



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 11 DECEMBER 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 meeting held on 16 October 2012.	1 - 8
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 29 October 2012	9 - 28
4 Planning Committee - 3 December 2012	29 - 48
5 Licensing Committee - 27 November 2012	49 - 50
6 Scrutiny Committee - Community - 6 November 2012	51 - 56
7 Scrutiny Committee - Economy - 8 November 2012	57 - 62
8 Scrutiny Committee - Resources - 21 November 2012	63 - 68
9 Standards Committee - 28 November 2012	69 - 92
10 Executive - 20 November 2012	93 - 102

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

Date: 4 December 2012

Philip Bostock
Chief Executive

NOTE: Members are asked to sign the Attendance Register



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Agenda Item 1

THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 16 October 2012

The Right Worshipful the Lord Mayor (Cllr Newby)
The Deputy Lord Mayor (Cllr Prowse)
Councillors Baldwin, Bialyk, Bowkett, Branston, Brock, Bull, Choules, Crew, Crow, Dawson, Denham, Donovan, Edwards, Fullam, Hannaford, D J Henson, Mrs Henson, Laws, Leadbetter, Lyons, Macdonald, Martin, Mitchell, Morris, Mottram, Owen, Payne, Pearson, Robson, Ruffle, Sheldon, Shiel, Spackman, Sutton, Tippins, Wardle and Winterbottom

44 URGENT BUSINESS

The Lord Mayor moved and Councillor Shiel seconded that the following item be taken as urgent business because of the need for Council to be fully appraised of, and decide upon, the formal authorisation to allow, at short notice, a final settlement to BAM, the Council's main contactor for the RAMM development project.

45 APPOINTMENT OF RECORDER

RESOLVED that His Honour Judge Francis Gilbert QC be formally installed as Recorder of the City.

Judge Gilbert welcomed his appointment and returned thanks.

46 MINUTES

The minutes of the meeting of Council held on 17 July 2012 were taken as read and signed as a correct record.

47 OFFICIAL COMMUNICATIONS

The Lord Mayor announced that His Royal Highness, the Earl of Wessex had officially re-opened the Royal Albert Memorial Museum that morning.

48 PLANNING COMMITTEE - 23 JULY 2012

The minutes of the Planning Committee held on 23 July 2012 were taken as read.

The following Councillor declared an interest:

COUNCILLOR	MINUTE
Winterbottom	79 (knows applicant)

RESOLVED that the minutes of the Planning Committee held on 23 July 2012 be received.

49 PLANNING COMMITTEE - 3 SEPTEMBER 2012

The minutes of the Planning Committee held on 3 September 2012 were taken as read.

RESOLVED that the minutes of the Planning Committee held on 3 September 2012 be received.

50

PLANNING COMMITTEE - 17 SEPTEMBER 2012

The minutes of the Planning Committee held on 17 September 2012 were taken as read.

RESOLVED that the minutes of the Planning Committee held on 17 September 2012 be received.

51

PLANNING COMMITTEE - 1 OCTOBER 2012

The minutes of the Planning Committee held on 1 October 2012 were taken as read.

RESOLVED that the minutes of the Planning Committee held on 1 October 2012 be received.

52

LICENSING COMMITTEE - 24 JULY 2012

The minutes were presented by Councillor Owen, the Deputy Chair of the Committee, as Councillor Macdonald, the Chair, had declared an interest at the meeting on 24 July in respect of Minute 38 (Sex Entertainment Venues and Sex Establishments).

Subject to the amendment of the minutes to include a declaration of a personal interest by Councillor Macdonald in respect of Minute 38, the minutes of the Licensing Committee held on 24 July 2012 were taken as read.

The Portfolio Holder referred to the background to the policy in respect of the regulation of sex establishments and confirmed that a full consultation with residents and interested parties on the current policy would be undertaken in the New Year. A report back to the Licensing Committee would be made seeking consideration on options for the Council's future policy on this matter.

RESOLVED that the minutes of the Licensing Committee held on 24 July 2012, as amended, be received and, where appropriate, adopted.

53

LICENSING COMMITTEE - 25 SEPTEMBER 2012

The minutes of the Licensing Committee held on 25 September 2012 were taken as read.

RESOLVED that the minutes of the Licensing Committee held on 25 September 2012 be received.

54

SCRUTINY COMMITTEE - COMMUNITY - 4 SEPTEMBER 2012

The minutes of the Scrutiny Committee - Community held on 4 September 2012 were taken as read.

The following Councillor declared an interest:

COUNCILLOR	MINUTE
Choules	45 (employee of the University of Exeter)

RESOLVED that the minutes of the Scrutiny Committee - Community held on 4 September 2012 be received.

55

SCRUTINY COMMITTEE - ECONOMY - 6 SEPTEMBER 2012

The minutes of the Scrutiny Committee - Economy held on 6 September 2012 were taken as read.

RESOLVED that the minutes of the Scrutiny Committee - Economy held on 6 September 2012 be received.

56

SCRUTINY COMMITTEE - RESOURCES - 19 SEPTEMBER 2012

The minutes of the Scrutiny Committee - Resources held on 19 September 2012 were taken as read.

RESOLVED that the minutes of the Scrutiny Committee - Resources held on 19 September 2012 be received.

57

FINAL ACCOUNTS COMMITTEE - 20 SEPTEMBER 2012

The minutes of the Final Accounts Committee of 20 September 2012 were taken as read.

RESOLVED that the minutes of the Final Accounts Committee of 20 September 2012 be received.

58

EXECUTIVE - 18 SEPTEMBER 2012

The minutes of the Executive held on 18 September 2012 were taken as read.

In relation to Minute 89 (Appointment of Representatives to serve on Outside Bodies), the following appointments were made:-

- Mrs D. Baldwin to Exeter Municipal Charities (Church List)
- Councillor Spackman to St. Sidwells' Parish Lands and Other Charities.

RESOLVED that the minutes of the Executive held on 18 September 2012 be received and, where appropriate, adopted.

59

EXECUTIVE - 2 OCTOBER 2012

The minutes of the Executive held on 2 October 2012 were taken as read.

The following Councillors declared personal interests:

COUNCILLOR	MINUTE
Choules	94 (Chair of Wear United Community Group)
Prowse	104 (Member of Devon County Council)

In relation to Minute 102 (Membership of Committees), the following appointments were made:-

- Councillor Owen to replace Councillor Macdonald as Chair of the Licensing Committee, Councillor Macdonald to remain a member of the Committee and Councillor Dawson to replace Councillor Owen as Deputy Chair of the Licensing Committee; and

- Councillor Baldwin to replace Councillor Leadbetter as a Member of the Scrutiny Committee - Economy.

Councillor Edwards moved and Councillor Baldwin seconded the establishment of a Political Structure Review Member Working Group to comprise Councillors Baldwin, Bialyk, Bowkett, Crow, Morris, Pearson, Ruffle and Shiel.

Council agreed the motion unanimously.

Responding to Members who were concerned about the significant financial implications of a proposed leisure complex (Minute 104 - Proposal to Build a New Swimming and Leisure Complex on the Bus and Coach Station Site), the Leader, with reference to the recent opening of John Lewis, stated that investment in new developments was important to maintain the economic vibrancy of the City. He also reported that consultants would be engaged to review the City's car parking stock in relation to meeting the needs of the re-development of the bus and coach station site including the proposed swimming and leisure complex.

RESOLVED that the minutes of the Executive held on 2 October 2012 be received and, where appropriate, adopted.

60

NOTICE OF MOTION BY COUNCILLOR BIALYK UNDER STANDING ORDER NO. 6

The following Councillors declared interests and, where indicated*, left the meeting during consideration of this item:

COUNCILLOR	INTEREST
Crew	Member of the GMB Union
Laws	* Member of Devon County Council
Mitchell	* Employed by the Royal Devon and Exeter Hospital Trust
Morris	Employed by Ben Bradshaw MP
Ruffle	Retired and active Member of the NUT and retired and inactive member of the Unite Union

Councillor Bialyk, seconded by Councillor Crew, moved a Notice of Motion in the following terms:-

“Regional and Local Public Sector Pay

That the Exeter City Council notes:

- The Chancellor of the Exchequer announced in the 2012 Budget the Government's desire to introduce 'more market facing' public sector pay. This could mean regional or local public sector pay.
- This recommendation has come in advance of the Pay Review Bodies reporting on the issue in July and September 2012.
- There has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions.

Exeter City Council believes:

- The Government's case is based on the claim that public sector pay is 'crowding out' the private sector. This is not supported by evidence, particularly at a time of high unemployment. There are currently 2073 JSA claimants in the Exeter area.
- This approach also ignores the real reasons for the differences between public and private sector pay. For instance, there are more high skilled workers in the public sector (such as teachers and nurses), and a smaller pay gap between top and bottom earners and a smaller gender pay gap.
- Public sector employers already have some flexibility to adjust pay in response to local conditions, and higher rates are paid in London and the South East.
- All other English regions and devolved nations stand to be affected by this, with the possibility of years of pay falling behind the cost of living.
- Workers in the Exeter area are paid £512 pa less than the national average.
- 65% of public sector workers are female.

Exeter City Council further believes:

- Regional or local public sector pay would have a harmful effect on the City.
- It will make it harder for schools and other public services to recruit and retain good quality professionals who could earn more for doing the same job elsewhere.
- There are 31,200 public sector workers in Exeter area and reducing their real terms pay each and every year will dramatically reduce spending power and have a negative impact on the private sector.
- This policy will not improve the pay of private sector workers but instead could encourage further depression of wages in all sectors.
- We do not want to be forever defined as a 'low pay' city.
- This policy is therefore counter to our city vision and ambitions for the future.

Exeter City Council resolves:

- To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this council's opposition to plans for regional and localised public sector pay.
- To write to all local MPs within the next month outlining concerns about the impact that this policy would have on services and the local economy.
- To sign up to the Pay Fair campaign and raise awareness of the implications and risk of this policy locally, regionally and nationally."

In presenting the Notice of Motion, Councillor Bialyk stated that the desire of the Coalition Government to introduce regional or local public sector pay would have an adverse impact on regional economies and that Devon and Cornwall in particular would be badly affected. A number of Councils, including Plymouth and Cornwall, had unanimously opposed the proposal and he hoped that the City Council would do the same. He also urged Members to agree to the City Council signing up to the Pay Fair campaign. Councillor Crew, in seconding the motion, referred to the greater proportion of skilled workers working in the public sector and stated that any reduction in pay levels for this group would impact adversely on the local economy. He also referred to an Institute of Directors survey where the majority of members were not opposed to current public sector pay levels.

Some Councillors felt that greater flexibility in the regional public sector pay formula would stimulate rather than hinder economic growth and that the work force accepted lower wages away from London and the South East because of the quality of life in the South West. Councillor Leadbetter advised that the Cabinet of Devon County Council had requested an economic impact study on the likely effect on the area of the Government's proposal because of the concerns that regional pay structures could be harmful to local economies.

In supporting the motion, a Councillor referred to the opposition from the Chair of the Devon and Cornwall Business Council to the Government's proposal as it was felt that it would lead to a greater imbalance between London and the South East and the rest of the country. He stated that legislation had already been enacted in 2006 to enable the introduction of regional pay variations and that this had already been introduced by the Courts of Justice and that a number of NHS Trusts were looking to follow.

Other Councillors supported the retention of national pay structures for the public sector. They felt that introducing regional pay settlements would reduce incomes and therefore spend in the local economy which would be detrimental to local businesses.

In accordance with Standing Order 27(1), a named vote on the Motion was called for, as follows:

Voting for:

Councillors Bialyk, Bowkett, Branston, Mrs Brock, Bull, Choules, Crew, Dawson, Denham, Edwards, Fullam, Hannaford, Lyons, Macdonald, Martin, Morris, Owen, Payne, Pearson, Robson, Ruffle, Sheldon, Spackman, Sutton, Tippins and Wardle (26 Members)

Abstain:

Councillors Baldwin, Crow, Donovan, D Henson, Mrs Y A C Henson, Leadbetter, The Right Worshipful the Mayor Councillor Newby, Mottram, The Deputy Lord Mayor Councillor Prowse, Shiel and Winterbottom.

(11 Members)

The Notice of Motion was carried.

61 **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, Schedule 12A of the Act.

62 **RAMM PROJECT - SETTLEMENT**

The Chief Executive presented the report informing the Council of the current negotiations in respect of BAM's final account and seeking authority for additional capital expenditure to enable full and final settlement.

RESOLVED that Council approve the settlement of BAM's final account as set out in the Chief Executive's report.

(Report circulated to Members)

(The meeting commenced at 6.00 pm and closed at 8.00 pm)

Chair

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PLANNING COMMITTEE

Monday 29 October 2012

Present:

Councillor Bialyk (Chair)
Councillors Lyons, Denham, Donovan, Mrs Henson, Morris, Owen, Prowse and Spackman

Apologies:

Councillors Mitchell, Sutton and Winterbottom

Also Present:

Strategic Director (KH), Assistant Director City Development, Planning Solicitor, Area Planner (PJ) and Member Services Officer (SJS)

113

MINUTES

The minutes of the meetings held on 23 July, 3 September, 17 September and 1 October 2012 were taken as read and signed by the Chair as correct.

114

DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Owen	115 (his daughter lives in the current Match Day Access Strategy zone)
Councillor Prowse	116 (Member of Devon County Council)

115

PLANNING APPLICATION NO.12/1030/03 - SANDY PARK STADIUM, SANDY PARK WAY, EXETER, EX2 7NN

Councillor Owen declared a personal interest as his daughter lives in the current Match Day Access Strategy zone.

The Assistant Director City Development presented the application for the redevelopment to increase capacity from 10,750 to 20,600 by new and extended grandstands, additional parking, bus/coach drop off and additional conference centre facilities at Sandy Park Stadium, Sandy Park Way, Exeter.

Members were advised that the site comprised the rugby stadium situated at Sandy Park which was sandwiched between the A379 and the David Lloyd Centre to the north, the M5 and slip road to the east, Old Rydon Lane to the south and Sandy Park Farm to the west. Vehicular access to the site was via a junction on the A379 to the north-west of the site, with an emergency access, also used as coach/bus exit only, onto Old Rydon Lane. Pedestrian/cycle access to the site was principally obtained via a purpose built pedestrian/cycle bridge over the A379 from the north, secured as part of the original approval for the stadium, and via Old Rydon Lane from the south.

The Assistant Director City Development stated that the site had consent for an extension to the main stand, and additional new stands to increase the capacity to

13,956. This consent had not yet been implemented. This application sought to increase capacity from the current 10,744 to 20,600 in the form of an extension to the existing West stand and new permanent stands on the remaining three sides of the ground. The proposal also included increasing the Conference and Banqueting facilities from the existing capacity of 600/650 to 2,675. The parking would increase from 154 spaces to 395 spaces, with parking being limited to 254 spaces on match days to allow for TV cameras and crew and buses/coaches.

Members were updated on the issues including the visual prominence, sustainability and the transport issues. The Highways Authority and Highways Agency were now satisfied subject to appropriate conditions limiting increased capacity until such time as additional travel surveys and Junction 30 improvements had been carried out and a revised Match Day Access Strategy had been approved. The conference centre would be constructed to Breeam excellent standard.

Members were circulated with an update sheet advising that David Lloyd Leisure had retracted their objection; details of three additional letters of representation; minor design changes; revised consultation responses from the Highways Authority and Highways Agency with details of appropriate conditions and advising that the Section 106 was no longer required.

The recommendation was for approval, subject to the conditions as set out in the report and modified by the update sheet.

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

- no objection in principle to Exeter Rugby Club's expansion plans and the desire to play International Rugby
- had concerns regarding the use of Old Rydon Lane; use would increase once the capacity increased
- evening games were a big challenge; how to move spectators safely and quickly away from the ground, particularly if the capacity was to increase to over 20,000?
- the barrier should be removed from the footbridge over the A379
- understand expansion necessary but need to get it right.

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

- was a season ticket holder at Sandy Park and member of the Chiefs' supporters club
- concern regarding pedestrian safety along Old Rydon Lane to the Stadium
- with all the development in the area, in excess of 1,600 homes, and with the new rail halt promised at Newcourt; the proposal would lead to the increase use of Old Rydon Lane to access the Stadium
- the rail link from Exmouth to Digby Halt was already well used and could not cope at peak times
- if the use of narrow public path along the side of the railway adjacent to Liberty Way increased this would be dangerous, as it was necessary at present to walk single file and there was also a flight of steep steps; using this path in poor light or darkness would be very hazardous.

In response to Members, Mr Richardson clarified that his main concerns was lack of an adequate footpath and inadequate lighting for spectators when leaving the Stadium via Old Rydon Lane.

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

- thanked Exeter City Council Members and Officers for their support over the years
- looking to increase the capacity to just over 20,000 to be able to take the club forward in England and Europe; and expand the Conference and Banqueting facilities to increase income
- the Conference and Banqueting centre would be the largest centre of its kind in the South West; this facility was required to support the club
- was a challenging time for the club
- asked the Committee for their support.

In response to Members, Mr Rowe clarified that there was no Police presence required for matches; photo voltaic panels would be installed on the Southern Stand and conference centre; Sandy Park was a market leader in the facilities that it provided; last year had three sell outs, anticipated that the numbers would gradually increase as the club moved into Europe and that once the stadium was at maximum capacity he would envisage it would be full once or twice a year; and the expansion of the Conference and Banqueting facilities would create additional employment.

During discussion, Members raised the following points:-

- Exeter Rugby Club had moved into European Rugby quicker than had been envisaged
- a lot of work had gone into the original application to get it right
- concerns over the lack of lighting on Old Rydon Lane and Apple Lane; this could cause safety issues
- the barrier on the footbridge caused spectators leaving a match to back up across the bridge causing safety issues; it should be removed
- concern over the use of Old Rydon Lane for picking up and dropping off of spectators
- would the new residential development in Newcourt have the same match day restrictions that apply in Digby and surrounding areas?
- Local Ward Members should be consulted on the Match Day Access Strategy before it was agreed.

Mr Hulland, Transportation Studies Manager, Devon County Council, clarified that plans would be made to remove the barrier on the footbridge over the A379 within the next couple of months. When the Newcourt Rail halt was built the lighting of the access to this halt would need to be looked at, although street lighting in this area could form part of any further residential planning applications on the Newcourt development. The Match Day Access Strategy would evolve as evidence emerged from additional travel surveys. The original consent in 2004 enabled match day parking restrictions to cover an area of 1.5km from the Stadium which would include Newcourt.

The Assistant Director City Development clarified that a stadium capacity exceeding 11,700 spectators could not be in force until a Match Day Access Strategy had been agreed with the Local Planning Authority. Members concerns regarding the adequate lighting of Old Rydon Lane and Apple Lane and the use of the emergency access on Old Rydon Lane for dropping off and picking up would be taken forward with the relevant bodies. The Local Ward Members could be consulted on the Match Day Access Strategy before agreed.

