



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 23 APRIL 2013**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Extraordinary, Special and Ordinary meetings held on 26 February 2013.	1 - 10
2 Official Communications	
3 Petition - Parking issues in Topsham	
To consider a petition of approximately 2,400 signatories submitted to the Council meeting on 26 February 2013 by Councillor Baldwin from the Topsham Community Association calling on Exeter City Council and Devon County Council to work together to address, as a matter of urgency, the parking issues in Topsham by creating additional parking spaces and establishing priorities between different users.	
To receive minutes of the following Committees and to determine thereon:-	
4 Planning Committee - 18 February 2013	11 - 40
5 Planning Committee - 18 March 2013	41 - 46
6 Licensing Committee - 26 March 2013	47 - 48
7 Scrutiny Committee - Community - 5 March 2013	49 - 56
8 Scrutiny Committee - Economy - 7 March 2013	57 - 66
9 Scrutiny Committee - Resources - 20 March 2013	67 - 70
10 Standards Committee - 13 March 2013	71 - 72

11 Executive - 19 March 2013

73 - 82

12 Executive - 9 April 2013

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

Date: 16 April 2013

Philip Bostock  
Chief Executive

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



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# Agenda Item 1

## THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 26 February 2013

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

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mitchell and Ruffle.

2 **FREEDOM OF THE CITY**

**RESOLVED** that, in pursuance of its powers under Section 249 of the Local Government Act 1972, the Council do confer on HMS Defender Freedom of the City Status in acknowledgement of the long association between the City of Exeter and the Royal Navy and to continue the bond and support established with the previous affiliated ship, HMS Exeter.

[Section 249 of the Local Government Act 1972 provides that the foregoing honour may be conferred by resolution of the Council passed by not less than  $\frac{2}{3}$  of the Members voting thereon at a meeting specially convened for the purpose.]

[The foregoing resolution was passed unanimously]

(The meeting commenced at 6.00 pm and closed at 6.04 pm)

Chair

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

Guildhall  
Tuesday 26 February 2013

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

### 1 **APOLOGIES**

Apologies for absence were received from Councillors Mitchell and Ruffle.

### 2 **BUDGET 2013/14**

Minute 14 (General Fund Revenue Estimates and Capital Programme 2013/14) of the meeting of Executive held on 5 February 2013 was taken as read and adopted.

Councillor Edwards, the Leader of the Council, moved and Councillor Denham seconded the resolution as set out in the agenda papers in respect of the Council Tax for 2013-2014.

After discussion, which included:-

- some Members opposing the proposed increase in Council Tax, particularly when the Government was offering a payment for those authorities who did not impose an increase;
- the prudent way in which this Council was treating its receipts of New Homes Bonus;
- the impact of the Government's changes to welfare benefits on the citizens of Exeter; and
- the level of debt payments to be made by the Council and how it impacts on the Council's revenue budget.

The following resolution was adopted:-

#### **RESOLVED:-**

- (1) that the following, as submitted in the Estimates Book, be approved:-
  - (a) the Revenue estimates for 2013-2014;
  - (b) the Capital programme for 2013-2014;
- (2) that it be noted that, at the meeting of the Executive on the 22 January 2013, the Council calculated the figure of 33,820, as its council tax base for the year 2013-2014 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 made under Section 33(5) of the Local Government Finance Act 1992;
- (3) that the following amounts be now calculated by the Council for the year 2013-2014 in accordance with Sections 31A of the Local Government and Finance Act 1992:-

- (a) £99,175,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act;
- (b) £94,783,811 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act;
- (c) £4,391,189 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year;
- (d) £129.84 being the amount at (3)(c) above divided by the amount at 2 above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year;

(e) Valuation Bands

A	B	C	D
£86.56	£100.99	£115.41	£129.84
E	F	G	H
£158.69	£187.55	£216.40	£259.68

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

- (4) that it will be noted that, for the year 2013-2014, Devon County Council, the Office of the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have stated the following amounts on precepts issued to the Council, in accordance with Section 83 of the Local Government Act 2003, for each of the categories of the dwellings shown below:-

Devon County Council  
Valuation Bands

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

Office of the Police and Crime Commissioner for Devon and Cornwall

A	B	C	D
£108.61	£126.72	£144.82	£162.92
E	F	G	H
£199.12	£235.33	£271.53	£325.84

Devon and Somerset Fire and Rescue Authority  
Valuation Bands

A	B	C	D
£50.26	£58.64	£67.01	£75.39
E	F	G	H
£92.14	£108.90	£125.65	£150.78

- (5) that, having calculated the aggregate in each case of the amounts at (3)(e) and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby set the following amounts as the amounts of council tax for the year 2013-2014 for each of the categories of dwellings shown below:-

Valuation Bands

A	B	C	D
£989.67	£1,154.63	£1,319.56	£1,484.51
E	F	G	H
£1,814.39	£2,144.30	£2,474.18	£2,969.02

(The meeting commenced at 6.05 pm and closed at 7.05 pm)

Chair

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

Guildhall  
Tuesday 26 February 2013

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

### 1 **APOLOGIES**

Apologies for absence were received from Councillors Mitchell and Ruffle.

### 2 **OFFICIAL COMMUNICATIONS**

Councillor Baldwin presented a petition from the Topsham Community Association with approximately 2,400 signatories calling on Exeter City Council and Devon County Council to work together to address, as a matter of urgency, the parking issues in Topsham by creating additional parking spaces and establishing priorities between different users and this was referred to Scrutiny Committee - Economy.

The Lord Mayor announced with sadness the death of Tony Speller, a former City Councillor, who had been a member of Exeter City Council from 1964 to 1975.

On behalf of the Council, the Lord Mayor congratulated Councillor Mottram on his company, Park Gardens, winning first prize in the Ground Control Awards for work on Exeter's EDF site.

### 3 **MINUTES**

The minutes of the meeting of Council held on 13 December 2012 were taken as read and signed as a correct record.

### 4 **PLANNING COMMITTEE - 14 JANUARY 2013**

The minutes of the Planning Committee of 14 January 2013 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 14 January 2013 be received.

### 5 **LICENSING COMMITTEE - 12 FEBRUARY 2013**

The minutes of the Licensing Committee of 12 February 2013 were presented by the Chair, Councillor Owen and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 12 February 2013 be received.

### 6 **SCRUTINY COMMITTEE - COMMUNITY - 15 JANUARY 2013**

The minutes of the Scrutiny Committee - Community of 15 January 2013 were presented by the Chair, Councillor Shiel and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Community held on 15 January 2013 be received.

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**SCRUTINY COMMITTEE - ECONOMY - 17 JANUARY 2013**

The minutes of the Scrutiny Committee - Economy of 17 January 2013 were presented by the Chair, Councillor Crow and taken as read.

The Leader reported a proposed change to the Committee membership, seeking the replacement of Councillor Choules with Councillor Bowkett.

**RESOLVED** that:-

- (1) the minutes of the meeting of the Scrutiny Committee - Economy held on 17 January 2013 be received; and
- (2) Councillor Bowkett replace Councillor Choules on the Committee.

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**SCRUTINY COMMITTEE - RESOURCES - 23 JANUARY 2013**

The minutes of the Scrutiny Committee - Resources of 23 January 2013 were presented by the Chair, Councillor Baldwin and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Resources held on 23 January 2013 be received.

9

**EXECUTIVE - 22 JANUARY 2013**

The minutes of the Executive of 22 January 2013 were presented by the Chair, Councillor Edwards and taken as read.

The Leader stated that the convergence with housing association rents had been on-going for a long period and that it was anticipated that convergence would be achieved by 2015/16. Members noted that moves to utilise vacant university student accommodation to benefit suitable applicants on the housing register complemented the Council's overall strategy for the provision of social housing in the City.

Councillor Hannaford's appointment in place of Councillor Shiel as the City Council's representative on the Royal Devon and Exeter Healthcare NHS Trust was agreed.

The following Councillor declared a disclosable pecuniary interest but did not leave the room:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Dawson	4 (Housing Rents 2013/14)

**RESOLVED** that the minutes of the Executive held on 22 January 2013 be received and, where appropriate, adopted.

**EXECUTIVE - 5 FEBRUARY 2013**

The minutes of the Executive of 5 February 2013 were presented by the Chair, Councillor Edwards and taken as read.

Some Members were opposed to the proposal that, for 2013/14 only, the level of Councillors' Basic and Special Responsibility Allowances including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances should attract a 1% rise. The motion to approve the recommendations of the Independent Remuneration Panel was put to the vote and carried.

The Portfolio Holder for Housing and Community Involvement advised that the availability of appropriate properties was key for the Council's down-sizing accommodation policy to work effectively.

**RESOLVED** that the minutes of the Executive held on 5 February 2013 be received and, where appropriate, adopted.

(The meeting commenced at 7.05 pm and closed at 7.37 pm)

Chair

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## PLANNING COMMITTEE

Monday 18 February 2013

### Present:

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

### Apologies:

Councillors Mitchell

### Also Present:

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

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### DECLARATIONS OF INTEREST

Whilst not declaring disclosable pecuniary interests, the following Members withdrew from the meeting for the items below:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Lyons	12 (campaigned in favour of hostel)
Councillor Morris	16 (engagement with the applicant on other matters)

11

### PLANNING APPLICATION NO.12/2551/03 - THE QUEENS HEAD, 270 PINHOE ROAD, EXETER, EX4 7JQ

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

The Assistant Director City Development presented the application for the erection of a new food retail store (Class A1) with associated external works at The Queens Head, 270 Pinhoe Road, Exeter. He advised of two corrections to the report stating that the application had been initially considered by the Southern and not the Northern Area Working Party and that condition 7 should read 8.00am to 1.00pm (Saturdays) rather than Sundays. He reported the receipt of revised plans and advised that two petitions had been submitted, one of 675 signatures (Save Our Pub) and the other of 80.

Members were circulated with an update sheet - attached to minutes. The following additional conditions were proposed:-

- the agreement and implementation of a scheme covering storage of waste; and
- the agreement of the finished floor levels (to mitigate any flood risk from the Northbrook).

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

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

- pub licensee is unable to speak in opposition to the application because of his relationship with Farmfoods
- area does not require this retail outlet but does require the retention of the pub
- the proposal is contrary to CP10 of the Exeter Local Development Framework Core Strategy and Government planning principles which seeks where possible to retain community facilities
- strong community support for retention of the pub as indicated by current campaign including support on Facebook
- the area is well served with retail outlets such as Morrisons
- will have an adverse impact on other shops and fast food outlets in the area which have a mutual relationship with the pub
- poor vehicular access for unloading foodstuffs and unsuitable for articulated lorries
- other pubs in the area including the Half Moon and Village Inn serve their own communities as does the Queens Head. Patrons of the latter will lose a local facility and will not necessarily visit the other pubs
- ten jobs will be lost if the pub closes but, if it remains open, jobs will be created as there are plans to expand the pub and to introduce a carvery, provide accommodation and offer computer facilities to the local community etc.

Mr Hampson (representing the Queens Head) spoke against the application. He raised the following points:-

- the licensee is prepared to buy the premises to retain a public house and community venue for the area
- when purchased, the owner will no longer be tied to a single drinks supplier and will use alternative sources at better value
- the landlord has been able to sustain the pub in a difficult economic climate. Further, it is the intention to introduce new initiatives such as increased variety of food, accommodation, for example, for temporary workers, entertainment such as local bands as well as offering a free internet café
- a financial package is in place, including funding from local suppliers
- staff will be retained

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

- Farmfoods operate 300 stores across the country specialising in units of approximately 500 sq metres, commensurate with local centres and offering similar foodstuffs to convenience stores
- have sought a suitable site in Exeter for a number of years and have sufficient resources to ensure viability of the operation given that a number of pubs as well as the smaller family run shops are closing in the face of difficult economic conditions
- customers will also boost trade of neighbouring shops in the area
- requested landlord not to submit objections. He will have an alternative premises to manage in the event of permission being granted

He responded, as follows, to Members' questions:-

- shop will not sell newspapers, alcohol, cigarettes, lottery tickets but will offer a wide range of food stuffs of which approximately half will be frozen
- other Exeter sites not suitable
- total pub footprint is 6,000 sq ft but use of first floor would incur extra staffing etc. costs. Proposal for a new store of 5,000 sq ft will be cost effective

- car park to be moved to front of site and no access to be permitted immediately after the railway bridge
- report of traffic consultant passed to the County Council highways

**RESOLVED** that planning permission for erection of a new food retail store (Class A1) with associated external works be **refused** as the proposal is contrary to planning principle 12 and paragraph 70 of the National Planning Policy Framework and Policy CP10 of the Exeter Local Development Framework Core Strategy because it would result in the unnecessary loss of a valuable community facility which would reduce the community's ability to meet its day to day needs.

(Report circulated)

12      **PLANNING APPLICATION NO.12/1720/16 - 33 PINHOE ROAD, EXETER, EX4 7HS**

Councillor Lyons withdrew from discussion of this item as she had campaigned to retain the hostel and left the meeting during consideration.

The Senior Area Planning Officer presented the application for change of use from dwelling to hostel for rough sleepers at 33 Pinhoe Road, Exeter.

Members were circulated with an update sheet - attached to minutes. A condition was included to ensure that a management plan was properly implemented, the plan now having been submitted. There would be a maximum of five clients at any one time and occupation by individuals would be for a maximum period of three nights.

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

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

- advised that the description of the proposal should be changed to read "change of use from dwelling to hostel for move on accommodation" rather than for "rough sleepers"
- care would be taken to respect the sensibilities of residents and there would be a robust approach to those causing problems. The aim was to move those occupants not from the Exeter area back to their place of origin with the assistance of the relevant District Council
- the proposal would help meet the Council's duty to provide move on accommodation
- a comprehensive hostel management plan would help ensure the effective management of the facility
- similar provision in the St Thomas area has been effectively managed with minimal problems occurring
- CCTV will be provided in the communal area

Mr Barkley (representing local property owners) spoke against the application. He raised the following points:-

- representing both residents who live in the area and a landlord
- objectors recognised the need for this facility but feel that it is in the wrong location

- residents are concerned that, as well as housing individuals who have been homeless for a short period, the facility will also cater for long term, rough sleepers. These can possess chaotic lifestyles and entrenched anti-social behaviour and are therefore more likely to disrupt the neighbourhood
- those who eventually leave the facility may return to the immediate area to sleep rough
- excess student accommodation now available in the City could provide a suitable solution

Mr Hancock (Housing Needs Manager – Exeter City Council) spoke in support of the allocation. He raised the following points:-

- 105 incidents of “street activity” had been recorded during a survey undertaken in December 2012, of whom a third were individuals with no local connections and who had chosen Exeter to sleep rough as the City was perceived to be relatively safe. Surrounding market towns in Devon did not offer the same high level of support services for the homeless. Very often, the homeless advise one another of areas where greater support can be obtained which has resulted in many gravitating to Exeter
- by seeking to offer accommodation in the area of origin the aim is to reduce the number of hard core, entrenched rough sleepers who often gravitate back to sleeping on the streets of Exeter

He responded, as follows, to Members’ queries:-

- some 200 units of temporary accommodation are available in the City for the homeless
- estimated that five individuals a week come to the City to sleep rough
- of those sleeping rough in the City, approximately half are returned to the area of origin, the remainder becoming entrenched rough sleepers in the City
- all potential occupiers will be risk assessed

**RESOLVED** that planning permission for change of use from dwelling to hostel for move on accommodation be **approved** subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) The use hereby approved shall cease on or before 18 February 2014.  
**Reason:** A 'trial run' is necessary to assess whether the use is suitable on a permanent basis in this locality.
- 3) The development hereby permitted shall not be occupied until the Local Planning Authority has agreed in writing a Management Scheme submitted by the applicant, and the agreed measures have been put in place. The Management Scheme shall include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time. Occupation shall be managed in accordance with the approved scheme.  
**Reason:** To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

(Report circulated)



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

Councillor Donovan expressed an interest as he was working on a contract basis for the Met Office.

