



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 24 APRIL 2012**, 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 Special and Ordinary meetings held on 21 February 2012. | 1 - 8   |
| 2 Official Communications  |         |
| To receive minutes of the following Committees and to determine thereon:-          |         |
| 3 Planning Committee - 20 February 2012  | 9 - 24  |
| 4 Planning Committee - 19 March 2012   | 25 - 30 |
| 5 Licensing Committee - 14 February 2012   | 31 - 36 |
| 6 Licensing Committee - 27 March 2012  | 37 - 42 |
| 7 Scrutiny Committee - Community - 6 March 2012                                    | 43 - 48 |
| 8 Scrutiny Committee - Economy - 8 March 2012                                      | 49 - 56 |
| 9 Scrutiny Committee - Resources - 21 March 2012                                   | 57 - 66 |
| 10 Standards - 4 April 2012  | 67 - 68 |
| 11 Executive - 20 March 2012   | 69 - 82 |

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

Date: 17 April 2012

Philip Bostock  
Chief Executive

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



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# Agenda Item 1

## THE SPECIAL MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 21 February 2012

The Right Worshipful the Lord Mayor (Cllr S Brock)  
The Deputy Lord Mayor (Cllr Mitchell)  
Councillors Baldwin, Bialyk, Branston, P J Brock, Bull, Choules, Clark, Crow, Denham, Dawson, Edwards, Fullam, Hannaford, D J Henson, Mrs Henson, Hobden, Macdonald, Martin, Morris, Mrs Morrish, Mottram, Newby, Newcombe, Payne, Prowse, Robson, Ruffle, Sheldon, Shiel, Spackman, Sutton, Taghdissian, Thompson, Wardle and Winterbottom

Apologies: Councillors Cole and Tippins

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### BUDGET 2012/13

Minute 16 (General Fund Revenue Estimates and Capital Programme 2012/13) of the meeting of Executive held on 7 February 2012 was taken as read and adopted.

Councillor Edwards, Leader of the Council, seconded by Councillor Sutton moved the resolution as set out on the agenda.

Councillor Mrs Henson, seconded by Councillor Baldwin, moved an amendment to add an additional paragraph 6 to the resolution:

“That this Council congratulates the Coalition Government for providing a significant grant, that enables this Council to freeze the Council Tax for another year, which will be a great help to families who are under continued household financial pressures”.

Councillors spoke on the substantive motion and the proposed amendment.

The amended substantive resolution was put to the vote and lost.

The original resolution was put to the vote and carried in the following terms:-

#### **RESOLVED:-**

- (1) that the following, as submitted in the Estimates Book, be approved:-
  - (a) the Revenue estimates for 2012-2013;
  - (b) the Capital programme for 2012-2013;
- (2) that it be noted that, at the meeting of the Executive on the 24 January 2012, the Council calculated the figure of 38,241, as its council tax base for the year 2012-2013 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 2012-2013 in accordance with Sections 31A of the Local Government and Finance Act 1992:-

- (a) £108,110,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act;
- (b) £103,335,993 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act;
- (c) £4,774,007 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 31A(4) of the Act, as its council tax requirement for the year;
- (d) £124.84 being the amount at (3)(c) above divided by the amount at 2 above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year;

(e) 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)(d) 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 will be noted that, for the year 2012-2013, Devon County Council, the Devon and Cornwall Police Authority and the Devon and Somerset Fire and Rescue Authority have stated the following amounts on 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       |
| £106.49 | £124.23 | £141.98 | £159.73 |
| E       | F       | G       | H       |
| £195.23 | £230.72 | £266.22 | £319.46 |

Devon and Somerset Fire and Rescue Authority  
Valuation Bands

|        |         |         |         |
|--------|---------|---------|---------|
| A      | B       | C       | D       |
| £49.28 | £57.49  | £65.71  | £73.92  |
| E      | F       | G       | H       |
| £90.35 | £106.77 | £123.20 | £147.84 |

- (5) That, having calculated the aggregate in each case of the amounts at (3)(e) 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 2012-2013 for each of the categories of dwellings shown below:-

Valuation Bands

|           |           |           |           |
|-----------|-----------|-----------|-----------|
| A         | B         | C         | D         |
| £983.24   | £1,147.10 | £1,310.98 | £1,474.85 |
| E         | F         | G         | H         |
| £1,802.60 | £2,130.33 | £2,458.09 | £2,949.70 |

(The meeting commenced at 6.00 pm and closed at 7.30 pm)

Chair

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

Guildhall  
Tuesday 21 February 2012

The Right Worshipful the Lord Mayor (Cllr S Brock)  
The Deputy Lord Mayor (Cllr Mitchell)  
Councillors Baldwin, Bialyk, Branston, P J Brock, Bull, Choules, Clark, Crow, Dawson, Denham, Edwards, Fullam, Hannaford, D J Henson, Mrs Henson, Hobden, Macdonald, Martin, Morris, Mrs Morrish, Mottram, Newby, Newcombe, Payne, Prowse, Robson, Ruffle, Sheldon, Shiel, Spackman, Sutton, Taghdissian, Thompson, Wardle and Winterbottom

Apologies: Councillors Cole and Tippins

### 2 **MINUTES**

The minutes of the meeting of Council held on 13 December 2011 were taken as read and signed as correct.

In relation to Minute 59 (Executive – 6 December 2011), it was reported that support for the increase in car parking charges at Topsham Quay had been received in the form of phone calls rather than letters. The Leader of the Council agreed to forward to Councillor Mottram the email reporting the conversations.

### 3 **PLANNING COMMITTEE - 5 DECEMBER 2011**

The minutes of the meeting of the Planning Committee of 5 December 2011 were taken as read.

Members declared the following personal interests:

| COUNCILLOR        | MINUTE  |
|-------------------|---|
| Councillor Bialyk | 118 (member of St Thomas Social Club which adjoins the site)  |
| Councillor Prowse | 114 (member of Devon County Council)<br>115 (knows the objector and student landlord)<br>116 (student landlord) |

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 5 December 2011 be received.

### 4 **PLANNING COMMITTEE - 16 JANUARY 2012**

The minutes of the meeting of the Planning Committee of 16 January 2012 were taken as read.

Members declared the following personal interests:

| COUNCILLOR | MINUTE                                   |
|------------|--|
| P J Brock  | 5 and 6 (Member of Devon County Council) |
| Newby      | 4 (lives close to the site)              |
| Prowse     | 5 and 6 (Member of Devon County Council) |

In relation to Minute 3 (Red House Planning Application), Councillor Dawson reported that she had suggested a curfew on the visitors to the occupants of the premises not on the occupants themselves.

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 16 January 2012 be received.

5

**SPECIAL PLANNING COMMITTEE - 30 JANUARY 2012**

The minutes of the meeting of the Special Planning Committee of 30 January 2012 were taken as read.

Members declared the following personal interests:

| COUNCILLOR   | MINUTE                  |
|--------------|-------------------------|
| PJ Brock     | 17 (knows the objector) |
| Mrs Henson   | 17 (knows the objector) |
| Winterbottom | 17 (knows the objector) |

**RESOLVED** that the minutes of the meeting of the Special Planning Committee held on 30 January 2012 be received.

6

**SCRUTINY COMMITTEE - COMMUNITY - 17 JANUARY 2012**

The minutes of the meeting of the Scrutiny Committee - Community of 17 January 2012 were taken as read.

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

| COUNCILLOR | MINUTE  |
|------------|---|
| Choules    | 17 (employee of Exeter University)                |
| Mottram    | *7 (company undertakes work for Parkwood Leisure) |
| Prowse     | 17 (House in Multiple Occupation license holder)  |

In relation to Minute 14 (Community Grants 2011/12) Councillor Baldwin reported that all the grant funding for the Topsham ward had been allocated.

In relation to Minute 15 (Current Incentives for Waste and Recycling), the Portfolio Holder - Environment and Leisure undertook that officers would update the next meeting of Scrutiny Committee – Community on incentive schemes.

In relation to Minute 17 (Additional Licensing of Houses in Multiple Occupation) Councillor Choules stated that his personal interest related to his own employment by the University and not his wife's, as stated in the minutes.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Community held on 17 January 2012 be received.

7

**SCRUTINY COMMITTEE - ECONOMY - 19 JANUARY 2012**

The minutes of the meeting of the Scrutiny Committee - Economy of 19 January 2012 were taken as read.



Members declared the following personal interests:

| COUNCILLOR | MINUTE                                   |
|------------|--|
| Bialyk     | 6 (member of Exeter Transport Club)      |
| Choules    | 7 (employee of Exeter University)        |
| Dawson     | 7 (employee of Exeter University)        |
| Prowse     | 5 and 8 (member of Devon County Council) |

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Economy held on 19 January 2012 be received.

8 **SCRUTINY COMMITTEE - RESOURCES - 25 JANUARY 2012**

The minutes of the meeting of the Scrutiny Committee - Resources of 25 January 2012 were taken as read.

In response to a question in relation to Minute 9 (Progress Report – RAMM Development Project) the Leader stated that he considered it appropriate that an enquiry into expenditure on the RAMM project should be undertaken once the legal proceedings had been completed.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Resources held on 25 January 2012 be received.

9 **EXECUTIVE - 24 JANUARY 2012**

The minutes of the meeting of the Executive of 24 January 2012 were taken as read.

In relation to Minute 128 (Housing Revenue Account Business Plan 2012-2042) the Leader reported a correction to the second resolution which should read:

“(2) the Council adopts a 50 year maturity loan;”

In relation to Minute 131 (Core Strategy Inspector’s Report and Adoption), members expressed sympathy with the concerns of Alphington residents regarding increased traffic congestion and the adequacy of the social infrastructure. They hoped that residents would take the opportunity to engage positively with the developers and other stakeholders through the formation of a Neighbourhood Forum.

**RESOLVED** that, subject to the above amendment to Minute 128, the minutes of the meeting of the Executive held on 24 January 2012 be received and, where appropriate, adopted.

10 **EXECUTIVE - 7 FEBRUARY 2012**

The minutes of the meeting of the Executive of 7 February 2012 were taken as read.

In relation to Minute 20 (Bus and Coach Station Area Development Principles) the Leader of the Council gave an assurance that full Council would have the opportunity to debate the Bus and Coach Station development proposals.

In relation to Minute 21 (Consultation on Strategic Planning Documents: Teignbridge and East Devon) members re-iterated concerns about the significant impact of development proposals on Alphington residents, particularly in terms of traffic generation and infrastructure. Members acknowledged that residents of the development would be significant users of services in the city and emphasised the importance of Teignbridge District Council allocating adequate funding to the area. The Leader encouraged greater resident involvement and undertook to meet with the Leader of Teignbridge Council to convey residents' concerns.

In response to a question in relation to Minute 26 (Members' Allowances 2012/13), the Leader confirmed his understanding that eight Exeter City Councillors were currently members of the Local Government Pension Scheme.

**RESOLVED** that the minutes of the meeting of the Executive held on 7 February 2012 be received and, where appropriate, adopted.

11            **NOTICE OF MOTION BY COUNCILLOR MRS HENSON UNDER STANDING ORDER NO. 6**

With the consent of the Council, Councillor Mrs Henson withdrew her Notice of Motion proposed under Standing Order 6.

12            **RETIREMENT OF GLYN BELLERBY AND HAZEL BALL**

The Lord Mayor thanked Glyn Bellerby, Director Corporate Services and Hazel Ball, Director Community and Environment for their outstanding contribution to the work of the Council over many years and wished them happiness in their retirement.

(The meeting commenced at 7.40 pm and closed at 8.25 pm)

Chair

## PLANNING COMMITTEE

Monday 20 February 2012

### Present:

Councillor Bialyk (Chair)  
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs Morrish,  
Newby, Prowse, Spackman, Sutton and Winterbottom

### Also Present:

Strategic Director, Assistant Director City Development, Development Manager, Planning  
Solicitor and Member Services Officer (SJS)

### 18 MINUTES

The minutes of the meetings held on 5 December 2011, 16 January 2012 and 30  
January 2012 were taken as read and signed by the Chair as correct.

### 19 DECLARATIONS OF INTEREST

Members declared the following personal interests:-

| <b>COUNCILLOR</b>    | <b>MINUTE</b>  |
|----------------------|--|
| Councillor P.J.Brock | 21 (Member of Devon County Council)                          |
| Councillor Macdonald | 21 (Sustrans Volunteer Ranger and a member of<br>the RSPB)   |
| Councillor Prowse    | 21 (Member of Devon County Council)<br>24 (Student Landlord) |
| Councillor Sutton    | 21 (School Governor at St James School)                      |

### 20 RESIDENTIAL DESIGN SPD

Members congratulated the Design team on winning the Urban Design Award in the  
Public Sector Category for the Residential Design SPD at the Urban Design Group  
Awards in London.

### 21 PLANNING APPLICATION NO.11/1800/03 - FORMER IBSTOCK BRICKWORKS SITE, LAND OFF HARRINGTON LANE, EXETER

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

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger  
and a member of the RSPB.

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

Councillor Sutton declared a personal interest as a School Governor at St James  
School.

The Assistant Director City Development presented the application for residential  
development of 230 units and care home of 72 beds with roads, open space,

landscaping and infrastructure, all following phased demolition of existing buildings at former Ibstock Brickworks Site, land off Harrington Lane, Exeter.

He advised Members that the site covered approximately 9.7 hectares and comprised the former Ibstock Brickworks plant, a former quarry/landfill site and a field. There was an area of land immediately adjoining the site which was used for storage of plant and machinery.

The application was for the erection of 230 residential units, a 72-bed care home, open space provision and associated infrastructure works following demolition of the existing building. The style of the dwellings was based on the Arts and Crafts/Garden suburb style with five landscape character areas. The affordable housing on the site would be 70% social rented and 30% shared ownership although final details of the position and mix had yet to be agreed. The scheme's internal highway arrangement provided options to extend into the adjoining Eastern Fields to provide a link through to Exhibition Way.

The Assistant Director City Development outlined the main issues of the loss of employment land; access, traffic and the link road through to Exhibition Way; design of the scheme; former use of the part of the land as landfill; open space and wildlife; and Section 106 issues.

Members were circulated with an update sheet giving details of 16 additional representations received; additional advice from Head of Environmental Health Services; issues raised by the applicant in response to the committee report; amendments to conditions and an additional condition regarding care home phasing. Members were also advised that one further letter of objection had been received.

The recommendation was delegated to the Assistant Director City Development in consultation with Chair of Planning to approve subject to the agreement of the arrangements for provision of affordable housing, satisfactory additional negotiations and information to improve the Building for Life score and investigation of a footpath link through to the footpath/cycleway alongside the railway line (including receipt of satisfactory amended plans, reconsultation with neighbours if necessary and consideration of any representations received), a Section 106 Agreement as detailed in the report and the conditions as set out in the report with amendments and an additional condition as per the update sheet.

In answer to Members' questions, the Assistant Director City Development clarified the following:-

- part of the negotiations with the developer would include increasing the Building for Life score
- officers worked with developers to resolve issues before applications come to Members; often the final affordable housing mix and position was negotiated later through the Section 106 agreement
- this development and the approval at Pinhoe Quarry would generate £1.4 million in total towards the Exhibition Way link road. The Highways Authority advised that the link would not be required until 300 houses had been built; at a rate of 50 per annum it was not likely that the link would be required for at least four years; the timing of the contributions for the highway improvement would be sought at the earliest appropriate time
- the Section 106 Agreement would form part of the planning permission and if the applicant should fail, or the land be sold, the Section 106 Agreement would still stand

- the application had originally been for 211 houses and 1 hectare of employment land; the employment element had now been removed and the application was for 230 houses and a care home
- Devon County Council were currently undertaking a consultation on four possible options for the Exhibition Way link
- there was 10% open space provided on site; the site was adjacent to Eastern Fields (9 hectares) and there was open space at nearby Pinhoe Quarry
- the link road would not be a primary route
- the Village Green status for Eastern Fields was being dealt with by Devon County Council; the Exhibition Way link could be provided through Eastern Fields although an appropriate replacement area for any designated Village Green lost through the road would need to be found
- there were proposed conditions to ensure that the care home was properly landscaped.