RESOLVED that planning permission for the redevelopment to increase capacity from 10,750 to 20,600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events.
Reason: To enable the Local Planning Authority to retain control over the use.
- 8) The designated disabled parking areas shown on the approved drawings shall be retained at all times.
Reason: To ensure that adequate provision is made for disabled parking.
- 9) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.
- 10) The access from the site to Old Rydon Lane shall only be used by emergency or maintenance vehicles, and not as general means of access to or from the stadium and conference facilities.
Reason: In the interests of highway safety.
- 11) A Construction and Demolition 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 the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.
Reason: To minimise the potential for disruption during the construction process.
- 12) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at

any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

- 13) Capacity of the stadium exceeding 11,700 spectators shall not be utilised until a Match Day Access Strategy for crowds exceeding this figure has been submitted to and approved in writing by the Local Planning Authority. The scope and content of the Match Day Access Strategy shall be agreed with the Local Planning Authority in consultation with the Local Highway Authority and the Highways Agency (on behalf of the Secretary of State for Transport) and contain detailed provisions for the purposes of securing compliance with the approved measures together with its review and amendment as necessary. The Match Day Access Strategy shall incorporate the commitments for such a Strategy as set out in the existing Section 106 Agreements dated 9th September 2004 and 20th November 2009. Thereafter the stadium shall only be used and operated in accordance with the approved Match Day Access Strategy.
Reason: In the interests of highway safety, the efficient operation of the Local and Strategic Road Network, and to safeguard the amenities of neighbouring residents.
- 14) Prior to occupation of the development hereby permitted, cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained 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.
- 15) The four staff flats shown on the second floor of the south west stand on drawing no 1032 PL02.42 Rev B shall only be occupied by staff members associated with the operation and running of the rugby club and associated facilities.
Reason: The said accommodation lacks the provision of adequate private external amenity space to meet the standards set out in the Council's adopted Residential Design SPD. However, it forms an intrinsic part of the overall proposal and is considered acceptable on that basis provided occupation is only limited to staff associated with the development.
- 16) The level of noise emitted from all fixed plant and equipment on the site shall not exceed a rating noise level of 38 dB (07:00hrs to 23:00hrs) and 29 dB (23:00hrs to 07:00hrs) at the western boundary of the site, and 47 dB (07:00hrs to 23:00hrs) and 32 dB (23:00hrs to 07:00hrs) at the southern boundary of the site (measured in accordance with BS4142:1997). The developer shall demonstrate, by measurement and confirmation in writing to the Local Planning Authority, compliance with this level prior to the expanded facilities being brought into use, and as requested by the LPA thereafter.
Reason: In the interest of minimising noise pollution to protect the residential amenity of the occupants of nearby properties.
- 17) A comprehensive Travel Plan will be developed for all elements of the development which are ancillary to the operation of the Stadium, hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority (who shall consult with the Local Highway Authority and the Highways Agency (on behalf of the Secretary of State for Transport)), in advance of occupation of the development. The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The fail safe measures to be applied in the event that targets are not met
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews

A review of the targets shall be undertaken within 3 months of occupation of the development, and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report. Thereafter the development shall be operated in accordance with the approved Travel Plan.

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

- 18) Capacity of the stadium exceeding 15,000 spectators shall not be utilised until such time as the improvements to Junction 30 of the M5, as identified on attached drawing no. A10021-08 have been completed in accordance with the Local Planning Authority's approval (who shall consult with the Local Highway Authority and Highways Agency on behalf of the Secretary of State for Transport).
- Reason:** In the interests of highway safety and the efficient operation of the Strategic Road Network.
- 19) Prior to the commencement of the development an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall consider the impact of all external lighting (including hours of use) on nearby receptors as agreed in writing by the Local Planning Authority.
- Reason:** To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.
- 20) Prior to the implementation of any revised floodlighting scheme associated with the construction of the increased stadium capacity hereby approved a lighting assessment of the proposed flood lighting shall be submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.
- 21) The development hereby approved shall be implemented in accordance with the submitted Energy and Sustainability Strategy Rev F dated 11th October 2012 including a plant room that is compatible with future connection to a District Heating Network, and installation of photo voltaic panels to meet the requirement of Core Strategy policy CP14. However, notwithstanding the contents of that document the South stand, South Stand conference centre and East and North stands shall be constructed to BREEAM 2011 Excellent standard. A copy of the final BREEAM assessment for each of these elements shall be submitted to the Local Planning Authority prior to them being brought into use.
- Reason:** To ensure 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 in accordance with Core Strategy Policies CP14 and CP15.

(Report circulated)

116 **PLANNING APPLICATION NO.12/0500/03 - BISHOPS COURT QUARRY, APPLE LANE, EXETER, EX2 7JH**

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

The Area Planning Officer presented the application for the demolition of buildings and the re-profiling of the quarry to provide a platform for 190 residential units, public open space, landscaping, access, pedestrian and cycle links and associated infrastructure at Bishops Court Quarry, Apple Lane, Exeter.

The application site comprised the former Bishops Court Quarry and was bounded to the north and north-east by Sidmouth Road and retail units, to the south by the A379, to the south-west by the footpath leading over the A379 to the Rugby Stadium and to the north-west by the Apple Lane footpath and Apple Lane industrial estate.

The application was for the demolition of all existing buildings on the site, the re-profiling of the former Quarry to provide a development platform and the erection of 190 residential units. The site would be served by a single point of vehicular access utilising the existing arm of the Apple Lane roundabout to provide access to Sidmouth Road.

Members were advised that the Highway Authority had no objections and adequate parking would be provided. The clustering of the affordable housing had yet to be agreed although the tenure was acceptable. The applicant had confirmed that it would be fully responsible for the on-going maintenance of the cliff face. The number of dwellings had been reduced from 225 to 190 and met the Residential Design Guide SPD, the building for life score had been improved and was now 14.5. Additional conditions were proposed regarding play equipment and a bat and reptile survey. Revised layout plans had been received on 29 October and officers would review these plans with regards to the amendments made to the affordable housing clusters.

The Area Planning Officer updated Members on the comments of Natural England and the Site Allocation and Development Management Document which was subject to consultation. He advised that the site had been identified to meet the Council's Core Strategy five year housing land supply.

Members were circulated with an update sheet giving details of two additional conditions.

The recommendation was for approval to be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee, subject to the receipt and consideration of the suitable mix and location for the affordable housing and revisions to layout to achieve satisfactory residential amenity, the completion of a Section 106 Agreement, the conditions as set out in the report and additional conditions regarding play equipment and a bat and reptile survey and the two conditions as reported on the update sheet.

In response to Members, the Area Planning Officer clarified that the cliff faces were stable; the boundary between the dwellings and the A379 was thick dense vegetation and boundary treatment would be controlled by condition; a condition was proposed to deal with South West Water comments; the public open space was

12% of the site exceeding the Council's policy of 10%; the Highway Authority had no objections; no comment had been received from the Environment Agency; the change in levels of the site would not be as severe as present as levelling would take place.

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

- Digby Community Association had raised objection to the proposal in the draft Site Allocation and Development Management Plan document which was out for public consultation for this site to be residential not employment use
- the Council's Core Strategy Policy CP 2 stated that Sowton, which this site was part of, was designated for employment use
- this site was not suitable for residential use as it was bounded by Sidmouth Road, retail units and the A379; there were no local amenities and it was not in a sustainable location
- the site coming forward at Middlemoor would provide additional residential land
- there were no primary school places available in the vicinity; the nearest school places would be in Clyst St George
- would add additional traffic to the local road network at key times
- how had the building for life score changed from 7.5 to 14.5?
- there were no Doctor's surgeries in the vicinity
- although the applicants stated that they had sent out leaflets publicising a Public Exhibition no one had attended the Exhibition
- this application would result in the loss of employment land
- objected to the application.

Ms Francis (agent) spoke in support of the application. She raised the following points:-

- Harrow Estates specialised in developing Brownfield sites
- the recommendation was for approval
- the quarry had come to the end of its working life and was economically unviable
- Devon County Council had no objection to the use of the site for residential
- this site would help the Council meet its five year housing land supply; this was a Brownfield windfall site
- meets National and Local Policy and is in a sustainable location
- no objections from the statutory consultees
- site would help deliver homes in the city
- asked the Committee to support the application.

In response to Members, Ms Francis clarified that technical studies regarding the drainage had been undertaken and dialogue was taking place with South West Water and the Environment Agency; an agency had been used to distribute information regarding the application and the public exhibition and had advertised it in the Echo, were disappointed that only four people turned up to the exhibition; discussions had taken place with Devon County Council regarding the appropriate level of education contribution; the site was 8.34 hectares with the part of the site being developed 6.4 hectares with 0.66 hectares of public open space, this was over the 10% required in the Council's policy.

During discussion, Members raised the following points:-

- lack of usable public open space

- concern that the thick vegetation forming the boundary to the A379 would not deter teenagers from trying to use the area for play; this raised safety issues
- would there be a need for an education contribution towards secondary school places?
- site was a long way from local amenities
- the local primary schools were full to capacity
- this site should be used for small industrial businesses
- need to balance the requirement for employment land and residential use
- site was suitable for residential use
- the play equipment should also be suitable for older children.

The Area Planning Officer clarified that the parking on the site exceeded the Council's minimum requirements; the majority of the gardens were larger than the minimum standards in the Residential Design Guide; and a condition would be placed on any approval regarding the provision of play equipment.

The Assistant Director City Development advised Members on the allocation of employment land within the city and the surrounding areas including Sky Park and Science Park, and the Council requirement to meet its five year housing land supply; this site at present employed sixteen people; and the provision of the public open space would form part of the Section 106 Agreement.

The Strategic Director (KH) advised Members on the Council's policy requirement for 10% public open space.

RESOLVED that planning permission for the demolition of buildings and the re-profiling of quarry to provide a platform for 190 residential units, public open space, landscaping, access, pedestrian and cycle links and associated infrastructure be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to **approve** subject to the receipt and consideration of the suitable mix and location for the affordable housing and revisions to layout to achieve satisfactory residential amenity, the completion of a Section 106 Agreement securing the affordable housing, highway contribution, education contribution, Natura 2000 contribution, indoor sports facilities contribution, community facilities contribution, playing pitch contribution, provision of public open space and the need to safeguard a future road link and the following conditions which may be modified if necessary:-

- 1) The development to which this permission relates must be begun not later than the expiration of two 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) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C36 - No Trees to be Felled

- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C70 - Contaminated Land
- 11) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0730 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.
- 12) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site, 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 CEMPs 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.
- 13) Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 14) The development excluding demolition hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the residential amenities of future occupants.
- 15) C72 - Highway - Estate Roads etc
- 16) Prior to occupation of any dwelling the means of access and parking for that dwelling shall be in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 17) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed

and approved in writing by the Local Planning Authority and retained for the construction period.

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

- 18) No development shall take place unless and until an Environmental Management Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing 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.
- 19) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.
Reason: In the interests of sustainable development.
- 20) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1 January 2013, and a Code Level 5 (Zero Carbon) if commenced on or after 1 January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code of 3, 4 or 5 has been achieved as appropriate.
Reason: In the interests of sustainable development.
- 21) 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 for the occupation of that part of 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.
- 22) Notwithstanding condition no. 2 and prior to first occupation of the dwellings full details of the sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.
- 23) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.

Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 24) Prior to commencement of the development excluding demolition, a detailed scheme of pedestrian and cycle links (including the connection to Sidmouth Road and connections at the boundaries of the site) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface treatment, lighting, street furniture and signage. 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.

- 25) No development, excluding demolition, shall have taken place until a bat survey and reptile survey has been submitted to and approved in writing by the Local Planning Authority. Any mitigation and enhancement recommended in the surveys shall be carried out as approved by the Local Planning Authority.

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

- 26) Prior to occupation of the development hereby permitted, full details of the play equipment including timing of installation to be provided in the areas of the public open space shall be submitted to and approved in writing by the Local Planning Authority, and shall be maintained thereafter.

Reason: In the interests of residential amenity.

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

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PLANNING APPLICATION NO.12/0920/03 - LAND ADJ., BEECH COTTAGE, OLD RYDON CLOSE, EXETER, EX2 7JR

The Assistant Director City Development presented the application for residential development of sixteen dwellings, access, parking, landscaping and associated works at land adjacent to Beech Cottage, Old Rydon Close, Exeter.

Members were advised that the site comprised an area of land of approximately 0.8 hectares, bounded by Old Rydon Lane to the south, Old Rydon Close to the east, and residential properties to the north (Beech House) and west (Old Rydon Ley). The proposal was for 11 four-bed and 5 five-bed dwellings of conventional design with garages. They would be 2 and 2.5 storeys in height. Materials to be used were a mixture of brick and render with some timber cladding.

This development was in association with the 233 dwelling residential development of land to the west, which was the subject of a recent resolution to approve a reserved matters application. Access to the proposal would be from the west through the adjoining development site. No public open space was provided within the site on the basis that it would be developed in association with the land to the east, which had open space which would also serve this scheme.

The Assistant Director City Development advised that Network Rail had objected due to the increased use of the Bolts Park level crossing although this crossing was private right of way therefore access by the public was not permitted. The building for life score was 15 which was in the excellent range.

Members were circulated with an update sheet advising that the precise amount of the affordable housing contribution in lieu of on-site provision had not yet been agreed. It was therefore requested that delegated authority be given to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve the application.

During discussion, Members raised the following points:-

- would the applicant be required to provide a Highways contribution? and if so, could this include a provision toward lighting on Old Rydon Close?
- had the Tree Officer confirmed that the proposal was acceptable?
- could the Bolt Park level crossing be used by the general public?

The Assistant Director City Development stated that the delegated approval could also be subject to any necessary transport contribution required by the Highway Authority which may include lighting and no objection from the Tree Officer. The Bolt Park level crossing was on private land and the public would be trespassing if they used it.

RESOLVED that planning permission for residential development of sixteen dwellings, access, parking, landscaping and associated works be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to **approve** subject to any Highway Authority contribution, comments of the Tree Officer and a Section 106 Agreement to secure financial contributions towards affordable housing in lieu of on-site provision, highways contribution if required, education infrastructure, mitigation of the impact of development on Natura 2000 sites within 10km, indoor leisure facilities (£674 per dwelling), community facilities (£625 per dwelling) and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of two 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) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C57 - Archaeological Recording
- 6) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties
- 7) C35 - Landscape Scheme

- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C72 - Highway - Estate Roads etc
- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided and surfaced in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site.
- 13) Unless otherwise agreed in writing, prior to first occupation of more than eight of the dwellings hereby permitted, the road link between plots 48 and 49 shall be constructed up to, and contiguous with, the boundary line dividing the application site from the land to the immediate north, and the 3 metre wide pedestrian and cycle link between plots 45 and 46 shall be constructed up to the surfaced public highway in Old Rydon Close, both in accordance with details to be approved pursuant to condition 10.
Reason: To ensure that appropriate connections are made between the site and adjoining land in the interests of promoting the use of sustainable modes of transport in accordance with policies T1 and T3 of the adopted Exeter Local Plan First Review and policy CP17 of the Exeter Local Development Framework Core Strategy.
- 14) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained 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.
- 15) 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) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 16) A Construction and Demolition 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 the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.
Reason: To minimise the potential for disruption during the construction process.
- 17) Unless otherwise agreed in writing, construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 18) The development shall be carried out in accordance with the Ecological Management Plan prepared by EAD Ecological Consultants, and received by the City Council on 25 June 2012.
Reason: In the interests of protecting and improving existing and creating new wildlife habitats in the area.
- 19) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.
Reason: In the interests of sustainable development.
- 20) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1st January 2013, and a Code Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code Level of 3, 4 or 5 has been achieved as appropriate.
Reason: In the interests of sustainable development.
- 21) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2013, and of the identity of all dwellings for which construction has commenced thereafter but before 1st January 2016, within 10 working days following

each of those dates.

Reason: In the interests of sustainable development.

In the event that the required Section 106 Agreement was not completed within six months of the date of this committee meeting, or if within that period agreement cannot be reached on an appropriate level of contribution, 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 with in the Section 106 Agreement.

(Report circulated)

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**PLANNING APPLICATION NO.11/1922/03 - MOUNT WEAR HOUSE, 47-49
COUNTRESS WEAR ROAD, EXETER, EX2 6LR**

The Area Planning Officer presented the application for the change of use and conversion of the Youth Hostel to ten self contained apartments and one dwelling, alterations to access and highway, alterations to roof, parking and associated works at Mount Wear House, 47-49 Countess Wear Road, Exeter.

The building was a large detached Grade II Listed Building which was currently occupied by the Youth Hostel Association. 18 parking spaces were proposed.

Members were advised that two additional conditions were proposed regarding the replacement boundary treatment to 51 Countess Wear Road and the window in the Manager's House that faced on to 51 Countess Wear Road should be obscure glazed.

The recommendation was for approval subject to the completion of a Section 106 Agreement securing Natura 2000, indoor sports facilities and community facilities contributions and off site highway works, the conditions as set out in the report with additional conditions regarding the boundary treatment to 51 Countess Wear Road and the window in the Manager's House facing on to 51 Countess Wear Road to be obscure glazed.

RESOLVED that planning permission for the change of use and conversion of Youth Hostel to ten self contained apartments and one dwelling, alterations to access and highway, alterations to roof, parking and associated works be **approved** subject to the completion of a Section 106 Agreement securing Natura 2000 contribution, indoor sports facilities contribution and community facilities contribution and off site highway works and 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) A visibility splay shall be provided, laid out and maintained for that purpose at the access to Countess Wear Road where the visibility splay provides intervisibility between any points on the X and Y axes at a height of 0.6

metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 17.8 metres in a northerly direction.

Reason: To provide visibility from and of emerging vehicles.

- 8) No part of the development hereby approved shall be occupied until the access to Countess Wear Road, visibility splay and on-site parking facilities have been provided and marked out in accordance with details that shall previously have been submitted to, agreed and approved in writing by, the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 9) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the period of construction works.
Reason: To ensure that adequate facilities are available for the construction traffic attracted to the site, in the interest of public safety.
- 10) 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.
- 11) No development shall commence on site under this permission until full details of the boundary treatment with No. 51 Countess Wear Road has been submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 12) Prior to occupation of the Manager's House hereby revised under this permission full details of the obscure glazing of the side window towards No.51 Countess Wear Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details.
Reason: Insufficient information has been submitted with the application and in the interest of visual amenity.

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

**PLANNING APPLICATION NO.12/1342/03 - CATHEDRAL GREEN, CATHEDRAL
CLOSE, EXETER**

The Assistant Director City Development presented the application for an Annual Christmas market of up to 30 days to run for five years at Cathedral Green, Cathedral Close, Exeter. The exact operating dates would vary in each year. For 2012, it was proposed that the market commenced trading on Friday 23 November to Sunday 16 December.

Members were circulated with an update sheet giving details of one further letter of objection, two letters of support and advising that condition six should be deleted as the third bullet point of condition five duplicates it. The Assistant Director City Development advised that a Local Ward Member did not object although she did have concerns regarding the five year period and how any unresolved issues could be dealt with.

The recommendation was for approval for a temporary period of 30 consecutive days during November and December for the five years starting with 2012 and subject to the conditions as set out in the report with the removal of condition six.

Whilst Members welcomed a Christmas market in the city they raises concerns regarding the length of the permission should problems arise, storage of goods and removal of waste.

The Assistant Director City Development advised that the proposed condition five would cover the management of the market and enable changes to be made in subsequent years should they be required.