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

Members were circulated with an update sheet - attached to minutes, setting out additional advice from the Highway Authority. With regard to the provision of a new vehicular transport link from Oberon Road into the development, the County Council had proposed amendments to the wording of the relevant condition, set out on the update sheet to which the applicants had indicated that this would cause funding difficulties. It was considered by the Assistant Director City Development, on balance, that the condition as set out in the original report would achieve the required outcome without endangering the delivery of housing.

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

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

- fundamental flaws remain in this application even though the main issue under consideration is the means of access
- access from Hill Barton Road is inadequate for 500 new homes and no more than 400 homes had been previously proposed
- will leave a legacy of congestion along Hill Barton Road, with average queues of 112 vehicles likely with no commitment to deliver a second access
- the junction will operate over capacity with 500 houses, with capacity likely to exceed 20% in reality. 0.4 trips per dwelling is aspirational only and supports the argument that Hill Barton Road will lack capacity
- the proposed junction design is unsafe and the design promotes car capacity rather than pedestrian safety. Waiting times of nearly four minutes will encourage crossing during the red man phase, a route used by children and cyclists who have a different perception of safety. The County Council state that this is adequate due to the existing low pedestrian and cycle flow but, an alternative view, is that wait time should be no more than two minutes, even when pedestrian flows are low
- the scheme fails to deliver the Core Strategy and Hill Barton Masterplan objectives. Eight conditions under this application promote general sustainability yet the proposal will result in traffic being directed the wrong way and the opportunity for a bus link through the site will be prejudiced
- the viability of Fitzroy Road, a high profile site on the gateway to Exeter should be guaranteed by ensuring Oberon Road is delivered first

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

- representing the Hill Barton Consortium
- the scheme offers a sustainable development and helps meet housing need in the City. 187 affordable homes will be provided
- it is a significant element of the Hill Barton/Monkerton Masterplan included within the adopted Core Strategy.
- discussions between the Hill Barton Consortium, the County and City Councils have been concluded satisfactorily.
- improved vehicular access provided for 129 Hill Barton Road.
- the scheme will tie in to proposals for the district heating network
- link to be provided to Oberon Road on completion of the 600<sup>th</sup> home
- district heating provision and highway improvements to Moor Lane will also benefit the wider Monkerton Master Plan.

He responded as follows to Members' queries:-

- a contribution will be made to sports facilities, Exeter City Council to determine their location
- a second Toucan crossing will be provided which will operate "on demand" so no need for four minute wait

Mr Hulland, Transportation Studies Manager, Devon County Council explained that:-

- the primary Hill Barton Road pedestrian/cycle crossing desire line would remain at the existing toucan crossing and would provide an on demand crossing triggered by use of the push buttons and was not linked to the new junction signal phasing. The number of pedestrian and cyclist using the crossing facilities at the proposed new junction would therefore be low
- safety and capacity had been properly considered and up-to-date data used. The Trip Rate used was in accordance with that in the Monkerton Access Strategy submitted as evidence for the Exeter Core Strategy and reflected the improved pedestrian, cycle and bus facilities provided. The Highway Authority has confirmed the increased traffic was not significant and no further assessment of the junctions was necessary
- the Monkerton Access Strategy assessed the overall traffic impact of development in the Monkerton Masterplan area and concluded that with infrastructure improvements and sustainable transport measure the impacts would be mitigated satisfactorily
- additional flows through the Wilton Way roundabout were calculated to be an additional 2% in both the AM and PM peaks and the junction was considered to be operating within capacity and mitigation measures were not required
- provision of a link to Oberon Road was not a specific requirement of the Core Strategy but it was recognised that the link was an aspiration of the Monkerton and Hill Barton Masterplan Study. Although not a specific requirement for the delivery of the site, the applicant had agreed to design the internal road network to enable a link to Oberon Road to be made and enable the desired strategic road to be provided.

In order to achieve a permeable network to support the sustainable transport aspirations of the Masterplan Study, the Highway Authority had recommended a variation to condition 27 as follows:-

*Unless otherwise agreed by the relevant planning authority (in consultation with the local highway authority), no further development shall take place beyond the first*

*occupation of the 600th dwelling or 5 years from the first occupation of the 500<sup>th</sup> dwelling, whichever is earlier, until:-*

*a) The local planning authority has approved in writing a scheme of works to provide a new vehicular transport link from Oberon Road into the development, including details of access for Ellen Tinkham School.*

*b) The approved works have been completed in accordance with the local planning authority's approval (in consultation with the local highway authority).*

Members supported the above variation to condition 27, but otherwise supported the recommendation to approve the application.

**RESOLVED** that having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, the application for planning permission for a mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) be **delegated** to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve, subject to the completion of a Section 106 Agreement securing the items identified in the report and the following conditions (with any necessary amendments to those conditions):-

- 1) C01 - Standard Outline
- 2) Unless otherwise agreed in writing by the Local Planning Authority, the first application for approval of reserved matters shall be made before the expiration of two years from the date of this permission, and the development hereby permitted shall begin before the expiration of two years from the date of the first reserved matters approval.  
**Reason:** To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 3) C04 - Outline - Exclude Details
- 4) The outline planning permission hereby approves the following plans together with the design principles and parameters established in the approved Design and Access Statement and Design and Access Statement supplement:  
Revised illustrative masterplan to be agreed with applicant.  
Parameters plan to be agreed with applicant  
Signal controlled access onto Hill Barton Road detailed drawings to be agreed with applicant.  
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 and Design and Access Statement supplement 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.

Unless otherwise agreed in writing, 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 and associated details.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, as part of the first application for approval of reserved matters, a phasing plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The phasing plan shall include details of the anticipated 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. The development shall take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**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.

- 6) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and any agreed phase of the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of each phase of the reserved matters; such scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme.

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

- 8) C37 - Replacement Planting

- 9) C38 - Trees - Temporary Fencing

- 10) C57 - Archaeological Recording

- 11) Unless otherwise agreed in writing, the buildings comprised in the development hereby approved shall be constructed so that their internal systems for heating (space and water) are capable of being connected to the proposed decentralised energy network.

**Reason:** In the interests of sustainable development.

- 12) Unless otherwise agreed in writing, 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 a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a Code Level 5 (Zero Carbon) if commenced on or after 1<sup>st</sup> 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 certification has been made confirming 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 evidence of the certification to demonstrate that a Final Code Level of 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 1<sup>st</sup> January 2016, within 10 working days following that date.  
**Reason:** In the interests of monitoring compliance with sustainable development requirements.
- 15) Any individual building contained within the District Centre, other than a dwelling, hereby approved shall achieve a BREEAM 'excellent' standard (or such equivalent standard that is approved in writing by the Local Planning Authority) as a minimum, and shall achieve 'zero carbon' if commenced on or after 1<sup>st</sup> January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.  
**Reason:** In the interests of sustainable development.
- 16) The Local Planning Authority shall be notified in writing of the identity of all buildings (other than dwellings) for which construction has commenced before 1<sup>st</sup> January 2019, within 10 working days following that date.  
**Reason:** In the interests of sustainable development.
- 17) 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.
- 18) 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 and highway safety, including but not limited to details of access arrangements and timings and management of arrivals and departures of vehicles, 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.

- 19) No development shall take place on any individual phase of the site identified pursuant to condition 5 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.

- 20) Prior to commencement of each phase of the development the applicant shall review the ambient noise environment on the site and propose a scheme of noise mitigation measures based on this review, to ensure that the residential properties are protected from noise. This shall be submitted to and approved in writing by the LPA prior to commencement of the development. All works that form part of the scheme shall be completed before any of the permitted development is occupied. The applicant should aim to achieve at least the 'Reasonable' standards for internal noise level specified in BS8233:1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice.

**Reason:** In the interests of local amenity. This condition will be applied flexibly depending on the location of the proposed dwellings within the site and their proximity to the railway and to commercial land uses.

- 21) No deliveries shall be taken at or dispatched from commercial units in the local centre outside the hours of 7am to 11pm Monday – Saturday nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of local amenity.

- 22) No individual Class A unit size shall exceed 750m<sup>2</sup> in floorspace.

**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.

- 23) 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 and until the approved improvement works have been implemented in accordance with the agreed scheme.

**Reason:** In the interests of residential amenity.

- 24) No more than 250 dwellings shall be built until such time as improvements to Moor Lane Junction, as shown on drawing B2300117/MOORLN/101A, or an alternative scheme agreed in writing with the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), has been completed in accordance with the Local Planning Authority's approval.  
**Reason:** To ensure that the strategic highway network can accommodate the additional traffic generated by the development.
- 25) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be limited to the occupation of a maximum of 500 dwellings to be served from the proposed signal controlled junction onto Hill Barton Road and any further occupation beyond 500 dwellings shall require the provision of a further and alternative means of full vehicular access at a location to be agreed in writing with the Local Planning Authority (in consultation with the Highway Authority).  
**Reason:** To limit the total number of vehicle trips through the Hill Barton Junction in order to prevent congestion on Hill Barton Road and encourage both alternative vehicular access, trip distribution and permeability within the development
- 26) 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
- Reason:** To ensure that the development promotes all travel modes other than the private car and consequently reduces dependence on private car travel.
- 27) Unless otherwise agreed in writing by the Local Planning Authority (in consultation with the Highway Authority), no further development shall take place beyond the first occupation of the 600th dwelling or 5 years from the first occupation of the 500<sup>th</sup> dwelling, whichever is earlier until:-
- a) The Local Planning Authority has approved in writing a scheme of works to provide a new vehicular transport link from Oberon Road into the development, including details of access for Ellen Tinkham School.
  - b) The approved works have been completed in accordance with the Local Planning Authority's approval (in consultation with the Highway Authority).

- 28) 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.
- 29) Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of any dwelling within each phase of the development that adjoins the David Wilson Homes development to the west of the site, vehicular access to an adoptable standard shall be provided to the site boundary so that it is capable of linking to the approved highway network within the David Wilson Homes development.  
**Reason:** To assist with provision of a choice of routes for all development traffic in the south west part of the Hill Barton and Monkerton Masterplan Framework area.
- 30) Unless otherwise agreed in writing with the Local Planning Authority, for each 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) the access points identified on the drawing to be agreed with applicant;  
(b) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;  
(c) a programme for implementation synchronised with the progressive occupation of the development; and  
(d) 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 and 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.
- 31) Unless otherwise agreed in writing with the Local Planning Authority, for each application for approval of reserved matters, 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 static and electronic signage);  
(b) a programme for implementation synchronised with the progressive occupation of the development, road adoption programme, and/or applicable funding;  
(c) any temporary arrangements 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 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.

- 32) Prior to commencement of any phase of the development, details shall be submitted to the Local Planning Authority of:-
- secure cycle parking for residents;
  - secure cycle parking, lockers, showers and changing facilities for staff; and
  - cycle parking for visitors;
- as applicable to the type of premises in question.  
Construction of that phase shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of that phase, the cycle parking and other facilities shall be provided in accordance with the approved details.
- Reason:** To ensure that cycle parking and other facilities are provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 33) Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) within the 'potential zone of influence from Met Office satellite receivers' shown on drawing identified as Appendix 5.1 received by the Local Planning Authority on 7 February 2013, without the formal consent of the Local Planning Authority.
- Reason:** In order to protect the visual and residential amenities of the surrounding area, to prevent overdevelopment and to ensure that any future alteration or expansion of the approved dwellings undertaken under permitted development rights cannot cause an obstruction to Met Office satellite receivers.
- 34) No development shall take place until the Local Planning Authority (in consultation with the Met Office) has approved in writing a detailed plan outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers in relation to their operational schedules. Construction work will only take place in accordance with the agreed plan.
- Reason:** In the interests of minimising the impact of development work on the performance of the satellite receivers.
- 35) Prior to commencement of the development, a detailed scheme for the management of surface water shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the "Proposed surface water drainage strategy" set out in para 8.3 of the submitted Flood Risk Assessment.
- Reason:** To protect controlled waters.
- 36) The development shall not commence until full details of the Planned Drainage Strategy is submitted to and approved in writing by the Local Planning Authority. This shall include appropriate evidence of seasonal variation of the soil conditions with regard to permeability characteristics and monitoring of the level of the natural ground water table. The drainage design proposals should be based upon the worst conditions to ensure adequate storage / attenuation is provided all year round. The developer will also need to demonstrate that the necessary drainage infrastructure can be

accommodated within the development without undue constraints upon the Public Open Space.

**Reason:** In the interests of the proper drainage of the site and to ensure that public space within the site is not rendered unusable at any time of the year.

- 37) Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of development or site preparation, an Ecological Method Statement and an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. They shall include (but not be limited to) a lighting plan to ensure a dark corridor for commuting bats, a reptile mitigation plan and opportunities for enhancement.

**Reason:** In accordance with the terms of the submitted Environmental Statement and to protect and enhance biodiversity.

(Report circulated)

14 **PLANNING APPLICATION NO.12/1619/03 - EXETER COLLEGE, 33-36 QUEEN STREET, EXETER, EX4 3SR**

The Senior Area Planning Officer presented the application for a sports hall and teaching facility with associated parking at Exeter College, 33-36 Queen Street, Exeter.

Members were circulated with an update sheet - attached to minutes. The Assistant Director Environment had recommended two additional conditions relating to hours of use and noise attenuation. Devon County Council's Head of Planning, Transportation and Environment had recommended three additional conditions relating to the submission of a Green Travel Plan, the provision of on-site cycle and car parking facilities, and submission of a Construction Traffic Management Plan. The County Head of Planning, Transportation and Environment has also indicated that a financial contribution should be sought towards highway improvements to be secured by a Section 106 Agreement under the Town and Country Planning Act 1990. The recommendation was for approval, subject to the conditions as set out in the report and the update sheet.

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

- because a number of residents are tenants, the consultation process did not cover some key parties such as owners and landlords. A number of residents were also unable to respond as they had missed the consultation process as they had been away over the Christmas/New Year period
- ambulance and fire service were not consulted, particularly in respect of the narrow access to the site off Queen Street.
- objectors will not have the opportunity to consider the detailed specifications for elements such as the water handling plant, air conditioning etc. to determine if concerns regarding the potential impact on the neighbourhood of noise, light, pollution, etc. will be adequately addressed.
- concerns regarding noise, both of activities within the facility and of students entering and leaving throughout the day, are anticipated.
- the Queen Street access will present dangerous conditions to both pedestrians and vehicle drivers
- design concerns relating to featureless, monolithic nature of certain elevations.