Councillor Mrs Thompson, having given notice under Standing Order No.44, spoke on this item. She circulated a plan showing the Devon County Council options for the Exhibition Way link road and raised the following points:-

- common thread from feedback from local residents was that there were unresolved issues which could not be resolved through this application
- Exhibition Way link would not be primary road
- this application was at variance to the Devon County Council consultation currently being undertaken on options for the Exhibition Way link road
- concerned regarding the access to Harrington Lane and Chancel Lane
- need to look at bigger picture in particular the capacity of Chancel Lane bridge; traffic accessing this development would cross this bridge; Pinhoe Access Strategy stated that the bridge was poor
- the bridge was sub standard; the last survey being in 1997
- the design score of 8 out of 20 was unacceptable
- the highway contribution was per dwelling; there was no contribution from the care home which would generate traffic from staff and visitors
- concern regarding the education contribution; this proposal would generate an increase in children and two classrooms and two teachers at Pinhoe Primary School would not help with the different age ranges of the children
- if the Village Green status was successful then any replacement loss of land due to the Exhibition link would be a poor exchange
- the Highway Authority were not at the Committee to clarify matters
- Exhibition Way bridge was owned by Exeter City Council
- objected to the application as need to resolve all issues before this application could be approved.

In answer to Members' questions, Councillor Mrs Thompson clarified the following:-

- would be attending the consultation on the options for the link road tomorrow
- this was a brownfield site which would be developed for residential use but the following issues should be resolved before a consent was given; Village Green status and any replacement land for the link road; primary traffic routes; inadequacies and construction of Exhibition Way bridge; the suitability of the right access to Venny Bridge: the education provision recommended by Devon County Council.
- had concerns regarding the suitability of the Exhibition Way bridge to take 40 tonne lorries and the safety of the every day use of the bridge, there was water penetration on the bridge
- until 300 homes had been built and the link road was in place more traffic would use Chancel Lane
- was a complex application.

The Assistant Director City Development advised that no decision had been made on Village Green status and the replacement land required as a result of any link road could be overcome. The education contribution could be used toward improvements at Pinhoe school or other schools in the locality.

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

- Eastern Fields was widely used by the local community and there had been a lack of recognition of the use of Eastern Fields, the Fair was regularly held there and only last week a cross country run took place there
- South West Water had objected due to the inadequate sewer system
- what was the urgency? All the issues should be resolved before approval granted
- the local schools were full and concerned regarding the education contribution and where it would be spent
- was the spilt of affordable housing suitable?
- where would the replacement employment land be?

In answer to Members' questions, Mr Long clarified that there was still not a preferred option for the link road; concern that the developer did not have a user for the care home and it could become houses at a later date; the route through Chancel Lane was unsuitable for heavy vehicles; there was a bus route in this area. He was not opposed to housing on the site it's just that this application was being rushed through. The application would need to be called in as it was change of use of land from employment to housing which was contrary to the Local Plan.

The Assistant Director City Development stated that the sewerage position would be covered by condition 20, the care home did have an end user and the application had been advertised as a departure to the Local Plan but he did not envisage any intervention by the Government Office.

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

- this site had been vacant since 2006
- was a brownfield site which when developed would provide much needed housing and also options for Exhibition Way link
- the care home already had an end user
- the issue of contamination on the site due to the land fill use would need to be resolved
- numerous discussions had been held with officers to bring the application to this stage
- would provide a contribution towards the Exhibition Way link and help to deliver the link with the road layout
- the layout had regard to the various options for the link road.

In answer to Members' questions, Mr Evans clarified that the Residential Design SPD was a guide, they were looking to bring forward a quality development and the scoring system was a matter of judgement. He thought that the score by the council was harsh; would endeavour to employ local people for the construction; there were two preferred methods for dealing with the methane gases and there were conditions to cover this; felt there were no major issues outstanding and confident all issues could be resolved.

During discussion, Members raised the following points:-

- concern regarding the objections from South West Water regarding the lack of capacity of the sewage system

- lack of play areas
- what was the care home going to end up as?
- was a difficult and complex application and some of the issues were outside of the Council's control
- there was pressure on local primary school places but the Council was not the responsible Authority
- application provided options for the link road
- there were unresolved issues but could not see what benefit there would be from deferring the application as these could be dealt with by conditions and delegation
- a fourth option for the link road had been added to the Devon County Council consultation at the request of local ward members
- Exeter urgently needed housing and this application would help to meet that need
- too many concerns including the wildlife aspect and the link route
- no cycle routes were proposed although condition 18 required cycle parking for all premises
- concern as design was a low score and in future years could question why approval was given.

The Strategic Director (KH) brought Members attention to the Pinhoe Access Strategy and advised that without this development the Exhibition Link road could not be delivered.

The Assistant Director City Development advised that he would investigate with the developer a possible a footpath link through to the footpath/cycleway alongside the railway line which would help to improve the permeability of the site.

Members were mindful that if approval was granted Local Ward Members should be advised of how the outstanding issues had been resolved.

**RESOLVED** that planning permission for residential development of 230 units and care home of 72 beds with roads, open space, landscaping and infrastructure, all following phased demolition of existing buildings be delegated to the Assistant Director City Development in consultation with Chair of Planning to **approve** subject to the agreement of the arrangements for provision of affordable housing, satisfactory additional negotiations and information to improve the Building for Life score and investigation of a footpath link through to the footpath/cycleway alongside the railway line (including receipt of satisfactory amended plans, reconsultation with neighbours if necessary and consideration of any representations received), a Section 106 Agreement as detailed in the report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken on plots 22, 23, 32-45, 48-50, 53-56, 66-84, 97-107, 117-120, 122, 131-137, 142-147, 167-170, 179, 180, 187, 197-200, 203-205, 209, 212-217 and 227-228 (as shown on drawing PL100702 SL.01H) without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- Part 1, Class A (extensions and alterations)
- Part 1, Classes B and C (roof addition or alteration)
- Part 1, Class D (porch)
- Part 1, Class E (swimming pools and buildings incidental to the enjoyment of the dwellinghouse)
- Part 1, Class F (hard surfaces)

**Reason:** In order to protect residential amenity and to prevent overdevelopment.

- 5) C35 - Landscape Scheme
- 6) C36 - No Trees to be Felled
- 7) C37 - Replacement Planting
- 8) C38 - Trees - Temporary Fencing
- 9) Prior to the commencement of development, a site wide Landscape and Habitat Management Strategy incorporating the recommendations contained in the Ecological Assessment dated October 2011 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document.  
**Reason:** In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site
- 10) Prior to the commencement of development, the site shall be resurveyed to ascertain the presence or otherwise of any badgers setts and to identify any other badger activity on the site such as feeding/foraging patterns; and the survey and recommendations shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the survey has been approved in writing by the Local Planning Authority and the development shall proceed in accordance with the survey and any recommendations made.  
**Reason:** To ensure that the potential impact of the proposal upon badgers is appropriately addressed and mitigated.
- 11) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site, including gas migration, shall each be submitted to and approved, in writing, by the LPA:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to



demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To protect controlled waters and in the interests of residential amenity.

- 12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. In addition, to prevent pollution, any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.  
**Reason:** To protect controlled waters.
- 13) No development shall take place until a foundation risk assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the conclusions of the assessment.  
**Reason:** In order to ensure that piling does not create new migration pathways for contamination.
- 14) A comprehensive residential travel plan, to be agreed in writing by the Local Planning Authority, in relation to development of the site should be provided, operated and maintained.  
**Reason:** To ensure that sustainable (non private car) trips to and from the site are maximised.
- 15) The proposed estate roads, footways, footpaths, cycle routes, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture as appropriate shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals
- 16) Prior to occupation of the development hereby permitted, cycle parking shall be provided for all premises (including the care home) in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 17) Prior to commencement of the development, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-  
(a) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;

(b) a programme for implementation synchronised with the progressive occupation of the development; and

(c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.

The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 18) No building shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network rendered necessary by the development have been completed and confirmed in writing by the Local Planning Authority (in consultation with South West Water) as being satisfactory.

**Reason:** To ensure that the public foul sewer network has sufficient capacity to serve the proposals.

- 19) No development shall take place until details of the sustainable urban drainage design have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

**Reason:** In the interests of sustainability, and visual and local amenity.

- 20) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the residential amenity of the occupants of surrounding property.

- 21) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the local authorities during the development works, in order to discuss forthcoming work and its environmental impact.

**Reason:** In the interest of the environment of the site and surrounding areas.

- 22) Prior to the commencement of any development adjacent to the boundary with the adjacent employment land, detailed plans, including sections of the proposed noise attenuation features, along with a timeframe for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use adjacent to this boundary shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.

**Reason:** In the interests of the residential amenity of the future occupants of buildings within these phases of the development.

- 23) All of the dwellings constructed pursuant to this application shall be designed to at least meet the standards specified in Level 3 of the Code for Sustainable Homes published in 2008. A Code Post Completion Certificate shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.  
**Reason:** In the interests of sustainable development and to ensure that the development is consistent with the objectives for sustainable development set out in PPS1 - Delivering Sustainable Development and PPS22 - Renewable Energy.
- 24) Prior to commencement of the development a scheme for generating a minimum of 10% of the predicted energy requirement of the development from on-site renewable or low carbon energy sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before the dwellings are first occupied and shall thereafter be maintained so that it provides the required level of generation.  
**Reason:** To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.
- 25) The care home hereby permitted shall be constructed before the occupation of the 200<sup>th</sup> dwelling hereby permitted, unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** In the interests of securing employment provision in the area.
- 26) A detailed scheme for the treatment of the boundary of the site with all adjoining land including the planting of trees and/or shrubs and 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 boundary treatment 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.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

22

**PLANNING APPLICATION NO.11/1816/03 - LAND TO THE EAST OF DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER**

The Development Manager presented the application for construction of a 120-bed hotel, offices, cafe/restaurant and basement parking on two levels at land to the east of Dean Clarke House, Southernhay East, Exeter.

Members were advised that the proposal comprised two phases. The first building phase located on the part of the site closest to Dean Clarke House proposed a 120 bed hotel over six floors with coffee shop, restaurant and bar and an office on the ground floor. This building and the Phase 2 of the development would have access to two levels of basement car parking containing a total of 167 car parking spaces which would operate on a pay and display basis. This car park was also available for general public use. The second building phase was located closest to the existing courts building and comprised a five storey office of 1,760 sq metres. Because of the economic climate and the low demand for office space within the City at the present time, it was proposed to landscape the site of the proposed office building for the interim period before demand increased and it was viable to build the office building.

The Development Manager advised on the main issues of the use of site for a hotel and office as opposed to solely office use and the design of the building, in particular, its relationship with the adjacent listed building of Dean Clarke House.

Members were circulated with an update sheet giving details of an email submitted by the agent in response to concerns raised by the Courts Service and amendments to the conditions.

The recommendation was delegated to Assistant Director City Development to approve in consultation with the Chair of Planning Committee subject to the receipt of comments from English Heritage, agreement on the materials for the cladding or alternative design, and the conditions as set out in the report and amended conditions as per the update sheet.

In response to Members, the Development Manager clarified the position with regards to the need for additional hotel rooms within the budget to medium price range; the landscaping scheme on the site of phase 2 was of a good quality; this application was not considering any signage for the hotel; the Highways Authority would be consulted on the management plan for the construction phase; any fire exit issues would be regulated by building regulations; it was proposed that the materials for the cladding be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve; and the car park would be a public car park.

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

- were economic benefits - £11m capital construction value; phase one would produce 70 permanent jobs and 73 construction jobs
- economic contribution of £2.14 million from jobs
- generate 42,000 plus additional visitors to Exeter per annum
- business rate receipt for the Council of £145,000
- proposals compliant with PPS4 and the soon to be agreed Exeter Core Strategy Policy CP2
- the site was currently used as a car park so therefore no loss of existing employment floorspace
- no interest in planning approval for office use
- surplus of vacant new office space in city centre
- would provide quality townscape
- contemporary design subordinate in scale and detail to historic listed Dean Clarke House
- choice between development that would generate jobs and economic benefits or a vacant site.

In answer to Members' questions, Mr Rocke clarified that the applicant had no intention to close the Premier Inn in Bonhay Road; this hotel would not be competing with other city centre hotels; and would be happy to meet with his client and the Council to discuss using local contractors.

During discussion Members raised the following points:-

- no objection to a hotel in this area but had concerns regarding the design in particular being adjacent to a listed building and in a conservation area
- concerns regarding ensuring that the cladding was suitable
- would the eastern elevation of the first phase be a blank elevation?
- concerns regarding security of the car park given its location to the court
- issues regarding adequate fire exit if phase 2 was being built at a later date.

The Development Manager clarified that there was no certainty as to when phase 2 would be brought forward. If English Heritage objected then the application would be brought back to Committee and condition 12 covered CCTV and lighting in the basement car park.

Members had concerns regarding the treatment of the eastern elevation and the need to ensure quality materials for the cladding.

**RESOLVED** that a decision on the application for planning permission for construction of mixed use 120-bed hotel, offices, cafe/restaurant and basement parking on two levels be **deferred** to allow for further details of the eastern elevation of phase one and details of the cladding to be submitted.

(Report circulated)

23

**PLANNING APPLICATION NO.11/1951/03 & LISTED BUILDING CONSENT NO.11/1949/07 - DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER**

The Assistant Director City Development presented the planning application and listed building consent for change of use and alterations from offices to 24 flats and 6 office suites at Dean Clarke House, Southernhay East, Exeter.

Members were advised of the planning history and that the building had been empty for four years and was deteriorating rapidly. This proposed scheme now sought to preserve the board room on the ground floor in office use. There would be five, two bed, affordable units on the ground floor which would be wheelchair accessible. The planning permission was for a period of one year only to encourage development to be brought forward as soon as possible.

The recommendation was delegated to the Assistant Director City Development to approve the planning application subject to agreeing a change in levels to the rear, the completion of a Section 106 Agreement in respect of affordable housing and a financial contribution to Natura 2000 of £8,400 (24 units x £350) and the conditions as set out in the report. The recommendation for the listed building consent was to approve subject to the conditions as set out in the report.

Professor Wigginton (architect) spoke in support of the applications. He raised the following points:-

- been working on this project since 2006
- market not right for purely office use
- worked closely with officers
- had been a large and difficult project

- the building was destroyed by the NHS
- a boutique hotel was not viable
- the building was in terrible state and would like to get started as soon as possible.

**RESOLVED** that planning permission for change of use from offices to 24 flats and 6 office suites be delegated to the Assistant Director City Development to **approve** subject agreeing a change to levels to the rear, the completion of a Section 106 Agreement in respect of affordable housing, a financial contribution to Natura 2000 of £8,400 (24 units x £350) and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of one year 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) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
  - i) full details of any new extract vents, including size, height and position
  - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
  - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
  - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
  - v) refuse storage facilities
  - vi) location of site compound
  - vii) lighting
  - viii) parking surface area.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 8) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan shall have been submitted to, agreed and approved in writing by the Local Planning Authority and thereafter implemented at all times.  
**Reason:** In the interests of sustainable transport.
- 9) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.  
**Reason:** To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.

- 10) No part of the development hereby approved shall be commenced until a 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.
- 11) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- Reason:** In the interest of residential amenity.
- 12) No development shall commence until a noise assessment report to appraise the scheme in respect of protecting the proposed accommodation from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed recommendations.
- Reason:** To protect the future hotel residents road traffic noise.
- 13) C70 - Contaminated Land

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

**RESOLVED** that listed building consent for alterations to provide 24 flats and 6 office suites be **approved** subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C15 - Compliance with Drawings
- 3) C57 - Archaeological Recording
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
  - i) full details of any new extract vents, including size, height and position
  - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
  - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
  - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
  - vi) refuse storage facilities
  - vii) location of site compound

viii) lighting.