RESOLVED that planning permission for an Annual Christmas market of up to 30 days to run for five years be **approved** for a temporary period of 30 consecutive days during November and December for the five years starting with 2012 and subject to the following conditions:-

- 1) 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 September 2012, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) The use hereby approved shall only be carried out for a single period of not more than 30 consecutive days during the months of November and December in the five calendar years commencing with 2012.
Reason: The use is unsuitable on a permanent basis or for a longer period in this locality.
- 3) The use hereby approved shall not be carried on other than between the hours of 10:00 to 21:00 Mondays to Saturdays and between the hours of 10:00 to 18:15 on Sundays and public or Bank Holidays, with the exception of the first day the market operates each year when the use may carry on until 22:00 unless that day is a Sunday.
Reason: So as not to detract from the amenities of the near-by residential property.
- 4) The works associated with assembling, dismantling and servicing of the Market shall not be carried out outside the hours of 08:00 and 22:00.
Reason: To safeguard the amenities of nearby occupiers

5) Notwithstanding condition no. 1, the use hereby permitted shall not commence on site in any given year 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 for that years market event:

- The laying out of the market area including the position of the stalls and the area(s) given over for selling and of hot food and drink.
- A scheme for the collection and disposal of waste and the cleaning of the market area.
- Mean of power supply (including locations and sound levels of any generator(s))
- Details of any general or flood lighting scheme.

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

6) Following the cessation of the market operation in each year the condition of the surfaces and street furniture in Cathedral Green shall be reinstated to their condition prior to the commencement of the works associated with the market that year to the satisfaction of the Local Planning Authority.

Reason: To protect the appearance of the Cathedral Green.

(Report circulated)

120 **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)

121 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

122 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 20 November 2012 at 9.30 a.m. The Councillors attending will be Edwards, Lyons and Mitchell.

(The meeting commenced at 5.30 pm and closed at 8.35 pm)

Chair

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PLANNING COMMITTEE

Monday 3 December 2012

Present:

Councillor Bialyk (Chair)
Councillors Lyons, Denham, Edwards, Mrs Henson, Owen, Prowse, Spackman and Sutton

Apologies:

Councillors Donovan, Mitchell, Morris and Winterbottom

Also Present:

Strategic Director (KH), Assistant Director City Development, Planning Solicitor, Senior Area Planning Officer and Member Services Officer (HB)

Also Present

J Hulland, Transportation Studies Manger, Devon County Council

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DECLARATIONS OF INTEREST

Members declared the following interests:-

COUNCILLOR	MINUTE
Councillor Prowse	124 (Member of Devon County Council)
Councillor Mrs Henson	125 and 126 (knows resident of Pinn Lane)

124

PLANNING APPLICATION NO.12/0472/01 - LAND TO NORTH, WEST AND SOUTH OF MET OFFICE OFF, HILL BARTON ROAD, EXETER, EX2

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

The Assistant Director City Development presented the application for a mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, landscaping, highway access to Hill Barton Road, demolition of existing buildings and associated infrastructure works (all matters reserved for future consideration apart from access) at land to north, west and south of Met Office, off Hill Barton Road, Exeter.

He set out the planning background covering:

- the planning strategies for the area
- the open space/green infrastructure, transport and low carbon policies and developer concerns
- the general context and approach to unresolved issues on these complex applications.

in respect of this and the following two applications.

Members were circulated with an update sheet - attached to minutes. A further letter of objection was circulated from the owner of 129 Hill Barton Road expressing concerns about the proposed access into the development off Hill Barton Road because of the proximity to and impact on his property. The Assistant Director

reported a proposed addition to the Section 106 Agreement to secure rights to provide the appropriate district heating pipework for the development and the adjoining development together with conditions.

Mr Hulland, Transportation Studies Manager, Devon County Council detailed the reasons for the County Council seeking a further access point off either Oberon Road and Fitzroy Road as it was considered that the most the Hill Barton Road junction could accommodate was a maximum of 400 dwellings and that a second connection was therefore required. He also responded to the points raised by the owner of 129 Hill Barton Road.

Having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, it was recommended that the application be delegated to the Assistant Director City Development in consultation with the Chair of the Planning Committee to approve, subject to details, a Section 106 Agreement and the conditions (with any necessary amendments) as set out in the report.

Mr Lloyd (representing a local landowner) spoke against the application. He raised the following points:-

- applicant has not confirmed a safe access proposal for consideration. The current Transport Assessment is flawed as aim is to secure as many houses as possible off one access at Hill Barton Road
- analysis of the original signal design at Hill Barton Road confirmed only 200 houses could be built. Since then various safety features that protected pedestrian and cyclists such as green man signal crossings have been deliberately removed in an attempt to increase capacity
- inappropriate for this road to bear the impact of this major development alone when alternative access points can be delivered at an early stage
- no safety audit had been undertaken. An independent safety audit highlighted eight separate safety requirements for pedestrians and cyclists. This route is used by school children and is a strategic cycle corridor. The junction should be redesigned with appropriate safety features as recommended in the safety audit
- no evidence provided to confirm that the junction can take a capacity of 400 dwellings as recommended by the County Council
- the land owner to the south can deliver a third access from Fitzroy Road. However, the timing of this can not be relied upon and therefore access onto Oberon road should be properly developed.
- no analysis for a connection for up to 880 homes has been completed for the junction at Fitzroy Road or Honiton Road
- a revised condition 25 should ensure that a safe junction is delivered and that only 200 homes are built off the one access at Hill Barton Road before the Oberon Road Link is delivered.

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

- the application was submitted after extensive consultation with Exeter City Council and Devon County Council officers following support given by the applicant at the Core Strategy Inquiry, provision of a public exhibition and pre application submission. There had been an open and collaborative approach throughout
- provision of substantial open space – 12.4% provided overall, excluding land to the north of the Met Office which, if included, would increase the total to 15%

- will help meet the strategic housing needs for next 5-10 years in accordance with the Core Strategy
- a comprehensive Section 106 Agreement is proposed to include provision for 188 affordable homes
- the development will create significant jobs for local and regional economy and therefore meet social and economic needs
- the Hill Barton consortium believe that the objections from the landowner affected by the development is purely on commercial grounds
- do not accept Devon County Council stance that the maximum number of dwellings that the Hill Barton Road access can accommodate would be 400.

Responding to Members' questions, he confirmed that, as a result of the County Council assessment that access off Hill Barton Road would only accommodate 400 homes on the site, all options for the proposed signal controlled access would be reconsidered. This would also take into account the views and concerns of the owner of 129 Hill Barton Road.

In light of the applicant's intention to reconsider the access options off Hill Barton Road, Members proposed that consideration of the application be deferred. They did not wish to consider the principle of the proposal in isolation from the access issue.

RESOLVED that planning permission for mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, landscaping, highway access to Hill Barton Road, demolition of existing buildings and associated infrastructure works (all matters reserved for future consideration apart from access) be deferred for further consideration of options for the access of Hill Barton Road.

(Report circulated)

125

PLANNING APPLICATION NO.12/0802/01 - TITHEBARN GREEN LAND AT MONKERTON, EXETER AND REDHAYES/NORTH OF BLACKHORSE, EAST DEVON

Councillor Mrs Henson declared an interest as she knew a resident of Pinn Lane.

The Assistant Director City Development presented the application for development of a site to provide up to 930 dwellings, link road, employment area (B1/B8 use classes), park and ride facility, garden centre, local retail area and community facility, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access) at Tithebarn Green Land at Monkerton, Exeter and Redhayes/North of Blackhorse, East Devon.

Members were circulated with an update sheet - attached to minutes.

Mr Hulland, Transportation Studies Manager, Devon County Council advised Members of the Phase Three Access Strategy for upgrading the transport network in the area to link all elements of the East of Exeter Growth Point. This included the proposed Tithebarn Lane Link Road from Cumberland Way to Blackhorse on the old A30. The route would use the existing Tithebarn Lane bridge over the M5 Motorway, however this may require eventual improvement.

Having had regard to the Environmental Impact Assessment submitted with the application and the representations made regarding the environmental effects of the development, it was recommended that subject to amended design and access details relating to public open space; amended illustrative plan showing revised

access arrangements off the Tithebarn Link; no substantive objections being raised by East Devon District Council and no objections being raised by the Secretary of State, the application be approved subject also to the completion of a Section 106 Agreement securing the items and the conditions as set out in the report. The proposed response to East Devon District Council's consultation was that no objection be raised.

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

- the development diverges from the Monkerton Master Plan. The density is too high and the area will lose its rural feel
- the scale of development proposed will introduce too much hard surface and would not leave enough open space and natural vegetation to soak rainfall away to groundwater. There would therefore be an increased risk of flooding downstream. Run off draining into the Pinbrook from the Grasslands Drive housing area is greater/faster where there is less open space and vegetation to act as a soak away. After heavy rainfall the water table is very high and much of the area looks like a classic flood plain and should not be built on. If built on it will add significantly to the flooding potential both locally and downstream.
- in an area where flood risk reduction necessitates efficient and effective management of unimpeded flow there is evidence that existing responsibilities are not acted upon or that no responsibility may exist
- the existing sewerage pumping station is too small for further development and with the applicant's acknowledging the lack of sewerage infrastructure not only locally but as far afield as the Countess Wear sewage works, the scale of the proposed development is untenable
- the proposed link road from Tithebarn Lane across the highest field, abutting the Vines property, to join with Cumberland Way will have a negative impact on an area which contains a Site of Local Importance for Nature Conservation featuring Devon hedgerows and a nature trail.
- there would be an adverse impact on the skyline.

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

- have lived in the area for 35 years
- density of development is too high
- adverse impact on character of the Pinhoe neighbourhood
- Pinhoe will lose village atmosphere and the development will increase urban sprawl in the area
- the Pinhoe infrastructure will not be able to cope as school and health centre are already oversubscribed
- the development has inadequate parking facilities and there will be increased parking on surrounding roads
- main concern is potential for flooding. Existing green area can currently soak up excess water but is likely to lose this ability when the development is completed and green area concreted over. This will increase the likelihood of flooding which will impact on the development itself as well as the surrounding area
- site traffic likely to cause hazards along both Tithebarn Lane and Pinn Lane both of which will also become rat runs after completion of the development
- no protection provided for trees along the boundaries and next to houses
- the need for additional housing in the area is accepted but new build should be of benefit to the wider community. This development has been rushed with inadequate consideration of the needs of area.

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

- development is part of the overall development of Monkerton and in East Devon itself
- will provide houses for the Exeter and East of Devon growth point. It is a comprehensive scheme including affordable housing, open space and employment etc.
- development will facilitate provision of Phase 3 of transport improvements required by Devon County Council and the Highways Agency as part of the overall scheme for the growth point including the Science Park, Cranbrook and Skypark and provide good access from these areas into Exeter
- the Section 106 Agreement provides for education, open space, public transport to serve the growth point
- in line with Core Strategy
- in accordance with Government growth agenda.

In response to Members' questions, he confirmed that Pell Frishmann had been engaged to provide a flood risk assessment and that this had been to the satisfaction of the Environment Agency. The area to the north east of the site, which was most susceptible to flooding, would not be developed.

Members were advised that car parking provision met guidelines. In addition, Devon County Council had not requested to be consulted on the proposal in its capacity as a Lead Flood Authority.

RESOLVED that

- (1) having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, and subject to
 - (i) amended design and access details relating to public open space;
 - (ii) amended illustrative plan showing revised access arrangements;
 - (iii) no objections being raised by East Devon District Council;
 - (iv) no objections being raised by the Secretary of State;

planning permission for development of a site to provide up to 930 dwellings, link road, employment area (B1/B8 use classes), park and ride facility, local retail area and community facility, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access) be **delegated** to the Assistant Director City Development in consultation with the Chair to approve after briefing the Northern Area Working Party, subject also to the completion of a Section 106 Agreement securing the items identified in the report including securing district heating pipework and subject to the following conditions (with any necessary amendments to those conditions):-

- 1) C06 - Time Limit - Approval of Reserved Matter
- 2) C04 - Outline - Exclude Details
- 3) C07 - Time Limit - Outline

- 4) The outline planning permission hereby approves the following parameter plans together with the design principles and parameters established in the approved Design and Access Statement:
Land use – dwg no. 9607 Rev K

Plot ratio plan – dwg no. 9600 Rev K

Maximum building heights – dwg no. 9601 Rev K

Access and movement – dwg no. 9604 Rev K

Open space and retained planting/vegetation – dwg no. 9605 Rev K

Prior to the submission of any reserved matters application(s) for an agreed phase or phases of the development, a framework plan and statement on the appearance palette for the agreed phase or phases of the development shall be submitted to and approved in writing by the LPA. The framework plan(s) (1:1000) shall follow the principles established in the indicative masterplan and it shall be in accordance with the approved parameter plans. The framework plan(s) shall show the indicative location of buildings and their type, public and private open spaces and parking typologies, together with how the design principles in the approved Design and Access Statement will be applied at the more detailed level. The appearance palette shall be provided in the form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species.

The reserved matters application or applications shall adhere to the approved framework plan(s) and accompanying appearance palette relevant to that part of the site.

Reason: In order to ensure compliance with the approved drawings.

- 5) C17 - Submission of Materials

- 6) The landscaping scheme to be submitted as part of the reserved matters specified within the outline planning permission shall follow the landscape design principles within the approved Landscape Strategy (Section 5.19) of the Design and Access Statement. The details to be submitted for the landscape scheme shall include an implementation schedule and maintenance scheme for the approved details of landscaping. The landscaping shall be provided and maintained in accordance with the approved details.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 7) C37 - Replacement Planting

- 8) C38 - Trees - Temporary Fencing

- 9) C57 - Archaeological Recording

- 10) The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points

on the site boundary agreed in writing by the LPA.

Reason: In the interests of sustainable development.

- 11) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

Reason: In the interests of sustainable development.

- 12) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1st January 2013, and a Code Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 3, 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development.

- 13) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2013, and of the identity of all dwellings for which construction has commenced thereafter but before 1st January 2016, within 10 working days following each of those dates.

Reason: In the interests of monitoring compliance with sustainable development requirements.

- 14) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the statement the following restrictions shall be adhered to: a) There shall be no burning on site during construction or site preparation works; b) No construction works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays; c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance. The approved Plan shall be adhered to throughout the construction period.

Reason: To protect the amenities of existing and future residents.

- 15) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local

Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: To ensure that the site is safe for residential occupancy.

- 16) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within all residential units will conform to the “good” design range identified by BS8233:1999 : Sound Insulation and Noise Reduction for Buildings – Code of Practice shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and be retained thereafter.

Reason: To protect the amenities of future residents from road traffic noise.

- 17) No development shall take place on site until an evaluation has been undertaken of the foul drainage provision available and the results, together with a scheme for any improvement works, has been agreed in writing by the Local Planning Authority. The scheme shall include full details of the proposed improvement works, a timescale for implementation and adoption of these works, and arrangements for maintenance of the system prior to adoption. No buildings shall be occupied unless or until the approved improvement works have been implemented in accordance with the agreed scheme.

Reason: In the interests of residential amenity.

- 18) Prior to occupation of any dwelling hereby permitted, secure cycle parking shall be provided for that dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and 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.

- 19) As part of the first application for approval of reserved matters, 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 (including access points at the site boundaries), road crossings, 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. The routes provided in accordance with this condition shall be maintained at all times thereafter, including keeping them free from vegetation, unless or until they become maintainable at public expense.

Reason - to ensure that the pedestrian and cycle routes are provided, to encourage travel by sustainable means in accordance with policy T3.

- 20) Prior to commencement of the development, a scheme for on-site bus routes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- (a) details of routes and stops (including shelters, seats, and signage);
- (b) a programme for implementation synchronised with the progressive occupation of the development, road adoption programme, and/or applicable

funding.

The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority. The facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by or on behalf of a public authority.

Reason - to ensure that suitable bus routes and stops are provided, to enable and encourage use of public transport in accordance with policy T3.

21)

As part of the first application for approval of reserved matters, a detailed phasing plan based on that set out on pages 123-124 of the Design and Access Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The phasing plan shall specify the proposed timing for the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other built elements of the development.

Reason: To ensure that the development proceeds in accordance with an agreed programme of delivery, that areas closest to existing transport services are developed first, and that within individual phases the open space associated with the development is co-ordinated with the construction of the houses which it will serve.

22)

A comprehensive Travel Plan will be prepared and implemented for all elements of the development hereby permitted. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of any dwelling within the development and shall include, but not exclusively, the following elements;

- The identification of targets for trip reduction and modal shift
- The methodology to be employed to reach these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The failsafe measures to be applied in the event that the targets are not met
- The mechanisms for mitigation
- Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews

A review of the targets shall be undertaken within 3 months of occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

Reason: To ensure that the development promotes all travel modes other than the private car and consequently reduces dependence on private car travel.

23)

No development shall take place unless and until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall have regard to the conclusions of the submitted Environmental Statement, and include identification of opportunities to incorporate wildlife habitats within the buildings. 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.

- 24) The occupation of any part of the development authorised by this permission shall not be allowed, unless otherwise agreed by the relevant local planning authority (in consultation with the Secretary of State for Transport), until :-
- a) The local planning authority (in consultation with the local highway authority and the Secretary of State for Transport) has approved in writing a full scheme of works and improvements to provide a new vehicular transport link from the identified East of Exeter developments into Exeter via a new local distributor road over the M5 north of Junction 29. (The route and connection points indicated for this local distributor road as proposed in the planning application, are considered to meet this criteria subject to technical and capacity design approval.)
 - b) The approved works have been completed in accordance with the local planning authority's written approval (in consultation with the local highway authority and Secretary of State for Transport) and have been certified in writing as complete on behalf of the local planning authority.

Reason: To ensure the safe and efficient operation of the local and strategic road network.

- 25) The proposed estate roads, footways, footpaths, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, cycle routes, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans 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.

- (2) no objection be raised to East Devon District Council in response to its consultation of the City Council concerning this application.

(Report circulated)

126 **PLANNING APPLICATION NO.12/0854/01 - LAND AT SANDROCK, GYPSY HILL LANE, EXETER, EX1**

Councillor Mrs Henson declared an interest as she knew a resident of Pinn Lane.

The Assistant Director City Development presented the application for the erection of up to 62 dwellings with associated public open space, infrastructure and landscaping with detailed approval for vehicle, pedestrian, and cycle access (all other matters reserved for future consideration) at land at Sandrock, Gypsy Hill Lane, Exeter. (The Assistant Director City Development advised that means of access had now been withdrawn from the application, it now related to just the principle of residential development for up to 62 homes). The Assistant Director City Development advised that Devon County Council now considered that temporary access should now be from Pinn Lane and provision for permanent access from the proposed Tithebarn Lane Link Road.

Members were circulated with an update sheet – attached to minutes.

The recommendation was for approval to be delegated Assistant Director City Development subject to receipt and consideration of a revised illustrative layout plan and a Section 106 Agreement and conditions as set out in the report.