**RESOLVED** that planning permission for a sports hall and teaching facility with associated parking be **approved**, subject to the additional conditions sought by the County Head of Planning, Transportation and Environment relating to the submission of a Green Travel Plan, the provision of on-site cycle and car parking

facilities and the submission of a Construction Traffic Management Plan, conditions in respect of noise attenuation measures, light, hours of use and additional planting to reduce the bland appearance of the external wall facing the railway and a Section 106 Agreement under the Town and Country Planning Act 1990 to secure a financial contribution towards highway improvements, together with the following conditions, as set out in the schedule of planning conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 20 November 2012 (*dwg. no(s). 6723PRSCH01E, 6723PRSCH02E, 6723PRSCH03F, 6723SCH08A, 6723PRSCH07A, 6723PRSCH04F & 6723PRSCH06D*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) 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:** To ensure the amenity of nearby residential units are protected.
- 5) The submitted remediation scheme must be carried out in full prior to the occupation of development, unless otherwise agreed in writing by the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary an amended remediation scheme must be prepared, which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.  
**Reason:** In the interests of the amenity of the users of the building(s) hereby approved.
- 6) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be

implemented in accordance with the approved scheme in accordance with the agreed programme.

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

- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) Within six months of the commencement of use of the development, a Sustainable Travel Plan shall have been implemented in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and the plan shall be updated at intervals not exceeding six months.  
**Reason:** To ensure that all users of the building are aware of sustainable travel options.
- 9) No part of the development hereby approved shall be brought into its intended use until on-site cycle and car parking facilities together with any means of access have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) No part of the development shall commence until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with the approved Plan unless, otherwise agreed in writing by the Local Planning Authority. The plan shall include: (i) the timetable of the works; (ii) hours during which construction vehicles will be present at the site; (iii) the routing of vehicles to and from the site; (iv) the methods of traffic control at the site and / or at any other location if required; (v) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; (vi) the compound / location where all building materials will be stored during the demolition and construction phases. Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress.  
**Reason:** To minimise impacts from construction related traffic on the environment, the amenity of local residents/businesses and safety on the public highway.
- 11) Prior to the start of development on the site, an external lighting scheme shall be submitted for the consideration and written approval of the Local Planning Authority.

The scheme shall take into account all of the lighting needs associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky.

The scheme shall include:-

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole. The design will show that control of overspill light is limited to the level required by the particular environmental setting.
- A plan illustrating illuminance levels beyond the boundary of the site, together with the downward light output ratio of the lights.
- A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimising the day and night-time visual impact of the installation.
- An operational statement, the purpose of which is to ensure that the developer and the lighting designer have considered operational regimes that can provide energy savings.

Once approved in writing, the lighting scheme shall thereafter be operated in accordance with the approved details. The Council reserves the right to require periodic testing to be conducted on the lighting installations and if it is confirmed that approved levels are being exceeded the operator of the lighting scheme will be required to implement the necessary works to bring it back within compliance within a specified time period.

**Reason:** To ensure that the council retains control over these matters, to ensure the proper implementation of the lighting proposals in the interests of the amenity of the site and the area as a whole, to prevent light pollution and to minimise energy use.

- 12) The level of noise emitted from fixed plant and equipment on the site shall not exceed a rating noise level of 37dB (07:00-23:00) or 21 dB (23:00-07:00) (measured in accordance with BS4142:1997) at the nearest residential receptors (or other surrogate point with appropriate distance corrections). The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.

**Reason:** To ensure the amenity enjoyed by nearby residential units is protected.

- 13) The building hereby approved shall not be used other than between the hours of 08:30am and 21:00pm Mondays to Saturdays and shall not be used on Sundays and public or Bank Holidays.

**Reason:** So as not to detract from the amenities of the near-by residential property.

(Report circulated)

**PLANNING APPLICATION NO.12/1707/03 - 12 WENTWORTH GARDENS,  
EXETER, EX4 1NH**

The Assistant Director City Development presented the application for a ground floor side extension at 12 Wentworth Gardens, Exeter.

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

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

- two previous applications for building on the site had been refused, in both cases the Inspectors having advised that the proposal would be detrimental to the amenity of the area and that the open character of the area was worth preserving
- supplementary planning documents emphasise the importance of retaining the character of original housing as well as the established street scene to protect the local amenity
- planning guidance in respect of extensions state that these should be no more than half the width of the existing house. The initial extension would have been 3.9 metres wide, now reduced to 3.4 metres but still exceeding the 2.75 metres which would be half the width of the side elevation. An extension of 3.4 metre in width would compromise the street scene
- the floor area of what would be a fourth bedroom will be the equivalent of the master bedroom in the main house
- if approval is to be given, the extension should be no wider than that provided for within supplementary planning guidance
- approval could lead to an application for increasing the extension

He responded as follows to Members' queries:-

- main building is 5.5 metres wide, therefore 2.75 (half is maximum permissible)
- concern has been expressed that the application is a preliminary step before enlargement, such as the provision of a second floor.

The Assistant Director reported that an extension of 3.4 metres would result in internal space of 3.15 metres and Members noted that the application was in accordance with the requirements of residential design guidance which specified the minimum size for rooms.

**RESOLVED** that planning permission for a ground floor side extension be **approved** subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 6 February 2013 (dwg nos. 1571 2.0D; 1561 2 7C & 1561 2.9C) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials

(Report circulated)

**PLANNING APPLICATION NO.12/0781/01 - LAND SOUTH OF, YEOFORD WAY,  
MARSH BARTON TRADING ESTATE, EXETER**

The Assistant Director City Development presented the application for additional mixed uses including A1, 2, 3, 4 and 5 and D1 and D2 on zone B of previous consent ref no 10/0200/01 (all matters reserved for future consideration) at land south of, Yeoford Way, Marsh Barton Trading Estate, Exeter.

The recommendation was delegated to Assistant Director City Development to approve subject to the variation of the Section 106 Agreement attached to planning reference 10/200/01 regarding improvement works to the culvert under Bad Homburg Way and the conditions as set out in the report.

**RESOLVED** that the application for planning permission for additional mixed uses including A1, 2, 3, 4 and 5 and D1 and D2 on zone B of previous consent ref no 10/0200/01 (all matters reserved for future consideration) be delegated to Assistant Director City Development to **approve** subject to the variation of the Section 106 Agreement attached to planning reference 10/200/01 regarding improvement works to the culvert under Bad Homburg Way, and the following conditions:-

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of two years from the date of the permission.  
**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the layout, scale, appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) This consent does not imply the approval of the details of siting, layout or design shown on the submitted plan, which must be the subject of a further application for approval of reserved matters.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4) No building(s) shall be occupied until the drainage details have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure the satisfactory drainage of the development.
- 5) 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.

- 6) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 7) If, during development, contamination not previously identified is found to be present at site then no further development, unless otherwise agreed in writing with the Local Planning Authority shall be carried until the developer has submitted and obtained written approval from the Local Plan Authority for an amendment to the remediation strategy detailing how this contamination shall be dealt with.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 8) Applications for reserved matters shall include a Design Statement, scope of which must be agreed with the Local Planning Authority prior to preparation, which demonstrates compliance with the Archial Design Guide, submitted with the outline planning application, dated January 2010.  
**Reason:** To ensure that the design and layout of the development is approached comprehensively.
- 9) No development shall take place until an Outline Landscape and Ecology Management Plan has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate  
a) how the existing biodiversity of the site will be protected, in accordance with all relevant legislation, and  
b) how the proposed development and associated works will enhance wildlife in the area;  
and shall be submitted to the Local Planning Authority for review on an annual basis unless otherwise agreed in writing.  
**Reason:** In the interests of nature conservation.
- 10) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11) The cycleways and walkways within the application site, and connections to and from routes outside the site boundaries, shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure satisfactory provision of these facilities, pursuant to Local Plan Policy T3.
- 12) Prior to the commencement of any individual building, 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 should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and



maintained in accordance with the specifications within the assessment.

**Reason:** To reduce light pollution in the area and protect the amenity of nearby residents.

- 13) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenities nearby residential occupiers.

- 14) Prior to the commencement of any individual building details of all external plant/ventilation equipment plant and kitchen extraction units (including any boiler and associated flue), including sound power levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA.

**Reason:** To reduce noise pollution and protect the amenity of nearby residential occupiers.

- 15) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority ( who shall consult with 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 penalties 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 and submitted to the Local Planning Authority within 3 months of the occupation of the development and on an annual basis thereafter. The Travel Plan as approved shall be adhered to throughout the lifetime of the development.

**Reason:** To encourage the use of modes of transport other than the private car.

- 16) Before works commence on any individual building(s) a Sustainability Statement detailing the measures to reduce the impact of the building on the environment during both construction and operational phases shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried in accordance with that statement unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of sustainable development.

- 17) Before works commence on any individual building(s) details of the finished floor levels and overall roof heights of the building(s) in relation to a fixed point or O.S datum shall have been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity and the appropriate development of the site.

- 18) No development work to raise the ground levels of the site shall commence until finished ground floor levels and sectional plans indicating the profile with the original levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the agreed plans.  
**Reason:** In the interests of visual amenity.
- 19) The floorspace of the pub/restaurant element hereby permitted shall not exceed 1000m<sup>2</sup>.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 20) No individual Class A1 unit size shall exceed 450m<sup>2</sup> in floorspace.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 21) The total floorspace for A1, A2, A3, A4, A5, D1 and D2 use shall collectively not exceed 3000 sq metres.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.

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

(Report circulated)

17 **PLANNING APPLICATION NO.12/1522/03 - LAND OFF, ENNERDALE WAY, EXETER, EX4 2BJ**

Councillor Morris left the meeting during consideration of this item.

The Assistant Director City Development presented the application for three residential buildings comprising eight flats and one coach house, access to highway, parking and associated works at Land off, Ennerdale Way, Exeter.

Members were circulated with an update sheet - attached to minutes. Revised plans had been received indicating the area of communal open space proposed.

The recommendation was to authorise the Assistant Director City Development to approve the application, subject to the receipt of a Building for Life assessment, revised landscape plans indicating the extent of the communal open space, a financial contribution towards protection of Natura 2000 sites and the conditions as set out in the report.

A management plan was sought in respect of the use of the communal garden area and car parking arrangements.

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

- scheme will contribute to the tidying up and enhancement of the area generally and reduce security problems
- Cornerstone are the largest provider of social housing in the Exwick area

- other Cornerstone schemes in Exeter were well designed
- although some of the existing tenants in the flats adjoining the site will have reduced views, the provision of an improved community area will benefit all and enhance community interaction. This part of the City possessed significant areas of open space for use by residents.

Ms Seaborne (applicant) spoke in support of this application. She raised the following points:-

- Cornerstone is an established Housing Association managing 1,200 homes in Exeter and specialising in affordable housing
- the site has been long identified for nine new affordable homes and grant support is available from the Homes and Communities Agency. The units will be built within an existing estate of 28 homes
- a new landscaping scheme will be provided, to possibly include allotments
- scheme supported by Exeter City Council housing section as it contributes to meeting the significant demand for affordable homes in Exeter
- a range of units will be provided including one bed flats for singles and couples on the first floor and two bed flats for small families and those with disabilities on the ground floor
- close to shops and open space and provides a safe and secure environment for tenants

She responded as follows to Members' queries:-

- a landscape architect has been engaged to deliver a landscape scheme in consultation with the residents
- apart from two objections, the majority of tenants were agreeable to the loss of their garden areas to facilitate a communal garden. There was unanimous support for landscaping the waste ground adjacent to the Civil Service Club
- a parking management plan will be provided

**RESOLVED** that, subject to an additional condition requiring the submission of a management plan for both a communal garden area and car parking arrangements, the application for planning permission for three residential buildings comprising eight flats and one coach house, access to highway, parking and associated works be delegated to the Assistant Director City Development to **approve** subject to the receipt of revised landscape plans indicating the extent of the communal open space, a financial contribution towards protection of Natura 2000 sites 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) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:-

- a) windows to include materials, means of opening, reveals, cills and headers;
- b) external doors;
- c) rainwater goods;
- d) lighting;
- e) treatment of balcony;
- f) obscure glazing within the first floor windows of the western elevation;
- h) location of site compound

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

- 7) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in location shown on drawing no. 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.
- 8) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:
  - a) parking and vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of planting and materials;
  - c) storage of plant and materials;
  - d) programme of works to include measures for traffic management;
  - e) vehicle washdown measures and facilities; and
  - f) provision of boundary hoarding
 have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.  
**Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 9) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 10) No development shall take place unless and until details of swift boxes have been submitted to and approved by the Local Planning Authority in consultation with the RSPB. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity in the locality.
- 11) C70 - Contaminated Land.

(Report circulated)

18

**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)

19

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

20

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 5 March 2013 at 9.30 a.m. The Councillors attending will be Lyons, Edwards and Prowse.

21

**Additional Information Sheet**

Correspondence received and matters arising following preparation of the Agenda.

(The meeting commenced at 5.30 pm and closed at 9.21 pm)

Chair

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**PLANNING COMMITTEE**  
**18 FEBRUARY 2013**

**ADDITIONAL INFORMATION**

**Correspondence received and matters arising following preparation of the Agenda**

<p><b>Item 4</b> <b>Pages 1-8</b> <b>Ref: 12/2551/03</b> <b>The Queens Head</b> <b>270 Pinhoe Road</b> <b>Exeter</b></p>	<p>The current licensee of the premises has provided up to date financial information and details of a mortgage to purchase the property. This documentation, and particularly the proof that the licensee has access to the necessary capital, appears to demonstrate that there is no reason why the public house could not become viable in the future based on the business model put forward. Members can therefore attach significant weight to the argument that the pub has a viable future. The question therefore is whether the loss of the pub – as a community facility – is outweighed by the arguments in favour of the foodstore. Officers' view is that, on balance, it is for the reasons discussed in the conclusion to the main report that the recommendation remains unchanged.</p> <p>Other matters:-</p> <p>Additional conditions recommended to require:</p> <p>1) the agreement of and implementation of a scheme for the covered storage of waste, and</p> <p>2) the agreement of the finished floor levels (to mitigate any flood risk from the Northbrook).</p>
<p><b>Item 5</b> <b>Pages 9-12</b> <b>Ref: 12/1720/16</b> <b>33 Pinhoe Road</b> <b>Exeter</b></p>	<p>Three further letters of objection have been received, on similar grounds to those set out and dealt with in the main report.</p> <p>The applicant has now provided a management plan which covers the following:</p> <ul style="list-style-type: none"><li>• Eligibility &amp; admissions</li><li>• Refusing referrals</li><li>• Risk assessments</li><li>• Staffing</li><li>• Security</li><li>• Fire safety</li><li>• Alcohol and drugs</li><li>• Accommodation rules</li><li>• Anti-social behaviour</li><li>• Serious incidents</li><li>• Smoking</li><li>• Animals</li><li>• Health &amp; safety</li><li>• Out of hours</li></ul> <p>Notwithstanding this, it is recommended that condition 3 as set out in the main agenda is imposed to ensure that the plan is properly implemented.</p>

**Item 6**  
**Pages 13-30**  
**Ref: 12/0472/01**  
**Land to North, West & South of**  
**Met Office**  
**Hill Barton Road**  
**Exeter**

Three further representations have been received, raising issues set out in the main report, and the following additional issues:

- There will be unacceptably long waiting times for pedestrians and cyclists at the Hill Barton Road Junction.
- The junction redesign does not adequately address safety and capacity.
- The junction redesign may result in difficulty for vehicles entering and leaving 46 & 48 Hill Barton Road.
- Trip rate data used to assess the impact of the proposal may be out of date or inappropriate.
- The existing junctions and roundabouts in the area are already congested.
- The development should be served by public transport.
- Additional traffic will result in further difficulty leaving Wilton Way, particularly in the morning rush hour.
- Why cannot the Oberon link be provided at the 500 dwelling trigger? This would be simpler, neater and more satisfactory in terms of the proper planning of the area.

