting further new start-ups.

The Director Economy and Development referred to a summary of performance, which included the number of existing enterprises, start-ups, planned start-ups and a forecast of the likely job output. It was noted that the Community Enterprise Unit was in the process of being wound down and a Limited Liability Partnership (LLP) would be created called 'Fruit Tree for Business'. Fruit Tree for Business would be the LLP providing the support in 2011/12. Members were keen to receive more information on the performance of the organisation and details of the tangible benefits of the service. The Director referred to a number of projects supported in Exeter and confirmed that a more detailed report, the Social Return on Investment would be made to a future meeting.

Scrutiny Committee – Economy considered the report at their meeting of 10 March 2011 and their comments and support were noted.

**RESOLVED** that £25,000 be released from the 2010/11 Economy and Tourism budget to fund a second year of service delivery to continue the promotion of job creation through support and further development of social enterprises in the city.

(Report circulated)

34 **PRIVATE SECTOR HOUSING POLICY FINANCIAL ASSISTANCE PACKAGES**  
**2011-12**

The report of the Head of Environmental Health Services detailed the changes in financial assistance awarded to private sector households in 2010/11. The report also set out the proposed changes to the types and levels of financial assistance that would be available in 2011/12, in light of the removal of the entire private sector renewal allocation and the Regional Single Housing Pot. The Director Community and Environment stated that the City Council had an important duty to continue to support and improve the private sector housing stock in Exeter.

A Member was disappointed at this change, concerned that it would have a negative impact on the quality of private sector housing. She informed other Members that she had written to the City's local Members of Parliament, highlighting the issue and seeking their support in addressing the funding problem.

Scrutiny Committee – Community considered the report at their meeting of 8 March 2011 and their comments and support were noted.

**RESOLVED** that Executive approve:-

- (1) the financial assistance tools, as set out in the circulated report, and their respective budget allocation; and
- (2) authorise the Head of Environmental Health Services, subject to prior consultation with the Portfolio Holder for Housing and Community Involvement, to re-allocate uncommitted parts of the respective budget allocation between financial assistance tools, in order to meet need.

(Report circulated)

35

### **LORD MAYORALTY**

Councillor Mrs S R Brock was nominated as Lord Mayor Elect and Councillor K Mitchell as Deputy Lord Mayor Elect for the 2011/12 Municipal Year.

**RECOMMENDED** to Council that Councillor Mrs S R Brock be nominated as Lord Mayor Elect and Councillor Mitchell as Deputy Lord Mayor Elect for the 2011/12 Municipal Year.

36

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

The schedule of appointments to outside bodies was circulated.

**RESOLVED** that the following appointment be renewed:

- (1) Councillor Newby be re-appointed to the Council of the Devon County Agricultural Association.

(Schedule circulated)

37

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

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

38

### **CESSATION OF PLAY AND SPORTS DEVELOPMENT SERVICES**

The report of the Head of Leisure and Museums was submitted, setting out the formal arrangements for the ending of the sport and play services.

Scrutiny Committee – Community considered the report at their meeting on 8 March 2011 and their comments were noted.

**RESOLVED** that Executive approve:-

- (1) the deletion of the posts of Lead Play Ranger (CE12242), Support Ranger (CE12243) and Support Ranger (CE12244) from the establishment of the Council, and the employment of the holders of those posts be terminated on the grounds of redundancy on 31 March 2011, 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; and
- (2) the deletion of the posts of Sports Development Manager (CE12124), Sports Development Officer (CE12138), Play Development Manager (CE12122) and Play Development Officer (CE12126) from the establishment of the Council, and the employment of the holders of those posts be terminated on the grounds of redundancy on 31 July 2011, 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.