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

(Report circulated)

24

**PLANNING APPLICATION NO.11/1960/03 - JAMES TOWNSEND PRINTERS,  
WESTERN WAY, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for variation of condition 2 to allow for change of use of six store rooms to student accommodation (Ref: 11/0140/03 approved 31/08/2011) at James Townsend Printers, Western Way, Exeter.

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

Whilst the majority of Members supported the application some raised concerns at this loss of valuable storage space for the students.

**RESOLVED** that planning permission for variation of condition 2 to allow for change of use of 6 store rooms to student accommodation (Ref: 11/0140/03 approved 31/08/2011) be **approved** subject to the following conditions:-

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the following submitted details :-  
*Approved drawings on application no 11/0140/03 - received by the Local Planning Authority on 27th January and 28th March 2011 (dwg. nos. 31509\_P001, 31509\_P121, 31509\_P122, 31509\_P123, 31509\_P124, 31509\_P125, 31509\_P115, 31509\_P116 Rev A, and 60463(63)001),*  
*Approved drawings on application no 11/1738/37 - received by the Local Planning Authority on 20th October 2011 (dwg. nos. 31509\_P103 Rev C, 31509\_P105 Rev C, 31509\_P106 Rev C, 31509\_P107 Rev C, 31509\_P108 Rev C, 31509\_P109 Rev C, 31509\_P110 Rev C, 31509\_P111 Rev C, 31509\_P112 Rev C, 31509\_P113 Rev C, 31509\_P114 Rev B, 31509\_P117 Rev D, 31509\_P118 Rev D and 31509\_P120 Rev B), and*  
31509\_P104 Rev E (received on the 30th November 2011), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.

(Report circulated)

25

**PLANNING APPLICATION NO.11/1996/03 - 16 THORNTON HILL, EXETER**

The Assistant Director City Development presented the application for a ground floor extension on the south elevation of annexe, decking, double and single gate on north east boundary at 16 Thornton Hill, Exeter.

Members were circulated with an update sheet giving details that the applicant had confirmed that the annexe would be used by her elderly and registered disabled mother and that amended drawings had been submitted showing the amended floor plan without the designated kitchen area.



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

**RESOLVED** that planning permission for a ground floor extension on south elevation of annexe, decking, double and single gate on north east boundary be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) 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) The extension hereby approved shall not be occupied otherwise than in association with the occupation of the main dwelling for the accommodation of a member of the occupiers family or of a domestic staff member and shall not be occupied as a separate residential unit.  
**Reason:** To prevent the creation of an additional separate dwelling.

(Report circulated)

26

**WORKS TO TREE(S) WITH PRESERVATION ORDER NO. 11/3202/04 -  
IBSTOCK BRICKWORKS, CHANCEL LANE, EXETER**

The Assistant Director City Development presented the application for works to trees subject to a preservation order at Ibstock Brickworks, Chancel Lane, Exeter. This application was for the removal of scrub and crown lifting of all trees to 1.5m above ground level. The justification was to give access to gas monitoring points within the area, some of which could not be found. Environmental Health Services and the Tree Officer had no objections.

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

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

- representing the residents of Chancel Lane
- the trees provided a valuable screen for residents and if the trees were removed then their residential amenity would change.

The Assistant Director City Development clarified that the trees would be crown lifted to a height of 1.5 metres to allow for location of monitoring points for the methane gas in order that further work could be undertaken on the options to deal with the gas.

The Assistant Director City Development stated he would advise local residents of the decision and the reasons why the works were being undertaken on the trees.

**RESOLVED** that the application for works to trees with a preservation order to lift all trees to 1.5m above ground level be **approved** subject to the following conditions:-

- 1) T01 - Tree - Time Limit
- 2) T05 - Trees - Quality

(Report circulated)

27

### **BUILDINGS AT RISK**

The Assistant Director City Development presented the buildings at risk report. He stated that he had been advised that the project for a hotel at Thomas Hall was no longer thought to be viable.

**RESOLVED** that the report be noted.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

29

### **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

30

### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

31

### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 6 March 2012 at 9.30 a.m. The Councillors attending will be Macdonald, Mrs Morrish and Spackman.

(The meeting commenced at 5.30 pm and closed at 9.20 pm)

Chair

## PLANNING COMMITTEE

Monday 19 March 2012

### Present:

Councillor Bialyk (Chair)  
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs Morrish, Prowse, Spackman, Sutton and Winterbottom

### Apologies:

Councillors Newby

### Also Present:

Assistant Director City Development, Development Manager, Planning Solicitor and Member Services Officer (SJS)

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### DECLARATIONS OF INTEREST

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

| <b>COUNCILLOR</b>    | <b>MINUTE</b>  |
|----------------------|--|
| Councillor Bialyk    | 33*(member of the Labour Party)<br>34*(member of the Labour Party) |
| Councillor Clark     | 33*(member of the Labour Party)<br>34*(member of the Labour Party) |
| Councillor Denham    | 33*(member of the Labour Party)<br>34*(member of the Labour Party) |
| Councillor Edwards   | 33*(member of the Labour Party)<br>34*(member of the Labour Party) |
| Councillor Macdonald | 33*(member of the Labour Party)<br>34*(member of the Labour Party) |
| Councillor Spackman  | 33*(member of the Labour Party)<br>34*(member of the Labour Party) |
| Councillor Sutton    | 33*(member of the Labour Party)<br>34*(member of the Labour Party) |

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### PLANNING APPLICATION NO.11/1816/03 - LAND TO THE EAST OF DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER

The Development Manager presented the application for the construction of a mixed use 120-bed hotel, offices, cafe/restaurant and basement parking on two levels at land to the east of Dean Clarke House, Southernhay East, Exeter.

This application had been deferred at the last committee to allow for further details of the eastern elevation of the first phase and the cladding to be submitted.

Members were advised that officers were satisfied with the proposed landscaping, the treatment of the eastern elevation and the cladding materials. The amended plans showed that the cladding would be set within a brick frame and this was considered acceptable.

In response to Members, the Development Manager confirmed that it would be a metal type cladding in different shades of grey and that officers had seen samples of the materials to be used. The lighting would be conditioned and be appropriate and sensitive to the setting and conservation area.

Members were circulated with an update sheet giving details of the comments of the County Director Environment, Economy and Culture.

The recommendation was to approve the application subject to the conditions as set out in the report with an amendment to condition 10 to add a clause to include management of construction traffic.

Mr Hodder (agent) spoke in support of the application. He circulated samples of the cladding and raised the following points:-

- had been working with officers to clarify the design
- the building did not compete with the adjacent 'Courts'
- would be a phased development
- was an appropriate design and finish for this urban setting
- the cladding was bitumen based
- the front of the building was '3D' with the cladding being set back in the brick
- signage would form a different application.

In response to a Member's question, Mr Hodder clarified that the cladding materials would be guaranteed for 10 to 15 years although it's expected life span would be at least 20 years.

Members raised concerns regarding the signage and the external lighting of the hotel. The Development Manager confirmed that the hotel signage would be a separate application which would go the Area Working Party.

**RESOLVED** that planning permission for construction of mixed use 120-bed hotel, offices, cafe/restaurant and basement parking on two levels be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) Neither phase of the development hereby approved shall be first occupied for its intended use until a Green Travel Plan relating to the intended occupancy of that phase has been submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be implemented in accordance with the details so approved.  
**Reason:** In the interests of sustainable transport.
- 9) Prior to the commencement of the development details of the proposed cycle parking facilities shall be submitted to, and approved in writing by, the Local

Planning Authority. Prior to the first occupation of either phase of the development the cycle parking for that phase shall be provided in accordance with the approved details.

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

- 10) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) details of which shall include construction traffic management relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In the interest of the environment of the site and surrounding areas.
- 11) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 12) Notwithstanding the requirements of Condition 2 of this planning permission, no work shall commence on either phase of development hereby approved until full details of the following, insofar as they relate to that phase of development, 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 boundaries;
  - f) refuse storage;
  - h) CCTV cameras and location
  - i) kitchen extraction units and
  - j) ventilation systems for basement car park.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 13) 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. 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.
- 14) During the first planting season following the first occupation of the first phase of development the interim landscape scheme as shown within M D Landscape Architects drawing no. 818/PA/01D shall be implemented and maintained in accordance with the approved details at all times thereafter until building works in connection with Phase 2 commences.  
**Reason:** In the interests of visual amenity.

(Report circulated)

**PLANNING APPLICATION NO.12/0125/03 - EXETER LABOUR PARTY, 26B  
CLIFTON HILL, EXETER**

Councillors Bialyk, Clark, Denham, Edwards, Macdonald, Spackman and Sutton declared personal and prejudicial interests as members of the Labour Party. They left the meeting during consideration of the item.

In the absence of the Chair and Deputy Chair, Councillor Mrs Henson was elected as Chair for this and the following agenda item.

The Assistant Director City Development presented the application for the installation of solar panels (75) on south east facing roof at Exeter Labour Party, 26b Clifton Hill, Exeter. No representations had been received.

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

**RESOLVED** that the application for installation of solar panels (75) on south east facing roof 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 24 January 2012, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The solar panels hereby approved shall be wholly removed from the building when they are no longer required.  
**Reason:** The solar panels are unsuitable as a permanent feature in this locality.

(Report circulated)

**PLANNING APPLICATION NO.12/0101/03 - WHIPTON & PINHOE LABOUR  
CLUB, VAUGHAN ROAD, EXETER**

Councillors Bialyk, Clark, Denham, Edwards, Macdonald, Spackman and Sutton declared personal and prejudicial interests as members of the Labour Party. They left the meeting during consideration of the item.

The Assistant Director City Development presented the application for the installation of solar panels (40) at Whipton & Pinhoe Labour Club, Vaughan Road, Exeter. No representations had been received.

Members were circulated with an update sheet advising that the Operations Duty Manager at Exeter International Airport had no objection.

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

**RESOLVED** that planning permission for installation of solar panels (40) be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country

Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 2 February 2012 (*dwg. no(s). North-West & South-East Elevations, South-West Elevation and Roof Plan*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The solar panels hereby approved shall be wholly removed from the building when they are no longer required.  
**Reason:** The solar panels are unsuitable as a permanent feature in this locality.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

In response to a Member, the Assistant Director City Development clarified the position with regards to the average percentage of delegated applications.

**RESOLVED** that the report be noted.

(Report circulated)

37                    **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

38                    **APPEALS REPORT**

The Assistant Director City Development presented the report of appeal decisions and appeals lodged.

**RESOLVED** that the report be noted.

(Report circulated)

39                    **SITE INSPECTION PARTY**

Members were reminded that all Planning Committee Members had been invited to a site visit on the 3 April to view the Bishop Court Quarry.

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 3 April 2012 at 9.30 a.m. The Councillors attending will be Macdonald, Prowse and Sutton.

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

Chair

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## LICENSING COMMITTEE

14 February 2012

### Present:

Councillor Macdonald (Chair)

Councillors Branston, Choules, Fullam, D J Henson, Newby, Newcombe, Robson, Ruffle, Shiel, Thompson and Tippins

### Apologies:

Councillors Stone and Payne

### Also present:

Principal Licensing Officer, Licensing Solicitor, Trainee Legal Executive/Solicitor and Member Services Officer (HB)

### 1 **Minutes**

The minutes of the meeting held on 29 November 2011 were taken as read and signed by the Chair as a correct record.

### 2 **Declarations of Interest**

The following Member declared a personal interest as indicated:-

| <b>COUNCILLOR</b>  | <b>MINUTE</b>              |
|--------------------|----------------------------|
| Councillor Choules | 9 (known to the applicant) |

### 3 **Meetings with Exeter's Taxi Associations/ Businesses**

The Chair, Deputy Chair, the Principal Licensing Officer and the Licensing Solicitor had attended a meeting of the Taxi Forum on 26 September 2011 and the Chair summarised for Members' information the notes of the meeting. The notes would be circulated to Committee Members and further meetings of the Forum were to be arranged.

A Member requested if further consideration could be given to the issue of engaging rank marshals to assist in the orderly dispersal of the general public using taxis after late night pub/club closures.

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

- (1) a report on rank marshals be submitted to a future meeting of the Committee;
- (2) Members wishing to serve on the Forum advise the Chair and/or Member Services; and
- (3) the notes of the meeting held on 26 September 2011 be circulated to Committee Members.

4 **Policies applicable to applications for Hackney Carriage Vehicle Licences**

The Licensing Solicitor presented the report setting out the policies relevant to the determination of applications for hackney carriage licences.

With regard to policy issues, it was noted that reviews and any changes had occurred at roughly the same time as the three yearly surveys into unmet demand but that there was no direct correlation. It was noted that the Law Commission was currently undertaking a comprehensive review of legislation relating to taxi and private hire licensing and that consultations would be undertaken in 2013. Members asked that details of policies and Exeter City Council procedures and criteria regarding taxi licensing be placed on the Council website.

**RESOLVED** that:-

- (1) the report be noted; and
- (2) City Council policies and procedures relating to applications for hackney carriage licences be included on the Council's website.

(Report circulated)

5 **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 and 2 of Part I, Schedule 12A of the Act.

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

6 **Urgent Business**

The Committee agreed to take the following matter as urgent business because of the requirement for an early decision to be given to the request.

7 **Application for the issue of a Street Trading Consent (Mark Marshall Youth Fund)**

The Principal Licensing Officer reported that the Mark Marshall Youth Fund Charity had requested consent to trade for three hours at a Pancake Race event on the Cathedral Green on 21 February 2012. After discussion, it was unanimously agreed to grant consent without the imposition of any fees or charges.

**RESOLVED** that consent be granted for the above Charity event free of charge.

8 **Application for the issue of a Street Trading Consent (Mr DC)**

The Principal Licensing Officer reported that Mr DC had applied for consent to street trade for a period of three months in Castle Street, a designated area under the provisions of the Local Government Act 1982. He had not previously held consent to trade in any part of the City.

Mr DC wished to site an oven selling jacket potatoes. The oven would be 14,300 mm wide and 2,460 mm long and on wheels for mobility purposes. The times and days requested were from 09.00 hours to 17:30 hours Monday to Saturday.

In February 2008, this Committee had agreed to increase the number of consents in Castle Street from three to four following an application to allow a small coffee vending unit into the area. The newly consented pitch had been agreed on the basis that it would only be used by a small vending unit to ensure that access and egress to the area was not impeded.

Mr DC attended the meeting and spoke in support of his application for this fast food business. Members sought clarification as to the size and location of the unit and to any impact on emergency doors of the retail unit to the rear of the proposed location. Mr DC stated that he had measured the proposed site and confirmed that, in his opinion, there would be no impact on the emergency doors. He would transport the unit from the Longbrook Street Car Park.

The Licensing Committee retired to make its decision.

**RESOLVED** that consent be granted for a period of three months.

(Report circulated to Members)

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

#### **9 Application for the issue of a Hackney Carriage Vehicle Licence (Mr K.J.)**

Councillor Choules declared a personal interest as the applicant was known to him. He left the meeting at this point.

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

Mr KJ attended the meeting and spoke in support of his application. Mr KJ disputed that he had been a previous owner of a licence plate. Members asked whether the application should be deferred in order for this matter to be clarified prior to the application being considered.

Mr KJ and the Principal Licensing Officer were asked to leave the room for legal advice to be given.

The Licensing Solicitor advised that the application should be determined firstly on the grounds of whether Mr KJ could provide evidence that cast doubt on the findings of the survey into unmet demand or, alternatively, persuade the Committee that there were exceptional circumstances that would merit the granting of a licence. Only if the Committee were satisfied that a licence should be issued, would the matter of whether or not an earlier licence plate had been issued, be investigated.

Mr KJ and the Principal Licensing Officer returned to the meeting and the former was advised that the application would be considered at this meeting.