In response to these points:

- The primary Hill Barton Road pedestrian/cycle crossing desire line will remain at the existing toucan crossing. The Highway Authority is planning improvements (partially funded by the proposed development) to provide a more formalised Exeter City Centre to East Devon pedestrian/cycle link that will utilise the toucan crossing. The toucan provides an **on demand crossing triggered by use of the push buttons** and is not linked to the new junction signal phasing. Considering the above and the fact that the existing cycle/footway on the eastern side of Hill Barton road terminates before St Lukes School it has been determined that numbers of pedestrian and cyclist using the crossing facilities at the proposed new junction will be low. The Highway Authority has assessed the signal phasing on this basis and has confirmed its acceptance.
- The Highway Authority has made it very clear that the safety and capacity have been properly considered, and the highway advice given reflects this.
- The Highway Authority is satisfied that its advice is based on up-to-date and appropriate data. The Trip Rate used is in accordance with that in the Monkerton Access Strategy submitted as evidence to the Exeter Core Strategy. The trip rate reflects the improved pedestrian, cycle and bus facilities provided internally within the development, through S106 contributions and the Travel Plan. The impacts on the Pinhoe Sainsbury's and Middlemoor junction were calculated not to exceed a 5% increase in traffic flows through the junctions at peak periods. The Highway Authority has confirmed the increased traffic was not significant and no further assessment of the junctions was necessary.
- The Monkerton Access Strategy assessed the overall traffic impact of development in the Monkerton Masterplan area and concluded that with infrastructure improvements and sustainable transport measure the impacts would be mitigation satisfactorily. This development adopts those



sustainable transport measures and provides funding through the Section 106 to the wider highway infrastructure improvements.

- An extension of the A bus service into the development is funded through the S106 transport contributions.
- Additional flows through the Wilton Way roundabout were calculated to be an additional 2% in both the AM and PM peaks. The Highway Authority confirms that the junction is operating within capacity and that the increased flows are not significant and do not necessitate any mitigation measures.
- Provision of a link to Oberon Road is not a specific requirement of the Core Strategy. It is, however, recognised that the link is an aspiration of the Monkerton and Hill Barton Masterplan Study. There is no specific reference to the timing of this link in the Masterplan Study, or the Core Strategy. Although not a specific requirement for the delivery of the site, the applicant has agreed to design the internal road network to enable a link to Oberon Road to be made and enable the desired strategic road to be provided. The link will be provided at an appropriate point of time linked to the phasing of the proposed development and taking account of the Council's desire to secure other strategic infrastructure provision, including the district heating network. The provision of the link road, and the proposed timing, is therefore in accordance with the Masterplan Study.

In order to achieve a permeable network to support the sustainable transport aspirations of the Masterplan Study, the Highway Authority has recommended a variation to condition 27 as follows:

*Unless otherwise agreed by the relevant planning authority (in consultation with the local highway authority), no further development shall take place beyond the first occupation of the 600th dwelling or 5 years from the first occupation of the 500<sup>th</sup> dwelling, whichever is earlier, until:-*

*a) The local planning authority has approved in writing a scheme of works to provide a new vehicular transport link from Oberon Road into the development, including details of access for Ellen Tinkham School.*

*b) The approved works have been completed in accordance with the local planning authority's approval (in consultation with the local highway authority).*

Whilst it is recognised that this represents a "belt and braces" approach to securing the Oberon Road link, the applicants have indicated that this would potentially cause funding difficulties and prevent the provision of other vital infrastructure including district heating. They would be likely to appeal against the imposition of this condition. On balance it is considered that the condition as originally worded in the main agenda will achieve the required outcome without endangering the delivery of housing.

<p><b>Item 7</b>  <b>Pages 31-36</b>  <b>Ref: 12/1619/03</b>  <b>Exeter College</b>  <b>33-36 Queen Street</b>  <b>Exeter</b></p>	<p>Assistant Director Environment has recommended two additional conditions relating to hours of use and noise attenuation.</p> <p>County Head of Planning, Transportation and Environment has recommended three conditions relating to the submission of a Green Travel Plan, the provision of on-site cycle and car parking facilities, and submission of a Construction Traffic Management Plan. The County Head of Planning, Transportation and Environment has also indicated that a financial contribution will be sought towards highway improvements to be secured by S106.</p> <p>The architect has provided an amended drawing showing the installation of two gates at either end of the north elevation. The gates have been included to minimise the risk of unauthorised access and anti-social behaviour.</p> <p>One additional letter of objection has been received. Planning concerns raised related to hours of use, noise and light.</p>
<p><b>Item 8</b>  <b>Pages 37-40</b>  <b>Ref: 12/1707/03</b>  <b>12 Wentworth Gardens</b>  <b>Exeter</b></p>	<p>No further update.</p>
<p><b>Item 9</b>  <b>Pages 41-50</b>  <b>Ref 12/0781/01</b>  <b>Land South of Yeoford Way</b>  <b>Marsh Barton</b>  <b>Exeter</b></p>	<p>No further update.</p>
<p><b>Item 10</b>  <b>Pages 51-56</b>  <b>Ref 12/1522/03</b>  <b>Land off Ennerdale Way</b>  <b>Exeter</b></p>	<p>Revised plans received which indicate the area of communal open space proposed.</p> <p>Building for Life Assessment report produces a score of 10.5 out of 12.</p>

# Agenda Item 5

## PLANNING COMMITTEE

Monday 18 March 2013

### Present:

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

### Apologies:

Councillor Donovan

### Also Present:

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

22

### MINUTES

The minutes of the meetings held on 3 December 2012 and 14 January 2013 were taken as read and signed by the Chair as correct.

23

### DECLARATIONS OF INTEREST

Whilst not declaring disclosable pecuniary interests, the following Member withdrew from the meeting for the items below:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Owen	24 (employer has parking spaces behind the property) 25 (employer has parking spaces behind the property)

A Member declared the following interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Mrs Henson	24 (knows an owner of a property on the site)

24

### PLANNING APPLICATION NO.13/0074/03 - CECIL BOYALL HOUSE & VICTORY WING, SOUTHERNHAY EAST, EXETER, EX1 1RB

Councillor Owen withdrew from the meeting during consideration of this item as his employer had parking spaces behind the property.

Councillor Mrs Henson declared an interest as an owner of a property on the site is known to her.

The Area Planner (PJ) presented the application for a variation of conditions 2 and 7 to approve amended drawings for external works associated with parking and landscaping areas (Ref No. 07/2679/03 granted 07/01/2009) at Cecil Boyall House & Victory Wing, Southernhay East, Exeter.

Members were updated on the history of the site, the original submitted plans having now been revised which reduced the overall number of parking spaces to 20 within the courtyard and relocated one space to the eastern boundary with the Wynards. He advised that the two main issues were the impact of the proposal on the listed building and residential amenity.

One additional letter of objection had been received which reiterated the previous objections submitted.

The recommendation was for approval subject to amended drawings for external works associated with parking and landscaping areas and the condition as set out in the report.

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

- planning officers and Members should talk to the developer and residents and come up with an alternative plan that all would be satisfied with
- six additional parking spaces had been added with little consultation and no agreement; there were dead landscaping areas that could be used for parking
- under permitted planning for Phase one the car parking was deliberately reduced; now this action was being reversed; this created a precedent
- how does the proposal meet fire regulations?
- the application would adversely affect neighbouring premises in a blight way; this could be avoided
- proposal lays claim to a parking space that was owned by someone else; owner had not been approached
- bin and cycle storage was not fit for purpose.

Mr Trave (representing applicant) spoke in support of the applications (minutes no. 24 & 25) . He raised the following points:-

- this proposal was for a £10 million investment
- would be of a very high standard creating a 'Mayfair' for Exeter
- applicant had acquired the property in August 2012; consulted all stakeholders on the proposal which included local residents
- had revised the plans and improved the design
- the lift shaft had been removed to create a garden
- the parking would be in a secure gated area
- five affordable housing units would be provided; four on-site which would be wheelchair accessible which had been increased in size to that of the original planning approval, the fifth unit would be provided off-site
- the residential accommodation would be luxurious and spacious
- the office accommodation would be a flexible 'hub'
- would be using local contractors and suppliers.

In response to Member's questions, Mr Trave clarified that he had met with neighbours to explain proposals; the bin and cycle storage met the Council's requirements; were constrained by the amount of land available, some of the green areas had been utilised for parking.

The Area Planner clarified that the car parking had been revised to move it away from residential properties; could look at the bins storage again to ensure that it was adequate; it was important to have a landscape area as you enter the site; previously the whole of the outside area had been car parking, some landscaping had been introduced; with regards to access for emergency vehicles the Highway Authority had no objection to the proposal; ownership of land was not a planning matter; and the gradient of the path would have to meet building regulations of 1:20.

**RESOLVED** that planning permission for a variation of conditions 2 and 7 be delegated to the Assistant Director City Development to **approve** subject to satisfactory refuse storage and amended drawings for external works associated with parking and landscaping areas (Ref No. 07/2679/03 granted 07/01/2009) and the following condition:-

- 1) C15 - Compliance with Drawings

(Report circulated)

25

**PLANNING APPLICATION NO.13/0076/03 & LISTED BUILDING CONSENT NO.13/0114/07 - DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER, EX1 1PQ**

Councillor Owen withdrew from the meeting during consideration of this item as his employer had parking spaces behind the property.

The Area Planner (PJ) presented the application for a variation of condition 2 to approve amended drawings for 24 flats and office accommodation (Ref No. 11/1951/03 granted 29/05/2012) and listed building consent for amended drawings for 24 flats and office accommodation at Dean Clarke House, Southernhay East, Exeter.

Members were advised that the overall number of units remained unchanged at 24 although changes had been made to the internal arrangements of the flats and the office accommodation had been reduced by approximately 176 sq metres from the approved scheme. The rear stair tower had been removed, four on-site affordable housing wheelchair accessible units and one off-site affordable housing unit would be provided.

The recommendation was for approval of the variation of condition subject to the completion of a new Section 106 Agreement to secure an appropriate level of affordable housing provision and the conditions as set out in the report. The listed building consent was also recommended for approval subject to the conditions as set out in the report.

Ms Farrell spoke against the applications. She raised the following points:-

- the steps and doors in the corner of Dean Clarke House/Victoria Wing were previously used fire exits but in this proposal they appear to provide access for residents from those buildings on to the Phase One garden this would result in an increase in noise and disturbance
- unclear if the access provided to the Phase one garden would also provide Phase One residences with reciprocal access to the Dean Clarke House/Phase three garden
- parking and entrance to Victoria Wing should all be on the same side
- proposed bin and bike storage was not fit for purpose
- alternative solution could be found if all stakeholders got together; changes affecting Victory Wings had not been thought through.

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

- a management company would be responsible for the communal areas
- the 24 flats would each have a parking space; this was a land owner matter
- the rear stair tower would be removed to allow better access
- offices would present a new way of working with a 'hub' and rent a desk facility as and when needed

- the affordable housing units had been enhanced.

In response to Members' questions, Mr Trave clarified that the access to the communal areas would be agreed under the terms of the sale of the properties; the reduction in the office space had been the result of the lack of demand for office space and the need to ensure that the development was viable.

The Area Planner clarified that building regulations would ensure that fire regulations were met.

**RESOLVED** that planning permission for a variation of condition 2 to approve amended drawings for 24 flats and office accommodation (Ref No. 11/1951/03 granted 29/05/2012) be **approved** subject to the completion of a new Section 106 Agreement to secure an appropriate level of affordable housing provision 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 (dwg nos.), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 2) Notwithstanding condition no 1, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
  - i) details of the curtain walling material;
  - ii) railings around the landscaped area;
  - iii) external doors;
  - iv) glazing blocks.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

**RESOLVED** that listed building consent for amended drawings for 24 flats and office accommodation be **approved** subject to the following conditions:-

- 1) C15 - Compliance with Drawings
- 2) Notwithstanding condition no 1, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
  - i) details of the curtain walling material;
  - ii) railings around the landscaped area;
  - iii) external doors;
  - iv) glazing blocks.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

In the event that the Section 106 Agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the 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)

26      **OBJECTIONS TO TREE PRESERVATION ORDER NO. 647 (LAND OPPOSITE 6 BALMORAL GARDENS, TOPSHAM, EXETER) 2012**

The Assistant Director City Development presented the report detailing an objection that has been received by the Council to Exeter City Council Tree Preservation Order (TPO) No. 647 (Land opposite 6 Balmoral Gardens, Topsham, Exeter) 2012.

**RESEOLVED** that Tree Preservation Order 647 be confirmed.

(Report circulated)

27      **OBJECTIONS TO TREE PRESERVATION ORDER NO. 649 (NEWCOURT HOUSE, OLD RYDON LANE, EXETER) 2012**

The Assistant Director City Development presented the report giving detailing an objection that had been received by the Council to Exeter City Council Tree Preservation Order (TPO) No. 649 (Newcourt House, Old Rydon Lane, Exeter) 2012.

**RESOLVED** that:-

- 1) Tree Preservation Order 649 be confirmed as an area order, with its title amended to include Newcourt Lodge; and
- 2) officers be authorised to make subsequent modifications to the confirmed Order as they see fit in the light of any further survey of the trees.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

29      **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters. He advised that the owners of 4 Dart Walk had submitted an appeal against the Enforcement Notice and that court action against the felling of a tree in New North Road had been adjourned until November 2013.

**RESOLVED** that the report be noted.

(Report circulated)

30      **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 2 April 2013 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 6.50 pm)

Chair



## LICENSING COMMITTEE

26 March 2013

### Present:

Councillor Keith Owen (Chair)

Councillors Dawson, Choules, Clark, Macdonald, Payne, Pearson, Robson, Ruffle, Shiel and Tippins

### Apologies:

Councillors D J Henson and Winterbottom

### Also present:

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

### 7 **Minutes**

The minutes of the meeting held on 12 February 2013 were taken as read and signed by the Chair as a correct record.

### 8 **Declarations of Interest**

No declarations of interest were made by Members.

### 9 **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.

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

### 10 **Application for a Hackney Carriage Vehicle Licence (Mr & Mrs MK)**

**RESOLVED** that Mr and Mrs MK's application be refused.  
(Report circulated to Members)

### 11 **Application for a Hackney Carriage Vehicle Licence (Mr SR)**

**RESOLVED** that Mr SR's application be refused.  
(Report circulated to Members)

12 **Application for a Hackney Carriage Vehicle Licence (Mr MS)**

**RESOLVED** that Mr MS's application be refused.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 6.20 pm

Chair

## SCRUTINY COMMITTEE - COMMUNITY

5 March 2013

### Present:

Councillor Shiel (Chair)

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

### Also present:

Strategic Director (MP), Strategic Director (KH), Assistant Director Environment, Assistant Director Housing and Contracts, Assistant Director Public Realm, Principal Accountant (SR), Cleansing Operations Manager, Leisure Support Officer and Member Services Officer (HB)

### In attendance:

Inspector Andrew Webber - Devon and Cornwall Constabulary

#### 10 **Minutes**

The minutes of the meeting held on 15 January 2013 were taken as read and signed by the Chair as correct.