(Report circulated to Members)

## **THE FUTURE OF EXETER ARCHAEOLOGY (THE ARCHAEOLOGICAL FIELD UNIT)**

The report of the Head of Exeter Archaeology set out the economic challenges faced by Exeter Archaeology and the Archaeological Field Unit and outlined the options for the future of the Service. The Director Economy and Development praised Tim Gent who had made an excellent effort to improve the financial situation of the Unit, but a combination of the down turn in construction, a high level of competition, and uncompetitive charging rates no longer made the continuation of the Unit a viable option. Members discussed the options, and felt that a staged closure would enable the service to deal responsibly with both the current work and the archive.

Scrutiny Committee – Economy considered the report at their meeting of 10 March 2011 and their comments were noted.

Members were unanimous in their appreciation of the contribution made by Exeter Archaeology's committed team, which had helped safeguard Exeter's history and create a legacy for future generations.

**RESOLVED** that Executive approve:-

- (1) with regret, the instigation of a staged closure of the Exeter Archaeological Field Unit, with the retention of a skeleton staff until the beginning of April 2012; and
- (2) a further report be made in 12 months time, to Scrutiny Committee - Economy outlining the measures to be taken to manage the Exeter Archaeological Field Unit's archive following the closure of the Service.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.40 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 12 April 2011.**

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**GRANTS COMMITTEE**

Thursday 24 February 2011

Present:-

Councillor Vanessa Newcombe (Chair)  
Councillors Crow, Mottram, Payne and Spackman

Also Present

Director Community and Environment, Acting Head of Estates Services, Projects and Business Manager, Festivals and Events Manager, Community Inclusion and Engagement Officer, Policy Officer (MP-J), Valuer - Estates Services and Member Services Officer (SJS)

1 **DECLARATIONS OF INTEREST**

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

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Crow	4*(close friend of the Manager of Exeter Relate)
Councillor Newcombe	4 (Committee Member of Turntable) 5 (Committee Member of Turntable)

2 **UPDATE ON THE CURRENT GRANTS BUDGET**

The Director Community and Environment outlined to Members the current budget position with regards to the grants budget and stated that the funds available for core grants was £366,210.

The total amount of the core grants recommended for approval was £363,710 leaving a balance of £2,500.

3 **SERVICE AGREEMENTS WITH STRATEGIC ARTS ORGANISATIONS**

The Festival and Events Manager presented the report to approve the annual grant funding for 2011/12 to the Strategic Arts Organisations and the arrangements for the approval of new Service Agreements with the Strategic Arts Organisations.

Members were updated on the process that had been undertaken to decide how the funding was allocated to the Arts Organisations.

In response to a Member's question, the Festival and Events Manager stated that the work shops run by the Bournemouth Symphony Orchestra would stop although the concerts would continue to be held in the city.

**RESOLVED** to recommend to Executive that:-

- (1) the reduced levels of funding to individual Strategic Arts Organisations as set out in 5.1 are approved;
- (2) until further notice funding shall be on an annual basis and subject to the six and 12 month monitoring of agreed outputs and targets; and

- (3) final approval of individual Service Agreements for Strategic Arts Organisations for 2011/12 shall be agreed by the Head of Economy and Tourism, the Portfolio Holder for Economy and Tourism and the Chair of this Committee by the end of May 2011.

(Report circulated)

4

### **RENT GRANTS**

Councillor Crow declared a personal and prejudicial interest as the Manager of Exeter Relate is a close friend and left the meeting during consideration of this item.

Councillor Newcombe declared a personal interest as a Committee Member of Turntable.

The Director Community and Environment updated Members on the position with regards to the rents for Magic Carpet and the Toy Library as the Scrapstore with which they shared a building was working towards setting up as a charitable organisation.

**RESOLVED** to recommend to Executive that:-

- (1) the decisions, as set out below, be implemented in respect of the bodies indicated; and
- (2) the Director Community and Environment and the Head of Treasury Services, subject to prior consultation with the Chair, be authorised to agree a grant increase to those organisations indicated by an asterisk to match any increase in rental following forthcoming rent reviews and also, where applicable, a pro rata reduction in grant where a rent reduction occurs following a reduction in the amount of accommodation occupied.

