



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 15 OCTOBER 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 Ordinary and Extraordinary meetings held on 16 July 2013.	5 - 10
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 22 July 2013	11 - 18
4 Planning Committee - 2 September 2013	19 - 24
5 Planning Committee - 30 September 2013	25 - 38
6 Licensing Committee - 23 July 2013	39 - 40
7 Licensing Committee - 24 September 2013	41 - 44
8 Scrutiny Committee - Community - 3 September 2013	45 - 56
9 Scrutiny Committee - Economy - 5 September 2013	57 - 66
10 Scrutiny Committee - Resources - 18 September 2013	67 - 70
11 Audit and Governance Committee - 26 September 2013	71 - 74
12 Executive - 17 September 2013	75 - 84
13 Executive - 1 October 2013	85 - 90

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

Office of Corporate Manager Democratic & Civic Support			
Civic Centre, Paris Street, Exeter, EX1 1JN	Tel: 01392 277888	Fax: 01392 265593	<a href="http://www.exeter.gov.uk">www.exeter.gov.uk</a>

Notice of Motion

14 Notice of Motion by Councillor Bull under Standing Order No. 6.

The Council notes:-

- (1) already one in four households in the UK are in fuel poverty, meaning they need to spend more than 10% of their income on keeping their homes warm. The problem is likely to get worse, with one in three households projected to be in fuel poverty by 2016;
- (2) the main reasons for this crisis are that gas, oil and coal prices are high and the UK's homes are some of the most energy inefficient in Europe – leaking heat from their doors, walls and windows;
- (3) cold homes are damaging the health of vulnerable members of society, including children, older people and people with disabilities. Diseases such as asthma are made worse and people are more likely to have strokes and heart attacks. Illnesses caused by cold homes cost the NHS nearly one billion pounds each year; and
- (4) over the next 15 years the Government will raise an average of £4 billion every year in carbon taxes through the European Emissions Trading Scheme and the Carbon Floor Price. Re-cycling this revenue back into households could bring nine out of ten homes out of fuel poverty, lower people's bills, cut carbon emissions and create jobs.

The Council therefore resolves to:-

- (1) support the Energy Bill Revolution campaign calling for the Government to re-cycle revenues from carbon taxes into improving the energy efficiency of UK homes; and
- (2) notify local Members of Parliament of its support for the campaign and urge them to support the campaign by emailing [MPsupporters@energybillrevolution.org](mailto:MPsupporters@energybillrevolution.org).

Date: 8 October 2013

Karime Hassan  
Chief Executive &  
Growth Director

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



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## THE MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 16 July 2013

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

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### MINUTES

The minutes of the Ordinary Meeting held on 23 April 2013 and the Annual Meeting held on 14 May 2013 were taken as read and signed as a correct record.

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### OFFICIAL COMMUNICATIONS

Councillor Prowse presented a petition from A Torsiello Rosticceria Italia with 496 signatories objecting to the recent price increase at Magdalen Road car park and future disproportional parking charges increases. Whilst the petition supported the need to reduce pollution from cars in the city, the fear was that this charge increase was driving the regular visitors out of the city for the motor car is a necessity and not a luxury and this was to the detriment of the local business. The petition was referred to the Scrutiny Committee – Economy.

The Lord Mayor announced that the Freedom of the City had been conferred on Tim Michael Sanders of a hereditary title. His father and great grandfather having been similarly honoured.

25

### PLANNING COMMITTEE - 15 APRIL 2013

The minutes of the Planning Committee held on 15 April 2013 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 15 April 2013 be received.

26

### PLANNING COMMITTEE - 20 MAY 2013

The minutes of the Planning Committee held on 20 May 2013 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 20 May 2013 be received.

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### PLANNING COMMITTEE - 24 JUNE 2013

The minutes of the Planning Committee held on 24 June 2013 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 24 June 2013 be received.

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**PLANNING COMMITTEE - SPECIAL - 8 JULY 2013**

The minutes of the Planning Committee - Special held on 8 July 2013 were presented by the Chair, Councillor Bialyk and taken as read.

In relation to Minute 64 (Planning Application No.13/3219/03 – Former Foxhayes Primary School) the Chair clarified that the Planning Committee had taken into account relevant material planning considerations when making a decision on this application.

**RESOLVED** that the minutes of the Planning Committee - Special held on 8 July 2013 be received.

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**SCRUTINY COMMITTEE - COMMUNITY - 28 MAY 2013**

The minutes of the Scrutiny Committee - Community held on 28 May 2013 were presented by the Chair, Councillor Shiel and taken as read.

In respect of Minute 27 (Portfolio Holder's priorities for the Forthcoming Year) the Portfolio Holder for Environment stated that it was the intention to extend the Taxi Marshall scheme which would be progressed in the coming months.

**RESOLVED** that the minutes of the Scrutiny Committee - Community held on 28 May 2013 be received.

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**SCRUTINY COMMITTEE - ECONOMY - 30 MAY 2013**

The minutes of the Scrutiny Committee - Economy held on 30 May 2013 were presented by the Chair, Councillor Leadbetter and taken as read.

In relation to Minute 25 (Portfolio Holders Priorities for the Forthcoming Year) the Portfolio Holder for Economy and Culture stated that whilst she shared the local ward member's frustration with the slow progress of the Heavitree improvements, work was continuing to take forward this project. The City Centre Strategy, once in place, would also include the consideration of district shopping centres.

**RESOLVED** that the minutes of the Scrutiny Committee - Economy held on 30 May 2013 be received.

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**SCRUTINY COMMITTEE - RESOURCES - 19 JUNE 2013**

The minutes of the Scrutiny Committee - Resources held on 19 June 2013 were presented by the Chair, Councillor Baldwin and taken as read.

In relation to Minute 20 (Leader and Portfolio Holder Priorities for the Forthcoming Year) there was some discussion regarding the tabling of Portfolio Holders Reports at the meeting and how this restricted Members of the Committees ability to respond to their contents.

The Portfolio Holder for Customer Access acknowledged that there was a problem with the phones lines to Exton Road and that it was the intention to move all enquiries to the Civic Centre as soon as possible.

The Leader advised that it was proposed to increase all the Council's lower spinal levels of salary to meet the living wage.

**RESOLVED** that the minutes of the Scrutiny Committee - Resources held on 19 June 2013 be received.

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**AUDIT AND GOVERNANCE COMMITTEE - 26 JUNE 2013**

The minutes of the Audit and Governance Committee held on 26 June 2013 were presented by the Chair, Councillor Bowkett who advised of an amendment to the Scheme for the Enrolment of Honorary Aldermen within section 4 (d) 'withdrawal of the title shall be by way of a recommendation from the Audit and Governance Committee to full Council'. Subject to this amendment, the minutes were taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 26 June 2013 be received, and where appropriate, adopted.

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**EXECUTIVE - 18 JUNE 2013**

The minutes of the Executive held on 18 June 2013 were presented by the Chair, Councillor Edwards and, subject to the addition to Minute 63 of the words that 'Councillor Mrs Henson in accordance with Standing Order no.43 requested that her name be recorded as having voted against the resolution', the minutes were taken as read.

In relation to Minute 56 (Downsizing Incentives for Council Tenants), the Portfolio Holder for Housing, Community and Maintaining Assets confirmed that the Downsizing Post Holder role was to take a proactive caring approach to assist tenants to identify the most suitable properties for their needs. The post was temporary and would be reviewed after a 12 month period.

With regards to Minute 57 (Christmas Tree Lights Task and Finish Group) the Portfolio Holder for Economy and Culture confirmed that engagement with traders would be taking place to ensure that there was a joined up approach to the Christmas lights in the city centre.

In relation to Minute 58 (Low Average Earnings in Exeter) Members discussed the historical low wage economy in Exeter and the need for the proposed forum to address low wages and the high cost of living in the city. The Portfolio Holder for Economy and Culture advised that suggested nominations for representatives to sit on the forum was underway, with the first meeting being planned for September.

In relation to Minute 63 (Councillors' Pensions) Members discussed the potential cost to the Council of a Councillor's Pension scheme versus the need to encourage people, in particular the young, to stand as councillors and that the pension scheme helped to ensure that, if elected, councillors would not be financial disadvantaged.

With regards to Minute 65 (Membership of Committees):-

Councillor Ruffle be appointed to the Audit and Governance Committee

Councillor Newby be appointed to replace Councillor Donovan on the Planning Committee.

With regards to Minute 66 (Appointment of Representatives to serve on Outside Bodies), the following appointments were made:-

Exeter Health and Wellbeing Board · Leader, Portfolio Holder for Housing, Community and Maintaining Assets and Councillor Prowse.

**RESOLVED** that the minutes of the Executive held on 18 June 2013 be received and, where appropriate, adopted.

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### **EXECUTIVE - 1 JULY 2013**

The minutes of the Executive held on 1 July 2013 were presented by the Chair, Councillor Edwards and taken as read.

Members welcomed the formation of the Joint Consultation Negotiation Committee as a framework for the Council to undertake effective consultation and negotiations with the recognised Trade Unions.

**RESOLVED** that the minutes of the Executive held on 1 July 2013 be received and, where appropriate, adopted.

(The meeting commenced at 6.00 pm and closed at 7.10 pm)

Chair

## THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 16 July 2013

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

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### SAXON SPENCE CBE

**RESOLVED** that, in pursuance of its powers under Section 249 of the Local Government Act 1972, the Council do confer on Saxon Spence CBE Freedom of the City Status in recognition of her eminent service to the City of Exeter as a City Councillor for two years and a County Councillor for thirty six years, during which time she keenly supported and promoted the interests of the City.