#### 11 **Declaration of Interests**

Members expressed the following interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Bowkett	12 (partner works for Devon and Cornwall Constabulary)
Councillor Mitchell	13 (Uncle works for the Parks section)

#### 12 **Presentation by Inspector Andrew Webber**

Councillor Bowkett expressed an interest as his partner works for the Devon and Cornwall Constabulary.

The Chair welcomed Inspector Andrew Webber of the Devon and Cornwall Constabulary to the meeting. His presentation covered the following:-

- with the support of Superintendent Eastwood, the Police Commander for Exeter, East and Mid Devon, the local policing structure was being re-organised to operate more effectively on a neighbourhood level to be fully implemented from 1 April 2013. PCSOs play a valuable role in neighbourhood policing and their powers are to be enhanced;
- there would be an increased focus on anti-social behaviour, recent graffiti problems in the City, Section 30 enforcement in Wonford and St. Thomas and traffic enforcement, these issues having been highlighted by the public through the Have Your Say public meetings;
- there would be a more aggressive approach to anti social behaviour and a greater emphasis on performance, especially feedback to the public; and

- anti-social behaviour associated with the night time economy remained an area of concern and it was the intention to focus Police resources earlier in the evening, both in the City Centre and the suburbs, as a means of reducing problems. In general terms, Exeter was regarded as a safe City. It would be important to achieve an effective balance between the policing of the City Centre and general community policing to target resources effectively.

He responded as follows to Members' queries:-

- the Police Cadets initiative would seek to improve and increase engagement between Police and young people. The scheme would be promoted to 13-16 year olds in schools commencing at ISCA College. Initially, it was anticipated that 30 youngsters would participate, with a City wide figure of 120 ultimately anticipated. Partnership support for this initiative would be sought;
- domestic violence was a complicated issue and, although there had been an increase in incidents, it was thought that this could be attributed to increased reporting;
- there would be greater emphasis on feedback in response to issues raised at Have Your Say meetings and a re-launch of the process involving local Councillors was planned. Monthly reports would be produced and circulated to the press and ward Councillors;
- a number of policing issues revolved around the University and the large concentration of students in certain areas of the City. In addition to anti-social behaviour issues, the targeting of students by criminals e.g. the sale of drugs was a concern; and
- the policy relating to street lighting switch off would be reviewed, initial fears being mitigated to an extent as switch off disadvantaged criminal activity.

Members thanked Inspector Webber for his presentation.

### 13 **Presentation on Systems Review - Keep My City Looking Good**

Councillor Mitchell expressed an interest as his Uncle worked for the Parks Section.

The Chair welcomed the Keep My City Looking Good Team to the meeting who gave a presentation on progress with the systems review being undertaken for the Parks, Cleansing and Cemeteries service areas. The City Centre and Heavitree had been identified as pilot areas and, as the re-design progressed, it was the intention to widen the geographical area to improve scope for intervention and to roll in more work systems as and when larger area allows. It was the intention to widen the pilot areas to include the Newtown and Polsloe wards.

The systems thinking approach for a service involved breaking down barriers and greater integration of working. The tradition of silo working in local authorities was being challenged and a 'mixed economy of service provision' was the likely outcome. Frontline staff would be trained to enable them to perform a wider range of tasks and operatives given enforcement powers. They would also be provided with hand held devices on a trial basis allowing demand to reach the frontline as directly as possible.

The team responded as follows to Members' queries:-

- with regard to providing front line staff/operatives with enforcement powers, face to face public contact and any necessary enforcement measures would only be requested of those employees comfortable with such an approach;

- closer working with the Street Homeless Outreach Team where park operatives could advise of the location of rough sleepers was one example of integrated working;
- it was also hoped that there would be greater cohesion between other agencies, including the County Council; and
- 31 May 2013 had been identified as the cut off point after which the results of the pilot would be assessed. Any roll out across the City would be put to Members for approval.

Members thanked the team for the presentation, recognising the importance of greater integration between services.

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

#### **14 Charging protocol for waste receptacles**

The Assistant Director Environment presented the report setting out options for applying a charge to cover the provision of refuse containers to domestic premises and, depending on the option taken, the adoption of a charging protocol in response to circumstances where it may be in the public interest to waive or reduce some of these charges.

Some concerns were expressed with the preferred option of introducing charging for occupants of new build properties only, although it was noted that, in some cases, bin provision would be through a managing agent when the larger communal receptacles would be used, as with flats. As Section 106 Agreements may shortly be replaced by the Community Infrastructure Levy, which would function as a Council wide fund, it was noted that it would not be practicable to specify the charge for bin provision to developers of new housing estates. Most of the Section 106 Agreements for estates shortly coming on stream had already been signed off and could not incorporate such a requirement. The proposal would apply to all tenures of build.

Members supported the preferred option.

Scrutiny Community supported the report and requested Executive to introduce charges as set out in Appendix 1, in respect of newly developed or converted dwellings only (Option A) in combination with applying a delivery charge set out in Appendix 2 for all other requests for a range of waste receptacles (Option B).

(Report circulated)

#### **15 Energy Works 2013/14**

The Assistant Director Housing and Contracts presented the report seeking approval for undertaking energy saving works on the housing stock.

She provided further detail on the costs of the PV panels and, in response to a Member's concern at the £40,000 cost for a retro-fit trial at two properties in Shakespeare Road, it was explained that the intention was to test a range of measures with view to introduction across the stock. It would be funded from within existing budgets and it was likely that some grant funding would be available. A Member welcomed the evidence based approach to these proposals.

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

- (1) the allocated Energy works budget for 2013/14, any under-spend from the 2012/13 budget, Feed In Tariff (FIT) payments and any grant income received from energy efficiency works to the installation of photovoltaic arrays to as many properties in Hawthorn Road as possible, in conjunction with the re-roofing programme;
- (2) £40,000 from a combination of existing budgets to undertake a trial retro-fit to improve thermal efficiency at two properties identified at Shakespeare Road; and
- (3) £31,200 from the Communal Areas budget for upgrading the window glass on 48 flats, in conjunction with the external rendering programme works.

(Report circulated)

## 16 Empty Homes Enforcement

The Assistant Director Housing and Contracts presented the report seeking approval for a systematic approach to tackling long term empty homes in the City and the use of enforcement powers, where required, to ensure empty homes are returned back into use.

Members welcomed the proposal, one Member urging caution should any property that was purchased prove difficult to sell. The Assistant Director confirmed that there would be an element of risk with purchase but that great care would be taken to ensure that only properties with a good chance of a subsequent sale would be obtained. Members requested that extra attention be given to identifying empty properties as a result of changes in Council Tax rules and in areas with a large number of multi-room rented properties.

The Strategic Director (MP) undertook to submit a report to a future meeting of this Committee on issues relating to student accommodation.

Scrutiny Committee - Community supported the Empty Homes Enforcement Policy and requested Executive to:-

- (1) approve the Empty Homes Enforcement Policy;
- (2) authorise the use of New Homes Bonus to fund enforcement action on empty properties in exceptional circumstances where external services are required, to a maximum of £20,000 over the next three years;
- (3) authorise the use of New Homes Bonus in exceptional circumstances to fund the purchase of an empty property to a maximum of £300,000 per property; and
- (4) authorise the Assistant Director Housing and Contracts, subject to prior consultation with the Portfolio Holder for Housing and Community Involvement, to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order as necessary to bring any empty properties back into use.

(Report circulated)

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

### **17 Housing Services Benchmarking 2011/12**

The Assistant Director Housing and Contracts presented the report setting out the findings from the 2011/12 benchmarking exercise undertaken by Housemark Core Landlord Services.

Allied to improvements emerging from the system review process, particularly in antisocial behaviour and lettings management, it was considered appropriate to update and freshen the existing performance measures and also to ensure that areas of consistently good performance, such as rent arrears, did not slip as priorities changed from, in that example, collecting rent efficiently to helping understand why residents have not paid and helping them to improve their long term financial and housing outcomes.

Scrutiny Committee - Community noted the key findings of the Housemark Core Landlord Services Benchmarking report and the future direction of performance management for Housing services.

(Report circulated)

### **18 Park Homes Forum**

The Assistant Director Environment presented the report informing Members of the establishment of a Forum for residents of mobile home sites in the City giving those residents a voice. The Forum would also assist residents to identify key issues of local concern and provide information and advice to them to empower them to develop new initiatives and help foster better relationships with site owners. Contact with similar groups in the region would also help increase residents' capacity to learn from others and strengthen their capability as an association.

Scrutiny Committee - Community noted the establishment of the Exeter City Council Park Homes Forum.

(Report circulated)

### **19 Community Grants 2012/13**

The Community Involvement and Inclusion Officer presented the report updating Members on the allocation of Ward Grants and City Grants in 2012/13 including a breakdown of the grants made and advising of the proposal to reduce the maximum amount of the City Grant in 2013/14.

For 2012/13, a sum of £36,000 (£2,000 per ward), had been made available for Community Ward Grants from the New Homes Bonus Local Infrastructure fund. Grants of up to £300 were on offer and decisions had been made jointly by the relevant ward councillors. City Grants, awarded to community groups delivering a service/project to residents from a number of wards or to residents from across the City, had been funded in 2012/13 from a £20,000 budget with a maximum of £3,000 on offer per group. They were decided by a city-wide panel which was made up of the Lead Councillor for Community Involvement and a representative from each of the other political groups on the Council.

Members noted the inconsistency across wards in the take up of community grants with three wards having carried forward more than £500 from 2011/12. Although it

was possible to carry forward unspent funds from Ward Grants into 2013/14, Members were opposed to this treatment of surpluses. It was therefore suggested that, in addition to reducing the maximum City Grant from £3,000 to £2,000 any surplus from Ward Grants should be transferred at the end of the financial year to the City Grants pot.

Scrutiny Committee - Community noted the report and requested Executive, via the New Homes Bonus Panel, to support the proposals to:-

- (1) reduce the maximum City Grant from £3,000 to £2,000; and
- (2) agree to the transfer to the City Grant pot of any unspent Ward Grants that were currently being carried forward within these ward pots, the allocation of this enhanced fund to continue to be decided by the City-wide Panel.

(Report circulated)

### **PERFORMANCE MONITORING**

#### **20 Housing Revenue Account Budget Monitoring to 31 December 2012**

The Assistant Director Housing and Contracts advised Members of any major differences by management unit to the revised budget.

The total budget variances indicated that there would be a net surplus of £234,000 in 2012/13 which would be transferred to the HRA working balance, compared to a net surplus of £414,200 previously reported. One of the main reasons for the forecast reduction in surplus was due to an additional revenue contribution to capital to finance the acquisition of six flats at the former Royal Navy Store site for social housing.

Scrutiny Committee - Community noted the report.

(Report circulated)

#### **21 Community Services Budget Monitoring to 31 December 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 31 December 2012. The current forecast suggested that the net expenditure for this Committee would decrease from the revised budget by a total of £189,840 after transfers to and from reserves, which represented a variation of 1.6% from the revised budget. This included a supplementary budget of £55,200. Capital charges had been deducted from this to provide the total budget for management accounting purposes. The current forecast variance represented a £269,990 decrease in expenditure compared with the variance forecast for quarter 2.

Scrutiny Committee - Community noted the report.

(Report circulated)



22 **Parkwood Leisure Management Contract**

The minutes of the meeting of the Parkwood Leisure Services Working Group held on 7 January 2013 were received.

(Minutes circulated)

The meeting commenced at 5.30 pm and closed at 8.15 pm

Chair

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## SCRUTINY COMMITTEE - ECONOMY

7 March 2013

### Present:

Councillor Crow (Chair)

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

### Also present:

Strategic Director (KH), Strategic Director (MP), Assistant Director Economy, Senior Accountant, City Centre Manager, Partnership and Projects Manager (Exeter and Heart of Devon Employment and Skills Board) and Member Services Officer (SLS)

### In attendance:

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

### Also Present:

Mr Stephen Oliver – Programme Director YTKO, Economic and Business Support

### 10 **Minutes**

The minutes of the meeting held on 17 January 2013 were taken as read, and signed by the Chair as correct.

### 11 **Declarations of Interest**

No disclosable pecuniary interests were declared.

### 12 **Questions from Members of the Council Under Standing Order 20**

In accordance with Standing Order 20, a question from a Member, Councillor Prowse, was put to the Portfolio Holder for Sustainable Development and Transport in respect of parking enforcement issues. The Portfolio Holder replied. A copy of the questions had previously been circulated to Members. The questions and the reply from the Portfolio Holder (in italics) are appended to the minutes.

### 13 **Broadband Infrastructure Presentation**

Mr Stephen Oliver, Programme Director made a presentation on the work of YTKO, a public sector organisation who are part of the Connecting Devon and Somerset project, a ground breaking partnership encompassing six local authority areas, to deliver improved and high speed fibre broadband to businesses, particularly in rural areas.

Their ambition and technical objectives are to :-

- Deliver 100% broadband coverage by the end of 2016 (2Mbps)
- 90% to be High Speed Fibre (FTTC)

- Deliver at least 50% take-up and tackle digital exclusion (without this programme there was likely to only be 15% take up).
- Increase Gross Value Added (GVA) by £750million by 2020 creating high tech jobs and inward investment

They offer one-to-one mentoring and enhance business support providing a tailored advice service including support sessions for business and communities covering ICT skills development with flexible group workshops and training sessions. Mr Oliver referred to a forthcoming event in the Harry Hems Centre in Exeter aimed at businesses, rather than the community. There needed to be a level playing field to give every business the chance to compete and faster broadband would enable local businesses to develop with a competitive advantage through the following :-

- Improved digital inclusion
- Improved web presence
- Improved customer experience
- Attract inward investment
- More use of cloud computing resources
- Improved video conferencing to reduce need for travel and help the green agenda
- Faster speeds
- Flexible home work networking
- Reliable service
- Encouraging younger people and skilled professionals to stay in the area

A Member commented on the existing broadband providers particularly in more rural areas. Mr Oliver referred to the coverage provided by BT who were responsible for the infrastructure, and Virgin, who had a relatively small footprint in comparison covering the urban areas. Future development would not be restricted as technology would change rapidly and 2Mbps was becoming the minimum standard. He responded to a comment on fibre versus wireless technology and fibre could still present a challenge even within the Exeter boundaries.

Members thanked Mr Oliver for attending the meeting.

#### 14 **PREPARATION OF KNOWLEDGE ECONOMY STRATEGY 2013 - 2018**

The Assistant Director Economy presented the report, seeking approval for the preparation of a strategy and action plan, which would set out how the City's economy could benefit from focusing on the development and attracting science and technology organisations, to help create high quality employment. The Knowledge Economy was described as being based around activities which created value from exploiting knowledge and technology, rather than physical assets and traditional employment. Support for the growth of higher value jobs was an essential element of looking to the future success of Exeter. The Assistant Director Economy outlined how the Council would seek the necessary advice and support.