### **DECISIONS**

#### **Community/Social Need**

#### **RECOMMENDED**

Citizens Advice Bureau	£33,190
Exeter Age Concern*	£9,500
Exeter CVS	£63,425
Exeter Relate*	£11,600
Turntable*	£10,500

#### **Museums**

Topsham Museum*	£4,354
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#### **Arts**

Exeter Phoenix*	£60,180
Exeter Barnfield	£8,000



Magic Carpet – Scrapstore building*	£1,000
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**Sport/Recreation**

Exeter BMX Track*	£18,000
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Exeter Cycle Speedway Club*	£9,750
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Exeter Water Sports Association*	£6,350
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Merry Go Round Toy and Leisure Library – Scrapstore building*	£825
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**Community Associations**

Alphington Community Association	£6,000
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Exwick Community Association*	£6,500
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Newtown Community Association*	£2,000
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Stoke Hill Community Association*	£8,300
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Sylvania Play and Community Facilities Association	£1,250
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Topsham Community Association	£7,900
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Wonford Community and Learning Centre Ltd*	£3,750
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Stoke Hill Pre-School Group	£800
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(Schedule circulated)

5

**CORE GRANTS**

Councillor Newcombe declared a personal interest as Committee Member of Turntable.

The Festival and Events Manager updated Members on the position with regards to discussions that had taken place with Exeter Arts Council and advised that the recommendation had been revised. It had been agreed that Exeter Arts Council should retain decision making and overall financial responsibility for the fund of £10,000 for the distribution and payment of Arts Grants on the condition that no more than £500 from this sum was allocated for the costs of running a charitable organisation and that Exeter Arts Council seek to increase the funding available for distribution by looking into, and making applications to, other sources of funding available to charities. The administration of the distribution of grants including the calling of meetings would be undertaken by Council Officers in the Arts and Events team.

Members welcomed that an agreement had been reached with Exeter Arts Council.

The Project and Business Manager updated Members on the position with regards to the grants for Exeter Community Transport Association. He advised that Devon County Council were anticipated to fund ECTA to the same level this coming year as the previous year.

**RESOLVED** to recommend to Executive that the decisions as set out below be implemented in respect of the bodies indicated;

**DECISIONS**

<b>CORE GRANTS</b>	<b>RECOMMENDED</b>	
<b>BODY</b>		
<b>Community/Social Need</b>		
Citizens Advice Bureau	£70,489	provides a service free at point of delivery and accessible to all people residing in Exeter. Contacts made with clients dealing with issues such as housing, consumer and benefit issues, employment and debt
Exeter CVS	£13,367	provides valuable support to voluntary organisations
Plymouth & Devon Council for Racial Equality	£1,500	support for BME community
Living Options	£5,000	supports people with disabilities within the City
Paperchain	£4,500	recycling in the City generally, volunteers with disabilities, supports the City Council's objectives
Turntable	£6,000	environmentally friendly project, 30% of those helped take up housing association tenancies and 50% Council tenancies
Exeter Age Concern	£5,000	to help support Age Concern to continue to provide services to Exeter residents
Exeter Community Transport Association – Ring & Ride	£13,140	one of five services provided by ECTA, to help people with disabilities access all areas of Exeter through various mobility solutions
Exeter Community Transport Association - Taxicard	£4,100	allows disabled people to claim back 50% of taxi fares to a maximum annual limit

## **Arts**

Arts organisations subject to  
Service Level Agreements  
(a to g)

(a)	Bournemouth Symphony Orchestra	£0
(b)	Exeter Northcott	£70,321
(c)	Spacex	£11,365
(d)	Theatre Alibi	£17,686
(e)	Wren Trust	£0
(f)	Exeter Phoenix	£108,238
(g)	Exeter Barnfield	£8,250

Magic Carpet	£1,500	support for regular arts activities for people with disabilities and special needs in the City
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## **Sport and Leisure**

Merry Go Round Toy and Leisure Library - Scrapstore	£1,000	to enable the toy library in the Scrapstore to remain open
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## **Grant-Aiding Bodies**