[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 two thirds of the Members voting thereon, at a meeting specially convened for the purpose.]

[The foregoing resolution was passed unanimously]

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### FREEDOM OF THE CITY - ROYAL AIR FORCE BRIZE NORTON

**RESOLVED** that, in pursuance of its powers under Section 249 of the Local Government Act 1972, the Council do confer on The Royal Air Force Brize Norton Freedom of the City Status in acknowledgement of the high esteem in which it is held and valued by the City of 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 two thirds of the Members voting thereon at a meeting specially convened for the purpose.]

[The foregoing resolution was passed unanimously]

(The meeting commenced at 7.10 pm and closed at 7.11 pm)

Chair

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## PLANNING COMMITTEE

22 July 2013

### Present:

Councillor Bialyk (Chair)  
Councillors Spackman, Denham, Mrs Henson, Newby, Owen, Prowse, Sutton, Tippins and Winterbottom

### Apologies:

Councillors Choules, Edwards and Mitchell

### Also Present:

Chief Executive & Growth Director, Assistant Director City Development, Area Planner (MH) and Democratic Services Officer (Committees) (SLS)

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### MINUTES

The minutes of the meetings held on 15 April, 20 May, 24 June and 8 July 2013 were taken as read and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interests were made.

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### PLANNING APPLICATION NO. 13/3353/16 - LAND TO WEST OF 48-68 NEWPORT ROAD, EXETER

The Area Planner (MH) presented the application for the erection of new residential buildings containing six, two storey, three bed family terraced houses with associated access and parking. The site benefited from planning consent for 10 self contained flats, which was granted in 2010. The consent for development of the site was a material consideration in respect of the current application.

A number of representations had been received and the Area Planner addressed the following points:-

- the issue of flooding had been addressed through extensive consultation with the Environment Agency and a site specific Flood Risk Assessment. The only area identified at risk of fluvial flooding related to a small area of land on the lower part of the site closest to the river
- the finished floor levels would be raised to a minimum of 300mm above the ground level to mitigate the minimum risk from pluvial related, overland flooding from higher ground
- the boundary treatment with embankments and fencing would further help to direct the course of any flood water
- the perception of a greater loss of open space was unfounded

Members were circulated with an update sheet, which was attached to the minutes. The recommendation was for approval, subject to the conditions as set out in the report, and the additional conditions that the finished floor levels would be 300mm above the surrounding ground level, and that the development should proceed in accordance with the submitted Flood Risk Assessment.

Councillor Robson, having given notice under Standing Order 44, spoke on this item. She made the following comments:-

- that having received photographic evidence of past flooding events, she remained concerned about the potential distress and disruption for any future occupants. Although she acknowledged that she had not experienced this severity of flooding, she had seen a number of recent occasions when the ground had been saturated
- potentially, this scheme would be housing more vulnerable individuals
- future occupants should be able to obtain adequate insurance for their property

Emma Osmundsen, the City Council's Housing Development Manager spoke in support of the application. She addressed a number of points which had been raised during the recent period of consultation:-

- the change of this scheme to family accommodation reflected the most pressing housing need in the city
- providing more family sized accommodation would help to address a number of healthier living benefits such as fuel poverty
- the scheme was the subject of detailed modelling by the Environment Agency and only a small portion of the site was identified as facing a low risk of flooding, identified as 0.1% in any given year

In answer to Members' questions Ms Osmundsen clarified the following points –

- the loss of green space remained at 6% of the overall available space
- building family sized houses was more cost effective than the previous scheme for 10 flats
- estimated building costs were in the region of £1100 to £1200 per sq metre
- individual insurance arrangements, covering house contents was not a planning matter, however, buildings insurance for this scheme would be provided as part of the City Council's property portfolio
- a slight change in the landscaping scheme would encourage the dispersal of any excess surface water

During discussion, Members raised the following points:-

- the scheme was very welcome and would provide much needed family accommodation
- flooding could affect any part of the city
- if the architects had particular knowledge of the site. *The Area Planner clarified that all those involved with the project had detailed knowledge of the site and the subsequent modelling was appropriate*

**RESOLVED** that the application for the erection of new residential buildings containing six, three bed, four person terraced houses and considered access and parking 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 21st May 2013 (dwg. nos. AL(0) 100 Rev P2, AL(0) 101 Rev P3, AL(0) 102 Rev P2 and AL(0) 103 Rev P2, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.

- 3) C17 - Submission of Materials.
- 4) C35 - Landscape Scheme.
- 5) C37 - Replacement Planting.
- 6) C36 - No Trees to be Felled.
- 7) C38 - Trees - Temporary Fencing.
- 8) The proposed estate road, cycleway/footpath, footways, verges, junction, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, access, on-site car/cycle 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.
- 9) No part of the development hereby approved shall be occupied until the on-site car and cycle parking facilities together with any means of access shall have been provided in accordance with the requirements of this permission and retained for those purposes at all times.  
**Reason:** To ensure that adequate access and parking facilities are available for the traffic attracted to the site.
- 10) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.
- 11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.  
  
Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.  
**Reason:** No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.
- 11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

**Reason:** No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

- 12) Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development a time frame for the installation of photo voltaic panels in line with the details set out in section 2.8.2 of the submitted Design and Access Statement dated March 2013 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details, and upon installation, the photo voltaic panels shall thereafter be maintained so that they provide the required level of generation.  
**Reason:** In the interests of sustainable development.
- 13) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 14) No development shall take place until the specification, design and appearance of the cycle storage provision to serve each dwelling is approved in writing by the Local Planning Authority. The development shall take place only in accordance with the approved details.  
**Reason:** In the interests of visual amenity and ensuring that appropriate and useable cycle storage is provided.
- 15) Prior to the first occupation of any of the dwellings hereby approved the Assistant Director of City Development shall be notified in writing of the intended date of such occupation.  
**Reason:** To ensure that adequate notice of occupation, and hence the trigger for the collection of the contributions relating to mitigation of impact on Natura 2000 sites and education provision arising from this development, as set out in the email dated 12 July 2013 from the Assistant Director Housing and Contracts, are clear and the required contributions are secured.
- 16) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented strictly in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Statement prepared by Clarkebond (UK) Ltd and dated April 2013 (Report No WE03102/FRA&SWDS).  
**Reason** - To ensure that the development is implemented so as to minimise potential Flood Risk to the properties hereby approved.

(Report circulated)

69

**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

70

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

71

**AREA WORKING PARTY MEMBERSHIP CHANGE**

It was agreed that following the replacement of Councillor Donovan by Councillor Newby on Planning Committee, the following alterations to the membership of the Western and Northern Area Working Parties be made - Councillor Owen to replace Councillor Donovan on Northern Area Working Party and Councillor Newby to replace Councillor Owen on Western Area Working Party, with immediate effect.

72

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday, 20 August 2013 at 9.30 a.m. The following Members will attend, Councillors Choules, Edwards and Winterbottom.

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**ADDITIONAL INFORMATION SHEET**

An Additional Information Sheet was attached.

(The meeting commenced at 5.30 pm and closed at 6.10 pm)

Chair

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**PLANNING COMMITTEE**

**22 JULY 2013**

**ADDITIONAL INFORMATION**

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

<p><b>Item 5</b> <b>Pages 5-14</b> <b>Application Ref: 13/3353/16</b> <b>Land to west of</b> <b>48-68 Newport Road</b> <b>Exeter</b></p>	<p>A further representation has been received from one of the original objectors specifically questioning the need for further social housing, especially in the context of other development occurring in the vicinity.</p> <p>Condition 15 as set out in the original Committee report needs amending by the insertion of the missing date in the condition reason. The relevant date is 12<sup>th</sup> July 2013.</p>
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## PLANNING COMMITTEE

Monday 2 September 2013

### Present:

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

### Apologies:

Councillors Choules and Mitchell

### Also Present:

Chief Executive & Growth Director, Assistant Director City Development, Planning Solicitor,  
Senior Area Planning Officer and Democratic Services Officer (Committees) (HB)

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### DECLARATIONS OF INTEREST

A Member declared the following disclosable pecuniary interest and withdrew from the meeting during consideration of this item:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Sutton	74 (employee of the University of Exeter)

74

### PLANNING APPLICATION NOS. 13/3135/03 - CLYDESDALE ROAD AND BELVIDERE ROAD, EXETER AND 13/3136/03 - LADYMOUNT, CLYDESDALE ROAD, EXETER

Councillor Sutton declared a disclosable pecuniary interest as an employee of the University of Exeter and withdrew from the meeting during consideration of this item.

The Senior Area Planning Officer presented the application for upgrade and improvements including lighting, surfacing, drainage and gates (application no.13/3135/03) and replacement garage and retaining wall (application no.13/3136/03).

Members were circulated with an update sheet - attached to minutes. The Senior Area Planning Officer further advised of the receipt of a petition of 30 signatures objecting to the applications but also asking for extra conditions if the applications were to be approved

The Chair advised that two speakers would be allowed to address the meeting as, although closely inter-related, there were two applications.