A Member suggested working with Devon County Council to identify adult and community based training opportunities with a skills based focus. The Assistant Director Economy agreed that would be a worthwhile exercise as part of a broader approach by the Employment and Skills Board. He also responded to a Member's comment on the specialist advice, stating that it would be sought by employing a consultant with proven experience working with other key agencies and major private and public sector organisations.

Scrutiny Committee – Economy supported the development of a strategy to promote the further development of the city’s knowledge economy, and requested Executive to approve funding of up to £20,000 to secure specialist advice to prepare the document.

(Report circulated)

## 15 CITY CENTRE BUSINESS IMPROVEMENT DISTRICT

The Assistant Director Economy presented the report which sought City Council support and funding towards the cost of establishing a City Centre Business Improvement District (BID). This would include a levy on the business rates to support a programme of activities and improvement in the area.

Sara Bond, Chair of Exeter Chamber of Commerce attended the meeting and referred to Chamber colleagues who were firmly backing this second BID proposal. It was a difficult time for businesses to consider any additional cost, but the proposed BID would provide many benefits for the business community as a whole. Despite the relative resilience of the local economy, there could be no complacency particularly when there were other successful BIDs in nearby towns and cities in the region. Members welcomed the close involvement of the Chamber of Commerce to work together to develop an even stronger economy.

The following responses were given to Members:-

- Sara Bond considered that, provided the BID promoted the right vision, local businesses should see the benefits to both themselves and the economy as a whole. Exeter was already in a good position, but there would be a more targeted approach engaging with many of the same individuals and businesses as well as identifying new consultees in a more clearly defined geographic area. The Assistant Director Economy added that the consultation exercise would relate to specific addresses within the city centre.
- The Assistant Director Economy outlined the typical levy payable with a sliding scale to where a business paying less than £10,000 in business rates would not be asked to contribute at all. Smaller businesses were likely to receive the most benefit, with a programme of activities identified in areas with the most need in the city centre. He acknowledged the Member who emphasised the need to provide working examples of the levy and to encourage local business owners who have already shown their commitment to the BID process.
- Sara Bond addressed a Member’s comment on the need to influence the national High Street names, suggesting that her role as Chair of the Chamber would help in this regard. Businesses would need to take a particular stance or have a policy for dealing with BID proposals and she would ensure they had made the appropriate contact. There was now an opportunity to make an impact extolling the benefits of a BID, with more support from individuals working towards a successful BID and embracing the latest digital and social media technology.

Scrutiny Committee – Economy noted the progress and supported the contribution of £25,000 towards the cost of a business plan for the development of a City Centre Business Improvement District.

(Report circulated)

## 16 PRODUCTION OF PROMOTIONAL VIDEO

The Assistant Director Economy presented the report, and sought support for the production of a promotional video (also known as a Vodcast) which would include set-pieces in and around the city landmarks. The video would be produced to promote the advantages of the city for local and relocating businesses, and be embedded on the City Council's web site with a shorter edited version available for separate presentations. It was important to ensure that the right quality was produced to ensure the key message of Exeter as a centre of business excellence was appropriately captured. In response to Members' comments, he confirmed that, where possible, every effort would be made to use a locally based firm and ensure the video had sufficient sustainability and longevity to acknowledge any future changes in the city.

Scrutiny Committee – Economy supported the report and requested Executive to approve funding of up to £18,000 to produce a five minute video to be included on the Exeter City Council website.

(Report circulated)

## 17 PROGRESS REPORT: EHOD EMPLOYMENT AND SKILLS BOARD

The Assistant Director Economy presented the report updating Members on the activities of the Employment and Skills Board for the Exeter and Heart of Devon area and progress made getting local people into work, promoting the value of skills and supporting business growth. The Board were committed to providing good outcomes through helping people back to financial independence; reducing youth unemployment (16 – 24), and helping businesses to be more successful. The Partnership and Projects Manager, Exeter and Heart of Devon Employment and Skills Board outlined the projects and initiatives delivered so far in relation to providing the necessary skills of the current and future workforce, particularly to help retain the workforce in the local area. She also referred to the growing apprenticeship scheme and to efforts to encourage businesses to re-engage with the workforce and understand the benefits such as training could bring.

A Member expressed concern about the high level of Job Seekers Allowance (JSA) claimants in the 16 to 24 age group in Exeter, and low level of apprenticeship take up and how that could be addressed. The Partnership and Projects Manager said that the dynamic in apprenticeship take up had recently shifted, as previously there were not enough placements offered by business, but this year there were unfilled vacancies. It was thought this that could be attributed to the minimum apprenticeship wage of £2.65 per hour, which might not offer young people an incentive to be an apprentice if they could earn more in a job without training. A Member questioned why so many young people were unemployed for over 12 months and asked whether there were any surveys to find out why they disengaged. The Partnership and Projects Manager said that they would probably be on the Work Programme and have the opportunity to speak with an advisor and receive tailored support and a regular review of their needs and training. In response to a Member's question, she confirmed there were 22 partners on the Board, with approximately half of the representatives being employers including the Chamber of Commerce and the Federation of Small Business. The Strategic Director (KH) suggested that they should join up with the Exeter City Football Club as they had a number of projects to help harder to reach groups prepare for employment. The Assistant Director Economy also responded to a comment on the Gross Value Added (GVA) figure for

Exeter, which was a measure of total income or production and agreed to provide the Member more explanatory detail on this.

A Member shared his own experience of employing two apprentices and the thorny issue of low pay against the cost of formal training incurred by the employer. He would welcome more promotion of the scheme, particularly to smaller businesses and offered his support. A Member also asked if a representative from Job Centre Plus could be invited to a future meeting to explain some of the issues relating to youth unemployment and the ways in which they are being supported. The Assistant Director Economy advised that he would extend an invitation to a future meeting.

Scrutiny Committee – Economy noted the report.

(Report circulated)

## 18 **SUPPORT FOR SMALL BUSINESSES**

The Assistant Director Economy presented the report providing Members with a brief overview of provision in Exeter for business support including the contribution made by services funded by the City Council. The report also outlined the range of expertise and support across a wide spectrum of business needs including pre-start ups, start –ups and existing businesses, and the changes in delivery to assist small businesses to start up, survive and grow. A Member appreciated that there were limited resources, but suggested that this should be given a higher profile to support as many businesses as possible. The Assistant Director Economy agreed that every effort was made to collaborate with local business. A Member welcomed the continuation of this valuable service. A Member also referred to the rise in self employment and whether a proactive approach should be made to signpost available services. The Assistant Director Economy confirmed that where they were aware of redundancies, the business advisor would act on referrals and engage with that group. There was a capacity issue but every effort is made to ensure that those individuals who need the support receive it.

Scrutiny Committee – Economy:-

- (1) supported the City Council continuing funding of £42,000 and £25,000 respectively for small business support for embryonic and new businesses and social enterprises, providing opportunities for individuals to secure the means of improving their financial position in these difficult times and promoting job creation; and
- (2) agreed that officers be authorised to negotiate service level agreements for 2013/14 with Peninsula Innovations Limited and The Fruit Tree for Business for the continued delivery of services outlined in the report under the banner of Exeter Business Support.

(Report circulated)

## 19 **CHRISTMAS LIGHTS TASK AND FINISH GROUP SCOPING REPORT**

The City Centre Manager presented the report setting out the suggested scope and timescale for the establishment of a Christmas Lights Task and Finish Group to look at the future funding of City Centre Christmas lights. A Member referred to the areas around the city where a commitment to delivering Christmas lights had been made by the local traders, with Magdalen Road being a particular example. She suggested that although the focus was on Christmas lights for the city centre, at some point

other outer centre areas such as Heavitree should be acknowledged. It was noted that nominations for the Chair of the Task and Finish Group would be considered at the Task and Finish Group's first meeting.

Scrutiny Committee – Economy supported the membership and proposals for the Christmas Lights Task and Finish Group, with a final report on outputs to be made to the 30 May meeting of this Committee.

(Report circulated)

## 20 **BUDGET MONITORING REPORT TO 31 DECEMBER 2012**

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

The Assistant Director Finance presented the report advising Members of any material differences by management unit to the revised budget. The current forecast suggested that the net expenditure would decrease from the revised budget by a total of £858,350 after transfer to and from the reserves, which was a variation of 30.3% for the revised budget, and included a supplementary budget of £71,060. The current forecast variance represented a significant reduction of £399,850 in expenditure compared with the variance for Quarter 2 with Planning Services, Car Parking and the Estates Service all performing well.

A Member sought a more detailed breakdown of the budget for the city centre enhancement work particularly relating to London Inn Square. The Strategic Director (KH) confirmed that negotiations over the final figure were close to the final outturn figure previously reported, and had been updated to reflect the change in Quarter 2. He would contact the Member to provide a more detailed breakdown. A Member also clarified the income relating to the Customs House. The Senior Accountant confirmed that there was no budget, and that the income shown was for rent received.

Scrutiny Committee – Economy noted the report.

(Report circulated)

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

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

The minutes of the Exeter and Heart of Devon Growth Board held on 22 January 2013 were circulated for Members' information. The Strategic Director (KH) referred to the infrastructure and funding challenges for the delivery of the proposed South West Exeter Urban Extension. He suggested that every effort should be made to raise the profile of the Urban Extension development emulating the targeted and driven approach taken to deliver Cranbrook and ensure the best possible outcome for the area. It was suggested that key Members and officers from Exeter City Council and Teignbridge District Council should meet to discuss a unified approach to ensure the necessary investment was identified. They should also consider how to



address the best way to deal with the additional pressures on existing services such as education and transport.

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

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.30 pm

Chair

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**QUESTION FOR PORTFOLIO HOLDER  
UNDER STANDING ORDER NO.20  
SCRUTINY COMMITTEE – ECONOMY –7 MARCH 2013**

**Councillor Prowse asked the following questions in relation to an Unnamed City Car Park Station Road Exeter to which Councillor Sutton replied (*in italics*)**

**Unnamed City Car Park, Station Road, Exeter City Council**

My enquiries reveal recently we have allowed a private company to conduct enforcement in a car park we own, in effect this car park has been privatised -.

*A – Councillor Sutton stated that this particular car park did not fall within her portfolio, as it was a parks responsibility (a function that rested with Councillor Sheldon, the Portfolio Holder for Environment and Leisure) ) but having consulted Councillor Sheldon she advised that she was able to answer Councillor Prowse’s questions as far as she was able.*

a) When did this take place?

*A - A lease of the Station Road car park was granted on 3rd May 2012.*

b) Can the Portfolio Holder confirm that this subject was never dealt with by any Scrutiny Committee or Executive?

*A – This subject was not dealt with by any meeting of the Scrutiny Committee or Executive, nor would it have needed to be. The grant of a lease of land such as this would be covered by delegated powers.*

c) Do the Leader and the Chief Executive know this?

*A –The Leader and Chief Executive would be aware of the general principle of some car parks being regulated by private sector contractors as it was a long established practice.*

d) Can the Portfolio Holder explain how such a departure from known protocols of this Council happen?

*A – This was not a departure from "known protocols". The authority to grant leases is covered by delegated powers and there was a long-established operating model of using private parking contractors to manage those Council-owned parking areas that have never been part of the core car parking stock and was therefore not regulated by the Parking Places Order.*

e) Why was this car park not included in the recent Parking Places Amendment Order 2013?

*A – This car park was not included, because it has never been in the original Order and was not part of the Civil Enforcement Area.*

f) Who scrutinised the contract between ECC and the private partner?

*A – The operational requirement emanated from the Parks Department, Estates negotiated the terms and the Legal Department drew up the lease.*

g) How many times has this Council as landowner authorised a debt company to collect unpaid fines, or instruct bailiffs to collect unpaid debts ?

*A – There was no explicit authorisation of this nature In respect of this site and lease.*

- h) Has the Legal Department of this Council confirmed that all the legal documents issued by this company are correct, and in compliance with all current regulations regarding consumer protection?  
*A – The documents and compliance to regulations were, to her knowledge, correct.*

2. **Registering Unpaid Penalty Charge Notices**

Please confirm whether this Council applies in its own name to the Traffic Enforcement Centre on behalf of Devon County Council in respect of registering unpaid Penalty Charge Notices.

*A- The applicant for on-street unpaid Penalty Charge Notices is Devon County Council (with Exeter City Council), and for off-street unpaid Penalty Charge Notices, the applicant is Exeter City Council.*

3. **Supplementary Question**

Councillor Prowse referred to the unnamed car park in Station Road Park and to a previous enquiry in 2007 over concern that commuter traffic was parking all day, leaving no space for people who wanted to come and enjoy the riverside area. He accepted the stance over the lack of spending on this particular car park, but as it was now a pay and display—why had the Legal Department no knowledge of the issues persay including the signage. He suggested the company monitoring was not as it ought to be.

*A –Councillor Sutton agreed to look into this matter with Councillor Sheldon with a view to looking at the general issue of private sector enforcement in some of our car parks., She thanked Councillor Prowse for highlighting this issue.*

*Councillor Prowse thanked Councillor Sutton for her reply.*

## SCRUTINY COMMITTEE - RESOURCES

20 March 2013

### Present:

Councillor Baldwin (Chair)

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

### Apologies:

Councillors Ruffle, Bowkett and Brock

### Also present:

Chief Executive, Strategic Director (MP), Senior Auditor (HP) and Member Services Officer (SJS)

### In attendance:

Mr Nigel Timmins - Grant Thornton – Council's External Auditor's

### 9 **Minutes**

The minutes of the meeting held on 23 January 2013 were taken as read and signed by the Chair as correct.

### 10 **Declarations of Interest**

No disclosable pecuniary interests were declared.

### 11 **Audit Progress Report**

Nigel Timmins from the Council's External Auditors, Grant Thornton presented the Audit Progress Report.

Members were updated on the progress as at February 2013 and national emerging issues and developments which may be relevant to the Council.

In response to Members, Mr Timmins advised that the Council would need to consider how the Local Government Finance Act could impact on the Council.

The Strategic Director clarified that work was on-going looking at the function of Audit within the Council and a report on the way forward would be presented to Executive in due course.

The Chair thanked Mr Timmins for his presentation.

Members noted the report.

(Report circulated)

## **PERFORMANCE MANAGEMENT**

### **12 AIM Property Maintenance Progress report 2012/13**

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

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

(Report circulated)

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

### **13 Overview of Capital Expenditure 2012/13**

Councillor Branston declared an interest as a Trustees of Exeter Canal & Quay Trust.

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

Members were advised of the budget of £25,000 for the upgrade of the PARIS system this was required to ensure that the system met regulatory payment industry standards.

The Assistant Director Finance stated that the revised capital programme for the current financial year was £20.101 million and that during the first nine months of the year the Council spent £11.119 million on the programme, which equated to 55.32% of the revised programme.

In response to Members, the Strategic Director clarified that whilst the review of the IT Services was being undertaken only essential works would be undertaken in respect of IT systems.

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

(Report circulated)

### **14 Overview of General Fund Revenue Budget 2012/13**

The Assistant Director Finance presented the report to advise Members of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account after nine months, for the 2012/13 financial year.

Members were advised of the main variances within the Scrutiny Committees budgets, the Housing Revenue Account budget, outstanding sundry debt and creditor payments performance.