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

- opposed to the provision of a cycle way and footpath along Gypsy Lane which should be left as a nature trail, appropriate to a SLINC
- access to the site via Gipsy Hill Lane is unsuitable. The junction of gipsy Hill Lane with Pinn Lane is narrow with poor visibility of traffic on Pinn Lane from Gipsy Hill Lane. Traffic on Pinn Lane also has poor visibility of traffic emerging from Gipsy Hill Lane. Gipsy Hill lane is an important cycle route
- Improvements to Tithebarn Lane should not impact on Gipsy Lane

RESOLVED that planning permission for the erection of up to 62 dwellings with associated public open space, infrastructure and landscaping (all other matters reserved for future consideration) be delegated to the Assistant Director City Development in consultation with the Chair of the Planning Committee and after briefing the Northern Area Working Party to **approve** subject to a Section 106 Agreement securing the matters identified in the main report, a provision securing district heating pipework, receipt of an amended illustrative plan and the following conditions (which may be varied or supplemented as appropriate):-

- 1) The development hereby approved must be begun with three years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 2) C04 - Outline - Exclude Details
- 3) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 4) C15 - Compliance with Drawings
- 5) C17 - Submission of Materials
- 6) C34 - Landscape Scheme - Outline
- 7) C37 - Replacement Planting
- 8) C38 - Trees - Temporary Fencing
- 9) C57 - Archaeological Recording
- 10) None of the dwellings shall be occupied until surface water drainage works have been completed in accordance with design details which shall have

been previously approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory drainage of the development.

- 11) The dwellings comprised in the development hereby approved shall be constructed so that their systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of 50% of the dwellings the necessary on site infrastructure shall be completed so the dwellings can be connected to the proposed decentralised energy network at points on the site boundary to be agreed in writing by the Council.
Reason: In the interests of sustainable development.
- 12) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.
Reason: In the interests of sustainable development.
- 13) Any individual dwelling hereby approved shall achieve Code Level 3, shall achieve Code Level 4 if commenced on or after 1st January 2013 (including a 44% CO2 emissions rate reduction from Part L 2006), and Code Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 3, 4 or 5 has been achieved as required above.
Reason: In the interests of sustainable development.
- 14) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2013, and of the identity of all dwellings for which construction has commenced thereafter but before 1st January 2016, within 10 working days following each of those dates.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 15) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 16) 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 construction and demolition phases including but not limited to site traffic, emissions of noise and dust and the phasing and timing of work. 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, in order to discuss forthcoming work and its environmental impact.

Reason: In the interests of local amenity.

- 17) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: To ensure that the site is safe for residential occupancy.

- 18) Details of noise mitigation measures (to protect future residents from noise from surrounding land uses) shall be submitted and approved in writing prior to commencement of the development. The approved measures shall be implemented in full prior to occupation of the development.

Reason: In the interests of local amenity.

- 19) No development shall take place on site until an evaluation has been undertaken of the foul drainage provision available and the results, together with a scheme for any improvement works, has been agreed in writing by the Local Planning Authority. The scheme shall include full details of the proposed improvement works, a timescale for implementation and adoption of these works, and arrangements for maintenance of the system prior to adoption. No buildings shall be occupied unless or until the approved improvement works have been implemented in accordance with the agreed scheme.

Reason: In the interests of residential amenity.

- 20) Prior to occupation of any dwelling hereby permitted, secure cycle parking shall be provided for that dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and 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.

- 21) As part of the first application for approval of reserved matters, 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 (including access points at the site boundaries), road crossings, 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. The routes provided in accordance with this condition shall be maintained at all times thereafter, including keeping them free from vegetation, unless or until they become maintainable at public expense.

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

- 22) The proposed estate roads, footways, footpaths, verges, junctions, 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 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 and sections 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.

- 23) Travel Plan – DCC to advise on preferred form of condition.

- 24) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided and surfaced in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.

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

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

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

- 26) No development shall take place unless and until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall take on board the summary and conclusions of the submitted Ecological Assessment, and include identification of opportunities to incorporate wildlife habitats within the buildings. 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.

(Report circulated)

127

PLANNING APPLICATION NO.12/1417/02 - 58 MAIN ROAD, PINHOE, EXETER, EX4 9EY

The Area Planner presented the application for redevelopment to provide a two and a half/three storey building comprising seven terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for access, appearance, landscaping, layout and scale) at 58 Main Road, Pinhoe, Exeter.

Members were circulated with an update sheet - attached to minutes. It was acknowledged by the Area Planner that the development was not overbearing in relation to adjacent residential properties.

The recommendation was for refusal as per the reason set out in the report with an amendment to delete the second clause.

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

- the original objection to the application in respect of it being overbearing on residents at the rear due to relative heights, distances and orientation had been removed
- there has been little development in this area in the last 30 years and this site and the area generally has not been particularly attractive. It is believed that the this application will improve the quality of both the site and the area as a whole
- the application meets the authority's design guidance
- it will be a positive influence on the street scene and will help improve Pinhoe Main Road
- it will provide a rare opportunity for housing for young people in Pinhoe

Members commented that the proposal was attempting to fit too much onto the site and that the building would look incongruous in the street scene.

RESOLVED that planning permission for redevelopment to provide two and a half/three storey building comprising seven terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for access, appearance, landscaping, layout and scale) be **refused** for the following reason:-

- 1) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001-2016, Policies DG1 (a, b, c, d, f, g, h and i) and DG4 (a, b and c) of the Exeter Local Plan First Review 1995-2011, Policies CP4 and CP17 of the Exeter Core Strategy, and the Council's Supplementary Planning Document 'Residential Design' because it would be an overdevelopment of the site. The proposal would, as a result of its design, position, height, scale and massing be out of character with the street scene and detract from local visual amenity.

(Report circulated)

128

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)

129

ENFORCEMENT PROGRESS REPORT

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

RESOLVED that the report be noted.

(Report circulated)

130

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

131

SITE INSPECTION PARTY

It was requested that the next Site Inspection Party be moved to Tuesday 8 January 2012 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Sutton.

(The meeting commenced at 5.30 pm and closed at 8.53 pm)

Chair

**PLANNING COMMITTEE
3 DECEMBER 2012**

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

<p>Item 4 Pages 1-18 Ref: 12/0472/01 Land to North, West and South of Met Office, Hill Barton Road Exeter</p>	<p>Objections One additional objection has been received from a resident concerned about the safety of the proposed Hill Barton Road access.</p> <p>A further objection has been received on behalf of the developer of the land to the south of the site which has consent for commercial uses. This relates primarily to the potential impact of traffic from the development on Fitzroy Road. The writer will be speaking at Committee. It is anticipated that the Highway Officer will be able to provide a response at the meeting.</p> <p>Met Office It is understood that the Met Office no longer objects to the proposal subject to appropriate conditions and monitoring of the details at reserved matters stage. Written confirmation is awaited.</p> <p>Building for Life The scheme does not have enough detail to be assessed at this stage.</p> <p>Conditions and Section 106 The Section 106 Agreement will need to secure rights to provide the appropriate pipework for the development and the adjoining development.</p> <p>The agent has also expressed concern about whether conditions relating to sustainable energy are appropriate given the uncertainty about whether a district heating system will be provided. These conditions may be modified to ensure that development is not delayed or prevented by impractical energy requirements. However, it is not intended that the conditions are relaxed to allow the developer to avoid compliance with the relevant Core Strategy policies.</p> <p>In view of the complex details required by conditions, they may need fine tuning in conjunction with the Section 106 Agreement. Delegated authority to finalise the conditions in consultation with the Chair of Planning Committee, and after briefing the Northern Area Working Party, is therefore requested.</p> <p>Formal submission of improved public open space/green infrastructure details is awaited, as is a final acceptable design of the Hill Barton Road access. These details will be subject to public consultation prior to a decision being issued. Amendments to the Environmental Statement will also need to be advertised.</p>
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	<p>Recommendation</p> <p>Having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee, following briefing of the Northern Area Working Party, to APPROVE the application subject to:</p> <ul style="list-style-type: none"> • receipt and consideration of detailed plans for the design of the proposed signal controlled access onto Hill Barton Road, to ensure that the proposed signal controlled junction is designed and constructed fully in compliance with national and local design standards and requirements. • final confirmation that the Met Office no longer objects to the proposal • formal amendment of the scheme to provide a satisfactory level of open space and Green Infrastructure links • consideration of responses to further public consultation(s) as necessary • a Section 106 Agreement to secure the matters identified in the main report, and also district heating pipework unless otherwise agreed • the conditions set out in the main report, amended or supplemented as appropriate
<p>Item 5 Pages 19-34 Ref: 12/0802/01 Tithebarn Green, Monkerton and Land at Redhayes, North of Blackhorse, East Devon</p>	<p>East Devon The scheme has been amended to omit the proposed garden centre and replace it with employment development. A comprehensive revised plan and update Design and Access Statement will be required.</p> <p>Public Open Space The applicant has now demonstrated compliance with the Council's policy requirements for provision of public open space, subject to updating the Design and Access Statement.</p> <p>Access In order to facilitate future access to Sandrock Nursery land to the south, amendments are required to the illustrative layout showing a new access to development west of Gypsy Lane across the lane rather than to Tithebarn Link Road. This will enable a new access to the south of the Tithebarn Link Road to be introduced without conflict with other nearby accesses.</p> <p>Building for Life The scheme has been assessed as scoring 17/20 – excellent. Many of the elements of the scheme which are high quality are set out in the Design and Access Statement. The reserved matters applications will need to be carefully monitored to ensure that the quality of the implemented scheme achieves this standard. There is potential for the scheme to score higher subject to the details received at reserved matters stage.</p>

	<p>Conditions and Section 106</p> <p>The agent has also expressed concern about whether conditions relating to sustainable energy are appropriate given the uncertainty about whether a district heating system will be provided. These conditions may be modified to ensure that development is not delayed or prevented by impractical energy requirements. However, it is not intended that the conditions are relaxed to allow the developer to avoid compliance with the relevant Core Strategy policies.</p> <p>In view of the complex details required by conditions, they may need fine tuning in conjunction with the Section 106 Agreement. Delegated authority to finalise the conditions in consultation with the Chair of Planning Committee, and after briefing the Northern Area Working Party, is therefore requested.</p> <p>Recommendation</p> <p>1. Having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, and subject to:</p> <ul style="list-style-type: none"> • amended Design and Access details relating to public open space • amended illustrative plan showing revised access arrangements • no substantive objections being raised by East Devon District Council • no objections being raised by the Secretary of State <p>delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee, following briefing of the Northern Area Working Party, to APPROVE the application subject to the completion of a Section 106 Agreement securing the items identified in the main report, and subject to the conditions set out in the main report, amended or supplemented as appropriate.</p> <p>2. No objection be raised to East Devon District Council in response to its consultation of the City Council concerning this application.</p>
<p>Item 6 Pages 35-44 Ref: 12/0854/01 Land at Sandrock Gypsy Hill Lane Exeter</p>	<p>Building for Life</p> <p>The scheme does not have enough detail to be assessed at this stage.</p> <p>Access</p> <p>Following discussions with the Highway Authority, it has been concluded that the development would be better served by access from Pinn Lane, with a connection to the new Tithebarn Link Road to be made when this road is provided. This will avoid additional traffic on Gypsy Hill Lane, which is a strategic cycle route. The applicant has chosen to withdraw approval of access from the application and leave it to approval at reserved matters stage.</p>

	<p>Conditions and Section 106</p> <p>In view of the complex details required by conditions, they may need fine tuning in conjunction with the Section 106 Agreement. Delegated authority to finalise the conditions in consultation with the Chair of Planning Committee, and after briefing the Northern Area Working Party, is therefore requested.</p> <p>Recommendation</p> <p>Subject to receipt and consideration of:</p> <ul style="list-style-type: none"> • further information in relation to biodiversity; • a Section 106 Agreement securing the matters identified in the main report, and an additional provision safeguarding land to provide a connection to Tithebarn Link Road <p>delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee, following briefing of the Northern Area Working Party, to APPROVE the application subject to the conditions set out in the report, to be amended or supplemented as appropriate.</p>
<p>Item 7 Pages 45-50 Ref: 12/1471/02 58 Main Road Pinhoe</p>	<p>The applicant's agent has expressed concern (via two emails) that the report is unbalanced and does not represent an objective assessment of the scheme. The emails are attached for information. In particular response to the points raised:</p> <ol style="list-style-type: none"> 1. It is acknowledged that the maximum height of the bulk of the proposed building is similar to the ridge height of properties opposite. However, the character and appearance of the buildings, and the relationship with the road, is very different. 2. A view has been expressed to the applicant that the building complies with overlooking and overshadowing guidelines set out in the Council's Residential Design SPD. The recommendation is consistent with this view. There has always been a concern that the scale and massing of the development would be uncomfortable for some neighbours. 3. The retention of a high wall at the rear of the development may assist in reducing the overbearing impact of the development. However, it does not alter the recommendation. 4. Modifications to the scheme to make it acceptable would be so substantial that a new application would be required. 5. Members are entitled to reject the advice in the Officers' report if they so wish. 6. The recommendation is in accordance with NPPF advice.

LICENSING COMMITTEE

27 November 2012

Present:

Councillor Keith Owen (Chair)

Councillors Dawson, Choules, Clark, D J Henson, Macdonald, Pearson, Robson, Ruffle, Shiel, Tippins and Winterbottom

Apologies:

Councillors Leadbetter and Payne

Also present:

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

50 **Minutes**

The minutes of the meetings held on 24 July and 25 September 2012 were taken as read and signed by the Chair as correct records.

51 **Declarations of Interest**

No declarations of interest were made by Members.

GAMBLING ACT 2005

52 **Review of Gambling Policy : Responses to the Draft Policy used as a Consultation Draft**

The Assistant Director Environment presented the report setting out a new Statement of Policy in respect of gambling that had been subject to a three month consultation period, with the bodies and persons set out in the Act and others, the consultation commencing in July 2012 and closing in October. The report informed Members that no responses to the consultation had been received from any of the parties and recommended that the new Statement of Policy be adopted for the three year period from 31 January 2013 to 30 January 2016.

RESOLVED that the new Statement of Policy be adopted with effect from 31 January 2013.

(Report circulated)

53 **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

54 **Application for the issue of a Street Trading Consent (Ms JH)**

The Principal Licensing Officer advised that objections to an application for consent to street trade had been withdrawn and that the matter had therefore been dealt with under delegated powers.

RESOLVED that the position be noted.

(Report circulated to Members)

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

55 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr SR)**

RESOLVED that Mr SR's application be refused.

(Report circulated to Members)

56 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr SB)**

RESOLVED that Mr SB's application be refused.

(Report circulated to Members)

57 **Sex Entertainment Venues and Sex Establishments**

The Assistant Director Environment updated Members on the proposed consultation with residents and interested parties on a policy in respect of the regulation of sex establishments planned for 2013. A report would be submitted to the February 2013 meeting of the Licensing Committee seeking consideration of options for the Council's future policy on this matter.

RESOLVED that the position be noted.

58 **Timing of Meetings**

RESOLVED that meetings of this Committee continue to be held at 5.30pm.

The meeting commenced at 5.30 pm and closed at 6.37 pm

Chair

SCRUTINY COMMITTEE - COMMUNITY

6 November 2012

Present:

Councillor Shiel (Chair)

Councillors Mitchell, Branston, Bowkett, Choules, Clark, Dawson, Donovan, Laws, Morris, Mottram, Payne and Tippins

Also present:

Strategic Director (MP), Assistant Director Economy, Assistant Director Environment, Assistant Director Business Transformation, Assistant Director Housing and Contracts, Control Centre Manager, Collections & Interpretation Officer and Member Services Officer (HB)

In attendance:

Steve Barriball - Chief Executive, Exeter CAB

In attendance:

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

54 **Minutes**

The minutes of the meeting held on 4 September 2012 were taken as read and signed by the Chair as correct.

55 **Declaration of Interests**

No declarations of interest were made.

56 **Exeter Citizens Advice Bureau**

The Chair welcomed Steve Barriball, Chief Executive of Exeter CAB to the meeting. Mr Barriball spoke on the services offered by CAB including the client profile and advice trends. He set out the likely impact of both Welfare Reform and Localism initiatives including changes to the Council Tax and the new Social Fund initiatives. He explained how these changes would impact on clients and how they would be delivered including a greater push towards digital delivery, monthly payment to households including rent no longer being paid to landlords and child payments no longer paid to the main carer.

CAB workload would increase significantly in both amount and complexity, exacerbated by cuts in Legal Aid. Face-to-face contact would remain the preferred method of communication and was particularly beneficial to clients seeking to appeal decisions of statutory bodies. The attitude of landlords was difficult to assess but increased enquiries relating to housing advice and benefit claims were expected. Benefits were now the largest enquiry area at 39%. There would be an increased

demand for debt counselling and income maximisation advice for those in financial difficulties. Changes in systems would require staff training.

Responding to Members, he advised that the true impact of the changes would not be known until secondary legislation had been published. He acknowledged that the drive to digitalise services could be problematic to those lacking IT skills and increased training and advice would be important, with Exeter CVS looking to provide support in this area. A joined-up service between the Customer Service Centre and CAB specialists was being piloted and Age UK and Shelter were other bodies with whom joint work would be explored as well as food-banks, where demand was expected to increase.

The Chair thanked Mr Barriball for his presentation.

MATTER FOR CONSIDERATION BY EXECUTIVE

57 Welfare Reform

The Assistant Director Housing and Contracts presented the report identifying the anticipated impact of the proposed welfare reforms on both the Council and its benefit claimants. It also set out a risk assessment identifying the key risks for the Council and its residents, as well as setting out suggested interventions to mitigate the risks.

The impacts of the changes could be far-ranging, impacting on claimant's income in general and, specifically, on their ability to meet the cost of the house they lived in. There were potential implications for the Council's general fund and housing income and on the demand for certain services such as debt advice, council tax, benefits, housing issues and tenants' services. The impact on the Council's income and staff resources had been identified and mitigated but would need to be closely monitored. Many of the suggested interventions could be resourced within existing budgets and some transitional funding was available.

A Member referred to the percentage of households without a computer. In response, the Mobile Benefits Training Officer referred to research in local communities to identify the most appropriate locations for IT hubs for the public to go on line to access the benefits system and where support could be made available, including home visits where possible. Options for continuing with paper based applications and face-to-face meetings would remain. In response to another Member, she confirmed that literature and new bills should be ready by April 2013.

Members were concerned about the effect on both individuals and the wider economy and recognised that it was too early to accurately predict the overall impact the changes would have. However, there had been a noticeable increase in enquiries from concerned individuals.

Responding to concerns that the changes would lead to overcrowding, for example, three generations sharing homes, the Assistant Director Housing and Contracts assured Members that procedures were in place to meet the likely increase in housing enquiries and that each enquiry would be dealt with on a case-by-case basis. Work was being undertaken with partners, including CAB, to ensure that the responses to the changes would be as flexible as possible with sufficient resources made available.

It was feared that the change in the local housing allowance would contribute to the private sector being unaffordable for individuals on benefits. There would be an increase in the number of claimants seeking social housing when private sector housing rents in Exeter become unaffordable. Members referred to the impact of the housing benefit income cap but it was difficult to determine at this stage how the affordable rent of up to 80% would impact on the private sector.

A further report on the impact of the changes would be submitted to this Committee in 2013.

Scrutiny Committee - Community:-

- (1) recognised that it is Central Government, through its programme of cuts and changes to the welfare benefits system, that is forcing Exeter City Council to urgently implement measures to help mitigate the effects that the reforms would have on both the local economy and the residents of Exeter;
- (2) noted the report and the implications of the Government's welfare reform programme on the Council's services and its benefits claimants and requests Executive to approve the proposed interventions; and
- (3) requests Executive to continue to monitor the Welfare Reform Risk Map and the effectiveness of the Council's response as further evidence emerges, and agrees to take appropriate action where possible to protect the local community from further financial hardship, reporting back to this Committee when necessary.