Mr KJ stated that, in his opinion, there was an unmet demand. He referred, in particular, to the previous Saturday night which, in his opinion, had been very busy with apparently insufficient taxis to cope with the demand. He also stated that there was an unmet demand because of the increased number of students in the City, the opening of new hotels and new shops, provision of new homes at Cranbrook and a

new nightclub on the Quay. He confirmed that he proposed to put on the circuit a yellow London type cab (TX4), a photo of which he showed the Committee. This would possess a bulkhead to prevent contact between himself and his passengers. This would afford him some protection from any assault.

Mr KJ stated that there was a demand from people with wheelchairs which was not being met and that the taxi he proposed to put on the circuit would be able to accommodate both electric and non electric wheelchairs. He stated that a number of taxi proprietors had exchanged six seater vehicles for four seater taxis which could accommodate wheelchairs.

The Licensing Committee retired to make its decision.

**RESOLVED** that Mr KJ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr KJ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

10 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.H.)**

The Principal Licensing Officer reported that Mr SH had applied for a hackney carriage licence. He had indicated that, if successful, he would put a London type cab (TX4 Elegance) onto the circuit.

The Licensing Solicitor confirmed that Mr SH did not and had not held a licence issued to him by the Council as the first holder and therefore the word "may" in the recommendation should be replaced with the word "must".

Mr SH attended the meeting and spoke in support of his application. He stated that, in his opinion, there was an unmet demand. Mr SH referred to the previous Saturday night which, in his opinion, had been very busy with apparently insufficient taxis to cope with the demand and with disorder occurring from queue jumping etc. He stated that, whereas previously 45 taxis had operated from St David's, all of the 65 hackney carriages currently licensed now used this Great Western owned rank leaving an unmet demand elsewhere in the City such as outside the John Lewis building and the Chevalier pub. He stated that he could draw up a list of those owners who had exchanged their six seater vehicles which reduced the maximum number of passengers that could be transported in one journey. Also, with regard to the selling on of licence plates, he undertook to return the plate to the Council should he be granted a licence and subsequently wished to relinquish it.

The Licensing Committee retired to make its decision.

**RESOLVED** that Mr SH's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr SH had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found

no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

11 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.R.)**

The Principal Licensing Officer reported that Mr SR had applied for a hackney carriage licence. Mr SR had indicated that, if successful, he would put a Ford Journey onto the circuit.

Mr SR attended the meeting and spoke in support of his application. He referred to the papers he had submitted with his application stating that he had expressed his view in the documents and did not wish to take up more Committee time by repeating what he had already said.

The Licensing Committee retired to make its decision.

**RESOLVED** that Mr SR's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr SR had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

12 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.B.)**

The Principal Licensing Officer reported that Mr SB had applied for a hackney carriage licence. He had indicated that, if successful, he would put a Peugeot E7 on to the circuit.

Mr SB attended the meeting and spoke in support of his application. He stated that he had previously rented a vehicle from a taxi operator but that, after a spell in hospital, the owner had rented the vehicle to another driver. He had temporarily driven a further taxi during a period when the driver was unable to work but was unable to drive at all at present as no hackney carriages were available to rent.

The Licensing Committee retired to make its decision.

**RESOLVED** that Mr SB's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr SB had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

13 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr A.T.)**

The Principal Licensing Officer reported that Mr AT had applied for a hackney carriage licence. He had indicated that, if successful, he would put a Ford Journey onto the circuit.

Mr AT attended the meeting and spoke in support of his application. He circulated a schedule of signatures in support of his application. He stated that he intended to convert a 4x4 vehicle for use as a taxi. He asserted that there was an unmet demand for such a vehicle as evidenced by the number of individuals who could not use public transport during periods of snow in the winter of 2010/11. Mr AT referred to the demand from those wishing to leave the City to return to their home in the country as well as those who had arrived by public transport from elsewhere in the country. He proposed to make the 4x4 vehicle accessible by the disabled.

The Licensing Committee retired to make its decision.

**RESOLVED** that Mr AT's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr AT had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.03 pm

Chair

## LICENSING COMMITTEE

27 March 2012

### Present:

Councillor Macdonald (Chair)

Councillors Branston, Fullam, D J Henson, Newby, Payne, Ruffle, Thompson and Tippins

### Apologies:

Councillors Choules, Newcombe, Robson and Shiel

### Also present:

Assistant Director Environment, Principal Licensing Officer, Licensing Solicitor, Trainee Legal Executive and Member Services Officer (HB)

## 14 **Declarations of Interest**

The following Member declared a personal and prejudicial interest as indicated:-

| COUNCILLOR         | MINUTE                                       |
|--------------------|--|
| Councillor Tippins | 18 (spokesperson on behalf of the objectors) |

## 15 **Convictions relating to Hackney Carriage and Private Hire Vehicles**

The Assistant Director Environment presented the report setting out the feedback from consultation conducted between 15 December 2011 and 9 March 2012 relating to a draft policy in respect of convictions to assist in determining applications and standardising procedures relating to holders of, and applicants for, hackney carriage and private hire drivers' licences.

**RESOLVED** that, subject to:-

- (a) the amendment of Section 53, Appendix E to read "unreasonable refusal to take a fare"; and
- (b) the amendment of the policy to reflect gender inclusiveness;

the policy relating to convictions be adopted.

(Report circulated)

Councillor Branston left the meeting at this point.

## 16 **Joint Enforcement Exercise - Exeter City Council and other agencies on Licensed Hackney Carriages and Private Hire Vehicles**

The Principal Licensing Officer presented the report setting out feedback from an enforcement exercise carried out on 17 February 2012. Officers of the Devon and Cornwall Constabulary, Vehicle and Operator Services Agency, Borders Agency, HM

Revenue and Customs, Customs and Excise and the Department for Work and Pensions along with City Council officers had carried out checks on vehicles and drivers working in the City. This had been undertaken to establish the level of compliance with the statutory obligations to ensure the vehicles were well maintained and that standard conditions attached to vehicle and driver licences were being complied with and to ensure that the drivers were properly licensed.

Of the 29 vehicles inspected, most had been found to have at least one defect and VOSA had issued 10 immediate prohibition notices. Only a small number of hackney carriages had been on the circuit during the inspection period and it was believed that a number had returned home on learning that inspections were being conducted.

The Principal Licensing Officer advised that, following consultation with the Devon and Cornwall Constabulary, new arrangements were now in place whereby Police Officers now carry local authority enforcement notices enabling them to issue fixed penalty notices as well as immediate suspension notices where faults are found on vehicles. It was noted that, whereas the Police could pull over and suspend vehicles, this power did not extend to Council Officers.

Joint Enforcement exercises were routinely carried out but frequency was limited because of the resource implications for so many agencies. It was suggested that it could be of benefit to the Licensing Committee for Members to accompany officers when future multi-agency enforcement checks were to be carried out to obtain an insight into the enforcement role of Licensing Officers. Rather than contacting all Committee Members prior to inspections, Members would put their names forward.

**RESOLVED** that:-

- (1) Members notify the Principal Licensing Officer if they wish to be included in future enforcement exercises; and
- (2) the report be noted.

(Report circulated)

**17 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 and 2 of Part I, Schedule 12A of the Act.

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

**18 Application to renew and vary a consent to trade (Mr A.C.)**

Councillor Tippins left the meeting during consideration of this item as she had a personal and prejudicial interest as a spokesperson on behalf of objectors. It was noted that, although she had submitted papers objecting to the application, these had not been submitted within the time period and that she was therefore not able to speak on the matter. Councillor Newby withdrew from the Committee in order to speak against the application, prior to this application coming forward.

The Principal Licensing Officer reported that Mr AC had applied to renew and vary a consent to street trade for a period of six months in Glasshouse Lane, a designated



area under the provisions of the Local Government Act 1982. He would use a 14ft by 20ft mobile trader, the hours of opening being 16.00 hours to 23.00 hours Monday to Sunday, an extra hour being sought to trade until 23.00 hours. He was currently trading from 16.00 hours to 22.00 hours Monday to Saturday.

Mr AC attended the meeting and spoke in support of his application. He confirmed that, prior to the change to the street designation policy across the City, he had traded until 23.00 hours for some seven to eight weeks up to 1 August 2011. Although he was seeking a seven day trading period he was prepared not to operate on one evening if that was the will of the Committee.

Councillor Newby spoke on behalf of residents objecting to the application. An email from the Councillor, stating that an additional hour of operation beyond 22.00 hours would be too much for this small estate was tabled. The residents were concerned that extending the terminal hour to 23.00 would lead to a continuation of any noise and disturbance into a later hour. Specific reference was made to the operation of the generator, noise from general tidying up and closing down of the van and, particularly, a tendency for groups to gather immediately prior to the closing time to purchase food and to remain in the area consuming their purchases.

Mr AC, in response, stated that he would keep the noise of the generator and general clearance to a minimum and stated that the One Stop Shop was open until 23.00 hours. He advised that general clearance and closing down took approximately 15 minutes.

The Licensing Committee retired to make its decision. Councillor Tippins left the meeting prior to deliberation of the application.

**RESOLVED** that consent be granted as applied for, for a period of six months.

(Report circulated to Members)

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

### **TRANSPORT ACT 1985**

#### **19 Application for the issue of a Hackney Carriage Vehicle Licence (Mr A.A.)**

The Principal Licensing Officer reported that Mr AA had applied for a hackney carriage licence. He had indicated that, if successful, he would put a Peugeot E7 onto the circuit.

Mr T, Mr AA's representative, attended the meeting and spoke in support of the application. He circulated some documents in support of the application.

The Licensing Committee retired to make its decision.

**RESOLVED** that it be determined that Mr AA's application be not granted. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr AA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

20      **Application for the issue of a Hackney Carriage Vehicle Licence (Mr K.J.)**

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

Mr KJ attended the meeting and spoke in support of his application. Mr KJ stated that, in his opinion, there was an unmet demand. He referred, in particular, to a busy time during the recent Six Nations Rugby Tournament. He also stated that, in his opinion, there was an unmet demand because of the increased number of students in the City, a new settlement at Cranbrook and new shops. In particular, he felt that demand was likely to increase further when John Lewis opened later in the year. He confirmed that he proposed to put on the circuit a yellow London type cab (TX4) and stated that such a taxi would be of greater visibility to individuals with poor sight.

The Licensing Committee retired to make its decision.

**RESOLVED** that it be determined that Mr KJ's application be not granted. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr KJ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

21      **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.H.)**

The Principal Licensing Officer reported that Mr SH had applied for a hackney carriage licence. He had indicated that, if successful, he would put a London type cab (TX4 Elegance) onto the circuit.

Mr SH attended the meeting and spoke in support of his application. He suggested that should the Committee be mindful to grant a licence it should be on a 12 month basis only which would enable him to prove whether there was an unmet demand or otherwise. If it was apparent that there was insufficient demand the vehicle licence would be returned to the licensing authority. The Licensing Solicitor advised that licences were not issued on a time limited basis.

The Licensing Committee retired to make its decision.

**RESOLVED** that it be determined that Mr SH's application be not granted. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr SH had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

22 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.R.)**

The Principal Licensing Officer reported that Mr SR had applied for a hackney carriage licence. Mr SR had indicated that, if successful, he would put a Ford Journey onto the circuit.

Mr SR attended the meeting and spoke in support of his application. He circulated photographs of the City at night time showing queues of people both at taxi ranks and waiting to enter the Timepiece nightclub. He stated that the latter queue indicated the likely level of demand for taxis in the early mornings when the nightclubs closed. He had also taken photos of empty taxi ranks which he felt was proof of an unmet demand as they indicated that there were insufficient taxis generally in the City.

The Licensing Committee retired to make its decision.

**RESOLVED** that it be determined that Mr SR's application be not granted. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr SR had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

23 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr A.M.)**

The Principal Licensing Officer reported that Mr AM's application would not be presented as it had not been properly made nor complied with legal requirements.

**RESOLVED** that the withdrawal of Mr AM's application be noted.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.20 pm

Chair

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## SCRUTINY COMMITTEE - COMMUNITY

6 March 2012

### Present:

Councillor Mitchell (Chair)

Councillors Thompson, Branston, Choules, Clark, Crow, Hobden, Morris, Mottram, Newcombe, Tippins and Wardle

### Also present:

Strategic Director, Assistant Director Business Transformation, Assistant Director Economy, Assistant Director Environment, Acting Assistant Director Housing and Contracts, Leisure Facilities Manager and Member Services Officer (HB)

### In attendance:

- |                         |  |
|-------------------------|--|
| Councillor RM Hannaford | - Portfolio Holder for Housing and Community Involvement |
| Councillor Sheldon      | - Portfolio Holder for Environment and Leisure           |

### Representing Parkwood Leisure

- |                     |                                       |
|---------------------|---------------------------------------|
| Jeremy Wright       | - Exeter Contract Manager             |
| Charlotte Tregedeon | - Manager Riverside Leisure Centre    |
| Peter Cheeseman     | - Manager Clifton Hill Leisure Centre |

## 19 Minutes

The minutes of the meeting held on 17 January 2012 were taken as read and signed by the Chair as correct.

## 20 Declaration of Interests

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

| COUNCILLOR         | MINUTE   |
|--------------------|--|
| Councillor Mottram | *24 (his company undertakes work for Parkwood Leisure)             |
| Councillor Morris  | 24 (husband holds Leisure Centre Membership with Parkwood Leisure) |

## 21 Performance Housing Digest - Quarter III

The responses of the Acting Head of Housing and Contracts Services to Members' queries on performance information are set out below. Members were reminded that, whilst it was correct to challenge performance that did not meet the agreed targets, in general terms, the Housing team was performing highly in many areas of its work. Also, through the systems thinking approach, the validity of some of the performance measures were now being challenged.

- the average turn around for a void property was currently 26.9 days, the target being 21 days. Regular meetings were being held with Mears, the Contractor, to improve responses;
- the number of vacant garages had been reduced from 89 in the last quarter to 67 following extensive advertising of availability in the tenants' newsletter, newsagents' windows, Express and Echo etc. A mapping exercise of all Council garages would be undertaken in the next financial year and consideration given to alternative use of sites;
- the average time from referral to job issue for disabled adaptations for large jobs was now 53 weeks. This was due to the priority jobs being completed and it was now possible to carry out works for those tenants with a lower priority;
- the terms of the repairs contract included reference to remedial works to be undertaken by the contractor in respect of any accidental damage. These terms differed in respect of the contractor installing photo-voltaic panels; and
- City Council officers inspected void works on completion before signing off the contract.

Scrutiny Committee - Community supported the proposal that the 9am deadline for submitting questions on the Housing Digest to Member Services be discontinued.

## 22 **Parkwood Leisure Management Contract**

Councillor Mottram declared a personal and prejudicial interest and left the meeting during consideration of this matter as his company undertook work for Parkwood Leisure.

Councillor Morris declared a personal interest as her husband holds Leisure Centre membership with Parkwood Leisure.

The Chair welcomed Jeremy Wright, Parkwood's Exeter Contract Manager and Charlotte Tregedeon and Peter Cheeseman, Managers of the Riverside and Clifton Hill Leisure Centres respectively. The Parkwood representatives responded, as follows, to Members' queries and comments on performance information:-

- staff closely monitored centre users to ensure that wristbands were worn and there was increased vigilance to prevent members from lending cards to friends. The Police had recently been called to eject four individuals who had become abusive on being challenged for not wearing wristbands. Access control systems were shortly to be fitted;
- new software would facilitate the provision of photo cards;
- apologies were given for Parkwood representatives not meeting Councillors at the Clifton Hill reception on 5 March 2012 prior to the Customer Forum on that night. The Centre was very busy in the evenings and the squash court was the only free space available for the meeting although the space would not have been set up until numbers attending were known. Notices advertising the Forum stated that it would be open to all and, in future, an email would be sent to all members online to notify them of Forum meetings; and
- verbal complaints were logged in the Duty Manager's file for inputting onto a customer complaint schedule and forwarding to the City Council's Leisure Facilities Manager on the 12<sup>th</sup> of each month. Wherever possible, comments/complaints were addressed immediately.