Mr Cushing spoke against the applications. He raised the following points:-

- the safety of pedestrians is paramount and the proposals being put forward are unsafe and no better than the current situation. Safety of students (up to 20,000 movements take place in an academic year) and the general public using Belvidere Road will be made worse by the proposed closure of Clydesdale Road

- the access route cannot be made safe for pedestrian use because of vehicle/pedestrian conflict outside the area to be closed and the safety issues at the Bos Huis access
- Bos Huis exits onto Belvedere Road via a steep drive where visibility is only four metres which is less than the design minimum. Exit has to be made in reverse and the road layout makes this manoeuvre very difficult.
- the University produced a travel plan promising to agree safety measures
- consultants have recommended the closure of Clydesdale Road as it is unsafe and the Duryard Trust asked for a design solution. Atkins, appointed as consulting engineers, had stated that a turning head outside “Honeywood” was not feasible due to topography - lack of space, poor visibility, unsafe edges and steep gradients
- the “U” turn proposal would be at the confluence of Belvedere Road West and North, Clydesdale Road which is unworkable and unsafe despite the comments of the County Council who have been misleading in their application of design standards
- vehicles using this junction now either carry on through Clydesdale Road or reverse back to Lower Argyll Road. If reversing becomes mandatory then safety issues may well have been made worse than by leaving Clydesdale Road open.
- there is no evidence that the University have a legal right to designate Trust Roads as student access.

Mr Cushing, in response to Members’ questions, enlarged on the dangerous traffic conditions in the area and the route he used when entering and leaving his property. He stated that he had been unable to discuss the proposals with the University or negotiate possible changes to the plans.

Mr Wood spoke against the applications. He raised the following points:-

- vehicular access in a northerly direction along Clydesdale Road is not permitted and, by definition, this should include cyclists
- Clydesdale Road was not an attractive route for cyclists because of the gradient and the set of steps at the point where the route reached the Duryard site. There were more obvious routes for cyclists to take and there was no point in encouraging them to use Clydesdale Road
- the proposals would not alleviate the dangerous conditions for both cyclists and pedestrians
- there are significant problems of noise and disturbance at night-time largely from UK students returning from the main campus and greater steps should be taken by the University to control these issues. The five metre lamps proposed were likely to exacerbate the situation
- the residents of Wadham House, which include families with young children living in flats, have also suffered from significant disturbances from students
- suggest that further consideration be given to the proposals by the Northern Area Working Party.

Responding to Members queries, he further detailed traffic and cyclist movements in the area. He advised that the County Council found some elements of the University proposals to be unsatisfactory which was why they had recommended a condition and stated that some 100 properties in total would be affected by the proposals. Referring to some of a number of alternative routes he suggested that the ideal solution would be a different cycle route.

The recommendations were for approval subject to the conditions as set out in the report and as amended.

**RESOLVED** that consideration of Application Nos. 13/3135/03 and 13/3136/03 be deferred for a site inspection to be undertaken by the Committee.

(Report circulated)

75                    **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

76                    **ENFORCEMENT PROGRESS REPORT**

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

**RESOLVED** that the report be noted.

(Report circulated)

77                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

78                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 17 September 2013 at 9.30 a.m. The Councillors attending will be Councillors Prowse, Spackman and Sutton.

(The meeting commenced at 5.30 pm and closed at 6.30 pm)

Chair

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PLANNING COMMITTEE  
2 SEPTEMBER 2013

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

<p><b>Pages 5-12</b> <b>Refs 13/3135/03</b> <b>Clydesdale Road &amp; Belvidere Road</b> <b>and</b> <b>13/3136/03</b> <b>Ladymount, Clydesdale Road</b></p>	<ol style="list-style-type: none"><li>1. Concern has been raised that the proposed 5m light columns are inconsistent with the 4m columns being used elsewhere by the University. The agent has advised that at 5m high, fewer light columns can be used as they spread the light a little further.</li><li>2. Revised plans have been received for application 13/3135/03, confirming that staggered gates are proposed near to Ladymount as well as near to the junction with Highcroft.</li><li>3. In response to a query about whether the staggered gates near Ladymount are necessary, the applicant's agent has advised that the purpose is to increase safety by reducing vehicle/pedestrian/cycle conflict.</li><li>4. The agent is reviewing a suggestion that the gates need to be a minimum of 3.1m apart for emergency vehicle access. If this is found to be necessary, the plans will be modified accordingly.</li><li>5. The agent has raised concern about a suggested condition requiring that the gates are never locked so that the route is always available to vehicles in an emergency situation. It is suggested by the agent that there may be a need to lock the gates in the future if they are found to be regularly left open.</li><li>6. Notwithstanding the agent's response above, it is considered to be desirable that the gates are always openable for emergency access. Their closure should be a management issue. An additional condition is recommended to deal with this. If this is found to be a problem in due course, the University has the option to apply to remove or vary the condition.</li></ol> <p><b><u>RECOMMENDATION</u></b></p> <p><b>APPROVE</b> application 13/3135/03 subject to the conditions set out in the main report and the following additional condition:</p> <p>4) The staggered gates hereby approved shall not be locked or prevented from opening at any time. <b>Reason:</b> To ensure that the route remains available to motor vehicles in an emergency.</p> <p><b>APPROVE</b> application 13/3136/03 subject to the conditions set out in the main report.</p>
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## PLANNING COMMITTEE

Monday 30 September 2013

### Present:

Councillor Bialyk (Chair)  
Councillors Spackman, Choules, Denham, Edwards, Mrs Henson, Mitchell, Newby, Owen, Prowse, Sutton, Tippins and Winterbottom

### Also Present:

Chief Executive & Growth Director, Assistant Director City Development, Planning Solicitor, Senior Area Planning Officer and Democratic Services Officer (Committees) (HB)

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### DECLARATIONS OF INTEREST

Members declared the following disclosable pecuniary interests and withdrew from the meeting during consideration of the item below:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	80 (macebearer at the University)
Councillor Sutton	80 (employee of the University)

80

### PLANNING APPLICATION NO. 13/3135/03 - CLYDESDALE ROAD AND BELVIDERE ROAD, EXETER

Councillor Sutton declared a disclosable pecuniary interest as an employee of the University of Exeter and withdrew from the meeting during consideration of this item.

Councillor Choules declared a disclosable pecuniary interest because of his paid role as macebearer at the University of Exeter and withdrew from the meeting during consideration of this item.

The Senior Area Planner presented the application for upgrade and improvements including lighting. He reported that it was proposed to delete the staggered gates and therefore condition four stating that they be unlocked at all times.

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

- trustee and previous Chair of the Duryard Trust which had worked closely with the University in developing the proposal
- approval for the re-development of the Duryard Halls had been given in 2009 on condition that no development should take place until modifications to the proposed site specific travel plan had been submitted
- the travel plan stated that the University would seek to provide physical improvements to the surfacing to encourage cyclists onto the route which may include the provision of bollards to prevent through movement by vehicles.
- the overall plan was presented to a meeting of beneficiaries early in 2012 the only sticking point being the use of locked gates on Clydesdale Road. It was agreed that if the gates were only bolted that would be acceptable. Soon after the same residents decided that gates were not unacceptable
- the revised plans have no gates, so the main object has not been satisfied. The situation will be more dangerous because the surface will be improved

as will the lighting and it is likely the length of Clydesdale Road in front of Ladymount will be widened resulting in more traffic travelling faster

- request refusal of application in its present form

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

- Mr Taylor is no longer Chair of the Duryard Trust. The new Committee supports the new proposal, the University having now responded to previous concerns
- changes made in respect of lighting, surface treatment, the large retaining wall, protection of trees and the removal of the gate are all acceptable
- slight amendment still sought in respect of signage at junction of Higher Hoopern Lane/Clydesdale
- proposal will improve use of the lane for pedestrians/cyclists.

The Senior Area Planner stated that the County Council Highways Engineer had advised that, although double yellow lines would be desirable at the top of Coplestone Drive, they were not vital to this proposal and it was not therefore justifiable to request the University to implement them.

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

**RESOLVED** that planning permission for upgrade and improvements including lighting be **APPROVED**, subject to the following conditions:

- 1) C05 – Time Limit – Commencement
- 2) C15 – Compliance with Drawings
- 3) No part of the development hereby approved shall be commenced until further details of the proposed works have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The details shall include the Highcroft/Belvidere Road and Clydesdale Road junction design and the required bollard or similar safety feature close to the junction of Belvidere Road and Clydesdale Road.  
**Reason:** To ensure that the development hereby approved is carried out in strict accordance with agreed plans.

81

**PLANNING APPLICATION NO. 13/3822/03 - EXETER GOLF AND COUNTRY CLUB, TOPSHAM ROAD, EXETER**

The Assistant Director City Development presented the application for the erection of specialist golf course netting (20 and 30 metres high) close to specific sections of the golf course's main boundaries.

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

Mr Porter, representing Persimmon Homes, spoke against the application. He raised the following points:-

- Persimmon had invested heavily to provide a high quality residential development
- the netting will have a significant impact on the properties with some 1,000 home buyers affected to varying degrees. The 27, 30 metre high lattice towers, together with netting will be too close to the property boundaries and have an overbearing and oppressive impact on houses and significantly reduce the amenity of residents who will not feel at ease in their homes



- existing tree screening at 12 metres high is still 18 metres less than the fence and the fence is three times higher than standard homes and will be visible from a long distance, impacting adversely on the skyline to the detriment of the character and appearance of the area
- there is a potential for disturbance from noise of wind blowing through the netting and of ropes hitting towers
- the RNSPB are concerned that birds will be injured flying into the netting
- there are other options which are more subtle and suitable.