(Report circulated)

58 **CCTV Control Room**

The Chair welcomed Roger Crane, the Control Centre Manager, to the meeting. He spoke on a circulated handout detailing the role of CCTV in the City. CCTV had been introduced in the City in 2003 with the help, at that time, of significant Government funding and there were now 191 cameras with 25 in the City Centre, the majority focusing on car parks. The Centre also co-ordinated the Home Call Alarm system and the Out of Hours Service. Live camera evidence was invaluable, with the majority of incidents drink and drug related. The latter problem had increased significantly in recent years with national gangs increasingly active in the City. He referred to the "Giraffe bomber" and to another bomb incident in respect of the BT Centre. Camera maintenance was an issue as suppliers were often unable to provide necessary spare parts.

He invited all Members to contact him to arrange a tour of the CCTV Centre.

The Chair thanked the Control Centre Manager for his presentation.

59 **Reports of Portfolio Holders**

Councillors Hannaford and Sheldon presented progress reports on priorities within the Housing and Community Involvement Portfolio and the Environment and Leisure Portfolio respectively. Responses to Members' queries are set out below:

Housing and Community Involvement

- it was anticipated that 46 units of social/affordable housing would be delivered in 2012/13;
- the figure of 26 rough sleepers were all single homeless and not families. It was feared that the Welfare Reform changes could impact adversely on this figure;
- partnership work with E.on for the installation of solar panels was at no cost to the Council with maintenance the responsibility of the occupier;
- negotiations were being held with the University regarding use of under occupied student units;
- Plymouth City Council was co-ordinating the Devon wide procurement in respect of disabled adaptations, this joint approach helping to reduce costs;
- the potential for funding residents to undertake further community initiatives to build on the Community Action weeks in Wonford and Countess Wear including insurance cover would be discussed with the Community Involvement and Inclusion Officer; and
- the overall achievement of targets was more likely where the Council had control over budgets and was not affected by changes outside its control such as the Welfare Reform changes.

Environment and Leisure

- the total number of visitors to the Royal Albert Memorial Museum over the previous 12 months had been 317,777, representing over 1,000 visits a day, compared with 250,000 in the year prior to its closure;
- the systems review of the Parks and Open Spaces function under the heading of "Keeping My City Safe and Looking Good" included the role of Community Patrollers. The review of the use of playing fields and parks related to overall management and use of resources and not the provision of alternative facilities such as fitness trails. A presentation would be provided to the January meeting of this Committee;
- consultations with the Unions was continuing on fleet use; and
- issues raised at the Taxi Forum meetings were reported to the Licensing Committee.

Scrutiny Committee - Community noted the reports.

(Reports circulated)

60 **Parkwood Leisure Management Contract**

The minutes of the meeting of the Parkwood Leisure Services Working Group held on 25 September 2012 were received.

It was noted that a detailed report on the contract would be made to the January meeting of this Committee, with representatives of Parkwood to be in attendance. Members were advised that, although attendance at individual Centre Forums had been low, Parkwood were keen to increase attendance and it was felt that interest could be increased if the forums were themed around development issues or focused on single issues such as gym facilities. A customer survey had been undertaken recently and some 900 questionnaires were being analysed and would also be reported to the January meeting.

(Minutes circulated)

MATTERS FOR CONSIDERATION BY EXECUTIVE

61 **Tenancy Strategy and Tenancy Policy**

The Assistant Director Housing and Contracts presented the report seeking authority to adopt a Tenancy Strategy and Tenancy Policy as required by the Localism Act 2011.

Flexible tenancies would not be made in respect of existing tenants but given to most new tenants in general needs properties. Most flexible tenancies would be for five year periods but some may be for two years, for example, those who have committed anti-social behaviour. Although noting these issues, a Member felt that it was difficult for a social housing landlord to justify introducing these changes. Another Member, although accepting the proposals, felt that reducing security of tenure could impact adversely on stable family life and that to balance this change in policy, the Council should look to increase overall provision of social and affordable housing.

Scrutiny Committee - Community:-

- (1) noted the report; and
- (2) requested Executive to approve the new Tenancy Strategy and the new Tenancy Policy.

(Report circulated)

(In accordance with Standing Order 43(2), Councillor Clark requested that her name be recorded as having abstained from voting)

62 **Proposal to De-Accession items from RAMM's Collection**

The Assistant Director Economy presented the report setting out proposals to de-accession selected items from RAMM's permanent collection as, Exeter City Council, as RAMM's governing body was required to formally approve de-accessions. The report summarised the context, reasons and outcomes sought in de-accessioning these items and sought approval for the de-accessions.

The RAMM Content Management Lead advised that disposal was undertaken in accordance with the Museums Association Code of Ethics and that other public bodies were offered items in the first instance. Exceptionally, some items could be offered for sale. He stated that the programme of de-accessing was relatively small scale.

Scrutiny Committee - Community:-

- (1) noted the report;
- (2) requested Executive to approve the proposal that future recommendations and approval of items for de-accession be delegated to the Assistant Director Economy in consultation with the Portfolio Holder responsible for the Museums; and
- (3) a Museums Storage Facilities Working Group be established to comprise Councillors Shiel (Chair), Choules and Payne.

(Report circulated)

MATTER FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY

63 Satisfaction with Housing Landlord Services

The Assistant Director Housing and Contracts presented the report advising Members of the latest satisfaction survey for housing services and the service improvements identified to increase satisfaction with the service provided to tenants and leaseholders.

In response to a Member, the Assistant Director Housing and Contracts confirmed that a greater number of concerns were expressed by younger tenants and that methods of communication with them would be developed and implemented including use of social media tools.

Scrutiny Committee - Community noted the report.

(Report circulated)

PERFORMANCE MONITORING

64 Housing Revenue Account - Budget Monitoring to September 2012

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 30 September 2012. During this period, the total of the variances indicated that there would be a net surplus of £414,200 which would be transferred to the working balance as at 31 March 2012. This represented a reduction of £1,906,070 compared to the budgeted reduction to the working balance of £2,320,270. It was estimated that the working balance would stand at £6,178,623 at 31 March 2013.

Scrutiny Committee - Community noted the report.

(Report circulated)

65 Community - Budget Monitoring to September 2012

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 £80,150 which represented a variation of 0.7% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.35 pm

Chair

SCRUTINY COMMITTEE - ECONOMY

8 November 2012

Present:

Councillor Crow (Chair)

Councillors Brock, Baldwin, Bialyk, Bull, Choules, Crew, Lyons, Mottram, Pearson, Prowse, Robson and Wardle

Also present:

Strategic Director (KH), Assistant Director Economy, City Arts and Events Manager, Events, Facilities and Markets Manager and Member Services Officer (SLS)

In attendance:

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

Also in attendance

- Richard Cohen - Deputy Chief Executive, East Devon District Council
Dom Jinks - Head of Arts and Culture, University of Exeter

42 Minutes

The minutes of the meeting held on 6 September 2012 were taken as read and signed by the Chair as correct.

43 Declarations of Interest

Members declared the following interests:-

COUNCILLOR	MINUTE
Councillor Bull	Minute 46 (associated with the Bike Shed Theatre and Member of the Exeter Canal and Quay Trust)
Councillor Pearson	Minute 46 (employee of Exeter Phoenix and contractor to the Bike Shed Theatre, Member of the Exeter and Canal and Quay Trust).
Councillor Wardle	Minute 46 (Member of the Exeter Canal and Quay Trust)

44 PRESENTATION BY RICHARD COHEN

The Chair welcomed Richard Cohen, Deputy Chief Executive of East Devon District Council, to the meeting. He spoke about the co-operation between the two authorities, and referred to their common interest in developing significant growth to

enable both areas to be as competitive as possible. He commented on the challenges and strategic issues facing East Devon including -

- Health issues against an ageing population
- Employment and Education and the efforts to drive up skill levels
- Environmental issues including managing recycling rates and access to and protection of the countryside
- Climate change, including dealing with the potential for significant flooding

Other changes in the population including an ageing profile, lower birth rate, young people finding it increasingly difficult to stay in the area, increased housing demand all provided pressures, which the Council was working hard to respond to as part of the Local Plan provision. It has identified 15,000 new homes and 170 hectares of employment land and final consultation was about to begin, with the formal Inspection in summer 2013. There would be significant opportunities, but it was recognised that this will be a challenging period and communication with the local community remained a vital part of the process. Mr Cohen concluded the presentation by referring to the shared vision with Exeter City Council to:-

- focus on the Growth Point and develop employment and community growth
- have a stronger voice with Government to lobby for further investment
- identify challenges and opportunities to champion jointly with the LEP, Devon County Council and Central Government
- develop the decision making process in relation to tighter resources against a backdrop of divergent demands
- develop infrastructure such as the Airport, Rail, and Superfast Broadband

Mr Cohen responded to Members' comments on the need to ensure there was an adequate range of employment, particularly for young people who needed good jobs and affordable homes. He acknowledged the comments made by Members on the potential for increased traffic levels from the planned development on the east side of the city. He responded to a comment on the A30 and A303 by advising that some support work had been undertaken by Somerset County Council with East Devon colleagues and the dualling of the A303 remained a key objective. The lack of post 16 education provision in Exmouth remained a concern, particularly as students had few options but to travel to Bicton, Exeter or further afield to Dorset or Somerset. It was an aspiration to encourage a College or educational satellite site to the town. Members acknowledged the development challenges faced by Exmouth and the need to freshen the image and increase the vibrancy.

Opportunities to secure funding for new infrastructure had also changed, East Devon District Council and its partners, including Exeter City Council, worked hard to keep on securing funding and it now presented more of a challenge. It was important to lobby as a partnership and joint negotiations should start to gather momentum and help build confidence in the private sector, albeit reluctantly. A Member referred to the Intermodal Freight Facility (IMF) which he hoped would help reduce the high levels of HGV traffic travelling through Exeter. Mr Cohen stated that projects such as the IMF were in the hands of the Church Commissioners, but further consultation was taking place.

The Chair thanked Mr Cohen for his presentation.

PORTFOLIO HOLDERS TO PRESENT THEIR HALF YEARLY REPORTS

Councillor Denham presented a progress report on priorities within the Economy and Tourism Portfolio for the forthcoming year. Responses to Members' comments and queries are set out below:-

- discussion on the relocation of the bus park for the proposed Bus and Coach Station was ongoing. When a realistic alternative to the Exmouth Junction site had been formally identified, Members would be involved in that process.
- the expansion of cultural activities in the city, including more innovative visual art projects should enable more unconventional spaces for performance to be identified.
- a register of commercial lets and employment sites were available on the Council's web site, but it was agreed that there was a need to increase awareness of the available database and support offered by officers to locate suitable accommodation for new and relocating organisations.
- there should be a cross section of representatives including local Councillors and traders to discuss ways of improving the public realm. St Thomas Community Association was an example of a group who have galvanised support and driven forward a commitment to improve the local environment. It was important to ensure there was support for other parts of the city to develop a social infrastructure, and opportunities to stimulate funding from funding streams such as the New Homes Bonus should be investigated. The interest expressed at the meeting to look at continuing the work started in Heavitree was noted.

Councillor Sutton presented a progress report on priorities within the Transport and Sustainable Development Portfolio for the forthcoming year. Responses to Members' comments and queries are set out below:-

- the annual report on parking tariffs would be made to the November meeting of Executive. The Strategic Director suggested if any Member wished to make a comment to contact one of their Executive colleagues, or the Assistant Director Public Realm.
- the Boundary Commission determined changes to boundaries on a rolling basis, with the most pressing areas likely to be considered first. Any comments should be directed to them in the first instance.
- a sample of the Princesshay artwork was on temporary display in Roman Walk. The City Council had contributed £40,000 to the project with an equal contribution by Land Securities. A cross party group of Members had agreed the design as part of the Queen's Diamond Jubilee celebrations. The art work would be installed on the curved wall of the Princesshay car park.
- the £3million contribution from the City Council to upgrade the city's flood defences was a substantial sum for a local authority to find, and every effort should be made to lobby Central Government to increase the support. It was important to have an effective partnership with the Environment Agency, the County Council, the LEP and local businesses particularly in low lying areas such as Marsh Barton.

- work on an open space strategy, looking at public space had commenced, but needed to be set in the context of the Council's Transformation Programme and restructured as part of the way the Council's services are delivered. An update in terms of the timescale would be provided at the next Scrutiny Committee - Economy meeting.

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

(Reports circulated)

46 THE DEVELOPMENT OF A CULTURAL STRATEGY FOR EXETER 2013 - 2018

Councillor Bull declared a personal interest as he was associated with the Bike Shed Theatre and as a Member of the Exeter Canal and Quay Trust.

Councillor Pearson declared a personal interest as an employee of Exeter Phoenix, as a contractor to the Bike Shed Theatre, and as a Member of the Exeter and Canal and Quay Trust.

Councillor Wardle declared a personal interest as a Member of the Exeter Canal and Quay Trust.

The City Arts and Events Manager presented a report, which set out the initial progress towards developing a Cultural Strategy for Exeter covering the period 2013 – 2018, in co-operation with the Exeter Cultural Partnership. Members' views were sought on a draft framework, which would be brought back to Scrutiny Committee - Economy in March 2013, before going out for wider consultation. The Strategy would help to facilitate an increase in the commitment to the arts and culture, which can make such a difference to the well being and sustainability of a community.

The following strategic goals were proposed in the Strategy –

- to develop a vibrant cultural economy with Exeter as a cultural destination
- to develop cultural opportunities and experiences
- to enable wide and diverse participation
- to create capacity building and sustainability for the cultural sector
- communication and audience development

Dom Jinks, Head of Arts and Culture at Exeter University, attended the meeting and welcomed the opportunity to contribute to the development of the cultural economy in Exeter. The City Arts and Events Manager added that the strategy would encourage greater local participation and empower local communities. In response to a Member's question, she stated that the strategy and the consultation would be open to the wider cultural sector, to sports, heritage, lifelong learning organisations and independent creative industries such as designers and individual artists as well as them being involved in the arts and theatre. Dom Jinks also responded to comments on the scope and cost of the consultation, advising that an application had been made to the Arts Council to support the City Council's contribution to the next stage of the process.

Members supported the proposed approach to the delivery of a new Cultural Strategy for Exeter 2013 – 2018.

(Report circulated)

47 **MARKETS AND HALLS UPDATE**

The Events, Facilities and Markets Manager presented a report on the performance of the Markets and Halls team, including the managed facilities of the Matford/Livestock Centre, Exeter Corn Exchange and a number of markets within the city. The team had been working with colleagues in Economy to help facilitate the forthcoming Exeter Christmas Market on Cathedral Green, as well as organising the seasonal markets held in Castle Street and Fore Street. Members noted the improvement in the financial position of the budget, which had improved year on year, for the last three years. The forecast for the current year indicated a continuing upward trend. He responded to a Member's question regarding the increased livestock throughput at the venue in 2010/11 stating that this was due primarily to the high prices being achieved and also because of the relaxation on initial movement restrictions introduced in reaction to the bovine TB outbreak. There had also been an increase in the number and scale of events at the Corn Exchange, which had been made possible by the investment in tiered seating and a computerised box office which had enabled a more targeted mailing list to be developed.

Scrutiny Committee – Economy noted the report.

(Report circulated)

48 **PROPERTY VOIDS AND DEBTS**

The Assistant Director Economy presented a report which informed Members of the position regarding void properties as at 30 September 2012, and commercial rent debts for the four quarters ending on the September 2012 quarter day. The report identified key local property indicators against a relatively robust performance of the portfolio, in respect of regional and national trends.

An update was provided at the meeting. The latest position included three short term voids, and two short term lets. There were currently no long term voids. The net debt had reduced to £107,000, representing an outstanding debt of 2.3%. Every effort was made to ensure that premises remained occupied. It was noted that a number of tenants were trading at worryingly low levels, but with regular dialogue and management, every effort was being made to retain those tenancies. A Member asked whether the Estates Team would discuss or renegotiate terms. The Assistant Director Economy advised that they employed a range of options to assist business tenants, with each case being dealt with on an individual basis.

Scrutiny Committee – Economy noted the report and the performance of the portfolio.

(Report circulated)

49 **BUDGET MONITORING REPORT TO 30 SEPTEMBER 2012**

The Strategic Director (KH) presented a report which advised the current revenue and capital position for the first six months of the 2012/13 financial year. Members were advised of any major differences by management unit to the outturn forecast up to 30 September 2012. During this period, the total of the variances indicated that the overall net expenditure for this Committee had decreased from the revised budget by £458,770. This included supplementary budgets of £71,060. The figures exceeded the anticipated budget projection, with Car Parks and Planning Services achieving better figures than expected.

The report also included a summary of the 2012/13 Economy and Development Capital Programme. Details of the individual projects were attached as an appendix. A review of a number of schemes had been proposed by the City Council's Strategic Management Team, in consultation with Portfolio Holders, and details of the variations would go forward to Executive on 4 December for approval. A response to a Member confirmed that further work on the environmental works in Cowick Street would be continued in the spring. It was also acknowledged that it would be appropriate to review whether to continue with the capital programme allocation for the Canal Basin and Quayside.

Scrutiny Committee – Economy noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.15 pm

Chair

SCRUTINY COMMITTEE - RESOURCES

21 November 2012

Present:

Councillor Baldwin (Chair)

Councillors Bowkett, Branston, Brock, Bull, Crow, D J Henson, Macdonald, Pearson, Robson and Spackman

Apologies:

Councillors Crew

Also present:

Chief Executive, Strategic Director (MP), Assistant Director Finance, Corporate Manager Policy, Communications and Community Engagement, Senior Auditor (HK) and Member Services Officer (SJS)

47 Minutes

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

48 Declarations of Interest

Members made no declarations of interest.

49 Leader and Portfolio Holder to present their half yearly reports

The Leader presented the update on his priorities for the budget and providing value for money across the Council's services.

The following responses were given to Members' questions:-

- the Council was under a lot pressure with an increase in inflation and reductions in Government grants; did not want to make cuts to the Council's main services
- there were a lot of financial pressures on the Council including the flood defence scheme for the city; the City Council and Devon County Council would be putting in £3 million each; would be looking to the Private sector for further funding, including South West Water
- the 'John Lewis effect' had increased car park income by 29% in October. Although it was not anticipated that the increase would remain as high it was hoped that there would be an average increase in car park income.

Councillor Martin presented the update on his priorities within the Portfolio for Business Transformation and Human Resources. He advised Members of the current position with regards to the Apprenticeship Scheme and that the age range for the two horticultural appointments would be extended to include 18 to 24 years olds; had received positive feedback from developers with regards to the Systems Review in Planning;

The following responses were given to Members' questions:-

- improvements and the modernisation of the website and intranet would form part of the forthcoming Communication Plan
- as part of the review 'keep my city looking good' the increased use of bar-tec would be looked at
- acknowledged there were issues with the capacity of the phone lines to Exton Road; there were options of expanding Exton Road or bringing the service to the Civic Centre.

PERFORMANCE MANAGEMENT

50 AIM Property Maintenance Progress 2012/13

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

Scrutiny Committee – Resources noted the first quarter financial position of the £7.9 m programme of reactive and planned property maintenance and refurbishment for 2012/13.