The Assistant Director Economy presented the report advising Members on progress in improving the customer comments procedures and proposing future initiatives to encourage more customer feedback. A further, tabled report, advised of the provision

of customer comment notice boards at all sites by mid March which, along with the planned programme of Customer Forums, would hopefully generate increased interest in making comments. Reports on the nature of complaints and the actions taken would be published monthly at each Centre and presented to the proposed working group of Members, officers and Parkwood representatives.

The latter report also set out the following options to determine customer views:-

- (a) engaging casual staff to undertake Council led exit surveys at 6/12 month intervals at a cost of £5,000 per survey;
- (b) independent customer research programme, costs varying from £10,727, £14,185 and £17,885; and
- (c) installation of a Govmetric System at all sites, excluding the golf course, the total cost being £10,500 together with £5,775 per annum to service.

Many Members felt that the extra cost of undertaking surveys should not be incurred and that, in the first instance, the proposed working group should meet to consider the complaints being received and the position reviewed after six months.

The Leisure Facilities Manager confirmed that complaints had increased since Parkwood had taken over the contract but stressed that the systems operated by the previous operator for obtaining customer feedback may not have been as robust.

Scrutiny Committee - Community:-

- (1) supported the establishment of a working group to meet with Parkwood representatives to develop its service and enhance its facilities and achieve a level of service delivery well above the contractual baseline;
- (2) agreed to a monthly pattern of meetings of the working group initially, the agenda to focus on contractual issues, monitoring customer comments and the relevant action taken and agreeing service improvement initiatives with the minutes reported to this Committee;
- (3) supported the following composition for the Working Group:-
  - the Chair of this Committee;
  - the Portfolio Holder for Environment and Leisure;
  - a representative from each political party;
  - the Assistant Director Economy;
  - the Leisure Facilities Manager; and
  - representatives from Parkwood Leisure; and
- (4) supported the proposal that the initial options relating to obtaining customer feedback, as set out in the report, be revisited after the first six months of the operation of the working group.

(Report circulated)

## 23 **Systems Thinking**

The Assistant Director Business Transformation and the Acting Assistant Director Housing and Contracts updated Members on the progress with the Systems Review work being undertaken by the Council.

The former explained the Vanguard methodology and how the Council as an organisation was learning new ways of addressing customers' needs and learning about how systems work in order to improve the Council's responses. It heralded a move away from a functional approach with an emphasis on external targets to one based on the end to end experience for the customer. The latter illustrated the new approach as applied to Repairs. The two other areas under review were Customer Services, Benefits, Council Tax and Housing Advice and Planning.

Officers emphasised the importance of work being done to develop meaningful measures of performance to allow real time improvements to be made. Members indicated their support for working in a way that was focused on customers.

Scrutiny Committee – Community thanked the officers for their presentation.

#### 24 **Community Toilets Working Group**

The Assistant Director Environment updated Members on the progress of the Community Toilets Working Group and highlighted some of the key points developing in regard to public toilet provision.

Members noted that the Working Group planned to visit Oxford, a comparator City, with a University and of a similar size to Exeter and which was one of the few Districts to have introduced a Community Toilets scheme.

Scrutiny Committee - Community:-

- (1) noted the interim report and progress made to date; and
- (2) supported the submission of a further report on the findings and recommendations of the working group to a future meeting of this Committee.

(Report circulated)

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

#### 25 **Draft Resident Involvement Strategy 2012-15**

The Housing Resident Involvement Manager presented the report seeking approval for the Resident Involvement Strategy 2012-15. She explained the relationship between her role and that of the Neighbourhood Management Team and how both dovetailed with the work of the Community Involvement and Inclusion Officer. Her focus was on engagement and feedback of tenants and leaseholders and how the service was delivered with the Neighbourhood Team focussing on the wider development of the community.

The Acting Assistant Director Housing and Contracts advised that corporate complaints relating to housing matters would no longer be referred to the Local Government Ombudsman but would be resolved at a local level. Where this could not be achieved reference would be made to the Housing Ombudsman. Referring to this regulatory requirement within the Localism Act for a "democratic filter" to be developed to resolve complaints, he advised that a decision was yet to be made on the precise mechanism. Use of the Tenants and Leaseholders Committee or its Performance Review Sub Committee were possible mechanisms.



Scrutiny Committee - Community:-

- (1) noted the report;
- (2) requested Executive to approve the Housing Resident and Involvement Strategy 2012-15; and
- (3) requested the annual submission of progress reports against the action plan.

(Report circulated)

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

##### **26 Streamlining of Bring Bank Sites**

The Assistant Director Environment presented the report advising Members of the proposal to examine the streamlining of the bring bank operation in order to focus on materials other than those already collected from each home, release resources to improve the cleanliness and appearance of the bring sites and improve the efficiency of the service.

Members supported the principle of the proposals. They were advised that additional green bins for recycling were provided to residents on request free of charge and additional black bins for residual waste were available to larger families. In response to a Member's question, he stated that whilst a local authority could charge for waste receptacles, there were many complications and disadvantages in so doing and it was not something being proposed.

Scrutiny Committee – Community supported the proposal to streamline the bring bank operation and increase the range of banks for re-cyclates that are not collected from homes.

(Report circulated)

#### **PERFORMANCE MONITORING**

##### **27 Housing Revenue Account Stewardship to December 2011**

The Strategic Director advised Members of any major differences by management unit to the outturn forecast for the first six months of the financial year up to 31 December 2011. During this period, the total of the variances indicated that there would be a net surplus of £1,665,990 which would be transferred to the working balance as at 31 March 2012. This represented an increase of £1,166,600 compared to the budgeted reduction to the working balance of £499,390. It was estimated that the working balance would stand at £5,082,541 at 31 March 2012.

Scrutiny Committee - Community noted the report.

(Report circulated)

##### **28 Community Services Stewardship to 31 December 2011**

The Strategic Director advised Members of any major differences by management unit to the revised budget. The current forecast suggested that net expenditure for this Committee would decrease from the revised budget by a total of £187,560, which represented a variation of 1.7% from the revised budget.

A Member requested that the charging policy relating to graffiti removal from private properties be reviewed.

Scrutiny Committee - Community noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.25 pm

Chair

## SCRUTINY COMMITTEE - ECONOMY

8 March 2012

### Present:

Councillor Cole (Chair)

Councillors Prowse, Bialyk, Bull, Crow, Dawson, Morris, Payne, Robson, Mrs Thompson, Ruffle and Wardle

### Also present:

Strategic Director, Assistant Director Economy, Assistant Director Public Realm, Projects and Business Manager, Litigation Solicitor, Parking Services Manager and Member Services Officer (SLS)

### In attendance:

Councillor Rosie Denham - Portfolio Holder for Economy and Tourism  
Councillor Rachel Sutton - Portfolio Holder for Sustainable Development and Transport

### Apologies:

Councillor Choules

### 9 **Minutes**

The minutes of the meeting held on 19 January 2012 were taken as read, and signed by the Chair as correct.

### 10 **Declarations of Interest**

The following personal and \*prejudicial interests were declared:-

| <b>COUNCILLOR</b>        | <b>MINUTE</b>                                     |
|--------------------------|---|
| Councillor Payne         | 13 (Employee of Exeter College)                   |
| Councillor Wardle        | 14 (member of the Avocet Line Rail Users Group)   |
| Councillor Prowse        | 18 (Member of Devon County Council)               |
| Councillor Mrs. Thompson | *19 (due to business arrangements with Eagle One) |

### **PERFORMANCE MONITORING**

### 11 **Capital Programme Monitoring to December 2011**

The Strategic Director presented a report which advised on the current position with regard to the 2011/12 capital programme for the Economy and Development Directorate. The report also contained a summary of the position at the end of December 2011, including a list of capital projects. The Strategic Director highlighted a number of schemes.

A Member referred to the Central Station forecourt refurbishment and commented on the capital commitment by the City Council, in terms of the contributions to the cost,

and whether it represented value for money. The Strategic Director responded that both the County Council and Network Rail were contributing to the project. The Projects and Business Manager confirmed that both Devon County Council and Exeter City Council were to contribute £185,000, with Network Rail contributing £160,000. The project should be seen in the context of other improvements to the station costing around £750,000, being carried out by Network Rail and First Great Western as part of the National Stations Improvement Programme. These included restoration of the booking office to its original central position, improved waiting rooms and toilets. The scheme was being drawn up by the City and County Councils with Network Rail contributing. Current costings were provisional and more detailed proposals would now be costed to ensure value for money.

A Member enquired about the progress of the Cowick Street programme of works and an indication of when it would be completed. The Strategic Director advised that the capacity of the programme management had been redirected to the John Lewis and the King William Street car park projects, but he would ensure that this was brought to the attention of the engineers to bring forward and actively survey for street furniture. Members should see some tangible results of that work fairly soon. He would also send a reply with more information on the budget relating to the Historic Environment Improvements.

Scrutiny Committee – Economy noted the report.

(Report circulated)

## 12 **Economy Scrutiny Stewardship to December 2011**

The Strategic Director presented a report which detailed the forecast variations of the budget, based on the first nine months of the financial year 2011/12. The report highlighted any differences by management unit to the outturn forecast for the first nine months of the financial year up to 31 December 2011 compared with the annual approved budget. During this period the total of the variances for overall net expenditure for this Committee would increase by £31,650 after transfers to and from reserves and revenue contributions to capital outturn, and included supplementary budgets of £125,170. He highlighted a number of areas where the financial position was much improved, including car parking, planning and Markets and Halls. The expenditure as part of the closure of Exeter Archaeology was now less than anticipated, and the remaining staff members had completed a number of final projects, which had attracted a fee. He responded to a Member's comment on taking a cautious approach by paying immediately for smaller capital projects, thereby negating the need for incurring interest on loans. He added that such projects were dealt with through the revenue budget rather than the capital programme. A number of long established and residual budgets had been removed.

Scrutiny Committee – Economy noted the report.

(Report circulated)

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

### 13 **Support for Small Businesses**

Councillor Payne declared a personal interest as an employee of Exeter College.

The Assistant Director Economy presented a report which provided Members with an update on the performance of the small business support service funded by the City

Council. He also referred to the link with the activities of the Innovation Centre to provide different but complementary business solutions. A great deal of effort had been put into finding the best solution to ensure that both new and existing businesses survived and thrive in such a difficult economic climate. The Assistant Director Economy responded to a number of Members' questions and to a request for details of business start ups. He would provide brief summaries to Members of the assistance given to businesses, removing any commercially sensitive information. He added that there was no particular type of business that sought assistance, but an assessment was made of each business to see where they would be best referred to in terms of appropriate support. For example, the Innovation Centre offered more technical and specialist rather than generic business support.

A Member welcomed the City Council's involvement in this strategic work which had practical results and was a good use of public money, and other Members echoed those sentiments. The Strategic Director referred to Exeter's notable growth and job creation since the recession, ranking Exeter as 9<sup>th</sup> highest in the whole of the UK, which was a considerable achievement.

Scrutiny Committee – Economy: -

- (1) noted the City Council's positive stance in supporting local businesses to start up and commence trading;
- (2) noted the forthcoming release of £42,000 and £25,000 respectively for the provision of small business support and social enterprise support from the 2012/2013 Economic Partnership Initiatives budget be welcomed; and
- (3) supported the authorisation of Economic Development Service officers to negotiate service level agreements with Peninsula Innovations Limited and the Fruit Tree for Business for the delivery of services outlined in the report.

(Report circulated)

#### 14 **Consultation on the New Great Western Rail Franchise**

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

The Projects and Business Manager submitted a report to enable Members to comment on the Council's proposed response to the consultation on the new Great Western rail franchise. He indicated that he would be making amendments to take on board comments received from other stakeholders, although these were changes of emphasis rather than substance.

He explained that the franchise covered the intercity services between Penzance, Exeter and London, and services on Devon's local lines. The new franchise would commence in April 2013, for a period of 15 years, and during that time, a significant level of both residential and employment growth would be taking place in and around Exeter, with rail being a key element of the future transport strategy. At a recent meeting hosted by Hugo Swire, MP, the Projects and Business Manager had highlighted the need to improve Exeter's rail infrastructure and rolling stock, including progressive electrification to Exeter and beyond.

A number of significant issues were highlighted including working towards a clock face timetable with one fast and one slow train an hour. The franchise specification needed to be sufficiently detailed to guarantee an appropriate service on local branch

lines. An efficient railway with new stations would become increasingly important if the predicted housing and employment growth levels were achieved. Investment would be needed in rolling stock and passing loops to allow increased frequencies.

Members referred to the response and made the following comments:-

- the importance of a clock face timetable
- the lack of a late train on Saturday from London
- retaining the sleeper train was essential
- the reintroduction of a full breakfast service and reliable catering provision
- the need to progress the Devon Metro service with new stations, particularly at Marsh Barton, which would alleviate some of the likely levels of congestion from the predicted level of growth
- a passing loop on the Exmouth branch line to increase capacity
- integration with bus services

The Projects and Business Manager confirmed that he would include the above points in the response. In answer to a question, he said that additional infrastructure could be funded through the franchise but that if so it would be likely to be reflected in tender price. A Member highlighted the need to extend the platform at St James Park in connection with the Devon metro proposals. Members congratulated both the County Council and the City Council on their efforts to progress Devon Metro.

Scrutiny Committee - Economy noted the very comprehensive report and Members endorsed the proposed City Council response to the Great Western franchise consultation.

(Report circulated)

## 15 **Report of the Car Parks Task and Finish Group**

The Assistant Director Public Realm presented a report which informed the Scrutiny Committee - Economy of the deliberations, conclusions and recommendations of the Car Parks Task and Finish Group. The Group had been formally appointed by the Scrutiny Committee and the membership included Councillor Cole as Chair of Scrutiny Committee - Economy, Councillors Crow, Morris and Ruffle, and Councillor Sutton as the relevant Portfolio Holder. They had considered the significant contribution made by parking income to the overall budget strategy of the City Council, with a broad remit of looking at ways to optimise current income derived from the City Council's car parks. The Assistant Director thanked Members for their very constructive and positive contribution, particularly as they had taken the opportunity to explore a number of themes, which were normally lost due to the pressures of the day to day delivery of the service.

The Group acknowledged that maximising parking income would be difficult to achieve, particularly in these challenging financial times. However, they focused on a number of priority areas, including the Charging Regime and the policy relating to Blue Badge Holders; Off-Street Parking in Newtown; Parking Permits; the Pay by Phone Parking facility and Car Park Signage and Branding. The Group felt that in particular, tariffs, whilst very competitive compared with a number of other towns and cities, had become very complicated and inconsistent. A simplification of the car parking tariff structure would benefit the public and, coupled with the rebranding of a number of the city's car parks, could have a meaningful impact on future income. The Group also considered an issue regarding an area of off-street parking in Newtown which the Council were not deriving an income from and, whilst mindful of the need

for income generation felt that the current arrangements represented the best and most pragmatic solution for residents.

The Task and Finish Group put forward a number of conclusions in respect of each of the identified areas, and these were set out in the report. It was noted that Executive approval would have to be sought to pursue most of the areas explored, through a number of separate reports to Executive over future months. Members wished their appreciation of both the Task and Finish Group Members and also the support of the Assistant Director and his team to be recorded.

The Assistant Director responded to a Member request for more information on the County Council's dispensation parking scheme.

Scrutiny Committee – Economy supported the conclusions reached by the Car Parks Task and Finish Group and noted that future reports to the Executive would be required to progress the individual findings.

(Report circulated)

**16 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 3 and 5 of Part I, Schedule 12A of the Act.

**17 Questions from Members of the Council Under Standing Order 20**

In accordance with Standing Order 20, a question from a Member was put to the Portfolio Holder for Sustainable Development and Transport in respect of the legal advice in relation to penalty charges notices. The Portfolio Holder replied. Copies of the question had previously been circulated to Members. The question and reply from the Portfolio Holder for Sustainable Development and Transport (in italics) are appended to the minutes.