In answer to Members' queries, Mr Porter made the following points:-

- Persimmon are prepared to insert a clause in the contract of the sale of houses, to limit the purchasers ability to make claims in respect of stray balls, although he understood that the effectiveness of such a clause has been doubted
- the Golf Club were consulted from the beginning of the reserved matters application at which stage a 20 metre high fence was proposed. The Club had ample opportunity to oppose reserved matters as well as respond to the changes to the proposal
- there is an on-going dialogue with the Club regarding revised proposals and, up until recently, the relationship with the Club has been quite good
- the consultants, Nicholas Pearson, have recommended a combination of measures as part of an alternative solution including the provision of more modest fencing and the re-configuration of holes 9 and 10
- would need to consult the client Persimmon on issue of whether they are willing to offer a financial contribution towards the cost of re-configuring the golf course
- unfair for Persimmon to be expected to pay for protective fencing on its land

Mr Gannon, Chairman of the Golf Club, spoke in support of the application. He raised the following points:-

- Golf Club have never objected to the principle of housing adjacent to the course, whereas Persimmon have constantly objected to fencing proposal
- professional golf consultants have advised that the fencing is essential, including consultants engaged by Persimmon, although they did not accept the advice of their own consultants
- Persimmon have been unwilling to offer financial support towards the cost of the re-design of golf course
- believe that approval of the application is the only solution and that refusal is likely to lead to the loss of the Golf Club which is a great asset to Exeter and will affect the lives of many of the City's residents.

In answer to Members' queries, Mr Gannon made the following points:-

- consultant's report prepared for Persimmon had been commissioned in June 2012 and forwarded to the local planning authority at the end of October 2012
- the Club had been on site since 1929 and the main issue is proximity of houses to the Club
- the cost of the netting is estimated at £250,000, with cost of course re-design likely to be £1 million
- although holes 1, 2 and 6 are well set back from houses, the 10<sup>th</sup> hole will be too close and there will be a proliferation of stray balls in gardens and, crucially, some are likely to hit the houses

- Persimmon engaged well with the Club initially over first three months but then failed on a number of occasions to meet Club officials and advisors to discuss a way forward
- the City Council should have anticipated likely problems at the earlier planning stage.

The recommendation was for refusal for the reasons set out in the report.

Members were presently minded to approve the proposal but **RESOLVED** to defer consideration of the application for the erection of specialist golf course netting (20 and 30 metres high) to enable further discussions between the applicant and adjacent landowners on a more appropriate solution, with verbal updates to be given to future meetings of this Committee.

(Report circulated)

82

**PLANNING APPLICATION NO. 13/3883/03 - 16 MARLBOROUGH ROAD, EXETER**

Councillor Mrs Henson expressed an interest as she knew the agent for the applicant.

The Assistant Director City Development presented the application for detached dwelling, access to highway, parking, car port and associated works. He proposed the removal of condition six and the addition of conditions relating to a bat roost and slow worms.

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

- the application is simply for one dwelling within a garden and is not motivated by financial gain
- no objections had been received from the Highway Authority
- ownership of the access lane should not affect the decision on planning grounds
- support recommendation for approval

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

- all nine immediate neighbours and 12 others had objected
- applicants have no right of access for use of this privately owned alley
- the site is in a conservation area where all trees are deemed important and two Lucombe oaks are endangered. Occupants will feel oppressed by the trees and future felling on grounds of wellbeing and safety is likely
- building appears overbearing, obstructing daylight and views leading to loss of privacy and is detrimental to the neighbourhood
- the oaks have an established, diverse wildlife habitat that is enriched by the trees earmarked for felling. Exeter, with its Wild City commitment, should protect this centuries' old habitat
- isolation at the end of the unlit alley without neighbours' front doors and windows significantly increase risk of crime
- the Highways Engineer advises a condition that construction vehicles must turn within site so as to enter and leave Magdalen Road traffic lights in forward gear but the proposed eight metre wide turning head is inadequate for manoeuvring construction vehicles
- tanker and pump to remove sewage if blocked would be unpleasant and inconvenient for future neighbours

- request refusal of permission reinforcing policy and conservation precedent to safeguard the character of this greatly valued garden area and the trees within it – an important “green lung” within a highly trafficked part of Exeter’s inner city.

Ms Trim spoke in support of the application. She raised the following points:-

- No 16 Marlborough Road was built circa 1903 with a smaller garden than present which was extended in 1962 to include the development site
- a covenant to retain the trees was legally lifted in 1970 but the proposal presented seeks to retain the trees therefore making a positive contribution to the Conservation Area
- the property has a significant sized garden and the proposal for a new independent detached dwelling allows no 16 to retain a reasonable part of the existing back garden
- the new dwelling is proposed for the corner of the garden and is a low key, contemporary residential unit. It will have a light weight timber framed structure, rendered to reflect the listed buildings in the area. The main fenestration will face towards the trees and all habitable windows will face into the site and none overlook adjoining property
- a clear parking bay will be formed and the area enclosed by a new timber boarded fence
- no highway objections received and the development is subject to a legal agreement with the neighbouring landowner
- private parking defined on site with turning area

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

**RESOLVED** that the application for detached dwelling, access to highway, parking, car port and associated works be **REFUSED** for the following reasons:-

- (1) the access to the site is not of a sufficient standard;
- (2) will set an unacceptable precedent for the area and lead to similar applications for the construction of dwellings in gardens; and
- (3) fails to preserve or enhance the character or appearance of the Conservation Area.

(Report circulated)

83

**PLANNING APPLICATION NO. 13/3654/03 - LONGACRE, HIGHER HOOPERN LANE, EXETER**

The Assistant Director City Development presented the application for first floor rear extension and lower floor front extension with terrace above. In response to a Member he advised that the music room would comprise of a recording studio and three isolation booths

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

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

- speaking on behalf of a number of neighbours
- the first floor rear extension will cause a loss of privacy on north and east sides and will have a significant detrimental impact on residential amenity

- concerns regarding noise pollution, the City Council having received 1,620 noise related complaints for this area generally since 12 January 2013;
- no evidence provided that noise insulation measures will be effective and fear that the room will be used for business/commercial use
- if there is a business use the access via Higher Hoopern Lane, which is narrow with no pavement, will become dangerous to pedestrians because of the extra traffic
- construction works will weaken the root systems of Monterrey pines on the boundary which may lead to their removal leading to the loss of their screening value.

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

- Longacre is to be used as a family home the owners valuing the peace and quiet of the area and fully appreciative therefore of the desire of neighbours for this peace to be maintained
- will consult fully with planning officer to ensure that extension to the rear and balcony will maintain privacy
- Longacre is already overlooked by neighbouring properties so issue of impact on privacy is not relevant
- size of extensions is proportional to the garden area
- design and construction will be of the highest specification to prevent any problems of noise, the contractor to be used, having significant experience in construction of similar facilities for other musicians
- the music room is for private use of husband and wife owners who will compose own music, voiceovers etc. There will be minimal visitors and the room will not be used at night time.

Members were advised that there was no legal responsibility on the Council, if it granted planning permission, for the removal/maintenance of the trees which were on private land.

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

**RESOLVED** that planning permission for first floor rear extension and lower floor front extension with terrace above be **APPROVED** subject to a satisfactory arboricultural report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 June 2013 (*dwg. nos. 13/048/03A & 13/048/04A*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 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 neighbour amenity is retained
- 5) The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of

noise from the development on local receptors (specifically the use of the extension as a music studio).

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

**Reason:** to ensure neighbour amenity

- 6) A glass screen to minimise intervisibility and noise nuisance around the terrace will be provided as part of the planning consent. Details of the screen including its height, material and means to limit intervisibility for neighbouring properties 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 neighbour amenity and that the materials conform with the visual amenity requirements of the area.

(Report circulated)

84 **PLANNING APPLICATION NO. 13/3429/03 - MILLBROOK VILLAGE, TOPSHAM ROAD, EXETER**

The Senior Area Planner presented the application for three and a half/four storey building comprising 24 retirement apartments with parking and associated works. He advised that the contribution possible in respect of off-site affordable housing in respect of the main development site should read £5,650,000 not £1,850,000.

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

**RESOLVED** that the Assistant Director City Development be granted delegated authority to **APPROVE** the application for three and a half/four storey building comprising 24 retirement apartments with parking and associated works subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 covering affordable housing, Natura 2000 site mitigation and age limitation on occupation and subject also 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 30th May and 27th August 2013 (*dwg. nos. 200, 201, 202, 203 Rev A, 204 Rev A, 205, 206 Rev A, 210 Rev A and 211*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) No part of the development hereby approved shall be brought into its intended use until the access, parking facilities and visibility splays have been provided in accordance with details, including maintenance arrangements, that shall have been submitted to, and approved in writing by,

the Local Planning Authority. Thereafter the access, parking facilities and visibility splays shall be retained for the intended purpose at all times.

**Reason** - To ensure that a safe and suitable access is provided for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

- 5) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the said cycle parking facilities shall be permanently retained for the intended purpose.

**Reason** - To ensure that adequate facilities are available in the interests of encouraging the use of sustainable modes of transport.

- 6) C35 - Landscape Scheme

- 7) Submission of Noise Report and Mitigation if required.

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

**Reason:** In the interests of the amenity of occupants of nearby buildings.

- 9) Any individual apartment within the development hereby approved shall achieve a Code Level 4 (including a 44% CO<sub>2</sub> emissions rate reduction from Part L 2006) as a minimum, and a Code Level 5 (Zero Carbon) if the development is 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 apartment 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.