(Report circulated)

51 Budget Monitoring Report to 30 September 2012

The joint report of the Strategic Director (MP) and Assistant Director Finance was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES

52 Internal Audit work - 1st half yearly report - 2012/13

The Senior Auditor (HK) presented the report advising Members of the work undertaken by the Internal Audit Unit.

Members were advised that there were no major areas of concerns and that the Council was on target to meet its Annual Audit Plan.

In response to Members, the Senior Auditor advised that the audit service had a direct line of reporting to the Chief Executive should it be necessary and an Audit Committee could be of benefit as it would allow for a level of democratic support. The services allocated to be audited were taken from the Corporate Risk Register, areas identified by the Assistant Directors and some higher risk services were audited every year. In the Annual Audit Plan there were contingencies days built in for any work that may be to undertaken as a matter of urgency. The audit of the Tourism Service was undertaken at the request of the Tourism Development Manager.

The Scrutiny Committee – Resources noted the Internal Audit Report for the 1st half-year of 2012/13.

(Report circulated)

53 Corporate Complaints Monitoring

The Corporate Manager Policy, Communications and Community Engagement presented the summary of complaints and other recorded feedback received by the Council from the public during the financial year 2011/12.

Members were advised that during 2011/12, a total of 144 complaints were received under the Council's corporate complaints procedure. This was a decrease of 44% on 2010/11 when 255 complaints were received.

A Member raised concerns regarding the processes the Council had in place for complaints and the need to ensure that staff registered when a customer was making an official complaint.

The Chief Executive advised that the Council made every effort to ensure that all complaints were captured.

In response to a Member, the Corporate Manager Policy, Communications and Community Engagement clarified that the Council had a policy against vexatious complaints which had been successfully applied where necessary.

The Scrutiny Committee – Resources noted the report and the work being done to improve services as a result of complaints and feedback received from the Council's customers.

(Results circulated)

54 Financial Resilience Report

The Council's External Auditors, Grant Thornton's Financial Resilience Report was submitted to Members.

The Assistant Director Finance outlined to Members the issues that Grant Thornton had indicated as amber and the measures that the Council were undertaking to address these.

He advised on the resource and funding implications of benchmarking; that the Council would be undertaking more sensitivity analysis; and clarified the Council's position with regards to liquidity and the utilising of short term borrowing to meet its liabilities due to the current low interest rates.

Members noted the report.

(Report circulated)

55 Annual Audit Letter

The Council's External Auditors, Grant Thornton's the Annual Audit Letter was submitted to Members.

The Chair was pleased to note that the fee had come down from previous years.

The Scrutiny Committee – Resources received the letter.

(Letter circulated)

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

56 Overview of Capital Expenditure to 30 September 2012

The Assistant Director Finance presented the report advising of the current position in respect of the Council's revised annual capital programme and of the anticipated level of deferred expenditure into future years.

Members were advised that the revised capital programme for the current financial year was £24.484 million. During the first six months of the year the Council spent £6.515 million on the programme, which equated to 26.60% of the revised programme. This compared with £5.516 million (23.80%) being spent in the first six months of 2011/12. The current programme showed a total forecast spend for 2012/13 of £19.665 million with £1.400 million of the programme potentially deferred to 2013/14. A further £3.609 million worth of General Fund schemes were being proposed for deletion from the programme.

The Strategic Director stated that it was proposed to use 22 St David's Hill to accommodate the administration function for the rough sleepers service.

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

(Report circulated)

57 Overview of General Fund Revenue Budget 2012/13

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 six months, for the 2012/13 financial year.

He advised that the Service Committee budgets showed a forecast underspend of £258,260 (1.9%) against a revised Service Committee Net Expenditure budget of £13,718,210 and an overall underspend of £302,096 against General Fund Expenditure. He outlined to Members the individual budgets in respect of each of the Scrutiny Committees, the outstanding sundry debt, debt write-offs and creditor payments performance.

The overall net transfer from the General Fund Working Balance was estimated to be £558,965 at 31 March 2013 after accounting for July approved supplementary budgets of £138,260. This represented a reduction of £502,493 against budget and would leave the General Fund Working Balance at £3,726,460 at the end of the year.

In response to a Member, the Strategic Director advised that the collection of trade waste would be looked at in the Systems Review 'keep my city looking good'.

The Assistant Director Finance clarified that the Council does on occasion utilise the services of external agencies to collect debt, these agencies' were required to sign up to a code of conduct which was closely monitored.

The Scrutiny Committee – Resources noted the report and requested that Council approve the:-

- (1) General Fund forecast financial position for the 2012/13 financial year;
- (2) HRA forecast financial position for 2012/13 financial year;

- (3) outstanding Sundry Debt position as at June 2012; and
- (4) creditors' payments performance.

(Report circulated)

58 Treasury Management - 2012/13 - Half Yearly Update

The Assistant Director Finance presented the report detailing the current performance for the 2012/13 financial year and the position regarding investments and borrowings at 30 September 2012.

Members were updated on the interest rate prospects, net interest position and the future position. The Council's treasury management advisers had been purchased by Arlingclose an independent treasury company, the contract terms and conditions remaining the same with the Council to monitor the position to ensure a high level of service remains.

The Scrutiny Committee – Resources noted the Treasury Management report for 2012/13.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 7.00 pm

Chair

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STANDARDS COMMITTEE

Wednesday 28 November 2012

Present:

Councillor David Henson (Chair)
Councillors Branston, Brock, Laws and Winterbottom

Apologies:

Councillor Payne

Also present:

Corporate Manager - Legal, Corporate Manager Democratic and Civic Support and Member Services Officer (SLS)

7

APPOINTMENT OF CHAIR

Members were reminded of the changes in the governance arrangements and standards regime resulting from the Localism Act 2011, which came into force on 1 July 2012. The status of the former Independent Members on the City Council's Standards Committee, one of whom was the Chair, had changed, and, as 'Independent Persons', they had more of an advisory role and were no longer a member of the Committee. Therefore a nomination for the position of Chair was sought for the meeting, and also for the position of Chair and Deputy Chair for the remainder of the Municipal Year until the Annual Meeting of Council in May 2013.

RESOLVED that Councillor David Henson be appointed Chair for the meeting.

RECOMMENDED to Council that: -

- (1) Councillor David Henson be appointed Chair for the remainder of the Municipal Year, until the Annual Meeting of Council in May 2013; and
- (2) Councillor Mrs Stella Brock be appointed Deputy Chair for the remainder of the Municipal Year, until the Annual Meeting of Council in May 2013.

8

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 21 June 2012 were taken as read, and signed by the Chair as correct.

9

DECLARATIONS OF INTEREST

There were no declarations of interest.

REVIEW OF THE MEMBERS' CODE OF CONDUCT

The Corporate Manager Legal/Monitoring Officer presented a report which sought Members' approval of a further revision of the Members' Code of Conduct for adoption by Council.

Following a new requirement for Members to register Disclosable Pecuniary Interests, which came into force on 1 July 2012, Members had retrospectively adopted a new Code of Conduct at Council on 17 July 2012. However, after a period of reflection and practice, a number of amendments were sought to provide greater clarity of the process for Members, and also the general public. The report included as an appendix, a copy of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, which set out the duty of Members to register and declare such interests that they or their spouse, civil partner or person with whom they are living might have. Members were also reminded that the Monitoring Officer was able to offer further clarification of individual circumstances to any Member should it be required, prior to any Council meeting. The revised Code of Conduct was circulated with the agenda as an appendix. Members welcomed the opportunity to revise the Code of Conduct and raised a number of issues.

The Monitoring Officer responded to a number of comments in relation to the advisory role of the Independent Persons. The Act prohibited the re-appointment of Mr Andrew Mimmack and Professor Kirby, and a recruitment exercise would take place in the first few months of 2013. The role of Independent Members had completely changed, and although no longer a member of the Committee, would be called upon to assist with any complaints relating to Members. The Monitoring Officer also referred to the forthcoming Member Briefing in December, which would provide a useful opportunity to reiterate the main elements of the Code.

RECOMMENDED to Council, that :-

- (1) the amended Code of Conduct, as set out in Appendix 2 to the circulated report, and as recommended by the Monitoring Officer, be approved and adopted with immediate effect;
- (2) the revised Code of Conduct replace the existing code in the Council's Constitution; and
- (3) the Monitoring Officer be authorised to commence the recruitment process for the appointment of two new Independent Persons early in 2013, for approval at the Annual Council meeting in 2013.

(Report circulated)

DEALING WITH COMPLAINTS AGAINST MEMBERS

The Corporate Manager Democratic and Civic Support /Deputy Monitoring Officer circulated a revised procedure for dealing with complaints in terms of the behaviour of a local authority councillor in Exeter. Although Exeter City Council did not experience many such complaints, he reminded Members of the process. The procedure provided information and guidance for potential complainants, outlined the new complaints regime and set out the complaints process through to its conclusion. It also included the expected behaviour by Members, as set out in the Code of Conduct.

The Monitoring Officer responded to a number of comments about the complaints procedure. A Member suggested that the Chair of the Standards Committee should also be consulted, along with the Council's Independent Persons. It was suggested that a report detailing the number and nature of complaints be made annually to the Standards Committee.

RECOMMENDED to Council, that the amended procedure for dealing with complaints relating to Members, be adopted, with immediate effect.

(Document circulated)

(The meeting commenced at 4.30 pm and closed at 5.50 pm)

Chair

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Exeter City Council

Code of Conduct
For Members and Co-opted Members

Together with

The Rules on Registration and Declaration of
Pecuniary and other Interests

Exeter City Council

Member's Code of Conduct

Introduction

Pursuant to section 27 of the Localism Act 2011, Exeter City Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct aims to facilitate openness and accountability necessary to reinforce public confidence in the way members perform their public duties.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

PART 1

1. GENERAL PRINCIPLES OF CONDUCT

In carrying out their duties and in exercising the functions of the Council or otherwise acting as a councillor, members are expected to observe the following general principles of conduct. The following principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

2. EXPECTATIONS OF CONDUCT

1. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Council.
2. Members shall base their conduct on consideration of the public interest and avoid conflict between personal interest and the public interest and resolve any conflict between the two in favour of the public interest.

3. RULES OF CONDUCT

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she shall comply with the following rules.

1. Behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.

4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
6. He/she shall have regard to any relevant advice provided by the Council's Chief Financial Officer and the Monitoring Officer.
7. He/she shall co-operate at all times with any investigation into their conduct.

PART 2

REGISTRATION, DISCLOSURE AND DUTIES IN RESPECT OF MEMBERS' INTERESTS

1. REGISTRATION OF INTERESTS

Members shall fulfil conscientiously the requirement in respect of the registration of interests in the Register of Members' Interests and where it is appropriate to do so, shall always draw attention to any relevant interest in any proceedings of the Council, the Executive (or any committee or sub committee), or in any communication with the Council, its members or officers.

APPENDIX 1

DISCLOSABLE PECUNIARY INTEREST (DPIs)

These declarations include the relevant members' interest including any interest of which the member is aware relating to his/her:

- spouse or
- civil partner or
- of any person with whom he/she is living as a husband or wife or civil partner.
- Disclosable pecuniary interest or prescribed by Regulations and fall within the following headings;

1. Employment, Office, Trade, Profession or Vocation

Please give details of any employment, office, trade, profession or vocation carried on for profit or gain.

2. Sponsorship

Please give details of any payment or provision of any financial benefit (other than from Exeter City Council) made or provided in respect of any expenses incurred by the member in carrying out duties as a member or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Contracts: for Goods, Works or Services with the Council

Please give details of any contracts for goods, works or services you (or firm or company by which you are employed or which you own or in which you have a beneficial interest) have with Exeter City Council

4. Landholdings in the Area

Please give the address or other description (sufficient to identify the location) of any land or property in Exeter City Council's area in which you have a beneficial interest, indicating whether you are the owner, lessee or tenant.

You must include the house you live in and for example an allotment you own or use.

5. Licences

Please give details of any licence (alone or jointly with others) to occupy land within Exeter City Council's area where such licence is for a period longer than one month.

6. Corporate tenancies

Please give details of any tenancy where land is leased or licensed from Exeter City Council by you or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest.

7. Securities: Interests in Companies

Please give details of body which has a place of business or owns land in Exeter City Council's area and in which you have a beneficial interest (a shareholding) of more than:

- £25,000 (nominal value) or more than 1/100th of the total share issue of that body (whichever is the lower) or
- if there is more than one class of share, the total nominal value of shares in

any class of that body of more than 1/100th of the total shares of that class.

Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.

APPENDIX 2 - OTHER INTERESTS

A member must declare any other interest in any business of the Council where it relates to the well being or financial position of the member, his/her friend, relative or close associate where a member of the public, knowing the relevant facts, would reasonably think the existence of the interest in question is likely to affect the member's judgment of the public interest.

REGISTRATION OF INTERESTS

1. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all disclosable pecuniary interests which fall within the categories set out in Appendix 1.
2. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any disclosable pecuniary interests described in Appendix 1.
3. A member shall register any change to his/her registerable pecuniary interests or new interests falling within the definition set out Appendix 1 within 28 days of becoming aware of it.
4. A member need only declare on the public Register of Interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

DECLARATION OF INTERESTS

1. Where a matter arises at a meeting which relates to a Pecuniary Interest which is declarable in Appendix 1, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. He/she only has to declare what his/her interest is if it is not already entered in the Member's Register of Interests or if he/she has not notified the Monitoring Officer of it.
2. Where a matter arises at a meeting which relates to a Pecuniary Interest in Appendix 1 which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
3. Where a matter arises at a meeting which relates to "other Interests" declarable under Appendix 2, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

DISPENSATIONS

On a written request, the Council's Monitoring Officer may grant to a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices 1 and/or 2 where the Monitoring Officer believes that:

- the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
- it is in the interests of the inhabitants in the Council's area to allow the member to take part or
- it is otherwise appropriate to grant a dispensation.

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Exeter City Council

Exeter City Council

How to make a Complaint about the behaviour of a local authority Councillor in Exeter

Policy development and Version details
V1 November 2012

Title	How to make a Complaint about the behaviour of a local authority Councillor in Exeter
Author	John Street
Owner	Office of Democratic & Civic Support Manager
Effective from	
Review dates	
Status for FOI	Open
EIA conducted	
This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.	

CODE OF CONDUCT FOR COUNCILLORS: INFORMATION AND GUIDANCE FOR POTENTIAL COMPLAINANTS

The new complaints regime

The law and arrangements for dealing with complaints against elected or co-opted councillors was changed as from 1 July 2012. Whilst the responsibility for considering written complaints against elected councillors of Exeter City Council for breach of the Code of Conduct for councillors still sits with this Council's Standards Committee, the rules have changed and there is no longer one statutory code that applies to all councils. In addition the regulatory body, Standards for England, has been abolished and the focus now is on local solutions to local problems. The sanctions available to the Standards Committee have also been constrained and are set out later in this note.

The complaints process and related matters are overseen by the Standards Committee of Exeter City Council. This Committee is a group of councillors appointed by Exeter City Council to help maintain and promote high ethical standards.

Is this a complaint that can be dealt with?

The points listed below will help you decide whether this is something that can be dealt with by the Standards Committee. You should speak to the Monitoring Officer if you are not clear if the Standards Committee can consider your complaint.

Please note that trivial, frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

The Monitoring Officer will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the councillor(s) complained about were in office. Conduct of an individual before they were elected to the authority, or after they have resigned or otherwise ceased to be a councillor, cannot be considered by the Standards Sub-Committee.
- Your complaint must be about one or more named councillors of Exeter City Council.
- Your complaint must be that the councillor(s) has, or may have, breached the Council's Code of Conduct.
- The alleged breach must have occurred when the councillor was acting in their "official capacity". What the councillor does in their private life is not a matter for the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures or decision making, do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Standards Committee.

- **Your complaint must be in writing.** If a disability prevents you from making your complaint in writing then please let us know and we will provide you with appropriate assistance.

It is important to note that not every complaint that does fall within the jurisdiction of the Standards Committee will be referred for investigation. The Monitoring Officer must decide whether this is appropriate. The Monitoring Officer will endeavour to resolve complaints without the need for a formal investigation. The factors to be taken into account in reaching a decision are:-

- Whether a substantially similar allegation has previously been made by you to the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegations are anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
 - The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
 - Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the councillor complained about is relatively inexperienced, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether a simple apology, training or conciliation would be the appropriate response;
- Whether a reasonable offer of local resolution is offered by the councillor the subject matter of the complaint but is rejected by you.

What happens once you submit your complaint?

When you submit your complaint we will write to you to let you know we have received it, usually within 5 working days. We will notify the councillor to whom the complaint relates with details of the complaint and invite them to make representations. These must be received by the Monitoring Officer within 10 working days of receiving the notification.

The Monitoring Officer will contact you with their initial assessment of the complaint. You and such other persons as the Monitoring Officer feels appropriate may be required to provide additional information in order that they can complete this assessment. On the completion of this initial assessment, the Monitoring Officer will contact you to advise you whether your complaint relates to a breach of the Code of Conduct and what action is proposed. The councillor will be similarly informed. This will all happen within an average of 25 working days of the date we have received your complaint or additional information (where requested). Before making any decision, the Monitoring Officer will discuss your complaint with an "Independent Person". This is an individual who is not a councillor and who Exeter City Council is required to appoint to assist it in dealing with complaints against councillors.

If the Monitoring Officer considers that an investigation is required to establish the facts, then the Monitoring Officer or someone acting on their behalf will undertake this.

If the investigation reveals no failure to comply with the code then the Monitoring Officer, after consulting with the Independent Person, is authorised to close the matter and issue his/her report to the complainant and the councillor complained about. The Monitoring Officer can also refer the matter to the Standards Committee before exercising that power.

If the investigation reveals a failure to comply with the code then the Monitoring Officer in consultation with the Independent Person is authorised to seek a local resolution of the complaint providing all parties agree. If a local resolution is not appropriate or not agreed by the parties, then the outcome of the investigation will be reported to a Standards Sub-Committee comprising of 3 Members of the Standards Committee (one from each Political Group represented on the Council) for a local hearing. This hearing will be held in public and although conducted on a relatively informal basis, both parties will be able to make representations and call witnesses. At the end of the hearing, the Sub-Committee, after consulting with the Independent Person, will decide whether, on the balance of probabilities, there has been a failure to comply with the Code of Conduct and what "sanctions" should be imposed. Although there is no right of appeal against the decisions of the Monitoring Officer or Sub-Committee, if you are unhappy with the outcome then you are still entitled to complain to the Local Government Ombudsman or challenge any decision through the Courts by way of Judicial Review.

The procedure the Council has adopted is designed to be proportionate, timely and fair to both sides. Its overriding objective is to seek to provide pragmatic local solutions to local problems wherever possible.

What happens if the complaint is to be investigated?

The complaint will be investigated by the Monitoring Officer or investigators appointed by him/her. The Monitoring Officer will let all those involved know that this is the case and the process that will be followed.

At the end of an investigation, the Monitoring Officer will issue a draft report and invite comments which must be received within 10 working days. The Monitoring Officer will send a copy of the final investigation report to you, the Standards Committee, the councillor complained about and the Independent Person. If a hearing is required and reaches a finding that there has been a failure to comply with the Code, then there is a limited range of sanctions available as set out below. There is no longer the ability for the Standards Committee to suspend a Member and

neither is there any ability to refer a complaint to another body as previously was the case when Standards for England existed.