**18 Advice on Civil Parking Enforcement Matters**

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

The Assistant Director Public Realm and the Corporate Manager Legal submitted a joint report, following the receipt of advice from Counsel, on matters previously raised at the Committee relating to the civil parking enforcement regime operating in Exeter. At the November meeting of the Scrutiny Committee – Economy, a Member raised a number of issues relating to the validity of the Council's Penalty Charge Notice process and another Member questioned the actions of the City Council and County Council regarding the enforcement of parking regulations in Pinn Lane. The Member who raised the second matter remained concerned that the most appropriate action had been taken and sought further information in respect of enforcement in Pinn Lane. The Assistant Director advised that the City Council had continued to follow an approach consistent with the initial advice that had been given to Committee in November. However, Counsel's advice had been sought given the complexity and contentious nature of a number of the issues being raised and to safeguard the City Council's interests in light of a potential litigation risk. This advice confirmed the initial

advice that had been given. He responded to Members' questions and comments in an effort to clarify the City Council's position in more detail.

Members noted the report.

(Report circulated to Members)

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

##### **19 Exeter and Heart of Devon Growth Board Minutes**

Councillor Mrs Thompson declared a personal and prejudicial interest due to business arrangements with Eagle One, and took no part in the discussion.

The minutes of the Exeter and Heart of Devon Growth Point Board held on 30 January were circulated for Members' information. The minutes included a number of issues that the City Council will need to consider and take forward as appropriate.

Scrutiny Committee – Economy noted the content of the Exeter and Heart of Devon Growth Board Minutes.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.30 pm

Chair



**SCRUTINY COMMITTEE - ECONOMY – 8 MARCH 2012**

**QUESTIONS FOR PORTFOLIO HOLDER  
UNDER STANDING ORDER NO.20**

Questions from Cllr Mrs Thompson for the Portfolio Holder – Sustainable Development and Transport

In relation to the City Council obtaining specialist advice from Leading Counsel, regarding Civil Parking Enforcement matters please may I ask the Portfolio Holder to assist in my request to obtain the following:-

1. A copy of the instructions to Leading Counsel regarding the specialist legal advice sought?
2. A copy of Leading Counsel's report in response to the legal advice sought?
3. In relation to the total number of penalty tickets issued in the 'former Pinn Lane layby' please are you able to confirm the total number of refunds made to drivers following the successful appeal (and agreement by DCC to make the refunds) and how many remain outstanding.

Reply

*Councillor Sutton replied to Questions 1 and 2 stating that following consultation with officers, the legal advice is that both the instructions and Counsel's report are legally privileged documents and as such the contents are not able to be disclosed. Neither she nor the Leader had sight of the documents.*

*Councillor Sutton replied to Question 3 and advised that Exeter City Council had received three requests for a refund in relation to Penalty Charge Notices issued in the Pinn Lane lay-by, and all three requests had been refunded. Two Penalty Charge Notices issued were also being processed at the time of the outcome of the adjudication relating to Mr Pascoe and they were automatically cancelled.*

Councillor Mrs. Thompson commented on the reply, and asked a supplementary question. She remained concerned that she was unable to see a copy of Counsel's advice, and as a Member of the Scrutiny Committee, she should be seen as the client, and should be in a position to know what instructions and advice had been given. She was aware that a total of 38 Penalty Charge Notices had been issued, and that Devon County Council had agreed to refund all those individuals.

She requested an explanation as to why only three tickets had been refunded, particularly as following the agreement by Devon County Council to pay back those individuals, she had been advised that those individuals who had received a Penalty Charge Notice in Pinn Lane would be refunded.

*Councillor Sutton asked the Litigation Solicitor, who was in attendance at the meeting to provide legal comment in respect of the legally privileged information contained in Counsel's advice. The Litigation Solicitor stated that Counsel's advice was sought for the client, who in this case was the Council as a corporate body, rather than the constituent parts of the Council, such as individual Members and officers. There was not an automatic assumption that such advice*

*would be available to Members and officers generally. The Litigations Solicitor cited the provisions of s.100F(1) and (2), and Schedule 12A Paragraph 5 of the Local Government Act 1972. Documents are not required to be open to inspection by any Member of the Council where the documents disclose exempt information. In this instance, Counsel's advice constituted exempt information as it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Accordingly this was a limiting factor. Of course, it was important for officers to brief Members, which was why a report had been made available to Members to summarise the position in light of the advice from Counsel.*

*Councillor Sutton replied that the City Council had received no further request for a refund other than those three Penalty Charge Notices she had referred to in her earlier reply. The City Council act as agents for Devon County Council on matters of on-street enforcement and their instructions were that if an individual made themselves known, or the Council had their details, a refund would be issued. Those instructions have been followed and there are no outstanding requests for refunds in the system.*

## SCRUTINY COMMITTEE - RESOURCES

21 March 2012

### Present:

Councillor Baldwin (Chair)

Councillors Hobden, Bull, D J Henson, Mitchell, Morris, Ruffle, Spackman, Tippins and Wardle

### Apologies:

Councillors Branston, Mottram and Taghdissian

### Also present:

Chief Executive, Assistant Director Finance, Contract Development Manager, Senior Auditor (HK), Senior Auditor (HP) and Member Services Officer (SJS)

### In attendance:

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

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

### 11 **Minutes**

The minutes of the meeting held on 25 January 2012 were taken as read and signed by the Chair as correct.

### 12 **Declarations of Interest**

Members made no declarations of interest.

### 13 **Certification Work Report 2010/11**

Mr Morris, from the Council's External Auditor, presented the Certification Work Report for 2010/11.

Mr Morris outlined to Members the certification arrangements, the results of the certification work, the significant issues identified and the details of claims and returns certified for 2010/11. He advised that the fee for 2010/11 had been reduced by 7% to that of the previous year.

In response to Members, Mr Morris clarified that all the cases where a student loan was used to assess benefit were examined, this was due to there being less than 100 cases and no further qualifying claims.

Members noted the report.

(Report circulated)

14 **Annual Audit Plan 2011/12**

Mr Morris and Ms Masci of Grant Thornton, the Council's External Auditor, presented the Audit Plan for 2011/12.

Ms Masci advised on the overview of the Audit Plan, the accounts audit risk assessment, the value for money audit and the audit fee.

Mr Morris stated to Members that an objection had been received to last year's accounts in respect of parking charge notices, although this objection could not be considered as it was received out of time.

The Chief Executive advised that whilst the physical build of RAMM was completed there were contractual issues to be resolved.

Mr Morris outlined to Members that with the International Financial Reporting Standard (IFRS) a pragmatic common sense approach was required in some areas of the accounts. He advised that the disclosure of heritage assets would require the Council to disclose a value of all the Council's assets in the 2011/12 accounts. This would require a pragmatic approach as it would be too costly for the Council to individually value all its assets and that valuations for insurance purposes could be used.

Mr Morris advised Members of future arrangements given the demise of the Audit Commission and that Grant Thornton had been successful in gaining the auditing contract for the South West. He stated that it was anticipated that the audit fee would be reduced in future years.

Members noted the Plan.

(Plan circulated)

**PERFORMANCE MANAGEMENT**

15 **AIM Property Maintenance Progress report 2011/12**

The joint report of the Acting Assistant Director Housing and Contracts, Assistant Director Economy and Assistant Director Finance was submitted.

A Member had given notice of a question regarding the Housing Reactive Repairs - combined budget of £4,953,780 and the likely overspend of £200,000 for Empty Properties.

Members were circulated with a response (appended to minutes) which advised of the number and quality of void properties and the difficulties in recovering costs from tenants.

Scrutiny Committee – Resources noted the second quarter financial position of the £7.8m programme of reactive and planned property maintenance and refurbishment for 2011/12, as detailed in the report.

(Report circulated)

16 **Resources Scrutiny Stewardship to 31 December 2011**

The report of the Assistant Director Finance was submitted.

A Member had given notice of a question with regards to the Revenue Collection/Benefits and private sector leasing and bed and breakfast accommodation.

Members were circulated with a response (appended to minutes) advising that because of the current increased rate of homelessness the Council did not have sufficient private sector leasing to meet these demands. However, the Development Team were seeking to address this and were making a number of promising contacts with landlords of HMOs.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

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

### **17 Capital Monitoring Statement to December 2011**

The Assistant Director Finance presented the report setting out the current position in respect of the Council's revised annual Capital Programme which advised Members of the anticipated variations.

He advised that the capital programme for the current financial year was £15,757,420 and it was projected that £1.466 million of the programme would be needed to be carried forward into future years. During the first nine months of this financial year, the Council had spent £7,909,890 of the 2011/12 Capital Programme which equated to 50.2% of the revised Capital Programme.

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

(Report circulated)

### **18 Overview of General Fund Revenue Budget 2011/12**

The Assistant Director Finance presented the report advising Members of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account after nine months, for the 2011/12 financial year.

The Service Committee budgets showed a forecast overspend of £101,440 (0.78%) against a revised Service Committee Net Expenditure budget of £13,003,620 and an overall overspend of £22,701 against General Fund Expenditure including investment interest and funds set aside for the repayment of debt.

He advised that Scrutiny Committee - Community had an underspend of £201,300, Scrutiny Committee - Economy an overspend of £20,250 and Scrutiny Committee - Resources an overspend of £279,730.

In answer to a Member's question, the Assistant Director Finance advised that the increase in payments to the pension fund administered by Devon County Council were to meet the approved cost of redundancies which had resulted in an overspend of £403,490. These costs could not be capitalised.

Members were updated on the Icelandic Bank position and that the Council had, to date, received £1.7 million back from Glitnir Bank and just under £1 million from Landsbanki. It was anticipated that the Council would get back 100% of the monies invested in Glitnir Bank and 95% from Landsbanki although it could take some years for these monies from Landsbanki to be returned.

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

- (1) General Fund forecast financial position for the 2011/12 financial year;
- (2) HRA forecast financial position for 2011/12 financial year;
- (3) outstanding Sundry Debt position as at December 2011; and
- (4) the creditors' payments performance.

(Report circulated)

#### 19 **Corporate Governance Risk Register - Annual Review 2012**

The Assistant Director Finance presented the report updating the Committee of the Council's risk management progress and seeking its recommendation that the Executive approves the updated corporate risk register.

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 by the Executive.

(Report circulated)

#### 20 **ST KATHERINE'S PRIORY REROOFING FINANCIAL PROVISIONS**

The Contract Development Manager presented the report seeking to increase the financial provision previously approved for the necessary reroofing works at St Katherine's Priory, Polsloe. Photographs of the building were circulated to Members.

In answer to Members' questions, the Contract Development Manager advised that the Priory was used by Stoke Hill Community Association and when tenders were received it had become apparent that there was a shortfall of some £28,000 in the original "ball park" estimates. He clarified that it was difficult to assess the cost of materials particularly on buildings of such historic importance as the Priory.

The Scrutiny Committee - Resources noted the report and recommended to Executive that:-

- (1) the existing capital budget of £47,000 be carried forward from financial year 2011/12 into 2012/13; and
- (2) additional funding of £28,000 be provided from capital to enable the St Katherine's Priory reroofing works to be undertaken.

(Report circulated)

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

### **21 Internal Audit Plan 2012/13**

The Assistant Director Finance presented the Internal Audit Plan for 2012/13.

In response to a Member, the Senior Auditor (HK) advised that the external auditors whilst looking at the work undertaken internally do their own independent external checks.

The Scrutiny Committee - Resources noted the Internal Audit Plan for 2012/13

(Report circulated)

### **22 Internal Audit Work 2nd Half year 2011/12**

The Assistant Director Finance presented the report outlining the work undertaken by the Internal Audit Unit. The 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 Senior Auditor (HP) clarified that the Council had an auditor who specialised in auditing housing benefit claims.

The Scrutiny Committee - Resources noted the Internal Audit Work for the 2nd Half year of 2011/12.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.54 pm

Chair

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**Councillor Question**

**2.3 Housing Reactive Repairs - combined budget £4,953,780**

An overspend of some £200,000 is likely to arise... for Empty Properties.

Is this due to more empty homes being returned into the housing stock than anticipated? Or is there some other reason?

**Officer Response**

The extra costs have arisen, not due to the numbers of homes returned, but due to the quality of void properties returned to us this year, through evictions and the like. As a guide for budget purposes we normally work on an average spend per void at £2k, but presently our average spend has risen to nearly £3k per void. As an example of this we had one void in Burnthouse Lane which was left in such a state after eviction that we had to spend some £40k to put in back in reasonable habitable condition. So you can appreciate you don't need many of these before the budget is swallowed up.

In terms of what we recover from these erring tenants, well we do seek to recover some costs through our rechargeable repair system, however it is somewhat ironic that the larger the cost to recover the more difficult it is to do so, as the people who severely abuse property tend to be the ones who have no money to be able to pay back. In terms of more successful recovery, albeit at a lower level of cost, we do tend to be more successful in terms of recharging for rubbish left behind.

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**Councillor Question**

**2.3 2011/12 REVISED BUDGET  
86A1 Revenue Collection/Benefits**

I am pleased that Housing Services have cut back on the use of Bed & Breakfast for emergency accommodation and increased the use of private sector leasing. What would have the overspend been if we hadn't transferred to PLS and continued to use B&B?

I know this is really a question for Scrutiny - Community, but are we experiencing increased demand for use of emergency accommodation? If we are, is enough PLS coming on-stream to cope?

**Officer Response**

We have seen an increase in the use of Temporary Accommodation since Christmas (we have about 20 more households, mostly single people) in Temp Acc than we did at the end of last year.

As an example of the potential overspend PSLs are cost neutral to the council whereas B&Bs will usually lose us at least £250 a week in subsidy.

Therefore if the additional 20 people were accommodated in B&B's rather than PSLs we would stand to lose at least £5,000 a week in subsidy.

At the current increased rate of homelessness presentations we would not have sufficient PSLs to keep up (at the current rate of PSL procurement). However the Development Team are seeking to address this and are making a number of promising contacts with landlords of HMOs.

Please contact Chris Hancock, Housing Need Manager - 265722 if you any more queries on this matter

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## STANDARDS COMMITTEE

Wednesday 4 April 2012

### Present:

Mr A Mimmack Independent Chair  
Councillors Hobden, Thompson and Winterbottom

Independent Member  
Professor B Kirby

### Apologies:

Councillors P J Brock and Mrs Morrish

### Also present:

Planning Solicitor, Member Services Manager and Member Services Officer (SLS)

1

### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 23 February 2011 were taken as read, and signed by the Chair as correct.

2

### DECLARATIONS OF INTEREST

There were no declarations of interest.

3

### UPDATE ON THE PROVISIONS OF THE LOCALISM ACT 2011 RELATING TO THE STANDARDS REGIME

The Planning Solicitor presented a report which provided the background to the forthcoming change in the governance arrangements of a number of areas of local authority activity, including the standards regime, resulting from the Localism Act 2011. The Standards Board ceased to exist on the 31 March 2012, and this report sought Members' approval to authorise officers to carry out preparatory work to ensure that new arrangements, including a structure and a new Code of Conduct, were in place for the anticipated commencement date of 1 July 2012. Although the detail of the regulations was still unknown, Councils would still need to have the following in place by 1 July:-

- the adoption of a Code of Conduct for Members that is compliant with the 'Nolan' principles of standards in public life;
- arrangements for investigating and taking action on allegations of breaches of the Code;
- the involvement of an independent person in all decisions on alleged breaches of the Code, thus providing assurance that the new arrangements will not be abused, and
- new requirements for Members to disclose and register pecuniary and other interests, it being a criminal offence if they deliberately fail to do so.

The Planning Solicitor responded to Members' comments on the future structure of this Authority's Standards Committee. The new role of the independent member was discussed, and it was noted that their role would differ from that of the existing

independent members of Standards Committee in that they would be able to offer a view, but not be party to, any formal decision. Devon's authorities may come together to appoint a pool of independent members. He also referred to ongoing discussion with the Devon Solicitors' Group to agree a new county wide Member's Code of Conduct. Members welcomed the opportunity to rationalise the Declaration of Interest process and make it more pertinent to the business in hand. There was no requirement for the City Council to have a Standards Committee, but together with the inclusion of the independent member, this had proved to be a successful arrangement. Local authorities would still have a duty to promote and maintain high standards, and the regime changes should provide greater flexibility in the management of complaints and concerns relating to the conduct of Members.