Exeter Arts Council	£10,000	Following discussions with Exeter Arts Council it has been agreed that Exeter Arts Council should retain decision making and overall financial responsibility for the fund of £10,000 for the distribution and payment of Arts Grants on the condition that no more than £500 from this sum is allocated for the costs of running a charitable organisation and that Exeter Arts Council seek to increase the funding available for distribution by looking into, and making applications to, other sources of funding available to charities. The administration of the distribution of grants including the calling of meetings will be undertaken by Council Officers in the Arts and Events team
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Exeter Council for Sport and Recreation

£5,000 an efficient and effective body which administers valuable small grants for sport

Play Grants

£5,000 an efficient and effective body which administers valuable small grants for play

(Report circulated)

6

**NEW CORE/PROJECT GRANTS**

Members whilst acknowledging the position with the grants budget expressed their concern that the Council was unable to support Exeter Community Transport Association – Shopmobility.

**RESOLVED** to recommend to Executive that the decisions as set out below be implemented in respect of the bodies indicated:-

**DECISIONS**

<b>BODY</b>	<b>RECOMMENDED</b>	<b>COMMENTS</b>
Exeter Community Transport Association - Shopmobility	REFUSE	No new grant funds available 2011/12

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 5.05 pm)

Chair

## EXECUTIVE

Tuesday 5 April 2011

### Present:-

Councillor Edwards (Chair)

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

Chief Executive, Director Corporate Services, Director Economy and Development, Assistant Chief Executive, Head of Legal Services, Head of Treasury Services and Member Services Officer (HB)

40

### DECLARATIONS OF INTEREST

A Member declared the following personal interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor RM Hannaford	Min. No. 50 (Civil Partner is a Board Member of Age Concern)

41

### OVERVIEW OF GENERAL FUND 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 nine months, for the 2010/11 financial year.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support and comments were noted.

**RECOMMENDED** that Council notes and approves:

- (1) the General Fund forecast financial position for the 2010/11 financial year;
- (2) the HRA forecast financial position for the 2010/11 financial year;
- (3) the outstanding Sundry Debt position as at 31 December 2010; and
- (4) the Statutory Performance Indicator BVP18 for creditors' payments.

(Report circulated)

42

### CAPITAL MONITORING STATEMENT TO DECEMBER 2010

The report of the Head of Treasury Services was submitted, setting out the current position in respect of the Council's 2010/11 capital programme and advising Members of the anticipated variations.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their comments and support were noted.

**RECOMMENDED** that Council approves:-

- (1) the current position in respect of the annual capital programme; and
- (2) a reduction in the disabled facilities grants budget of £198,330.

(Report circulated)

43 **ANNUAL SUSTAINABLE PROCUREMENT AND COMMISSIONING REPORT  
2010/11**

The report of the Head of Contracts and Direct Services was submitted reporting to Members progress made against last year's Sustainable Procurement and Commissioning Action Plan and outlining the Sustainable Procurement and Commissioning Action Plan for 2011/12.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support and comments were noted.

**RESOLVED** that Executive:

- (1) agrees the Sustainable Procurement and Commissioning Action Plan for 2011/12; and
- (2) notes that changes to the Contract Regulations will be made under delegated powers to reflect the new requirements identified in section 4 of the report.

(Report circulated)

44 **CORPORATE GOVERNANCE RISK REGISTER ANNUAL REVIEW 2011**

The report of the Head of Audit was submitted, updating Members on the Council's risk management progress and seeking approval of the updated corporate risk register.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support and comments were noted.

**RESOLVED** that Executive approves:-

- (1) the annual corporate risk register; and
- (2) the revised risk management policy.

(Report circulated)

45 **PROPOSED ARTICLE 4 DIRECTION TO CONTROL DEMOLITION OF OR  
ALTERATIONS TO 60-66 UNION ROAD**

The report of the Head of Planning and Building Control was submitted, proposing an Article 4 Direction (under the Town and Country Planning (General Permitted Development) Order 1995, as amended) to remove the permitted development right for demolition and alterations, and having immediate effect, to be applied to 60-66 Union Road, Exeter.