How should I set out my complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish to be considered. If a complaint does not contain sufficient information it may not be dealt with.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the councillor(s) complained about has breached the Code of Conduct.

I am the complainant but I don't want my identity revealed

If you ask for your identify to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.

As a matter of fairness and natural justice, the councillor you complained about should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold your indentify if on request from you, or otherwise, they are satisfied that you have reasonable grounds for believing that you or any witness relevant to the complaint, may be at risk of physical harm, or their employment may be jeopardised if your or their indentify is disclosed, or where there are medical risks (supported by medical evidence) associated with their or your identity being disclosed.

If the Monitoring Officer decides to refuse your request for confidentiality, they will offer you the option to withdraw the complaint, rather than proceed with the your identify being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh your wish to have your identify withheld.

What you should do if you wish to submit a written complaint

- Get a copy of the Code of Conduct to see whether the behaviour you wish to complain about is covered by their code. **If it is not covered by the relevant code then it is unlikely we will be able to deal with it.**
- Talk to / raise the matter with the Council's Monitoring Officer for general advice before submitting a formal complaint.
- Fully complete the attached complaints form (or ensure your letter of complaint addresses, in full, all of the issues covered in the complaint form.)

- Submit the written complaint by post, email or fax to the address set out below, as soon as possible after the date of the alleged breach.

Address for submission of a written complaint

Baan Al-Khafaji
Corporate Manager – Legal & Monitoring Officer
Civic Centre
Paris Street
Exeter
EX1 1JN

Tel: 01392 265874

Fax: 01392

Email: baan.al-khafaji@exeter.gov.uk

If you would like this document translated into other languages or into Braille, large print, audio tape or CD, please contact:

 01392

Behaviour covered by the Code of Conduct

You can complain about a councillor breaking any part of Exeter City Council's Code of Conduct. This means you need to have seen the Code of Conduct relating to the councillor about whom you wish to complain and that the behaviour you wish to complain about is covered by the code. The Standards Committee cannot consider any complaints that fall outside of the Code of Conduct.

The code that relates to Members of Exeter City Council covers the following areas:-

- Unlawfully discriminating against someone
- Failing to treat people with respect
- Bullying any person
- Intimidating any person involved in any investigation or proceedings about someone's misconduct
- Doing something to prevent those who work for the authority from being unbiased.
- Revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- Damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- Using their position improperly; to their own or someone else's advantage or disadvantage
- Misusing their authority's resources
- Allowing their authority's resource to be misused for the activities of a registered political party
- Failing to register a Disclosable Pecuniary Interest (DPI)
- Failing to reveal any other interest (as defined at Appendix 2 to the Code of Conduct) at a meeting
- Taking part in the discussion or making a decision where they have a "disclosable pecuniary interest" or an interest that is so significant that it is likely to affect their judgement
- Improperly influencing a decision about a matter in which they have a "disclosable pecuniary interest"

Any breaches in relation to requirements around "disclosable pecuniary interests" are matters for the Police as a criminal offence may have been committed. We suggest you speak to the Council's Monitoring Officer first as he/she should be able to advise you whether or not it is a matter for the Police.

Sanctions available to the Standards Committee

The change on the law introduced by the Localism Act 2011 means that the Standards Committee no longer has the power to suspend a Member from acting as a councillor for up to 6 months. **The only sanctions now available to the Standards Committee are set out below**

- Recommending to the Member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee), or from all outside appointments to which he/she has been appointed or nominated by the authority;
- Recommending to the Leader of the Council that the Member be removed from the Executive Committee, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to arrange training for the Member;
- Restricting contact to named officers or requiring contact be through named officers;
- Excluding the Member from the Council's offices or other premises, with the exception of meeting rooms, as necessary for attending Council, Committee and Sub-Committee meetings; or
- The Monitoring Officer being instructed to censure the Member.

EXECUTIVE

Tuesday 20 November 2012

Present:

Councillor Edwards (Chair)

Councillors Denham, Fullam, Hannaford, Mrs Henson, Martin, Sheldon and Sutton

Also present:

Chief Executive, Strategic Director (KH), Strategic Director (MP), Assistant Director Business Transformation, Assistant Director Economy, Assistant Director Public Realm, Assistant Director City Development, Assistant Director Finance, Assistant Director Housing and Contracts, Housing Benefit Manager and Member Services Manager

105

MINUTES

The minutes of the meetings of Executive held on 18 September and 2 October 2012 were taken as read and signed by the Chair as correct.

106

DECLARATIONS OF INTEREST

The following disclosable pecuniary interests were declared:

Councillor	Interest
Fullam	109, 110, 111 and 112 (employee of Sanctuary Housing Association)
Prowse	107 (member of Devon County Council)

107

PARKING TARIFFS

The report of the Assistant Director Public Realm was submitted seeking agreement to the proposed changes to the banding of parking tariffs set out in the report and annex and to consequent changes in tariff levels with effect from 21 January 2013. The report proposed implementation of the recommendations of the all-party Car Parks Task and Finish Group to create four tariff bands with some consequent changes to tariffs (both up and down) in individual car parks.

Councillor Crow spoke on this item under Standing Order 44 drawing attention to the potential impact of removing the restriction on long-stay parking in the Gordons Place (Fore Street, Heavitree) car park. She was concerned that the spaces would be taken up by local workers and would not be available for shoppers for whom they were primarily intended. Executive accepted that this was an issue which should be addressed.

Councillor Baldwin spoke on this item under Standing Order 44. She felt that the inclusion of Topsham Quay within Tariff Band 2 as a Short Stay Car Park was an anomaly and drew attention to a 1000 signature petition and letters from traders on the issue. She considered this to be misplaced in relation to the Exeter Cathedral and Quay car park which was classed as a Long Stay Visitors' Car Park. She also considered the inclusion of Matthews Hall Car park within Tariff Band B alongside large city car park to be inappropriate. She commented on inadequate signage to the Tappers Close and Holman Way car parks, making these hard for visitors to find.

Councillor Prowse spoke on this item under Standing Order 44, declaring an interest as a member of Devon County Council. He emphasised the need to ensure that the City Council's car parking tariffs were set at an appropriate level in comparison with on-street parking charges to ensure that the Council met income targets.

Responding to the points raised, the Portfolio Holder Sustainable Development and Transport stated that the categorisation of Topsham Quay as a short stay shoppers car park reflected the desire to encourage visitor turnover for the benefit of traders. Consideration of some form of scheme for traders at Matthews Hall should be undertaken at a later stage as part of an overall review of permit arrangements in all car parks, acknowledging the demand generated by the Saturday Markets in the hall. The Portfolio Holder accepted the need to address the issue relating to the Gordons Place, Heavitree car park. She proposed that discussions should be held with Devon County Council regarding improved signage to car parks, and that a colour-coding system to identify the relevant tariff band should be pursued when publicising the City Council's own car parks.

Executive commended the all-party Car Parks Task and Finish Group on their work, noting that they had focussed on the banding of car parks and that the issue of charges had been outside their remit. Members acknowledged that parking income represented a significant revenue stream for the Council and were aware that there had been no increase in charges in the large majority of car parks in the last two years. One member commented that the decreased time bands for parking in many car parks equated to an increase in charges. Executive members were pleased to note that the projected income on car parks overall was on target indicating that the Council's pricing strategy was about right. They supported a request for details of the 5 year trend in car park usage and revenue. They were informed of the significant increase in the income from the John Lewis Car Park in October this year compared with the previous year and welcomed the positive impact of the John Lewis store on the City's economy.

RESOLVED that:-

- (1) the proposed car parking tariff structure and charges set out in the report be supported, subject to retaining a maximum stay of 3 hours in respect of Gordons Place, Heavitree;
- (2) notice of intention be given to make a Parking Places Amendment Order to revise the City of Exeter (Civil Enforcement Off Street Parking Places) Order 2012 to enable all the changes proposed in the report and annex, subject to the amendment noted above, to come into effect on 21 January 2013;
- (3) authority to consider any objections be delegated to the relevant Strategic Director in consultation with the Leader of the Council and the Portfolio Holder for Sustainable Development and Transport;
- (4) subject to consideration of any objections, the Order be made and sealed; and
- (5) improved signage on the highway be discussed with Devon County Council.

(Report circulated)

SUPPORT FOR BUSINESS - CHRISTMAS PERIOD

The report of the Assistant Director Economy was submitted seeking approval to expenditure on a promotional programme to support smaller independent businesses during the important period leading up to Christmas.

Councillor Prowse spoke on this item under Standing Order 44. Commenting on the attraction of Christmas lights for the City, he enquired whether a contribution could be made from the Royal Albert Memorial Museum (RAMM) Art Fund prize in future years. The Portfolio Holder Environment and Leisure responded that the Art Fund award was strictly ring-fenced for RAMM purposes.

Executive members recorded their appreciation to the Express and Echo in conjunction with SunGift Solar for providing Christmas lights in the High Street this year. They regretted that the contribution of businesses to the provision of lights had declined significantly in recent years to the extent that it was no longer possible for the City Council to provide the budget. Whilst the lights were greatly appreciated by residents and visitors it was noted that they had also been identified in the public consultation on the budget as lower priority expenditure.

The Leader drew attention to the significant investment that the City Council already made in the City Centre, including the provision of environmental improvements, bus stops, CCTV, signage etc and hoped that a successful Business Improvement District (BID) ballot would enable funding by the business sector of enhancements such as Christmas lights in future years.

Executive acknowledged that the last year had been particularly hard for independent traders and welcomed the proposed programme of additional promotional activity.

RESOLVED that the programme of additional promotional activity to support the City's independent traders be approved.

(Report circulated)

WELFARE REFORM

Councillor Fullam declared a disclosable pecuniary interest as an employee of Sanctuary Housing Association.

The report of the Assistant Director Housing and Contracts and the Assistant Director Business Transformation was submitted identifying the anticipated impact of the proposed welfare reforms. The report also sought approval to the activities identified in the risk assessment to mitigate the impact of the changes. The Assistant Director reported that the issue had been the subject of robust discussion by the Social Health and Inclusion Partnership (SHIP) and the Scrutiny Committee – Community on 6 November 2012. Executive noted the comments of members and the resolutions of that Committee including their request for a further report.

Members noted the far-reaching welfare reforms and the serious impact on the individuals and families who would be adversely affected by the changes. They also noted the potential implications for the Council's general fund and housing income and on the demand for particular services including debt collection, debt advice, council tax, benefits, housing options and homelessness and tenants' services. Members commented that the proposals appeared to be disjointed and ill thought out and hoped that new Ministerial Guidance would address some of the issues. They endorsed the need for a joined-up approach amongst stakeholders in the city.

They expressed grave concern for the impact on young people and the likely increase in homelessness, hardship and child poverty. Others expressed particular concern about the disproportionate effect on low paid workers, the impact of the Housing Benefit cap and the anticipated rise in debt and homelessness. They endorsed the need to carefully monitor the adequacy of the home downsizing budget and to review the practical assistance that the Council would offer in cases of under-occupation. They particularly welcomed the comprehensive risk assessment provided with the report.

Other members acknowledged that some aspects of welfare reform were essential and hoped that certain elements of the changes may remove disincentives to work through minimising the bureaucracy of the system, thereby enabling the redirection of resources towards the most vulnerable in society. It was hoped that the increase in basic income tax allowance levels would be a further mitigating factor.

Executive recorded their appreciation to Laura Fricker, Benefits Manager and her team for the enormous work they had put into the introduction of the new Welfare and Council Tax schemes as set out in this and the following two reports.

RESOLVED that:-

- (1) Executive recognises that it is Central Government through its programme of cuts and changes to the welfare benefits system, that is forcing this Council to urgently implement measures to help mitigate the effects that the reforms would have on both the local economy and the residents of Exeter;
- (2) the report and the implications of the Government's welfare reform programme on the Council's services and benefits claimants be noted and the proposed interventions be approved; and
- (3) Executive continues to monitor the Welfare Reform Risk Map and the effectiveness of the Council's response as further evidence emerges, and agrees to take appropriate action where possible to protect the local community from further financial hardship, reporting back to Scrutiny Committee – Community when necessary.

(Report circulated)

110

PROPOSED LOCAL COUNCIL TAX SUPPORT SCHEME

Councillor Fullam declared a disclosable pecuniary interest as an employee of Sanctuary Housing Association.

The report of the Assistant Director Business Transformation was submitted seeking approval to the proposed Local Council Tax Support Scheme due for implementation from April 2013 and informing members of the components of the scheme.

The Assistant Director reported that one of the major welfare changes coming into effect related to the abolition of Council Tax benefit and its replacement with a Local Council Tax Support (LCTS) Scheme. Local authorities would receive a budget for the new scheme based on 10% less than the government's estimated projection of Council tax benefit in 2013-14. The Assistant Director outlined the main principles of the new scheme. Support for pensioners would not be affected by the cut and vulnerable residents would be protected. It was intended that support for Council Tax would become fully integrated into the Council tax system and would no longer be a "benefit" subject to Social Security legislation.

Executive noted the main components of the proposed scheme, the financial implications and the potential impact of the new scheme on working age customers and collection. They were impressed by the extensive consultation that had been undertaken on the scheme and thanked officers for their hard work.

Members were advised of the creation by Communities and Local Government of a Transitional Grant Scheme comprising a fund of £100 m of which authorities were invited to bid for a predetermined share. They noted the measures the Council would be required to undertake to apply for a grant and that the funding was for 2013-14 only. On this basis they fully endorsed the recommendation that it would not be in the interests of the Council to apply for a grant and noted that this was the stance taken by the majority of local authorities so far.

Members hoped that the 10% reduction in budget would be offset by greater efficiencies in the administration of the scheme and anticipated that the shift away from central government control would enable greater localisation.

Executive unanimously supported the proposed new scheme.

RECOMMENDED to Council:-

(1) to note the following documents circulated as Appendices to the report:

- (i) Draft S13a policy
- (ii) Consultation report
- (iii) Equality Impact Assessment
- (iv) Amendments to the Constitution
- (v) Exceptional Hardship Fund Policy
- (vi) Vulnerability Statement
- (vii) Band D Restriction report

(2) to agree the amendments to the Constitution, as circulated; and

(3) to approve the proposed scheme for Local Support for Council Tax, to be introduced on 1 April 2013.

(Report circulated)

111

TECHNICAL REFORMS TO COUNCIL TAX

Councillor Fullam declared a disclosable pecuniary interest as an employee of Sanctuary Housing Association.

The report of the Assistant Director Finance was submitted, setting out the Technical Reforms to Council Tax that the Government is introducing from April 2013. The reforms give billing authorities more flexibility on some of the discounts that could be granted which would provide the opportunity to generate additional income. This flexibility relates to:

- Second Homes
- Empty Properties
- Properties undergoing or requiring structural works

The report also explained other reforms which include:

- The right to pay council tax by 12 monthly instalments
- Enabling billing authorities to publish council tax information on their website rather than in paper format.
- Making the mortgagee (the lender) responsible for paying the council tax when a property is repossessed.

Executive welcomed the proposed reforms and were particularly pleased to note measures aimed at encouraging owners of long term empty properties to return them into use.

RECOMMENDED to Council that the following changes to Council Tax are made from 1 April 2013:-

- (1) to reduce the current Second Home discount from 10% to 0%;
- (2) for properties that would fall under Class C exemption, to set a discount of 100% for the first 2 months and then reduce the discount to 0% for the next 4 months;
- (3) to impose a premium levy of 50% council tax on properties that have been empty for more than 2 years;
- (4) to reduce the current long term empty property discount from 10% to 0%; and
- (5) for properties that would fall under Class A exemption, to set a discount of 50%.

(Report circulated)

112

TENANCY STRATEGY AND TENANCY POLICY

Councillor Fullam declared a disclosable pecuniary interest as an employee of Sanctuary Housing Association.

The report of the Assistant Director Housing and Contracts was submitted seeking adoption of a Tenancy Strategy and Tenancy Policy as required by the Localism Act 2011. The Assistant Director outlined the broad principles and expectations of registered providers set out in the Tenancy Strategy. She identified the main features of the Tenancy Policy which set out in more detail how the Council would implement the guiding principles of the Strategy in day to day housing management operations. Members' attention was drawn to the Equality Impact Assessment (EQIA) which recorded the potential impacts on the protected characteristic groups and the actions it was intended to take to address them. The policy would be monitored for unintended consequences and the EQIA would be reviewed and updated as necessary.

Executive welcomed the new Tenancy Strategy and Policy. They noted that fixed term tenancies would only apply to new tenants and considered the proposed five year term would normally be appropriate. They supported continuing "lifetime" tenancies for the specific groups identified. Noting the inadequate supply of social housing available, Members hoped that the measures would facilitate the provision of social housing to those most in need. They anticipated a decrease in anti-social behaviour resulting from the threat of losing tenancies as well as a decrease in the major cost of evictions. It was agreed that the downsizing policy should be reviewed in the context of the new scheme.

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

RESOLVED that the new Tenancy Strategy and Policy be approved.

(Report circulated)

113

PROPOSAL TO DE-ACCESSION ITEMS FROM RAMM'S COLLECTION

The report of the Assistant Director Economy was submitted setting out proposals to de-accession selected items from RAMM's permanent collection. As RAMM's governing body, Exeter City Council must formally approve de-accessions. The report summarised the context, reasons and outcomes sought in de-accessioning these items.

Scrutiny Committee – Community considered the report at their meeting on 6 November 2012 and the support and comments of members were noted. Executive supported the proposal of the Scrutiny Committee to establish a Museums Storage Facilities Working Group to comprise Councillors Shiel (Chair), Choules and Payne.

RESOLVED that the de-accessioning of the items listed in the Appendix to the report be approved; and

RECOMMENDED that future recommendations and approval of items for de-accession be delegated to the Assistant Director Economy in consultation with the Portfolio Holder responsible for the Museum.

(Report circulated)

114

EXETER ST JAMES FORUM NEIGHBOURHOOD PLAN

The report of the Assistant Director City Development was submitted informing members of progress on the production of a Neighbourhood Development Plan for Exeter St James. The report also sought agreement to the Council's response to the consultation process and to granting delegated powers to take the process forward.

Members noted that the uncertainty over the ownership of the Queen's Crescent open space would be resolved through the Compulsory Purchase Order process and looked forward to the creation of a community green space.

Executive congratulated the Forum on their fortitude in staying with the long and complex process and noted that they were one of the few urban forums to have progressed so far. Their experience and expertise had been widely acknowledged.

RESOLVED that Executive offers its congratulations to Exeter St James Forum on the production of the draft plan and delegates authority to the Assistant Director City Development in consultation with the Portfolio Holder:

- (1) to continue to negotiate with the Forum on how best to address issues regarding the content of the draft plan identified in Appendix C;
- (2) to make any formal representations appropriate on the plan reflecting unresolved concerns;

- (3) to undertake the necessary procedures to enable the plan to proceed towards adoption;
- (4) to undertake the acquisition of the Queen's Crescent Gardens open space, by agreement with the owner if the owner is found. If the owner is not found, or terms are not agreed, that Executive authorises the acquisition of the land by making a Compulsory Purchase Order under Section 226 of the Town and Country Planning Act 1990 (as amended), on the basis that Executive thinks the acquisition will facilitate the carrying out of improvement on or in relation to that land; and
- (5) to undertake all necessary action to proceed with the Compulsory Purchase Order.