Councillor Winterbottom led a vote of thanks from Members for the hard work, dedication and support to the Standards Committee by Andrew Mimmack and Professor Brian Kirby. In reply, Andrew Mimmack thanked Members for the opportunity granted to both Professor Kirby and himself to have participated in this aspect of public life.

**RECOMMENDED** that in view of the delay in the issue of the regulations, Council authorise delegated authority to the Monitoring Officer to take all steps that may be required for the implementation of the reforms to the standards regime brought in by the Localism Act 2011. In particular, that the Monitoring Officer be authorised to:

- (1) establish, and ensure compliance with, a new register of Members' interests once the relevant regulations have been made under the Act;
- (2) negotiate with other Devon authorities with a view to provisionally agreeing a new Code of Conduct to be recommended to all authorities in the County, and any proposals for collaboration or joint working in respect of alleged breaches of the new Code; and
- (3) draw up proposed terms of reference for a new Standards Committee, and a draft procedure for handling the investigation of, and making decisions on, alleged breaches of the new Code, for recommendation to the Council in due course.

(Report circulated)

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

Chair

## EXECUTIVE

Tuesday 20 March 2012

### Present:

Councillor Edwards (Chair)  
Councillors Denham, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs Morrish, Sheldon and Sutton

### Also present:

Chief Executive, Strategic Director (KH), Assistant Director Finance and Member Services Manager

29

### MINUTES

The minutes of the meetings of the Executive held on 24 January and 7 February 2012 were taken as read and signed by the Chair as a correct record.

30

### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

| <b>COUNCILLOR</b> | <b>MINUTE</b>  |
|-------------------|--|
| Denham            | 31 - Grants Committee minutes 4, 5 and 6 (Director of Exeter Phoenix)              |
| Fullam            | 33 (employee of a housing association)   |
| Hannaford         | 31 - Grants Committee minute 5 (member of Exwick Community Association)            |
| Martin            | 31 - Grants Committee minute 6 (trustee of Exeter Community Transport Association) |

31

### GRANTS COMMITTEE

The minutes of Grants Committee of 23 February 2012 were submitted.

Members declared the following personal interests:-

| <b>COUNCILLOR</b> | <b>MINUTE</b>   |
|-------------------|---|
| Denham            | 4, 5 and 6 (Director of Exeter Phoenix)               |
| Hannaford         | 5 (member of Exwick Community Association)            |
| Martin            | 6 (trustee of Exeter Community Transport Association) |

Executive **RESOLVED** to receive Minutes 1 to 6 of Grants Committee held on 23 February 2012 and, in relation to Minute 7 (Future of Grants Committee), **RECOMMENDED** Council to approve that:-

- (1) references to Grants Committee in Part 3 of the Constitution “Responsibility for Functions”, be replaced by references to the new Major Grants and New Homes Bonus Panel;
- (2) appropriate powers be included in the Scheme of Delegation, including a power to reject applications to the Local Infrastructure Fund that fall outside the applicable criteria; and
- (3) appropriate consequential amendments be made to the Constitution.

32

**COMMUNITY INFRASTRUCTURE LEVY - RESULTS OF CONSULTATION ON CHARGING SCHEDULE**

The Strategic Director (KH) presented the report which considered the results of a consultation on a Community Infrastructure Levy Preliminary Draft Charging Schedule and sought approval to the Draft Charging Schedule at Appendix 1 of the report for a second round of public consultation before submission for public examination. Twenty-nine responses to the Preliminary Schedule had been received and the Strategic Director outlined the main issues raised.

The figures initially proposed by this Council had resulted from a comprehensive evidence base including extensive research by consultant valuers. Taking account of the responses received, the results of consultation with stakeholders and the evidence base, it was now proposed to reduce the proposed charges by 20%. It was also proposed to distinguish between city centre and outside city centre retail development and to relate charges to types of retail development as opposed to the blanket size threshold above which it was originally proposed that CIL would apply.

Members noted the responses received and endorsed the importance of setting the CIL at the appropriate level in order not to dissuade landowners or developers. They were satisfied that the proposed levy reflected the best evidence currently available following extensive consultation and research.

**RESOLVED** that:-

- (1) the Draft Charging Schedule attached at Appendix 1 of the report be approved for consultation, with particular regard to the rates proposed and the section on implementation policy;
- (2) the consultation responses at Appendix 2 of the report be agreed; and
- (3) the decision on whether to submit the Draft Charging Schedule for examination be delegated to the Strategic Director (KH) in consultation with the Leader of the Council and Portfolio Holder for Sustainable Development and Transport.

(Report circulated)

33

**DRAFT RESIDENT INVOLVEMENT STRATEGY 2012-2015**

Councillor Fullam declared an interest in this item as an employee of a housing association.



The report of the Acting Assistant Director Housing and Contracts, seeking approval for the Resident Involvement Strategy 2012-2015, was submitted.

Scrutiny Committee – Community considered the report at their meeting of 6 March 2012 and their comments and support were noted.

Executive members were pleased to note the good practice which already existed in relation to resident involvement, including scrutiny of performance. They welcomed the proposals outlined in the Strategy for further involving tenants and leaseholders in all aspects of housing service and provision. They emphasised the importance of involving a cross-section of residents, particularly hard-to-reach groups. Whilst noting a cost to the Housing Revenue Account of regular newsletters, members emphasised the value of communication in order to keep residents informed of a wide range of issues and proposals at a local level. Nevertheless members acknowledged the need for such costs to be proportionate and transparent to residents.

**RESOLVED** that:-

- (1) the Housing Resident and Involvement Strategy 2012-2015 be approved;  
and
- (2) a further report on progress against the action plan be submitted annually.

(Report circulated)

34                    **ANTI-FRAUD, ANTI-BRIBERY AND ANTI-CORRUPTION POLICY AND THE WHISTLEBLOWING POLICY**

The report of the Head of Audit was submitted, seeking approval of the revisions made to the Anti-Fraud, Anti-Bribery and Anti-Corruption Policy and the Whistleblowing Policy. The Assistant Director Finance reported that the policies had been updated to reflect the new management structure and recent legislation.

Executive confirmed its continuing support for the two policies.

**RECOMMENDED** to Council to approve the updates made to the two policies and the consequent amendments to the Constitution.

(Report circulated)

35                    **DELEGATED AUTHORITY FOR ACQUISITION OF SOCIAL HOUSING PROPERTY**

The Strategic Director (KH) presented the report, seeking approval for the delegation of authority to the Assistant Director Housing and Contracts to acquire suitable housing properties using receipts generated by the disposal of assets that are no longer suitable for social housing.

Executive supported the proposal and requested that members be informed of delegated decisions made in respect of such acquisitions.

**RECOMMENDED** to Council that:-

- (1) the Assistant Director Housing and Contracts, in consultation with the Portfolio Holder Housing and Community Involvement and Finance and Estates officers, be given delegated authority to acquire suitable premises under the Housing Asset Management Plan framework; and that the Constitution be amended to that effect; and
- (2) that Executive members be informed of delegated decisions made in respect of such acquisitions.

(Report circulated)

36

### **LORD MAYORALTY**

Councillor Newby was nominated as Lord Mayor Elect and Councillor Prowse as Deputy Lord Mayor Elect for the 2012/13 Municipal Year.

**RECOMMENDED** to Council that Councillor Newby be nominated as Lord Mayor Elect and Councillor Prowse as Deputy Lord Mayor Elect for the 2012/13 Municipal Year.

37

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

The schedule of appointments to outside bodies was circulated.

**RESOLVED** that the following appointments be renewed for a further term:

Haven Banks Outdoor Education Centre – Cllrs Martin and Newby  
Maynards School – Cllr Mrs Henson

**RECOMMENDED** that the appointments/re-appointments to the following organisations be made at Council, pending receipt of information, where appropriate, in relation to attendance by the current representatives:-

Exeter Municipal Charities (General List)  
Central Exeter Relief in Need Charity  
St Edmunds and St Mary Major Charities  
St Thomas Church Charities

38

### **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 item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

**EXETER AND HEART OF DEVON GROWTH BOARD MINUTES**

**RESOLVED** that the minutes of the Exeter and Heart of Devon Growth Board meeting held on 30 January 2012 be noted.

(Minutes circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.10 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 24 April 2012.**

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**GRANTS COMMITTEE**

Thursday 23 February 2012

Present:-

Councillor John Winterbottom (Chair)  
Councillors Baldwin, Bull and Spackman

Also Present

Director Community and Environment, Projects and Business Manager, Senior Valuer (TJ), City Arts and Events Manager, Principal Accountant (SH), Community Inclusion and Engagement Officer, Policy Officer (MP-J) and Member Services Officer (SJS)

1 **MINUTES**

The minutes of the meeting held on 1 December 2011 were taken as read and signed by the Chair as correct.

2 **DECLARATIONS OF INTEREST**

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

| <b>COUNCILLOR</b>   | <b>MINUTE</b>   |
|---------------------|---|
| Councillor Baldwin  | 5 (in respect of Topsham Community Association as a Council Representative on the Committee and Topsham Museum as member of the Friends)  |
| Councillor Bull     | 4 *(he and his wife work with the Arts Organisations)<br>5 (in respect of Exeter Age UK as a Pride and Place Advocate)<br>6 (in respect of Exeter Age UK as a Pride and Place Advocate) |
| Councillor Spackman | 5 (in respect of Exeter Age UK as a Pride and Place Advocate)<br>6 (in respect of Exeter Age UK as a Pride and Place Advocate)  |

3 **BUDGET POSITION**

The Principal Accountant (SH) advised Members on the current budget position with regards to the grants budget and stated that the fund available for core grants was £371,210. The total amount of the core grants recommended for approval was £367,500 leaving a balance of £3,710.

4 **SERVICE AGREEMENTS WITH STRATEGIC ARTS ORGANISATIONS**

Councillor Bull declared a personal and prejudicial interest as he and his wife work with the Arts Organisations and left the room for consideration of the item.

The City Arts and Events Manager presented the report to approve the service profiles, targets and measures which would be the basis of the service agreements

with the Exeter Northcott Theatre, Theatre Alibi, Spacex, Exeter Phoenix and Exeter Barnfield Theatre.

Members were advised that, in spite of the current economic down turn, the Arts Organisations had continued to go from strength to strength.

In response to a Member's question, the City Arts and Events Manager clarified that Exeter Northcott Theatre would be receiving £125,000 a year for the next three years from the Arts Council England's Strategic Theatre Exeter Fund.

As a further update regarding Exeter Northcott Theatre, the City Arts and Events Manager reported that the City Council had seen the theatre's recent three year business plan and although the margins were tight, as with most arts organisations, officers were satisfied on the figures presented, that the theatre demonstrated that it could maintain a financial stability over the next three years. Nevertheless, the University of Exeter had still to confirm the amount of funding it will be giving to Exeter Northcott and therefore the recommendation was still to agree City Council funding in principle until the University's funding had been confirmed.

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

- (1) the levels of annual funding to the designated strategic arts organisations, as set out in item 5. 1, are approved;
- (2) the grant of £70,321 to Exeter Northcott Theatre in principle be approved. The funding shall not be released until written confirmation has been received from the Chair of the Theatre's Board confirming all other stakeholders' support. Release of funding shall then be agreed by the Assistant Director Economy and the Portfolio Holder for Economy and Tourism; and
- (3) the individual service profiles and agreements be the basis for the schedule of payments for the strategic arts organisations dependent on 6 month and 12 month monitoring reports be agreed.

(Report circulated)

5

### **RENT GRANTS**

Councillor Baldwin declared a personal interest in respect of Topsham Community Association as a Council Representative on the Committee and Topsham Museum as a member of the Friends.

Councillor Bull declared a personal interest in respect of Exeter Age UK as a Pride and Place Advocate.

Councillor Spackman declared a personal interest in respect of Exeter Age UK as a Pride and Place Advocate.

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

- (1) the decisions, as set out below, be implemented in respect of the bodies indicated; and
- (2) the Corporate Manager Policy/Communications/Community Engagement, 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.

**Community/Social Need**

**RECOMMENDED**

|                                |         |
|--------------------------------|---------|
| Citizens Advice Bureau*        | £33,190 |
| Devon Rape Crisis Services Ltd | £5,900  |
| Exeter Age UK*                 | £13,100 |
| Exeter CVS*                    | £63,425 |
| Exeter Relate*                 | £11,600 |
| Turntable*                     | £9,000  |

**Museums**

|                 |  |
|-----------------|--|
| Topsham Museum* | £2,800 plus insurance of<br>£1,904 (estimated cash<br>grant) |
|-----------------|--|

**Arts**

|                   |         |
|-------------------|---------|
| Phoenix*          | £60,180 |
| Barnfield Theatre | £8,000  |

**Sport/Recreation**

|                                  |         |
|----------------------------------|---------|
| Exeter BMX Track*                | £18,000 |
| Exeter Cycle Speedway Club*      | £9,750  |
| Exeter Water Sports Association* | £7,400  |

**Community Associations**

|   |        |
|---|--------|
| Alphington Community Association                      | £6,000 |
| Exwick Community Association*                         | £6,500 |
| Newtown Community Association*                        | £2,000 |
| Stoke Hill Community Association                      | £8,300 |
| Sylvania Play and Community Facilities<br>Association | £1,250 |
| Topsham Community Association                         | £7,900 |
| Wonford Community and Learning Centre Ltd*            | £5,000 |

|   |        |
|---|--------|
| Stoke Hill Pre-School Group   | £800   |
| Exeter Scrapstore – including Magic Carpet and Merry Go Round Toy and Leisure Library | £8,500 |

(schedule circulated)

6

### **CORE GRANTS**

Councillor Bull declared a personal interest in respect of Exeter Age UK as a Pride and Place Advocate.

Councillor Spackman declared a personal interest in respect of Exeter Age UK as a Pride and Place Advocate.

In response to a Member's question, the City Arts and Events Manager clarified the position with regards to the administration of the Exeter Arts Council. Exeter Arts Council had not made any additional applications for funding to support its work although the funding awarded had been successful in levering additional funds from the National Lottery Grants for the Arts awards.

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

### **BODY**

| <b>Community/Social Need</b>                 | <b>RECOMMENDED</b> |  |
|--|--------------------|--|
| Citizens Advice Bureau                       | £73,300            | 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                                   | £13,900            | 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                                    | £6,250             | environmentally friendly project, 30% of those helped take up housing association tenancies and 50% Council tenancies  |



|   |         |  |
|---|---------|--|
| Exeter Age Concern  | £5,200  | to help support and continue to provide services to Exeter residents   |
| Exeter Community Transport Association – Ring & Ride & Taxicard | £17,240 | one of five services provided by ECTA, to help people with disabilities access all areas of Exeter through various mobility solutions and allows disabled people to claim back 50% of taxi fares to a maximum annual limit |
| adva  | £5,000  |  |

### **Arts**

|                  |          |  |
|------------------|----------|--|
| Exeter Northcott | £70,321  |  |
| Spacex           | £11,365  |  |
| Theatre Alibi    | £17,686  |  |
| Exeter Phoenix   | £108,238 |  |
| Exeter Barnfield | £8,250   |  |
| Magic Carpet     | £1,500   | support for regular arts activities for people with disabilities and special needs in the City |

### **Sport and Leisure**

|   |        |  |
|---|--------|--|
| Merry Go Round Toy and Leisure Library - Scrapstore | £1,000 | to enable the toy library in the Scrapstore to remain open |
|---|--------|--|

### **Grant-Aiding Bodies**

|   |         |   |
|---|---------|---|
| Exeter Arts Council                     | £10,000 | distribution of small arts grants to organisations and individuals                |
| Exeter Council for Sport and Recreation | £5,000  | an efficient and effective body which administers valuable small grants for sport |

(Report circulated)

**FUTURE OF GRANTS COMMITTEE**

The Projects and Business Manager presented a paper on the future of the Grants Committee (paper attached to minutes).