The Assistant Director Finance clarified that the debt over 30 days old had decreased over the year from £1.875m to £1.805m a reduction of £70,000, whilst there were no concerns regarding the increase in the debt under 29 days this would continue to be

monitored. The surplus in the Council Own Build budget was due to a savings in employee and repair and maintenance costs.

The Scrutiny Committee - Resources supported the report and recommended approval by Council of 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 December 2012; and
- (4) creditors' payments performance.

(Report circulated)

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

### **15 Budget Monitoring Report to 31 December 2012**

The Assistant Director Finance presented the report advising Members of any material differences by management unit to the revised revenue budget. The current forecast suggested that net expenditure for this committee would increase from the revised budget by a total of £161,250 before transfers to and from reserves.

The Assistant Director stated that the savings in the training budget had been a result of centralising this budget. Members raised the potential merger of Devon and Somerset County Council's Trading Standards functions to save on running costs.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

### **16 Internal Audit Plan 2013/14**

The Senior Auditor (HP) presented the 2013/14 Internal Audit Plan. The fundamental systems were audited on an annual basis using the Council's 'Enhanced Systems Based Auditing control matrices' testing papers, whilst the remaining 'non-fundamental' systems would be audited either biennially for medium risk systems or once during the four-year cycle for low risk systems. The two main risk areas were Housing and Housing Benefits.

The Senior Auditor clarified that should a risk assessment find that there was an increase in risk, then that area of work would be allocated additional days within the Audit Plan.

The Scrutiny Committee – Resources noted the Internal Audit Plan 2013/14.

(Report circulated)

### **17 Internal Audit Work 2nd Half year 2012/13**

The Senior Auditor (HP) presented the report to advise the Committee of the work undertaken by the Internal Audit Unit.

The Senior Auditor advised that all the recommendations in respect of the audit of computers were in relation to the administration of the helpdesk, they were all agreed.

The Scrutiny Committee – Resources noted the Internal Audit Work for the 2nd Half year of 2012/13.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.15 pm

Chair



## **STANDARDS COMMITTEE**

Wednesday 13 March 2013

### Present:

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

### Also present:

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

### 1 **MINUTES**

The minutes of the meeting held on 28 November 2012 were taken as read, and signed by the Chair as a correct record.

### 2 **DECLARATIONS OF INTEREST**

No disclosable pecuniary interests were declared.

### 3 **CODE OF CONDUCT TRAINING**

The Corporate Manager Legal and Monitoring Officer referred to the recent changes in the standards regime as a result of the Localism Act 2011. She also referred to a presentation made to Members on the provisions of the Exeter City Council's Code of Conduct. Members had a mandatory duty to declare their interests on the Register of Interests which had to be available for public inspection and published on the City Council's web site. The main provisions and categories of the Disclosable Pecuniary Interests (DPI's) and Other Interests were outlined. DPI's included any interest relating to a Member's spouse/civil partner or any person with whom the Member is living with as a husband, wife or partner. There were serious consequences for failing to register an interest including prosecution and, a fine of up to £5,000 and disqualification.

The main categories of a DPI related to:-

- Employment, office, trade profession or vocation
- Sponsorship
- Contacts for goods, works or Services with the Council
- Landholdings in the area
- Licences
- Corporate tenancies
- Securities – interests in companies

The category of 'Other interests' applied where the subject matter under debate related to the well being or financial position of the Member, friend, relative or close associate where a member of the public, knowing the relevant facts, would reasonably think the interest was likely to affect Members' judgment of the public interest. There were similar consequences in failing to declare an 'Other Interest', a Member, the subject of a complaint and /or potentially having failed to comply with the Council's Code of Conduct, could be referred to the Group Leader and removed from a particular Committee.

**RESOLVED** that Members note the presentation.

### **GENERAL DISPENSATIONS**

The Corporate Manager Legal and Monitoring Officer presented a report which outlined the position where, in certain circumstances, a dispensation may be granted to a Member to permit them to take part in the business of the Council even if the Member had a disclosable pecuniary interest relating to that business. Those circumstances relate to when the Council considers that without the dispensation, representation of different political groups dealing with that business would be so unbalanced as to alter the likely outcome of any vote. A guidance note on the General Dispensations granted to all Members and an application for a Dispensation request which would be granted by the Monitoring Officer in consultation with the Chair of Standards Committee was attached to the report.

**RESOLVED** that Members note the report, and, in particular, the General Dispensations granted to all 40 Members of Exeter City Council for the period 25 February 2013 to 24 February 2017 inclusive, allowing them to take part in specific areas of the business of the Council as set out in Appendix 2 of the circulated report.

(Report circulated)

### **RECRUITMENT ARRANGEMENTS FOR INDEPENDENT PERSONS**

The Corporate Manager Legal and Monitoring Officer referred to the Localism Act 2011, which introduced a new regime for Councils to promote and maintain high standards of conduct amongst Elected Members and Co-opted Members. This included having in place a process for dealing with complaints made under the Council's Code of Conduct. The new legislation provided for a change of emphasis away from the imposition of sanctions and more towards finding agreed resolutions to instances where there had been poor conduct by Elected Members. Councils were required to appoint one or more Independent Persons and involve them in the consideration, taking their views into account over any allegation that an Elected Member had breached the Code of Conduct. Two Independent Persons had been recruited in 2012 as part of the transitional arrangements, but a formal recruitment of two Independent Persons was now required.

A sample recruitment pack was circulated at the meeting for Members' information and comment. It was anticipated that, following a period of recruitment, two Independent Persons would be appointed for a period of four years. The voluntary positions would be advertised through the Chamber of Commerce bulletin, Exeter Volunteer Centre's web site and the City Council's web site.

**RESOLVED** that following the successful recruitment of the two Independent Persons, the appointment be confirmed at the Annual Meeting of Council in May.

(The meeting commenced at 4.30 pm and closed at 5.25 pm)

Chair

## EXECUTIVE

Tuesday 19 March 2013

### Present:

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

### Also present:

Chief Executive, Strategic Director (MP), Assistant Director Business Transformation, Assistant Director Economy, Assistant Director Environment, Assistant Director City Development, Assistant Director Housing and Contracts, Projects and Business Manager and Member Services Manager

24

### MINUTES

The minutes of the meetings of the Executive held on 22 January and 5 February 2013 were taken as read and signed by the Chair as a correct record.

25

### DECLARATIONS OF INTEREST

No declarations of interest were made.

26

### MAJOR GRANTS AND NEW HOMES BONUS PANEL

The minutes of the meetings of the Major Grants and New Homes Bonus Panel held on 21 and 28 February and 8 March 2013 were submitted.

The comments of the Scrutiny Committee – Community on 5 March 2013 on Community Grants 2012/13 and members' support for the Panel's recommendation on the item were noted.

Executive members welcomed the significant investment in community initiatives enabled by the use of the New Homes Bonus Local Infrastructure Fund and acknowledged the huge voluntary effort which made these projects viable.

**RESOLVED** that the minutes of the Major Grants and New Homes Bonus Panel held on 21 and 28 February and 8 March 2013 be received and, where appropriate, adopted.

(Minutes circulated)

27

### NEW HOMES BONUS LOCAL INFRASTRUCTURE FUND CRITERIA

The report of the Projects and Business Manager was submitted, beginning the review of eligibility and evaluation criteria for the New Homes Bonus Local Infrastructure Fund.

**RESOLVED** that Executive note and support the revised criteria recommended by the Major Grants and New Homes Bonus Panel in the following terms:

- Upper limit should remain as 20% of the fund for the year (and therefore currently £50,000 per application); in practice there is only £32,240 left for 2013/12
- Applications should be limited to one financial year at a time.
- Repeat bids for the same project should continue to be allowed, but continuing support for existing projects needs to be balanced with support for worthwhile new projects.
- Revenue bids should continue to be allowed, but only in exceptional circumstances and time limited (normally for one year only).
- Areas of the city with significant past or future growth will be favoured.
- Projects will be expected to secure significant funding from other sources.
- Joint projects will be favoured, for example whereby two or more organisations pool their resources to provide or improve a joint facility.
- County Council functions (e.g. highway works) will not be eligible. City Council functions (especially community facilities) will continue be eligible, although not normally for something that should be provided as part of ordinary service delivery.
- Projects for which a more suitable funding stream exists (eg. arts or rent grants) will not normally be eligible, regardless of whether money is actually available from that source.

(Report circulated)

28

### **SUSTAINABLE TRANSPORT SUPPLEMENTARY PLANNING DOCUMENT**

The report of the Projects and Business Manager was submitted, informing Members of the outcome of the consultation on a draft Supplementary Planning Document (SPD) on sustainable transport, which was carried out in November and December 2012. It recommended adoption of a revised draft as part of the Council's Local Development Framework (LDF), and revocation of the Supplementary Planning Guidance (SPG) on car clubs which had been superseded by the new SPD. The support of the Planning Member Working Group for the document was reported.

Executive was pleased to note that 24 responses had been received and none of the comments had challenged the desirability of promoting sustainable transport. Members thanked officers, particularly the Projects and Business Manager, for the significant effort that had gone into the production of the comprehensive Supplementary Planning Document and its adoption process.

**RESOLVED** that:-

- (1) the revised draft Sustainable Transport SPD be approved and adopted as part of the Local Development Framework; and
- (2) the Supplementary Planning Guidance on Car Clubs be revoked.

(Report circulated)

29

### **EXTENDED OPENING FOR CIVIC CENTRE-BASED COUNCIL SERVICES**

The report of the Assistant Director Business Transformation was submitted, seeking to inform Members about the arrangements for extending the availability of a wider range of the Council's services by making them available until 7pm on a Thursday via telephone and the Customer Service Centre. The report also sought approval to a budget to facilitate this extension to some Civic Centre-based services' open hours.

The Assistant Director Business Transformation reported that the lessons learned during the previous extended opening pilot scheme had been used to inform proposals for this new trial. This included the proposal for a wider range of services to be available during the extended hours.

Members welcomed the proposal which enhanced the availability of Council services, particularly for customers who found them difficult to access in traditional working hours. They commented on the responsive and helpful manner of Council staff to requests and queries from the public.

**RECOMMENDED** to Council that:-

- (1) the actions being taken to implement the Pilot Extended Hours Opening on Thursdays be noted;
- (2) the creation of a budget of £50,000 which includes an allowance for contingencies be approved; this will be used to support the implementation of the six-month pilot, funding in the main the costs of overtime as well as publicity; and
- (3) a review of the success of the initiative be reported back to Executive six months after its implementation.

(Report circulated)

30

### **CHARGING PROTOCOL FOR WASTE RECEPTACLES**

The report of the Assistant Director Environment was submitted. Following a review of chargeable services, a set of fees and charges had been agreed by Council on 26 February 2013 to cover the provision of refuse containers to domestic premises from 1 April 2013. The report gave options in which to apply a charge and, dependent on the option taken, sought agreement to the adoption of a charging protocol in response to circumstances where it may be in the public interest to waive or reduce some of these changes.

Scrutiny Committee – Community considered the report at their meeting of 5 March 2013 and the comments and support of members for the preferred option were noted.

Whilst some concerns were expressed by members about the principle of introducing charges for the service, Executive supported the modest charges proposed. Members acknowledged the continuing increase in recycling waste and hoped that the proposals would further encourage this trend and reduce demand for replacement bins.

**RESOLVED** that charges be introduced as set out in Appendix 1 of the report, in respect of newly developed or converted dwellings only (Option A) in combination with applying a delivery charge set out in Appendix 2 of the report for all other requests for waste receptacles (Option B).

(In accordance with Standing Order 43, Councillors Mrs Henson and Fullam requested that their names be recorded as having voted against the recommendation.)

(Report circulated)

**ENERGY WORKS 2013/14**

The report of the Assistant Director Housing and Contracts was submitted, seeking approval for undertaking energy saving works on the housing stock.

Scrutiny Committee – Community considered the report at its meeting of 5 March and the comments and support of members were noted.

Members welcomed the proposed measures to further improve the condition of the Council's housing assets whilst reducing carbon emissions and potentially decreasing energy costs for tenants. They considered the proposed works would be of benefit to tenants and the environment and would raise awareness of energy use as well as reducing consumption.

**RESOLVED** to commit:

- (1) the allocated Energy works budget for 2013/14, any under-spend from the 2012/13 budget, Feed In Tariff (FIT) payments and any grant income received from energy efficiency works to install photovoltaic arrays to as many properties at Hawthorn Road as possible, in conjunction with the re-roofing programme;
- (2) £40,000 from a combination of existing budgets to undertake a trial retro-fit to improve thermal efficiency at two properties identified at Shakespeare Road; and
- (3) £31,200 from the Communal Areas budget for upgrading the window glass on 48 flats, in conjunction with the external rendering programme works.

(Report circulated)

**EMPTY HOMES ENFORCEMENT**

The report of the Assistant Director Housing and Contracts was submitted, seeking to approve a systematic approach to tackling long term empty homes in the city and the use of enforcement powers where required to ensure empty homes are returned back into use.

The Assistant Director Housing and Contracts reported that, compared to similar areas, the Council already had a good track record in tackling empty properties. Nevertheless in February 2013, there were 310 long term empty properties on the Council Tax Class C list, with 77 having been empty for longer than 12 months.

Executive welcomed the robust approach proposed. Members felt strongly that long term empty properties were a waste of a valuable housing resource, particularly in areas of high housing demand like Exeter. They acknowledged that unoccupied properties rapidly fell into disrepair and neglect, frequently becoming a blight on the neighbourhood by attracting anti-social behaviour, fly-tipping and vermin. They were assured that all possible measures to encourage the re-use of properties would continue to be taken and that Compulsory Purchase Orders would only be used as a last resort. They hoped that the power to compulsorily purchase properties would in itself act as an incentive to property owners to bring properties back into use.

Scrutiny Committee – Community considered the report at its meeting of 5 March and the comments and support of members were noted.

**RESOLVED** that:-

- (1) the Empty Homes Enforcement Policy attached at Appendix 1 to the report be approved;
- (2) the use of New Homes Bonus to fund enforcement action on empty properties in exceptional circumstances be authorised where external services are required, to a maximum of £20,000 over the next three years;
- (3) the use of New Homes Bonus in exceptional circumstances be authorised to fund the purchase of an empty property to a maximum of £300,000 per property; and
- (4) the Assistant Director Housing and Contracts, in consultation with the Portfolio Holder for Housing and Community Involvement, be authorised to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use.

(Report circulated)

33

### **PREPARATION OF KNOWLEDGE ECONOMY STRATEGY 2013-2018**

The report of the Assistant Director Economy was submitted, seeking support for the preparation of a strategy and action plan setting out how the City's economy could benefit from focussing on the development and attracting of science and technology organisations, creating high quality employment.

Scrutiny Committee – Economy considered the report at its meeting of 7 March and the support and comments of members were noted.

Executive welcomed the preparation of the strategy and action plan, acknowledging that support for the growth of higher value jobs was an essential element in the future success of the City. They endorsed the need to take specialist advice to enable the City to take full advantage of potential opportunities to grow the City's knowledge economy.

**RESOLVED** that a strategy be developed to promote the further development of the City's knowledge economy and funding of up to £20,000 be approved to secure specialist advice to prepare the strategy.

(Report circulated)

34

### **CITY CENTRE BUSINESS IMPROVEMENT DISTRICT**

The report of the Assistant Director Economy was submitted proposing City Centre support and funding towards the costs of establishing a City Centre Business Improvement District (BID).