- 10) The Local Planning Authority shall be notified in writing if the 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.

(Report circulated)

85

**PLANNING APPLICATION NO 13/4068/29 - PINN COURT FARM, PINNCOURT LANE, EXETER**

The Area Planner presented the application for amendments to the masterplan and main site access together with the provisions of a new conceptual block plan, open space plan, design code framework, linear park management framework, a SANGS framework document and details of off-site highway works including improvements to the Pinhoe double mini-roundabouts. Additional technical information and

addendum to the Environmental Statement to take into account the masterplan changes and consultation responses, specifically in relation to transport and flood risk. The original proposal is: Residential development of up to 430 units (outline application with details of appearance, landscaping, layout and scale reserved for subsequent approval) including a local centre comprising retail space of up to 240 sqm and a community centre, care home of up to 60 bed spaces, specialist care home of up to 60 bed spaces and a park and change facility together with associated open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton Lane, served off a new access from the highway (B 3181).

**RESOLVED** that East Devon District Council be informed that Exeter City Council:-

- strongly endorses the recommendation for refusal by the Highway Authority due to the inadequate mitigation of the impacts on the Pinhoe double mini roundabout.
- wishes to work with East Devon District Council and Devon County Council to assess the future case for Park and Ride on the B3181 corridor.

(Report circulated)

86

#### **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

87

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

88

#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 15 October 2013 at 9.30 a.m. The Councillors attending will be Denham, Newby and Owen.

(The meeting commenced at 5.30 pm and closed at 8.50 pm)

Chair

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**PLANNING COMMITTEE  
30 SEPTEMBER 2013**

**ADDITIONAL INFORMATION**

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

<p><b>Item 4</b> <b>Pages 5-14</b> <b>Ref: 13/3135/03</b> <b>Clydesdale Road and</b> <b>Belvidere Road</b> <b>Exeter</b></p>	<p>No further update.</p>
<p><b>Item 5</b> <b>Pages 15-46</b> <b>Ref: 13/3822/03</b> <b>Exeter Golf &amp; Country Club</b> <b>Topsham Road</b> <b>Exeter</b></p>	<p>A letter has been received from Barton Willmore, agents for Persimmon Homes and Charles Church, who have seen the officer's report and support its recommendation. It is précised as follows:</p> <p>BW consider that there are a number of issues contained with the letter from JLL which are inaccurate or stray from planning considerations. JLL suggest that the reason for the current application is because Persimmon refused to make a financial contribution – this is entirely inappropriate. There is absolutely no reason why Persimmon should be obligated to pay the Club to fulfil their responsibilities.</p> <p>JLL suggest that the future of the Club rests entirely on this proposal and criticises Persimmon by suggesting that they do not consider the Club's future operation to be a good enough reason for the fencing. There is no doubt that the fencing will have a significant impact on the visual appearance not only of the immediate locality but also the wider area. This is a high impact solution to the problem. JLL's Planning Statement states that this is the Club's preferred option. We have seen no justification to demonstrate that this option is the most appropriate solution. We have seen no justification as to why this netting is required on the boundary of the RNSD site but not for the other boundaries with existing dwellings.</p> <p>JLL's letter quotes the insurer's statement. This statement does not mean that by refusing the application that the Club would be unable to operate, they would have taken 'every reasonable measure' to secure boundaries from risk but their preferred solution would be found to be unacceptable. It would be for the Club to look at other 'reasonable measures'. We have seen evidence to suggest that existing holes could be re-orientated and cannot see a fence as the only possible way of retaining the operation of the Club.</p> <p>G&amp;CC's own practice ground is allocated for development within the Newcourt Masterplan. We question why the Club consider the RNSD site to be a risk whilst allowing development of their own land. This undermines their justification for the application.</p> <p>JLL refer to pictures of examples of netting, however, none of the examples are in a residential context and few are of the scale proposed. Any suggestion that these images provide a true representation of the appearance of the netting is entirely misleading. There is no reason why an inappropriate form of development should be permitted purely because it is the Club's preferred option. It is not the only option to</p>

	<p>safeguard the Club's operation and the Council should not be afraid to refuse the application on the basis of the threat that its future would be at risk when there is no evidence that demonstrates that there are no other options available. We support the reasons for refusal.</p>
<p><b>Item 6</b>  <b>Pages 47-56</b>  <b>Ref: 13/3883/03</b>  <b>16 Marlborough Road</b>  <b>Exeter</b></p>	<p>No further update.</p>
<p><b>Item 7</b>  <b>Pages 57-62</b>  <b>Ref: 13/3654/03</b>  <b>Longacre</b>  <b>Higher Hoopern Lane</b>  <b>Exeter</b></p>	<p>Arboricultural Report received 23 September.</p> <p><b><i>Summary of the impact of the proposed development on the existing trees:</i></b></p> <p>The proposed development is to extend the existing house on a very similar foot print to the existing one, with an extension on the footprint of the original building. The proposed installation of a new floor to the northern section will not alter the relationship between the house and the trees. (See para 12.4-12.6 of Arb. Report).</p> <p>The site contains minor trees within the front (southern) garden and a large mature group of trees in the rear (northern) garden. The adjacent site to the east contains a line of large (TPO) Monterey pines that are close to the site boundary.</p> <p>The proposed footprint of the building will have a very similar relationship with the trees as existing. Whilst the trees are relatively dominant the proposed extensions and alterations will not worsen the relationship between the trees and the house. The extension will be built on the footprint of the existing concrete slab and all the works will take place outside the root protection areas of the trees. In the rear garden roots are restricted by an existing retaining wall that is being retained.</p> <p>The impact of the proposed development on the good quality trees will be very low. A total of three trees are proposed for removal including:</p> <p>Tree 1 (Ash). To provide more space for the adjacent pines and to provide space for construction and storage.</p> <p>Tg1 (Spruce trees). Comprises of poor quality spruce trees with a very limited viability. Their removal provides space to construct the extension. Their loss will not be visible from outside the site.</p> <p>Tg 6a &amp; b (small trees and shrubs) as they are in direct conflict with the building position). Their removal will entail the loss of small trees and shrubs that only provide an internal benefit to the site. Their removal will provide room for machinery and storage space allowing the better quality trees to be protected without any conflict with the construction operations. The loss of these trees will have no impact on the wider landscape.</p> <p>The Tree Protection Plan has been confirmed by the ECC Arboricultural Officer that the development can be achieved without detriment to the adjacent trees.</p>

<b>Item 8</b> <b>Pages 63-70</b> <b>Ref: 13/3429/03</b> <b>Millbrook Village</b> <b>Topsham Road</b> <b>Exeter</b>	No further update.
<b>Item 9</b> <b>Pages 71-76</b> <b>Ref: 13/4068/29</b> <b>Pinn Court Farm</b> <b>Pinn Court Lane</b> <b>Exeter</b>	No further update.

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## LICENSING COMMITTEE

23 July 2013

### Present:

Councillor Keith Owen (Chair)

Councillors Dawson, Choules, Clark, D J Henson, Laws, Macdonald, Newby, Pearson, Ruffle, Shiel and Tippins

### Apologies:

Councillors Payne and Winterbottom

### Also present:

Assistant Director Environment, Corporate Manager - Legal, Solicitor, Principal Licensing Officer and Democratic Services Manager (Committees)

### 13 **Minutes**

The minutes of the meeting held on 26 March 2013 were taken as read and signed by the Chair as a correct record.

### 14 **Declarations of Interest**

No declarations of interest were made by Members.

### 15 **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 Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

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

### 16 **Application for a Hackney Carriage Vehicle Licence (Mr JS)**

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

(Report circulated to Members)

### 17 **POLICY IN RELATION TO THE LICENSING OF SEX ESTABLISHMENTS**

The Assistant Director Environment identified a small number of typographical errors in the Policy, which were highlighted and corrected.

The Assistant Director Environment presented the report to seek the Licensing Committee's approval of the draft Exeter City Council Sex Establishment policy. The issue has been the subject of a widespread public consultation. A total of 169 replies had been received.

Members were advised that the consultation revealed that most respondents supported the adoption of a policy in relation to Sex Establishments, together with the means to regulate the management and ownership. The majority of respondents felt that there were no localities within Exeter that were appropriate for Sex Entertainment Venues (SEV's) and Sex Cinemas whilst a smaller majority felt that there were no localities within Exeter that were appropriate for Sex Shops. However, many respondents made a clear differentiation between SEV's /sex cinemas, and sex shops, the latter being a predominantly day-time retail operation visited by single customers, whilst the former being predominantly evening entertainment operations visited by groups of customers.

Large majorities considered that Sex Establishments were unsuitable near specific types of premises such as Schools and places of worship.

The draft policy had taken into account the emerging outcomes of the Council's draft City Centre Strategy and Culture Strategy which seek to improve and widen what the city centre was offering in order to encourage a wider cross-section of the public to visit, and feel at ease. The draft policy also took into account the Core Strategy which aimed to enhance retail, cultural and tourist facilities in the City Centre. In taking these broad strategic aims into account, the Council felt that the presence of SEV's and sex cinemas within the City Centre was not compatible with these strategic aims.