He advised Members on the proposed panel, the Local Infrastructure Fund which Executive had decided to establish as part of the New Homes Bonus, and the proposed dates of the panel meetings with deadlines for applications. The name of the panel had yet to be agreed.

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

- (1) in Part 3 of the Constitution "Responsibility for Functions", references to Grants Committee be replaced by references to the new panel;
- (2) appropriate powers be included in the Scheme of Delegations (for example a power to reject applications to the Local Infrastructure Fund that fall outside the applicable criteria); and
- (3) any appropriate consequential amendments be made to the Constitution.

(Paper circulated at meeting)

(The meeting commenced at 4.30 pm and closed at 5.00 pm)

Chair

## **GRANTS – FUTURE ARRANGEMENTS**

### **Types of grant**

- (a) Rent Grants and Core Grants – currently considered by Grants Committee which makes recommendations to Executive.
- (b) NEW – awards from the Local Infrastructure Fund (part of the Council's New Homes Bonus receipts).
- (c) Community Grants – currently administered under delegated powers.

### **Proposed Panel**

It has been decided by Executive that a new Panel will replace Grants Committee and will make recommendations in respect of (a) Rent Grants and Core Grants and (b) awards of more than £3000 from the new Local Infrastructure Fund.

Community Grants will continue to be administered under delegated powers. All applications for £3000 or less will be dealt with under this process.

The Panel will meet four times a year, and make recommendations as at present, through submission of minutes to Executive. The first meeting is likely to be on 14 June 2012.

The Panel will comprise four Members, namely the Leader, Portfolio Holders for (i) Sustainable Development and Transport and (ii) Housing and Community Involvement, plus one representative from the other two main parties. Relevant Members have been asked to confirm a name for the new Panel.

### **Local Infrastructure Fund – more information**

This is part of the New Homes Bonus, which is a financial incentive to communities and local authorities to welcome new housing growth. The Government will match fund the additional Council Tax generated by new homes and empty properties brought back into use, for six years.

ECC's Executive has determined that 30% of the New Homes Bonus (after a top slice) will be available for localised community infrastructure to address existing deficiencies in local facilities, and to meet additional pressures put on existing facilities by an increasing population. Projects which could benefit include facilities such as meeting halls or open space enhancements.

This is entirely separate from the existing budget which funds Rent Grants and Core Grants.

### **Constitutional arrangements - recommendation**

That Executive be recommended that:-

1. in Part 3 of the Constitution "Responsibility for Functions", references to Grants Committee be replaced by references to the new Panel;
2. appropriate powers be included in the Scheme of Delegations (for example a power to reject applications to the Local Infrastructure Fund that fall outside the applicable criteria);
3. any appropriate consequential amendments be made to the Constitution.

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## EXECUTIVE

Tuesday 3 April 2012

### Present:

Councillor Edwards (Chair)  
Councillors Denham, Fullam, Hannaford, Mrs Henson, Martin, Mrs Morrish, Sheldon and Sutton

### Also present:

Chief Executive, Strategic Director (KH), Strategic Director (MP), Assistant Director Finance, Assistant Director Public Realm and Member Services Manager

40

### STRATEGIC DIRECTOR

The Chair welcomed Mark Parkinson, who had recently joined the Council as Strategic Director, to his first meeting of the Executive.

41

### DECLARATIONS OF INTEREST

The following declaration of interest was made:-

| Councillor | Interest   |
|------------|--|
| Hannaford  | 50 (Vice-Chair of Devon County Council's Exeter Locality Committee). |

42

### CAPITAL MONITORING STATEMENT TO DECEMBER 2011

The report of the Assistant Director Finance was submitted, setting out the current position in respect of the Council's annual capital programme and advising Members of the anticipated variations.

Scrutiny Committee – Resources considered the report at their meeting of 21 March 2012 and members' comments and support were noted.

In response to a query regarding Cowick Street Environmental Works, the Portfolio Holder Sustainable Development and Transport reported her understanding that the cleaning and lighting of the underside of the bridge were due to take place in the next few months and that a public meeting was to be held in respect of the street furniture.

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

(Report circulated)

43

### OVERVIEW OF GENERAL FUND REVENUE BUDGET 2011/12

The report of the Assistant Director Finance was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account (HRA) after nine months, for the 2011/12 financial year.

Members noted the main variances in the General Fund budgets and the net surplus in the Housing Revenue Account that would be transferred to the HRA working balance.

Scrutiny Committee – Resources considered the report at their meeting of 21 March 2012 and members' comments and support were noted.

**RECOMMENDED** that Council approves:

- (1) the General Fund forecast financial position for the 2011/12 financial year;
- (2) the HRA forecast financial position for 2011/12 financial year;
- (3) the outstanding Sundry Debt position as at December 2011; and
- (4) the creditors' payments performance.

(Report circulated)

#### 44 **CORPORATE GOVERNANCE RISK REGISTER ANNUAL REVIEW 2012**

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

Scrutiny Committee – Resources considered the report at their meeting of 21 March 2012 and their comments and support were noted.

**RESOLVED** that the annual corporate risk register and the revised risk management policy be approved.

(Report circulated)

#### 45 **ST KATHERINE'S PRIORY RE-ROOFING FINANCIAL PROVISIONS**

The joint report of the Assistant Director Public Realm and the Assistant Director Economy was submitted, seeking approval to increase the financial provision previously approved for the necessary reroofing works at St Katherine's Priory, Polsloe.

Scrutiny Committee – Resources considered the report at their meeting of 21 March 2012 and their comments and support were noted.

In response to the Chair's concern regarding the inaccuracy of the original estimate, the Assistant Director Public Realm reported that it was always extremely difficult to estimate the cost of such specialist works. The original estimate had been a "ball park figure" and the higher more realistic figure had been presented through the tender exercise.

Members endorsed the importance of conserving the Priory as part of the City's heritage and supported the additional funding for the reroofing works.

**RECOMMENDED** to Council to approve the proposals as outlined in this report to carry forward the existing capital budget of £47,000 from financial year 2011/12 into 2012/13 and to provide additional funding of £28,000 from capital to enable the St Katherine's Priory reroofing works to be undertaken.

(Report circulated)

46

### **LOCALISED COUNCIL TAX SUPPORT SCHEME**

The report of the Assistant Director Finance was submitted, briefing Members on the localised council tax support scheme, and highlighting the issues that will need to be considered, and the decisions that will need to be made, during the next nine months.

The Assistant Director Finance presented the report, informing members of the Government's proposals to replace Council Tax Benefit with a local council tax rebate scheme. Local authorities would receive a budget for the new system based on 10% less than current spending on Council Tax Benefit. He drew Executive's attention to the practical problems and issues associated with the introduction of the new scheme, including the very tight timescale and the delay in the software. He reported that the Devon Benefit Officers Group was working on the proposals and that there was a collective agreement between all Devon authorities to have a single shared scheme.

Members were concerned to note that failure to deliver a scheme by December 2012 would trigger a default scheme imposed by the Government and that the Council could face a deficit of £80,000. They were particularly concerned about the impact that the measure would have on low-income families who were already financially stretched and the potential effect on vulnerable children.

**RESOLVED** that:-

- (1) the contents of the report, and the key points on which decisions would need to be made this year be noted; and
- (2) a letter be sent to the City's MPs seeking clarification of the timescale and drawing attention to the difficulties and that other Devon authorities be encouraged to contact their own MPs similarly.

(Report circulated)

47

### **REPORT OF THE CAR PARKS TASK AND FINISH GROUP**

The report of the Assistant Director Public Realm was submitted, informing Members of the deliberations, conclusions and recommendations of the Car Parks Task and Finish Group. He reported that Scrutiny Committee – Economy had considered the Group's report at their meeting of 8 March 2012. Whilst individual elements of the proposals would come forward to Executive in due course and as appropriate, the Committee was impressed by and appreciative of the work of the group and had requested that the report be submitted to Executive in its entirety.

Councillor Margaret Baldwin attended the meeting and spoke on the item under Standing Order 44. Whilst welcoming the report overall, Councillor Baldwin felt that the Group's recommendation to place Topsham Quay Car Park into Tariff Band 2 (Short Stay Shoppers' Car Parks) was wrong and hoped that this would be re-considered. She referred to a letter from 50 businesses supporting the need for a welcoming, long-stay car park in Topsham.

The difficulty of parking in the town was generally acknowledged and this was exacerbated by the current temporary use of part of the Tappers Close car park by Network Rail and two-thirds of the Quay car park being used for boat storage for a large part of the year.

The Chair responded with reference to the significant support formerly expressed for a higher turnover in the car parks, in order to increase visitors to the town and reminded members that Holman Way provided a long stay facility.

The Portfolio Holder Sustainable Development and Transport added her thanks to the working group for their comprehensive report and assured members that all the recommendations would be considered in due course. She emphasised that the increased charges at Topsham Quay aimed to deter workers from using the spaces to the detriment of visitors. She reported that monthly usage figures for the Topsham car parks were compiled and requested officers to send these to the Topsham ward Councillors on a regular basis.

**RESOLVED** that:-

- (1) the Car Parks Task and Finish Group be congratulated on their comprehensive review of the issue; and
- (2) the conclusions of the report be noted and that further reports on individual proposals would come forward to Executive in due course.

(Report circulated)

48

### **QUEEN ELIZABETH II FIELDS CHALLENGE**

The report of the Assistant Director Public Realm was submitted, seeking a decision from Members on a proposal to participate in a national initiative to commemorate the Diamond Jubilee of Queen Elizabeth II, and to rename Wonford Playing Fields (or part of it) accordingly.

Councillor Choules attended the meeting and spoke on this item under Standing Order 44. He welcomed the proposal to commemorate the Queen's Diamond Jubilee through the re-naming of part of Wonford Fields and also requested that zones C and D of the Fields be renamed in memory of former Mayor and Councillor Ivy Johns who had given the City long and dedicated service. Members of Executive were happy to support the request, in recognition of the hard work and huge contribution made by Ivy Johns both to the community and the City.

Executive also welcomed the proposal to participate in the national initiative and to rename zones A and B of Wonford Playing Fields in commemoration of the Diamond Jubilee of Queen Elizabeth II.

**RESOLVED** that:-

- (1) the Council participate in the Queen Elizabeth II Field Challenge; and designate zones A and B of Wonford Playing Fields, shown on the plan attached to the report, in commemoration;
- (2) zones C and D of the Fields be named in memory of former Mayor and Councillor Ivy Johns; and



- (3) the Council enters into a formal Deed of Dedication that will impose a restrictive covenant on the chosen sites.

(Report circulated)

49

### **VOLUNTARY REDUNDANCY PROCEDURE**

The joint report of the Chief Executive and Head of Human Resources was submitted, proposing a procedure to put in place a more formalised, time-limited, process for voluntary redundancy applications to come forward across the organisation.

The Chief Executive reported that the proposal was presented in response to the continuing budgetary pressures which the Council faced and in the context of the opportunities presented by the ongoing transformational change. He emphasised the Council's commitment to minimise compulsory redundancies so far as possible through the use of natural wastage, redeployment and voluntary redundancy.

Executive supported the proposal to offer all staff the opportunity to apply for voluntary redundancy for a limited period and supported the criteria set out in the report for the acceptance of applications.

**RESOLVED** that:-

- (1) the policy and procedure set out in the report for voluntary redundancy to be offered to all staff be approved; and
- (2) subject to the criteria described in the report, the determination of any requests for voluntary redundancy, made in response to this time-limited programme, be delegated to the Chief Executive, in consultation with the three group leaders.

(Report circulated)

50

### **LOCALISM IN THE EXETER CONTEXT**

Councillor Hannaford declared an interest in this item as Vice-Chair of Devon County Council's Exeter Locality Committee.

The report of the Strategic Director (KH) was submitted, seeking approval for funding towards the work of the proposed Exeter Board to be established by Devon County Council.

Members welcomed the proposal in principle and the opportunity it presented for communities to access a wider pool of funding. They supported Exeter City Council's proposed financial contribution and the appointment in due course of five Exeter City members to serve on the Board. They hoped that the range of neighbourhood funding schemes available would complement each other and work for the benefit of communities at a local level.

**RESOLVED** that:-

- (1) the establishment of a joint County Council and City Council Exeter Board be supported; and
- (2) a financial contribution of £8,600 towards the work of the Exeter Board be approved.

(Report circulated)

51

**COUNCILLOR JOAN MORRISH**

On the occasion of her last Executive meeting, the Chair and members of Exeter placed on record their great appreciation for the outstanding work of Councillor Joan Morrish and her husband, former Councillor David Morrish, and for the enormous contribution they had made to the City. They wished her good health and happiness for the future.

Councillor Joan Morrish returned her thanks for the help and support of fellow members throughout the long and enjoyable period in which she had served on the Council.

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

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 24 April 2012.**

# Agenda Annex

## SEATING IN THE GUILDHALL

|                       |  |  |  |                                      |                 |  |  |
|-----------------------|--|--|--|--------------------------------------|-----------------|--|--|
| Lord Mayor's Chaplain |  |  | Deputy Lord Mayor Councillor Mitchell (LD) | Lord Mayor Councillor Mrs Brock (LD) | Chief Executive | Corporate Manager Democratic/Civic Support |  |
|-----------------------|--|--|--|--------------------------------------|-----------------|--|--|

|                         |                         |                            |  |                    |                    |  |
|-------------------------|-------------------------|----------------------------|--|--------------------|--------------------|--|
| Member Services Manager | Corporate Manager Legal | Assistant Director Finance |  | Strategic Director | Strategic Director |  |
|-------------------------|-------------------------|----------------------------|--|--------------------|--------------------|--|

|              |               |               |       |                 |                  |
|--------------|---------------|---------------|-------|-----------------|------------------|
| Councillors  | Councillors   | Councillors   |       | Councillors     | Councillors      |
| Branston (L) | Tippins (L)   | Edwards (L)   |       | Mrs Henson (C)  | Prowse (C)       |
| Dawson (L)   | Morris (L)    | Sutton (L)    |       | Taghdissian (C) | Crow (C)         |
| Stone (L)    | Bull (L)      | Martin (L)    |       | Baldwin (C)     | Mottram (C)      |
| Robson (L)   | Clark (L)     | Sheldon (L)   | TABLE | Shiel (C)       | Winterbottom (C) |
| Spackman (L) | Bialyk (L)    | Hannaford (L) |       | Newby (C)       | D J Henson (C)   |
| Choules (L)  | Macdonald (L) | Denham (L)    |       |                 | Mrs Thompson C   |
| Wardle (L)   |               |               |       |                 |                  |

|                        |                  |                  |                |                  |                 |                    |                     |
|------------------------|------------------|------------------|----------------|------------------|-----------------|--------------------|---------------------|
| Cllr Mrs Morrish (Lib) | Cllr Ruffle (LD) | Cllr Hobden (LD) | Cllr Cole (LD) | Cllr Fullam (LD) | Cllr Payne (LD) | Cllr Newcombe (LD) | Cllr P J Brock (LD) |
|------------------------|------------------|------------------|----------------|------------------|-----------------|--------------------|---------------------|

|      |                  |   |    |
|------|------------------|---|----|
| L:   | Labour           | : | 19 |
| C:   | Conservative     | : | 11 |
| LD:  | Liberal Democrat | : | 9  |
| LIB: | Liberal          | : | 1  |

### Portfolio Holders

|            |   |
|------------|---|
| Edwards:   | Leader                                      |
| Hannaford: | Housing and Community Involvement           |
| Martin:    | Business Transformation and Human Resources |
| Sheldon:   | Environment and Leisure                     |
| Sutton:    | Sustainable Development and Transport       |
| Denham:    | Economy and Tourism                         |

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