Councillor Hobden attended the meeting and spoke on this item having given notice under Standing Order No. 44. She welcomed the proposals set out in the report.

**RESOLVED** that Executive:-

- (1) considers that the development to which the proposed Direction relates would be prejudicial to the proper planning of the Council's area or constitute a threat to the amenities of the Council's area; and
- (2) delegate to the Head of Planning and Building Control, in consultation with the Portfolio Holder for Sustainable Development and Transport, the responsibility to make an Article 4 Direction relating to 60–66 Union Road in the form of (or substantially in the form of) the draft Direction in Appendix 1 to the report, to consider any representations and to decide whether to confirm the Direction with or without amendments.

(Report circulated)

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

The report of the Head of Legal Services and Monitoring Officer was submitted, highlighting the changes required to be made to Exeter City Council's Constitution as a result of the provisions of the Local Government and Public Involvement in Health Act 2007 ("the Act"). Members were informed that the legislation also required the Leader to appoint a Deputy Leader.

**RECOMMENDED** that Council approves the changes required to the Council's Constitution, as set out in the Appendices to the report, together with an additional change requiring the Leader to appoint a Deputy Leader whose term of office will be coterminous with that of the Leader.

(Report circulated)

47 **PROPOSED CHANGE TO DELEGATION SCHEME - GUILDHALL BOOKINGS**

The Scheme of Delegation to Officers, as set out in Part 3 of the Council's Constitution, gave the Head of Corporate Customer Services the authority:

"In consultation with the Executive member with relevant portfolio, to authorise the use of the Guildhall for private functions".

The Head of Corporate Customer Services currently discharged this function, on the receipt of a request, by referring his recommendation to the Leader of the Council. In practice, this had become a very routine task involving relatively small amounts of money and the Head of Corporate Customer Services and the Leader felt that the current procedure involved a disproportionate administrative burden. In order to streamline the process, the Head of Corporate Customer Services had therefore requested an amendment to his authority to enable him to make decisions without reference to the Leader of the Council on a routine basis. He would, nevertheless, continue to consult the Leader in any circumstance where there might be any conflict or controversy associated with the requested booking.

**RECOMMENDED** that item 3 of the list of powers delegated to the Head of Corporate Customer Services in the Scheme of Delegation to Officers in the Constitution be amended to read:

"To authorise the use of the Guildhall for private functions."

48      **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 during consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Part I, Schedule 12A of the Act.

49      **IT SERVICES RESTRUCTURE**

The report of the Head of IT Services was submitted, requesting Members' approval for the termination of employment of a post holder to enable service efficiencies.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support was noted.

**RESOLVED** that the proposal to terminate the employment of the holder of post CS08114 be approved, 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.

(Report circulated to Members)

50      **POTENTIAL USE OF 137 COWICK STREET BY AGE CONCERN**

Councillor RM Hannaford declared a personal interest in this matter as his Civil Partner was a Board Member of Age Concern.

The joint report of the Acting Head of Estates Services and Head of Contracts and Direct Services was submitted, seeking to agree the acquisition of 137 Cowick Street, a scheme of refurbishment and its lease to Age Concern Exeter.

**RESOLVED** that:-

- (1) the Head of Contracts and Direct Services be authorised to proceed with tendering for all work;
- (2) assuming that the results of the tenders confirm that all the work can be achieved within the identified budget, then McCarthy & Stone be advised that the Council wishes to proceed with the transfer;
- (3) the Council proceeds with the acquisition of the property together with the surrender and grant of a new lease of the extended property to Age Concern, Exeter on terms as indicated in the report; and



- (4) the rent under the new lease be grant-aided for a minimum of five years from the commencement of the new lease.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.05 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**

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# Agenda Annex

## 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.	Director Economy and Development
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Councillors	Councillors		Councillors	Councillors	Councillors
Branston (L)	Edwards (L)	TABLE	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)		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

Portfolio Holders  
 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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