Proposed policy 7 stated that the two localities which were appropriate for sex shop were Fore Street and Sidwell Street and the appropriate number in each locality was one. The draft policy stated that the Council had been unable to identify and appropriate locality for either SEVs or Sex Cinemas. It remained open to any applicant to demonstrate to the Council that there was an appropriate locality which had not been previously identified by the draft policy; the Licensing Committee needed to have an open mind to each application, and make an exception from policy when there was cause to do so.

In response to a Member, the Assistant Director Environment clarified that should an application for a SEV be submitted it would be for the Licensing Committee to determine. Should the Committee be minded to approve any such application they would be able to make further bespoke conditions where necessary as well as the standard conditions in the draft policy.

The majority of Members supported the policy and the Committee thanked all the officers involved for their hard work in drafting the policy.

**RESOLVED** that the Sex Establishment Licensing Policy as set out in Appendix A be adopted.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.15 pm

Chair

## LICENSING COMMITTEE

24 September 2013

### Present:

Councillor Dawson (Chair)

Councillors Laws, Choules, D J Henson, Macdonald, Newby, Shiel, Tippins and Winterbottom

### Apologies:

Councillors Clark, Pearson and Ruffle

### Also present:

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

## 18 **Declarations of Interest**

The following Member declared an interest as indicated.

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Tippins	21 (as an objector to the application)

## 19 **Scrap Metal Dealers Act 2013**

The Principal Licensing Officer presented the report informing Members of changes to licensing legislation introducing new functions to be carried out under the Scrap Metal Dealers Act 2013. The new Act repealed the Scrap Metal Dealers Act 1964 and Part 1 : Section 35 and paragraphs 1 and 2 of the Schedule in the Vehicle Crimes Act 2001.

Councillors Tippins and Choules arrived as this item was being presented.

**RESOLVED** that the report be noted.

(Report circulated)

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

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

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

### **21 Application for consent to trade (Mr MA)**

Councillor Tippins was present throughout the application in her role of objector to the application and did not take part in the debate. Councillor Tippins left the room when the Licensing Committee deliberated on this application.

The Principal Licensing Officer reported that Mr MA had applied for consent to street trade for a period of twelve months in Glasshouse Lane, a designated area under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Mr MA had not previously held consent to trade in any part of the City.

Mr MA, together with Mr IA attended the meeting, the latter speaking on Mr MA's behalf in respect of this fast food business. Mr MA wished to sell fast food from a catering van and the hours requested were 16:00 hrs to 12 midnight Monday to Sunday. The original termination hour sought of 02:00 hrs was amended at the request of the applicant to 12 midnight.

The Licensing Solicitor advised that there was no requirement on Mr MA to amend the application to reflect what may have been granted in the Licensing Act 2003 application but Mr IA confirmed that they were happy to amend the application nevertheless. As the potential impact of the application was reduced by the amendment, the Licensing Committee accepted the amendment without requiring further consultation or advertising of the application.

A number of objections had been received on the grounds of possible noise, late night disturbance, smells and litter. There were concerns that serving food late at night could attract over night or late night drivers of taxis and large vehicles driving through the estate. Because of the intention to trade late at night there were significant fears from residents regarding anti-social behaviour. Residents stated that the area was residential and therefore unsuitable for late night trading.

Mr IA, responding to the objections, advised that the business was run very professionally having operated vans in Reading as well as Exeter for some 20 years in total, the other Exeter location being at St. David's Station. The latter food business had received a five star environmental health score. The Police had not objected to the current application. The vans were fitted with modern equipment and smell would be eliminated by the use of industrial charcoal filters. Before and after photos of the streets would be taken to show that the area was kept tidy after trading.

Responding to Members' questions, Mr IA advised that a van and one other vehicle would be used, the latter utilised to transfer supplies etc. to and from the other van as well as transporting staff to the nearest toilet facility if required. Mr IA acknowledged that it was possible that the allotted parking space could be occupied by other vehicles at times which would prevent trading if there was no space for the van. With regard to litter, most customers eat the produce in their vehicles or drove away. Bins were provided adjacent to the van and signs discouraging littering were displayed on the vehicle.

Councillor Tippins, who objected, spoke on behalf of residents who also objected. She re-iterated issues of noise, smells and littering and one of the biggest concerns being the attraction of people from other areas and the increase in vehicular movement late at night. Parking was a problem in the Countess Wear area which would be exacerbated by the presence of the van.



Councillor Tippins acknowledged the professionalism of the operation and compared it with the previous operator of whom a number of complaints had been received but suggested that news of the van would spread leading to an increase in visitors to the estate. She believed that the nearest toilet facility shut at 10:00 hrs and advised that the PCSO's had undertaken to monitor the van closely.

The Licensing Committee retired to make its decision.

**RESOLVED** that consent be granted for a period of twelve months, subject to the conditions set out in the report with an additional condition requiring the use of biodegradable packaging.

(Report circulated to Members)

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

#### **22 Application for a Hackney Carriage Vehicle Licence (Mr and Mrs MK)**

Councillor Newby left the Licensing Committee having heard the application but before deliberation of the application commenced.

**RESOLVED** that Mr and Mrs MK's application be refused.

(Report circulated to Members)

#### **23 Application for a Hackney Carriage Vehicle Licence (Mr SH)**

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

(Report circulated to Members)

#### **24 Sex Entertainment Venues and Sex Establishments**

The Assistant Director Environment reported that an application had been received for a sexual entertainment venue licence which would most likely be considered at the next meeting of this Committee on 19 November 2013.

#### **25 Taxi Forum**

The Chair announced that there would be a meeting of the Taxi Forum on Wednesday 13 November 2013 at 10am. All Members were invited to attend.

The meeting commenced at 5.30 pm and closed at 7.30 pm

Chair

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## SCRUTINY COMMITTEE - COMMUNITY

3 September 2013

### Present:

Councillor Norman Shiel (Chair)

Councillors Bowkett, Branston, Bull, Choules, Clark, Crow, Macdonald, Morris, Mottram, Payne and Spackman

### Apologies:

Councillor Mitchell

### Also present:

Chief Executive & Growth Director, Assistant Director Environment, Housing Operations Manager, Principal Accountant, Housing Benefit Manager, Mobile Benefits Training Officer and Democratic Services Officer (Committees) (HB)

## 40 **Minutes**

The minutes of the meeting held on 28 May 2013 were taken as read and signed by the Chair as correct.

## 41 **Questions from the Public under Standing Order 19**

### Social Housing

In accordance with Standing Order No. 19, questions in respect of social housing from Mr Duley were put to the Portfolio Holder for Housing and Customer Access. Copies of the questions had been previously circulated to Members. The questions and replies from the Portfolio Holder (in italics) are appended to the minutes.

### Air Quality

In accordance with Standing Order No. 19, questions in respect of air quality from Sue Stephens of the Transition Exeter Transport Group were put.

Sue Stephens suggested that a more radical approach to reducing the reliance on the motor vehicle should be pursued. It was noted that sustainability was a key element of both the County Council's Local Transport Plan and in the determination of planning applications by the City Council as Local Planning Authority. Further to the declaration of an Air Quality Management Plan and publishing its Air Quality Action Plan, the City Council would be developing a Low Emissions Strategy and it was acknowledged that Transition Exeter would be a valuable partner in this work.

The questions and replies from the Assistant Director Environment (in italics) are appended to the minutes.

Scrutiny Committee - Community supported the suggestion of involving Transition Exeter as a partner with the City Council in progressing the Low Emissions Strategy.

The Chair thanked both Mr Duley and Ms Stephens for attending the meeting and putting their questions to the Committee.

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

#### **42 Update on the Impact of Welfare Reform on the Council and Residents**

The Housing Benefit Manager presented the report informing Members of the impact of the Government's Welfare Reform and the associated reductions in welfare budgets, introduced in April 2013. She advised of an amendment to the report by the addition of the words "on collection" after impact in the second line of paragraph 14.0.

The Mobile Benefits Training Officer detailed issues relating to council tax support, the benefit cap, social sector size criteria and need for downsizing, changes in Council tax instructions from 10 to 12 months, local welfare support and discretionary housing payments.

It was noted that the changes were impacting beyond the Council into the Third Sector with a 27% increase in inquiries at the Citizens Advice Bureau in the first quarter of this year with a 78% increase in referrals to the food bank in the last 12 months.

The following responses were given to Members' questions:-

- there is a greater crossover of Council/agency staff with CAB and Homemaker representatives based in the Customer Service Centre to take referrals and a City Council officer located part time at Job Centre Plus to provide housing and benefit advice. The latter can also identify areas where practises could be improved;
- improved partnership work is also evident in other areas with strong co-operation with Devon County Council, the Police and Devon and Somerset Fire and Rescue Service. Similarly, the Welfare Reform Action Group, with representation from many agencies, has also been a success;
- the City Council administers welfare support on behalf of the County Council; and
- the impact of changes to the Disability Living Allowance were likely to become increasingly apparent by October with the full affect of the Universal Credit Scheme to become apparent by April 2014.

The Chair and Members thanked officers for the comprehensive report and the hard work of staff in this transition period.

Scrutiny Committee – Community noted the contents of the report and, expressing their concern at the affect of welfare reform on the residents of Exeter, requested further update reports on the impact on both the Council and Exeter residents, including the potential impact of the introduction of Universal Credit.

(Report circulated)

### **PERFORMANCE MONITORING**

#### **43 Housing Revenue Account - Budget Monitoring to June 2013**

The Housing Operations Manager presented the report on major differences by management unit to the outturn forecast for the first three months of the financial year up to 30 June 2013. During this period, the total of the variances indicated that

there would be a net surplus of £583,238, which would be transferred from the working balance at 31 March 2014. This represented a reduction of £1,128,922 compared to the original budgeted surplus of £1,712,160. It was estimated that the working balance would stand at £6,873,535 at 31 March 2014.