(Report circulated)

115

TEIGNBRIDGE LOCAL PLAN DEVELOPMENT PLAN DOCUMENT
CONSULTATION ON DRAFT SUBMISSION

The report of the Assistant Director City Development was submitted, seeking to formulate a response to the Draft Submission document that is being published by Teignbridge District Council.

The Assistant Director reported that the Planning Member Working Group on 16 October had noted and supported the report which will form the basis of the response to Teignbridge District Council.

Councillor Clark spoke on this item under Standing Order 44, conveying the views of residents in the Alphington area which she felt were not adequately reflected in the City Council's response. Their concerns related to the draft infrastructure delivery plan and specifically the phasing of the primary and secondary schools, the health centre and highways improvements which they felt should be undertaken much earlier in the development.

Executive members emphasised the benefits of a single urban extension rather than piecemeal development and endorsed the huge importance of an adequate infrastructure to support sustainable development in the area. They referred to a number of measures which would mitigate the impact of additional traffic including the proposed rail halt and Park and Ride facility. Residents were urged to respond directly to the consultation; the public examination would provide a further opportunity to explore issues of concern.

Residents were assured of the close and co-operative working arrangements with Teignbridge District Council on the Infrastructure Delivery Plan. Whilst the Council was able to comment on the draft submission they could not make demands on Teignbridge District Council. Regrettably the development would not attract the multi-million pound investment from Central Government that Cranbrook had received and the prioritisation of infrastructure facilities would necessarily reflect commercial viability.

Whilst noting the on-going dialogue with Teignbridge District Council in relation to these issues, Executive acknowledged the concerns of residents and proposed that a further report be made to Executive on 4 December addressing these specific issues prior to responding to the document.

RESOLVED that the proposed response to Teignbridge District Council be deferred pending a further report to Executive on 4 December.

(Report circulated)

116 **DRAFT REVISED PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT**

The report of the Assistant Director City Development was submitted seeking approval to the draft revised Planning Obligations Supplementary Planning Document (SPD) to be published for public consultation. The main revisions to the existing, adopted planning obligations document respond to planning system changes and anticipate a Community Infrastructure Levy for Exeter. The Assistant Director City Development reported that Planning Member Working Group had considered and supported the report and the draft revised SPD earlier that day.

RESOLVED that the proposed draft revised Planning Obligations SPD attached as Appendix 1 to the circulated report be approved for consultation.

(Report circulated)

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

The schedule of appointments to outside bodies was circulated.

It was noted that the Exeter Municipal Charities (General List) had merged with a smaller almshouses trust, the Lord Mamhead Homes, to form the Exeter Municipal Charity. It was proposed that the Lord Mayor and the four members formerly appointed to represent the Council on Exeter Municipal Charities (General List) be appointed to the new Charity.

RESOLVED that the following members be appointed to the new Exeter Municipal Charity:-

The Lord Mayor (ex officio)
Cllr Branston
Cllr Robson
Mr P Wadham
Cllr Winterbottom

(Schedule circulated)

(The meeting commenced at 5.30 pm and closed at 8.10 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 11 December 2012.

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EXECUTIVE

Tuesday 4 December 2012

Present:

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

Also present:

Chief Executive, Strategic Director (KH), Strategic Director (MP), Assistant Director City Development, Assistant Director Finance, Assistant Director Business Transformation, Corporate Manager Democratic and Civic Support, Housing Development Manager and Member Services Manager

118

DECLARATIONS OF INTEREST

No declarations of interest were made.

119

MAJOR GRANTS AND NEW HOMES BONUS PANEL

The minutes of the meeting of the Major Grants and New Homes Bonus Panel held on 22 November 2012 were circulated.

RESOLVED that the minutes of the Major Grants and New Homes Bonus Panel be received and adopted.

(Minutes circulated)

120

OVERVIEW OF CAPITAL EXPENDITURE TO 30 SEPTEMBER 2012

The report of the Assistant Director Finance was submitted, reporting the current position in respect of the Council's revised annual capital programme and advising members of the anticipated level of deferred expenditure into future years. The report sought approval to amend the annual capital programme in order to reflect the reported variations.

The Assistant Director reported that, during the first six months of the year, the Council had spent £6.515 million of the programme which equated to 26.6% of the revised capital programme of £24.484million. A total spend of £19.665 was forecast for 2012/13 with £1.4 million potentially to be deferred to the following year and £3.609 million proposed for deletion.

Executive supported the programme including the requests for additional expenditure in relation to No 6 Greenhouse at Belle Isle Nursery and City Centre Enhancement/ King William Street Car Park. Members were informed that the expenditure of £17,500 at the Greenhouse related to the replacement of glass sheets with polycarbonate for safety reasons.

Scrutiny Committee – Resources considered the report at the meeting on 21 November and the comments and support of members were noted.

RECOMMENDED to Council to:-

- (1) note and approve the current position in respect of the annual capital programme;
- (2) approve an additional budget of £17,500 in the 2012-13 General Fund Capital Programme for the replacement of the glass panes in No. 6 Greenhouse, Belle Isle Nursery;
- (3) approve an additional budget of £254,000 in the 2012-13 General Fund Capital Programme for the additional works in London Inn Square; and
- (4) approve the amendments to the Council's annual capital programme outlined in Appendix 2 of the report.

(Report circulated)

121

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2012/13

The report of the Assistant Director Finance was submitted informing Executive of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account after six months, for the 2012/13 financial year.

Members were informed that the revised overspend of £177,000 in the Scrutiny Committee – Community budget would be offset by underspends elsewhere. An anticipated overspend of £109,500 resulted from increased waste disposal costs and the delayed implementation of the revised garden waste collection procedures. The anticipated overspend of £115,000 within the Museums Service related partially to higher than anticipated utility costs necessary to maintain the specialist environment. Discussions were continuing with the Valuation Office about the higher than anticipated level of Non-domestic rates which also contributed to the forecast overspend.

Members were informed that the 76% increase in the income from planning fees resulted largely from the high volume of house-building applications, possibly due to developers pre-empting Community Infrastructure Levy. The workload would be closely monitored to address any resulting resourcing issues and ensure the high quality of the service was maintained. It was noted that significant positive feedback had been received in response to the systems review of the service.

RECOMMENDED to Council to approve:

- (1) the General Fund forecast financial position for the 2012/13 financial year;
- (2) the HRA forecast financial position for 2012/13 financial year;
- (3) the outstanding Sundry Debt position as at June 2012; and
- (4) the creditors' payments performance.

(Report circulated)

TREASURY MANAGEMENT HALF YEARLY UPDATE

The report of the Assistant Director Finance was submitted on the current performance for the 2012/13 financial year and the position regarding investments and borrowings at 30 September 2012.

The Assistant Director Finance informed members on the Council's Treasury Management Strategy and the impact of the UK, European and world-wide economic situation. He reported that Sterling Consultancy Services which had provided treasury management advice to the Council for several years had been purchased by Arlingclose, an independent treasury management advisory company. Existing staff had transferred and no detrimental impact was anticipated but the Council would monitor the transition to ensure that the level of service remained of a high standard.

In response to questions regarding the wisdom of the Council's strategy to maintain short-term borrowing as long as rates remained low, the Assistant Director Finance reported that this made sound financial sense at present but that the Council could readily change to medium or longer-term borrowing should the position change. The Council had reduced its temporary borrowing over the first six months of the year and now had only £5million of borrowing, down from £8million at the start of the year.

RESOLVED that the Treasury Management report for the first six months of 2012/13 be noted.

(Report circulated)

2013-2014 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN

The report of the Assistant Director Finance was submitted providing a strategic overview of the budgetary position for the 2013/14 financial year and beyond, including an indication of the likely level of available resources, the known demand for resources and the proposals to ensure that a balanced budget is achieved.

It was anticipated that the Local Government Finance Settlement setting out the revenue funding for next year would not be announced until 20 December 2012. The Assistant Director Finance reported that the Medium Term Financial Strategy was based on the best estimate of the changes using external advice and early data from the Government. He reported on the Local Government Resource Review including the localisation of business rates and the potential for pooling arrangements. He informed members that a proposal for a Devonwide Pool had been signed off by all eight Devon District Councils, Plymouth and Torbay Unitaries and the Councils had been working together to agree governance arrangements. He also reported on the likely impact of welfare reform including localising support for Council Tax.

Executive noted that the budget strategy for next year assumed a 2% increase in Council tax which would raise an extra £96,000. One member expressed disappointment that the Council was not proposing to freeze Council Tax for a further year. In supporting the proposed increase, other members noted this equated to an increase of approximately five pence per week for an average Band C property. The Council had frozen its Council Tax for the last two years and it still remained one of the lowest in the country.

Members noted two alternative options for the future use of New Homes Bonus and the opportunity to use the funding to deliver the proposed new swimming pool scheme and other major infrastructure projects. One member expressed opposition to the proposal to set a maximum level of £250,000 per annum for funding community projects, in place of the 30% of New Homes Bonus funding previously allocated.

Members noted the Council's previous decision not to use any of its New Homes Bonus allocation to fund any of its revenue budget services but were aware of the potential to use part of the funding to meet some of the additional revenue costs arising from new housing development, such as refuse collection and cleansing.

Executive noted the additional spending pressures on the Council and identified revenue savings and other budgetary reductions. They congratulated staff on the efficiency savings achieved so far.

RECOMMENDED to Council that:

- (1) the contents of the report are noted and the proposals to establish a balanced revenue budget and capital programme are approved;
- (2) the revised allocation of New Homes Bonus funding as set out in 5.3 of the report is approved; and
- (3) a final decision on whether or not to join a Devonwide Business Rates Pool is delegated to the Council's Section 151 Officer (Assistant Director Finance) in consultation with the Leader.

(In accordance with Standing Order 43, Councillor Fullam requested that his name be recorded as having voted against the recommendation and Councillor Mrs Henson requested that her name be recorded as having abstained from the vote.)

(Report circulated)

124

CITY DEALS

The joint report of the Strategic Director (KH), Assistant Director Economy and Corporate Manager Policy, Communications and Community Engagement was submitted, seeking agreement to the preparation of a City Deal prospectus.

The Strategic Director (KH) reported that City Deals are a key part of the Government's objectives of rebalancing the economy and boosting private sector growth. The Government had announced a series of City Deals with the country's eight largest cities in July and a second wave, for which twenty cities had been invited to compete, had been launched in October. It was proposed that the Council prepare a City Deal prospectus in anticipation of the third wave.

Executive supported the preparation of a prospectus and its focus on two pressing economic problems: Unlocking City Centre Growth and Realising the Potential for Growth and Jobs in Technology, Science and Innovation. Members welcomed the significant investment and growth in the knowledge-based economy of the City, evidenced by the Met Office, University, Peninsula Medical School and Science Park and were keen for this to translate into the creation of jobs. They supported all measures to encourage businesses to relocate to the city and particularly welcomed the creation of apprenticeships. They endorsed the proposal to seek external expertise to ensure that the proposed programme of work was evidence-based and drew on workable solutions.

RESOLVED that the preparation of a City Deal prospectus be approved, to focus in particular on the following two economic issues:-

- unlocking city centre growth
- realising the potential for growth and jobs in technology, science and innovation.

(Report circulated)

125

PLAN TEIGNBRIDGE: CONSULTATION ON DRAFT SUBMISSION DOCUMENT

The report of the Assistant Director City Development was submitted recommending an amended response to the Draft Submission Planning document being published by Teignbridge District Council.

Executive, on 20 November 2012, had considered a report on a proposed response to Teignbridge District Council on 'Plan Teignbridge'. Councillor Clark, speaking under Standing Order 44, requested that the City Council's response should adequately reflect local residents' concerns that the associated infrastructure improvements such as schools, health and transport should be undertaken earlier in the development. Executive resolved to defer the item until this meeting to consider a form of wording of a response that would more explicitly address this issue.

The Chair reported that Councillor Clark had informed him that, together with the Chair of Alphington Forum, she had met with the Assistant Director City Development to discuss future school and health provision in south west Exeter. Councillor Clark was reassured that the Council had given a commitment to improved and ongoing joint working between authorities and she supported the revised recommendations.

Councillor Ruffle spoke on the item under Standing Order 44. He supported the revised recommendations in general but drew attention to a number of specific issues. He was concerned that the proposed expansion of Alphington Primary School to three form entry would create a premium on space and increase traffic congestion. Traffic congestion generally was the main issue of concern to residents. He fully supported the proposed new rail station at Marsh Barton which he felt would have a very positive impact and looked forward to its construction as early as possible. He was aware of the controversy around the provision of Gypsy and Traveller pitches and emphasised the importance of active management of the site. He welcomed the Plan's respect for the flood plain and its acknowledgement of the need for green space between the Alphington and Teignbridge developments.

The Assistant Director City Development responded that the expansion of the Primary School to three form entry was not Devon County Council's preferred option and that consideration was being given to an all-through school closer to Alphington. Members suggested that staggered start times and "walking buses" could help address congestion concerns. It was acknowledged that effective management of the Gypsy and Traveller site was critical.

Members were pleased to note the comprehensive consultation process that had been undertaken in respect of the development in the south-western side of the city and welcomed the engagement of local residents in the public meetings and workshops.

RESOLVED that the City Council's response to Teignbridge District Council be based upon the following five principles:

- i) Support for the overall level of growth proposed in the plan to meet the needs of the wider Exeter housing market area and in particular the South West Exeter urban extension to contribute to the future growth of Exeter;
- ii) the City Council's commitment to ongoing joint working and cooperation between the authorities and other service providers to deliver comprehensively planned sustainable communities;
- iii) a commitment to work closely with Teignbridge and other service providers on respective infrastructure delivery plans; to identify and agree funding arrangements that seek to maximise the early provision of essential infrastructure;
- iv) that officers seek to develop a more detailed infrastructure plan for SW Exeter/Alphington to inform the forthcoming Examination of Plan Teignbridge and accompany the adoption of the proposed development brief for land south of Alphington; and
- v) City Council decisions on when and how much to invest in infrastructure from funds such as CIL to serve the wider development of south west Exeter will ultimately be a matter for Executive, members and officers will work closely with Teignbridge and Devon Councils to agree investment priorities and funding packages with regard to views expressed by communities during the various consultations.

(Report circulated)

126

**PUBLIC INQUIRY - APPLICATION TO REGISTER A VILLAGE GREEN -
SUPPLEMENTARY BUDGET ESTIMATE**

The report of the Strategic Director (KH) was submitted seeking agreement to a supplementary budget provision for the anticipated legal and other costs of representing a case at the forthcoming public inquiry into an application to register a village green at Eastern Fields, Pinhoe. The application related to about 8.9 hectares of land between the railway line, Exeter Arena, Beacon Lane and Pin Brook that is in the ownership of Exeter City Council.

Executive endorsed the City Council's objection to the registration of the land as village green since this would effectively prevent long term proposals for development and pose serious difficulties for the delivery of the important Exhibition Way link road. Members supported the need for specialist legal advice on the issue since village green registration was a complex and rapidly evolving area of law.

RECOMMENDED to Council that a supplementary budget of £50,000 be approved for the costs of the forthcoming public inquiry into the application for registration of Eastern Fields as a town or village green.

(Report circulated)

127 **PURCHASE OF AFFORDABLE HOUSING UNITS AT ROYAL NAVAL STORES DEPOT**

The report of the Assistant Director Housing and Contracts was submitted seeking approval to increase the supply of new build homes into the Housing Revenue Account by the purchase of 6 x 2-bedroom flats at the former Royal Naval Stores site.

Members welcomed the addition of the properties into the Council's housing stock and commended staff on their hard work in negotiating the arrangement.

RESOLVED that the purchase of 6 x 2 bedroom flats at the former Royal Naval Stores Depot be approved, at a price of £300,000 plus an additional £9,000 to cover stamp duty land tax at 3% funded from the HRA Capital Programme.

(Report circulated)

128 **CIVIC CENTRE SUSTAINABLE DEVELOPMENT PROPOSAL**

With the agreement of the Executive, the report of the Assistant Director Housing and Contracts and the Corporate Manager Democratic and Civic Support was deferred to the next meeting of Executive on 22 January 2013.

129 **FREEDOM OF THE CITY - HMS DEFENDER**

The report of the Corporate Manager Democratic and Civic Support was circulated seeking approval to grant Freedom of Entry to the City to HMS Defender.

Section 249 of the Local Government Act 1972, gives Councils the power to grant "Freedom of Entry to the City" to military units closely associated with their community. To this end, an Extraordinary meeting of the full Council must be convened to specifically consider this matter, with two thirds of those present, voting in favour.

RECOMMENDED that, in accordance with Section 249 of the Local Government Act 1972, an Extraordinary meeting of the Council be arranged, immediately prior to the Ordinary meeting of the Council on 26 February 2013, to consider granting Freedom of Entry to the City to HMS Defender.

(Report circulated)

130 **UPDATE ON THE COUNCIL'S TRANSFORMATION PLAN**

The report of the Assistant Director Business Transformation was submitted providing an update on progress on the Transformation Programme since its commencement in the summer of 2011. The report also sought approval to a further budget to support the use of external expertise to support the current phase of the Transformation Programme.

The Assistant Director reported that systems reviews were based on the Council's new Purposes, as identified in the Corporate Plan, rather than individual services. Work was underway to review performance management through the development of "Leading" measures which identified issues to be resolved and allowed managers to take action in real time to facilitate improvements.

A further budget was sought to complete the existing four reviews and continue to develop the Council's capacity to support future Systems Thinking work with a greatly reduced reliance on external support. An effective exit strategy for Vanguard Consultancy, including the development of an internal team to support future reviews, was critical.

Members were pleased to note progress in delivering the Council's Transformation Plan and commented on the positive impact of the systems thinking process on the authority.

RECOMMENDED to Council to approve the sum of £85,000, to be met from the Council's General Fund Balances, to complete the delivery of the Transformation Plan.

(Report circulated to Members)

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

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 11 December 2012.

Agenda Annex

SEATING IN THE GUILDHALL

Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Prowse (C)	Lord Mayor Councillor Newby (C)	Chief Executive	Corporate Manager Democratic/Civic Support	
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Member Services Manager	Corporate Manager Legal	Assistant Director Finance		Strategic Director	Strategic Director	
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Councillors	Councillors	Councillors		Councillors	Councillors
Tippins (L)	Bowkett (L)	Edwards (L)		Mrs Henson (C)	D J Henson (C)
Crew (L)	Robson (L)	Sutton (L)		Baldwin (C)	Donovan (C)
Branston (L)	Spackman (L)	Martin (L)		Shiel (C)	Mottram (C)
Laws (L)	Bull (L)	Sheldon (L)	TABLE	Crow (C)	Winterbottom (C)
Choules (L)	Dawson (L)	Hannaford (L)			Leadbetter (C)
Bialyk (L)	Owen (L)	Denham (L)			
Macdonald (L)	Clark (L)				
Pearson (L)					

Cllr Morris (L)	Cllr Lyons (L)	Cllr Wardle (L)	Cllr Ruffle (LD)	Cllr Mitchell (LD)	Cllr Mrs Brock (LD)	Cllr Payne (LD)	Cllr Fullam (LD)
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L: Labour : 24
 C: Conservative : 11
 LD: Liberal Democrat : 5

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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