Scrutiny Committee – Economy considered the report at their meeting of 7 March 2013 and the comments and support of members were noted.

Executive noted the attendance of Sarah Bond, Chair of Exeter Chamber of Commerce at the Scrutiny Committee and were pleased to note the strong support of the Chamber for the second BID proposal. Executive emphasised the importance of a successful collaboration with the business sector for the future prosperity of the City and hoped for a successful outcome to the second BID ballot.

**RESOLVED** that:-

- (1) support for the development of the City Centre Business Improvement District proposal be confirmed; and
- (2) up to £25,000 towards the costs of the preparation of the BID Business Plan, and for the holding of the ballot, be approved, subject to an appropriate proposal being brought forward.

(Report circulated)

35

### **PRODUCTION OF PROMOTIONAL VIDEO**

The report of the Assistant Director Economy was submitted, seeking support for the production of a promotional video (also known as a Vodcast) that will appear on Exeter City Council's website and be available in an edited format for personal presentations.

Scrutiny Committee – Economy considered the report at its meeting of 7 March 2013 and members' support for the initiative was noted.

Executive supported the production of a video as a further tool in the range of marketing activities to promote the city for investment and to continually raise its profile. Members endorsed the request of Scrutiny Committee – Economy that efforts should be made to ensure the video had sufficient sustainability and longevity to acknowledge future changes in the city.

**RESOLVED** that:-

- (1) a video be produced to promote the advantages of the city for local and relocating businesses; and
- (2) funding of up to £18,000 be approved to produce a 5 minute video to be included on the Exeter City Council website and a shorter edited version to be available for separate presentations.

(Report circulated)

36

### **EXETER ST JAMES FORUM NEIGHBOURHOOD PLAN**

The report of the Assistant Director City Development was submitted, informing Members about the outcome of the Exeter St James Neighbourhood Plan examination, seeking agreement to the Council's response to the Examination report and to grant delegated powers to take the process forward to referendum.

Executive congratulated the Exeter St James Forum, together with all the members and officers involved in the process, on the impressive progress made so far in producing a Neighbourhood Plan. Members were pleased to note that they were second in the country, and the first urban forum to pass independent examination, despite being in the fourth round of communities receiving funding to progress their plans.



In response to members' concerns regarding the importance of effective publicity for the referendum, the Assistant Director City Development informed members of the documentation that was being produced to publicise the vote, including the delivery of leaflets to households in the ward.

**RESOLVED:-**

- (1) that all of the recommendations made by the Independent Examiner in his report submitted to the Council on 15 February 2013 be accepted, and that the reasoning of the Independent Examiner in arriving at those recommendations be adopted in full;
- (2) that the modifications to the draft Exeter St James Neighbourhood Plan referred to in paragraph 4.2 of the committee report shall be made to ensure that the draft plan meets the basic conditions;
- (3) that the modifications to the draft Exeter St James Neighbourhood Plan referred to in Appendix C of the committee report shall be made for the purpose of correcting errors;
- (4) that it is satisfied that the Exeter St James Neighbourhood Plan as so modified:
  - (a) meets the basic conditions (as set out in Schedule 4B to the Town and Country Planning Act 1990);
  - (b) is compatible with the Convention rights (within the meaning of the Human Rights Act 1998); and
  - (c) complies with the provision concerning neighbourhood development plans made by or under Section 38A and 38B of the Planning and Compulsory Purchase Act 2004;
- (5) that the decision statement to publicise the result of the Exeter St James Neighbourhood Plan examination be issued on 20 March 2013 in the form, or substantially in the form, of the draft decision statement at Appendix D of the report;
- (6) to proceed to carry out a referendum on the Exeter St James Neighbourhood Plan as so modified, and for that purpose to issue the information statement in the form, or substantially in the form, of the draft information statement at Appendix E of the report, together with the specified documents referred to in paragraph 6.2 of the report, on 21 March 2013;
- (7) that it is not appropriate to extend the area in which the referendum is to take place beyond the existing designated Exeter St James Neighbourhood Area;
- (8) to authorise the Assistant Director City Development, the Electoral Services Manager or other appropriate officers to undertake all necessary action to proceed with the referendum and (if more than half of those voting in the referendum vote in favour of the plan) to seek adoption of the draft Exeter St James Neighbourhood Plan by full Council.

(Report circulated)

37

### **LORD MAYORALTY**

Councillor Rachel Lyons was nominated as Lord Mayor Elect and Councillor Rob Hannaford as Deputy Lord Mayor Elect for the 2013/14 Municipal Year.

**RECOMMENDED** to Council that Councillor Lyons be nominated as Lord Mayor Elect and Councillor Hannaford as Deputy Lord Mayor Elect for the 2013/14 Municipal Year.

38

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

The schedule of appointments to outside bodies was circulated.

**RESOLVED** that the appointment of existing representatives on the Exeter Municipal Charities (Church List) and Wessex Reserve Forces and Cadets Association – Devon Committee, as set out on the schedule, be renewed for a further term.

(Schedule circulated)

39

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

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

40

### **EXETER SCIENCE PARK**

The report of the Strategic Director (KH) was submitted, providing an update on progress being made to develop the Exeter Science Park, and seeking approval for a variation in the financial arrangements as set out and agreed by Executive at its meeting on 18 September 2012.

The Assistant Director Economy reported that all partners involved in the development of the Science Park were working hard to finalise outstanding agreements in order to proceed to tender for its construction at the earliest opportunity.

**RECOMMENDED** that Council:-

- (1) approves the commitment to provide a guarantee to the Exeter Science Park Company to underwrite the loan sought from the Growing Places Fund up to a maximum sum of £1,254,000 in proportion with our share holding and on the understanding that all other partners commit funds on the same basis with eventual reimbursement from the development account; and
- (2) delegate authority to the Chief Executive in consultation with the Leader of the Council to enter into the Further Agreement once the terms of the operational and strategic business plans for the Exeter Science Park Company have been agreed by the Exeter Science Park Partnership.

(Report circulated to Members)

41

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

**RESOLVED** that the minutes of the Exeter and Heart of Devon Growth Board meeting held on 22 January 2013 be noted.

(Minutes circulated to Members)

42

**EVOLUTION OF THE COUNCIL'S TOP MANAGEMENT STRUCTURE**

The Chief Executive and all remaining officers, other than the Member Services Manager, left the meeting during the consideration of this item.

Martin Denny, Principal Consultant of the Local Government Association (LGA) attended the meeting and presented his report. The LGA had previously worked with the Council on the major senior management restructuring and recruitment process which took place in 2011/12. It had subsequently been asked to support the Council in considering further potential changes to the Council's senior management structure.

Martin Denny reported that the new structure agreed in October 2011 had proved effective and able to cope with the demands placed upon it. Over the last two years there had been a gradual assimilation of a systems-thinking approach across the Council and a different cultural approach to the organisation and management of its services. In this context, further reductions to the top management structure were being proposed to reflect these changes and enable an early release of further cost savings without impact on frontline services.

Executive members accepted that a further streamlining of the top management structure would assist in the new ways of working and delivery of the priorities and purposes of the Council.

**RECOMMENDED** to Council that:-

- (1) the proposal to replace the current top management structure of Chief Executive and two Strategic Directors with two new posts of Chief Executive & Growth Director and Deputy Chief Executive, be approved, as described in section 4 of the report;
- (2) the new Chief Executive & Growth Director post relinquish the current Chief Executive's roles of Returning Officer and Electoral Registration Officer and these roles be transferred to the current holder of the post of Corporate Manager for Democratic and Civic Support; and
- (3) the proposals for implementation of these changes, as described in section 5 of the report, be approved and a further report be submitted to Executive on 9 April 2013.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.05 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 23 April 2013.**

## EXECUTIVE

Tuesday 9 April 2013

### Present:

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

### Apologies:

Councillor Fullam

### Also present:

Chief Executive, Strategic Director (KH), Strategic Director (MP), Assistant Director Finance, Corporate Manager - Legal, Corporate Manager Democratic and Civic Support, HR Business Manager and Member Services Manager

43

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

44

### OVERVIEW OF CAPITAL EXPENDITURE 2012/13

The report of the Assistant Director Finance was submitted, reporting on 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.

Members were advised that the revised capital programme for 2012/13 was £20.101 million. During the first nine months of the year the Council had spent £11.119 on the programme, which equated to 55.32% of the revised programme. The Assistant Director Finance identified the main variances, achievements and issues which had affected the programme. He drew attention to the requirement to replace the PARIS Income Management System which no longer met regulatory payment industry standards and was being withdrawn at the end of the year.

Councillor Brock attended the meeting and spoke on this item under Standing Order 44. In response to her enquiry regarding the current position on the conversion of 22 St David's Hill, the Portfolio Holder Housing and Community Involvement reported that a meeting was due to take place with ward Councillors later that week.

The Strategic Director (KH) undertook to confirm the latest position with regard to the CCTV camera which was part of the Well Oak Footpath scheme.

Scrutiny Committee – Resources considered the report at their meeting of 20 March 2013 and its support was noted.

**RECOMMENDED** to Council that:-

- (1) the request for additional funding of approximately £25,000 to upgrade the PARIS Income Management System be approved; and
- (2) the report be noted.

(Report circulated)

### **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2012/13**

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

The Assistant Director Finance reported on the main variances affecting expenditure. He reported the forecast reduction in Service Committee net expenditure for 2012/13 which totalled £299,470 and the forecast General Fund and Housing Revenue Account working balances.

Scrutiny Committee – Resources considered the report at their meeting on 20 March 2013 and their comments were noted.

Executive was pleased to note the forecast underspend on Service Committee budgets. Members also welcomed the reduction in the Council's sundry debts over 30 days old. The Assistant Director Finance undertook to provide members with more detail in respect of the outstanding debt on trade waste.

**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 December 2012; and
- (4) the creditors' payments performance.

(Report circulated)

### **REPORT OF THE SCRUTINY REVIEW MEMBER WORKING GROUP**

The report of the Scrutiny Review Member Working Group, on the operation of the scrutiny function within the Council, was submitted. The cross-party Working Group had been established by Council on 16 October 2012.

Councillor Margaret Baldwin, Chair of the Working Group, presented the report. She informed Executive of the background to the review, the issues and options explored by the Working Group, the conclusions reached and the recommendations made. She acknowledged the contribution of all members and officers who had participated in the review.

Executive recorded their appreciation to the members of the working group and those officers who had supported it, for their comprehensive review of the operation of the scrutiny function within the Council. They welcomed the proposal for an independent Audit and Governance Committee reporting directly to Council.

Members acknowledged that the Council's constitution already provided a range of powers to facilitate effective scrutiny and emphasised the importance of providing training for members in order to ensure that these were more fully utilised. They welcomed the proposal to formulate an annual, more outwardly focussed, scrutiny work programme and the prioritisation of business at Scrutiny Committee meetings.

They acknowledged the successful operation of Task and Finish Groups and supported their continuation. They agreed that the establishment of a Scrutiny Programme Officer post within the new Democratic Services team was integral to the successful implementation of the proposals.

The Leader endorsed the need for greater clarity in the presentation of information, particularly financial data, in Committee reports and the importance of developing members' expertise to enable them to make informed decisions. The Strategic Director (MP) proposed that the presentation and monitoring of information would in itself be an appropriate subject for a scrutiny review.

**RECOMMENDED** to Council:-

- (1) to support the principles for the effective operation of the scrutiny function as set out in paragraph 4.3 of the report, including appropriate training events which members would be expected to attend;
- (2) to agree the establishment of an Audit and Governance Committee with effect from 15 May 2013, with the terms of reference set out in Appendix 1 of the report, and the deletion of the existing Final Accounts Committee and Standards Committee;
- (3) to approve the payment of a Special Responsibility Allowance of £2,237 per annum to the Chair of the Audit and Governance Committee, with effect from 15 May 2013;
- (4) to agree the terms of reference for the three Scrutiny Committees as set out in Appendix 2 of the report;
- (5) to agree the reporting lines to the Scrutiny Committees and the Audit and Governance Committee, as set out in Appendix 3 of the report;
- (6) to delegate to the Corporate Manager Democratic and Civic Support all consequential amendments required to the Constitution;
- (7) to agree the establishment of a part-time Scrutiny Programme Officer post in Democratic Services as set out in paragraph 6 of the report; and
- (8) to review the operation of the new arrangements approximately one year after implementation.

(Report circulated)

47

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

The schedule of appointments to outside bodies was circulated.

**RESOLVED** that Councillor Baldwin be appointed as the Council's representative on the Exe Estuary Management Partnership; and

**RECOMMENDED** that appointments to the following organisations be made at Council:

- The Exeter Municipal Charity
- The Exeter Phoenix Arts Centre Board

(Schedule circulated)

48

### **ANNUAL PAY POLICY STATEMENT**

The report of the Human Resources Business Manager was submitted seeking approval to the Council's annual Pay Policy Statement 2013/14 in line with legislative requirements. The Chair agreed to accept consideration of the item as a matter of urgency since local authorities are required by Section 38(1) of the Localism Act 2011 to produce a pay policy statement on an annual basis.

**RECOMMENDED** to Council that the Pay Policy Statement 2013/14 and Appendix be adopted and published in accordance with legislation.

(Report circulated)

49

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

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

50

### **EXETER SCIENCE PARK CENTRE**

The Chair agreed to accept consideration of this item as a matter of urgency in view of the need to finalise negotiations between the Exeter Science Park Company (ESPC) and the Local Enterprise Partnership (LEP) on the terms of the Growing Places Fund loan to enable the Science Park Centre to be built.

The report sought approval for a small variation to the conditions of the Council's support for the project, as recommended by Executive on 19 March 2013 to Council. The Chief Executive reported that the other partners of the Exeter Science Park Company had accepted the variation.

**RECOMMENDED** to Council to accept the City Council being jointly and severally liable with its partners in committing to underwrite the Growing Places Fund loan from the Local Enterprise Partnership, in support of securing the building of the Exeter Science Park Centre.

(Report circulated to Members)

51

### **EVOLUTION OF THE COUNCIL'S TOP MANAGEMENT STRUCTURE**

The Chief Executive and all remaining officers, other than the Human Resources Business Manager and the Member Services Manager left the meeting during consideration of this item.

Martin Denny, Principal Consultant of the Local Government Association (LGA) attended the meeting and presented the report which informed members of the outcome of processes put in place following consideration of changes to the Council's senior management structure by Executive on 19 March. The LGA were supporting the Council in considering and implementing further changes, having previously worked with the Council on the major senior management restructuring and recruitment process which took place in 2011/12.



Executive supported the proposals set out in the report.

**RECOMMENDED** to Council that:-

- (1) the request for voluntary redundancy by the Chief Executive, in accordance with paragraphs 4.1 and 4.2 of the report, and the terms and conditions of the Council's Organisational Change Policy, be approved with an effective date of 31 July 2013;
- (2) the proposed arrangements for recruiting to the two new posts of Chief Executive & Growth Director and Deputy Chief Executive, as described in paragraphs 4.3 to 4.5 of the report, be approved; and
- (3) the names of the members constituting the Recruitment Panel, as described in paragraph 4.4 of this report and including Councillor Mitchell as the Liberal Democrat Group representative, be agreed.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.25 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 23 April 2013.**

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# 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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