The Housing Operations Manager, responding to a Member's query, advised that annual checks were made in respect of gas central heating systems which included the testing of smoke detectors.

Scrutiny Committee - Community noted the report.

(Report circulated)

#### 44 **Community - Budget Monitoring to June 2013**

The Principal Accountant presented the report advising Members of any major differences by management unit to the revised budget. The current forecast suggests that net expenditure for this Committee will increase from the revised budget by a total of £45,260 which represents a variation of 0.41% from the revised budget.

The current capital programme showed a total forecast spend of £4,249,531 in 2013/14 with £1,498,805 of the programme expected to be deferred until 2014/15.

Scrutiny Committee - Community noted the report.

(Report circulated)

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

#### 45 **Asset Management Review - Housing Garage Sites**

The Housing Operations Manager presented the report setting out the outcome of an asset management review of the City Council's garage sites and recommendations for estate rationalisation.

The report covered proposals for the re-development of garage sites, disposal, investment to ensure existing garages are fit for purpose, demolition and use for storage.

The Council currently owned 930 garages over 65 sites. Since 2009, around 60 garages a year had been vacant, representing around £26,500 in lost rental income each year. Despite several initiatives, the number of empty garages was not reducing. The garages had the potential to generate total income in the region of £470,000 per annum, depending on the type of tenant and the location of the garage.

A Member was concerned that the Council should maintain its stock of garages at a level which would enable the Council to continue to provide garage space to local charities and community organisations. This would be picked up during the consultation process. It was noted that the current processes relating to garage use were custom and practise and that there was no official Council policy.

Scrutiny Committee - Community requested Executive to:-

(1) support the report; and

- (2) approve the proposals set out in the report in principle for consultation with Ward Members and the Tenants' and Leaseholders' Committee and for detailed consideration by Executive in November.

(Report circulated)

#### 46 **Home Energy Conservation Report and Energy Company Obligation Funding**

The Assistant Director Environment presented the report updating Members on the Council's duties relating to home energy conservation and work being conducted on procuring an Energy Company Obligation (ECO) provider.

Responding to Members, he advised that a pan-Devon approach was the most cost effective method of procurement likely to yield greatest benefit from a provider and that, whilst some of the larger housing associations might engage an alternative provider, they could participate in the scheme. The procurement addressed local supply chains and local skills.

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

- (1) note the contents of the Home Energy Conservation report; and
- (2) agree to the proposed procurement route, as set out in the report, that is the Council select a partner for Energy Company Obligation delivery and co-ordinate delivery in partnership with that company including marketing support.

(Report circulated)

#### 47 **Local Air Quality Management Air Quality Action Plan 2011-2016 and 2013 Air Quality Progress Report**

The Assistant Director Environment presented the report updating Members on the Council's duties relating to local air quality management and work being conducted on Low Emissions Strategy. The report set out the four objectives of the Second Air Quality Action Plan and the three strategic objectives of the Low Emission Strategy which had been funded by DEFRA in the sum of £60,000 to identify and implement measures to reduce emissions and contribute towards the EU limit values, the project to be completed within 18 months. The engagement of a consultant would be funded from the above budget.

The Chief Executive & Growth Director emphasised the importance of a balanced approach to encouraging the economic growth of the City as well as maintaining air quality standards. He referred to the many transport initiatives in Exeter in recent years as part of Devon County Council's Transport Plans which had successfully led to the growth in patronage of public transport and stopped growth in car usage. Transport policy in the City reflected the City's importance as the economic hub of the area as well as the increasing number of homes that had to be built, both in the City and on the outskirts.

In addition to inward commuter/shopper journeys, a Member suggested that movements within and out of the City, such as to shopping centres, were also significant.

Scrutiny Committee - Community noted the report and requested Executive to note the progress on the Air Quality Action Plan and to support the development of a Low Emissions Strategy to fulfil air quality objectives.

(Report circulated)

### **PERFORMANCE MONITORING**

#### **48 Parkwood Leisure Centre Contract**

Members noted that, in accordance with the Constitution and the responsibilities of the respective Portfolio Holders, in future, the minutes of meetings of the Parkwood Leisure Services Working Group would be reported to Scrutiny Committee - Economy.

The Chair thanked those Members of this Committee who had served on this working group.

The minutes of the meetings of the Parkwood Leisure Services Working Group held on 3 June and 15 July 2013 were received.

(Minutes circulated)

#### **49 Minutes of the Devon and Cornwall Police and Crime Panel**

The minutes of Police and Crime Panel meetings were circulated after each meeting to Members of this Committee to enable them to raise any issues of concern or interest at these Scrutiny meetings. No issues were raised.

#### **50 Work Schedule Programme Meeting**

Members considered suggested topics for scrutiny as put forward at a scrutiny work programme meeting on 25 July 2103.

The Assistant Director Environment confirmed that he would be attending a seminar arranged by the Police and Crime Commissioner in September on alcohol related issues where he would be able to represent the viewpoint of licensing authorities. A Member suggested that the Commissioner was not fully appreciative of the significance of Exeter in a crime and policing context having focussed more on rural issues.

Scrutiny Committee - Community:-

- (1) agreed to invite the Police and Crime Commissioner to address a future Scrutiny Committee; and
- (2) supported the list of high, medium and low priority suggestions for future scrutiny work, noting that a programme would now be progressed in liaison with the Chairs of the three Scrutiny Committees.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

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QUESTION FROM A MEMBER OF PUBLIC

UNDER STANDING ORDER NO.19

SCRUTINY COMMITTEE - COMMUNITY – 3 SEPTEMBER 2013

QUESTION FROM MR DULEY

**PREAMBLE – MY REASONS FOR SUBMITTING QUESTIONS**

- **Concern for the wasted capacity of Exeter City Council Social Housing stock/units**
- **Observation that housing units remain vacant for longer periods than necessary**
- **Every empty home represents a potential home for people in need**
- **Impression that too many ECC Housing Units are awaiting occupation**
- **Realisation that the opportunity is often taken to upgrade properties when they fall vacant**
- **There is a desperate need for affordable rented housing in the city**
- **Vacant units are a wasted resource and should be minimised**
- **Better use of tenants notice period would reduce delays in allocation**
- **Evidence would suggest that the allocation system is inefficient**
- **Reduction of those in most need on The Housing List should be priority task**
- **Lost revenue should be an incentive to minimise turn around of tenancies**

**QUESTIONS TO SCRUTINY COMMITTEE - COMMUNITY**

**Re: Optimum Use of Exeter City Council Housing Stock**

The demand for social housing in this City of Exeter is ever increasing and it is a duty of the City Council to make best use of its housing stock. Since there is a prime responsibility of Councillors to ensure the best use of public assets can you please provide the following information:-

- 1. What was the average percentage and number of Exeter City Council (ECC) Housing Units empty at any time during 2012/2013?**

The average number of ECC properties empty at any one time during 2012-2013 was 43. This represents 0.85% of a total housing stock of over 5,000.

- 2. What was the lost revenue to ECC in 2012/13 from housing stock not occupied?**

The amount of rent not collected while the properties are vacant for 2012-2013 was £220,811. This represents **1.17% of a total rental income of £18,866,355.20.**

- 3. What performance measures are used by ECC to reduce the lost revenue and the period that housing units remain empty between tenancies?**

Performance measures in the widest sense include:

- Monitoring of performance in our Quarterly Performance Digest. A suite of some 40 or so performance indicators is produced every quarter in the form of the Digest which is then considered at a Performance Review Committee (PRC) made up of residents and Councillors. At the PRC meeting Council managers are invited to discuss and comment on the performance of their teams. The Committee as a whole makes suggestions for possible improvements in the future.

- Weekly meetings on void properties attended by operational managers and officers where individual cases are discussed
- Weekly meetings of Council technical staff with void contractors to review progress on void properties
- Weekly meetings of operational managers and officers to discuss 'direct matching' cases (i.e. where we make allocation decisions in the best interests of clients rather than them having to go through the Devon Home Choice system)
- The employment of a full-time Voids Co-ordinator to undertake the operational work around letting a property (principally signing up the new tenants)
- The imminent appointment of a temporary full-time Downsizing Officer to encourage downsizing and to help downsizers through the whole process of moving to smaller alternative accommodation

#### 4. Is the Homechoice allocation system efficient enough to provide the maximum use of Social Housing Stock available in the City?

This is an interesting question and one that is currently being tested as part of a review of how we let our properties and solve people's housing problems.

Our preliminary findings have shown that for properties which have adaptations or meet a specific housing need (e.g. level access) a Choice Based Lettings scheme like Devon Home Choice does not necessarily result in the right person securing the property, as waiting time is not the best indicator of critical need.

However, for General Needs properties Devon Home Choice is the quickest way to find a tenant for a vacancy using objective criteria. We probably could achieve lower void times by making direct matches, but we would not then be best meeting housing need. We would not necessarily be providing a fair system and we would be pushing tenants into properties they may not want and so undermining the success of our communities.

#### 5. How does Exeter City Council housing occupancy performance compare to that of local Housing Associations?

- Rent lost through dwellings being vacant: Of the 278 housing organisations **nationwide** that submitted data to Housemark (the national benchmarking organisation), we finished in 170<sup>th</sup> position (third quartile). **Locally**, featuring only housing organisations in the south-west of England, we came 19<sup>th</sup> out of 22 organisations (bottom quartile)
- Average re-let times: Of the 263 housing organisations **nationwide** that submitted data to Housemark, we finished in 182<sup>nd</sup> position (third quartile). **Locally**, featuring only housing organisations in the south-west of England, we came 18<sup>th</sup> out of 24 organisations (third quartile)

We know that on average people in high need are waiting 15 months for a social rented home and we do not want to see wasted capacity in Exeter City Council's Social Housing stock. About 310 properties in our stock become void each year and the average rate of turnover is 6%. A very small number (3) properties in our stock have been empty for over a year as a result of exceptional circumstances. Tenders are currently being let to undertake the works to bring these properties back into use. We do take the opportunity is often taken to upgrade properties when they fall vacant and the cost of the upgrades and the length of time it takes to do them has increased significantly over the past few years.

However, we do not necessarily share the assumption that the main focus of a void management service should be the minimisation of void times, thus protecting rent revenue and marginally reducing waiting times for people on the housing register. While this is undoubtedly important, our primary concerns in letting properties are:

- To let the right property to the right person
- To renovate the properties properly to minimise expensive reactive repairs in the future
- To make sure our processes are efficient and so that the time between us receiving the keys and re-letting the property is reduced

For example, if our only concern was letting properties as quickly as possible we may well let a property to someone whose needs don't match what the property offers and we would need to adapt the home for them after they move in - or worse, if they need to move to another property shortly afterwards. In addition, by focussing only on void times, we would do the bare minimum to prepare the property for its new tenants but we know that this results in a more costly series of additional works after they have moved in and low levels of satisfaction.

We know that our comparative performance on voids is not good but our overall budget position is strong and void satisfaction levels are high. We have agreed with our residents a relatively new set of 'Home Property Standards' where we specify the standard of accommodation new tenants can expect when they move into one of our homes. We know that these new standards are largely responsible for us taking longer to let properties than we did two years ago but we also know that our tenants are much happier with the product they receive.

In summary, we believe that by concentrating on making sure that the void property meets the specific reasonable demands of its new tenant we make savings which exceed any additional time properties are un-tenanted. And we believe that we can make significant improvements to the efficiency of our overall repairs business, of which void repair is one element. We are in the process of collecting and reviewing detailed data in order to evidence this. As part of this review we are testing different ways of working to assess which is the best overall. We are also looking at how to better use the tenants' notice period to reduce delays in allocation and at the inefficiencies in the allocation system itself. This review will take some months to complete, but once it is done we would hope to have increased levels of satisfaction and reduced costs across the repairs budgets as a whole. We anticipate that this will reduce void times but our objective is an improved service at a lower overall cost, rather than lower void times specifically.

**Councillor Rob Hannaford**  
**Portfolio Holder Housing and Customer Access**

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## QUESTION FROM A MEMBER OF PUBLIC

### UNDER STANDING ORDER NO.19

#### SCRUTINY COMMITTEE - COMMUNITY – 3 SEPTEMBER 2013

#### QUESTION FROM GILL WESTCOTT

I am writing on behalf of Transition Exeter Transport Group to ask whether we could bring some concerns before the Scrutiny Community Committee next Tuesday 3rd September. If possible someone will attend to ask a question, but in case this is not possible, we wished to

- a) congratulate Exeter City Council on measures to increase walking and cycling and improve public transport, and on the reduction in pollution levels at some location; We appreciate the commitment of time and finance this has taken.
- b) express concern about the continued increase in nitrous oxide at some of the main routes into town, including Heavitree Fore St and Cowick Street which are residential and shopping areas.
- c) ask how the impact of housing developments at Cranbrook, Newcourt, Monkerton and near Alphington on air quality can be more accurately assessed, and to what extent developers can contribute to improving sustainable and less polluting transport options.
- d) Similarly, with the IKEA development with 800 parking spaces, will efforts be made to minimise car journeys, support alternative travel possibilities, car clubs etc.?
- e) Would ECC consider insisting on a proportion of car-free developments at new development sites with viable sustainable transport options from the beginning ?

#### Answers

- a) *Thank you, we do try to encourage interest and participation in air quality issues by community, business and local interest groups, so your presence at the committee meeting, and your questions are welcome.*
- b) *The levels do not show a trend of significant and widespread increase and we do not therefore believe that air quality in Exeter is worsening. There are hotspots however where, as the report states, Government guideline levels for nitrogen dioxide are exceeded. These guidelines are set at a very precautionary level and so the actual impact on health is likely to be very small, but those with pre-existing respiratory problems could find that these are exacerbated in the vicinity of the very busiest roads. We are working with the Health and Wellbeing Board at DCC to understand the nature and extent of any health effects and what action could be appropriate as a result.*
- c) *The cumulative impact of the developments has been considered at the master planning stage and the individual impact of each planning application will also be assessed through the development control process. Any unacceptable air quality impacts would require mitigation by the developer.*

*Developers are already required to contribute towards sustainable transport and highways works by DCC through S.106 agreements, or the new CIL. These contributions are welcomed by us, because the works which DCC will carry out using this money to alleviate congestion will also improve air quality. Although the large new areas of development have the potential to increase traffic congestion and air pollution, they will be a mechanism by which significant improvements in public transport infrastructure can be achieved. It is intended that these improvements will offset any worsening as a result of the developments. Because the new infrastructure will also be available to existing residents, the developments actually have the potential to improve on the current situation as well.*

*The development control requirements for sustainable transport infrastructure on development sites themselves are set out in the Sustainable Transport SPG, which is available on the website. For more information on this, please speak to Ross Hussey.*

- d) Yes. The specifics of this application will be being handled by Richard and Lee, so I am not aware of them. It should be noted though that most of the traffic generated by the IKEA store will simply leave the motorway and travel straight to the site, so it will have limited impact on residential parts of Exeter.*
- e) This type of measure would be welcomed in air quality terms, however when making development control decisions, air quality considerations have to be balanced against all other issues. The current ECC policy is set out in the Sustainable Transport SPG.*

*With regard to whether the Low Emission Strategy project was a good use of Council money, because it appears to be research rather than a solution it was DEFRA money not ours. Secondly, although it does involve a significant proportion of research, the intention of this is to develop evidence based policy solutions. The project is therefore an excellent thing to be doing!*

**28 August 2013**

## SCRUTINY COMMITTEE - ECONOMY

5 September 2013

### Present:

Councillor Leadbetter (Chair)

Councillors Brock, Bialyk, Branston, Bull, Crew, Crow, Mottram, Prowse, Robson and Wardle

### Apologies:

Councillors Bowkett

### Also present:

Chief Executive & Growth Director, Assistant Director Economy, Assistant Director Public Realm, Service Manager (RC), Museums Manager, Projects and Business Manager (RH), Principal Accountant (PM), City Centre Manager and Democratic Services Officer (Committees) (SLS)

### In attendance:

Councillor Rosie Denham - Portfolio Holder for Economy and Culture  
Councillor Rachel Sutton - Portfolio Holder City Development

### 33 **Minutes**

The minutes of the meeting held on 30 May 2013 were taken as read and signed by the Chair as correct.

### 34 **Declarations of Interest**

Councillor Brock made a discloseable pecuniary interest relating to Item 39 and withdrew from the meeting whilst this item was discussed.

### 35 **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 Economy and Culture in respect of the progress on sponsorship and marketing for the city centre Christmas lights. 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.

### 36 **Presentation: Knowledge Economy Consultation Update**

The Assistant Director Economy presented the report and updated Members on work undertaken on the preparation and development of a knowledge based economy development strategy for Exeter. Nigel Wilcock, Director of Mickeldore Ltd, the appointed consultants, attended the meeting and reported back to Members on the initial findings and potential opportunities to grow the city's knowledge economy. He considered that whilst Exeter was at the beginning of the process, the city already had many of the critical assets needed for success such as a high quality university, a supportive agency structure, the development of a Science Park and Skypark which would also offer more commercial space. The future strategy would include one to one engagement, further work on the skills agenda, and the development of an action plan with targets to be progressed by the dedicated Steering Group. Nigel

Wilcock confirmed that the consultation and study period still had six weeks to run. A further report would be presented to this Scrutiny Committee and then the Executive later this year.

Nigel Wilcock responded to a number of Members' comments:-

- although there were no elected Members on the Steering Group, there was local accountability with the inclusion of business leaders and representatives from leading institutions, such as Exeter University with a remit to report back to this Scrutiny Committee. Unfortunately he had no influence over national employers using local trades or workforce, or over the University's procurement strategy. However, both of these areas would be taken on as part of the forward strategy.
- Exeter had an urgent need for a faster high quality broadband connectivity which was fundamental to the development of a knowledge economy. He was aware that there was a potential solution being discussed by the Heart of the South West Local Enterprise Partnership, and details would be included in the final report.
- every effort would be made to support those individuals with lower educational attainment and aspirations as part of work to develop the skills gap to ensure employees could be a part of developing the local economy.

The Chief Executive & Growth Director stated that Exeter's intent to become a knowledge economy was an important objective to drive future jobs for Exeter. Mickeldore had been able to identify the strengths and challenges that will need to be overcome and whilst the City Council had taken a lead so far, others must also now take this forward. The appropriate mechanisms were being put in place to engage the private sector to use local employees and raise skills levels, and the Council had been looking at ways to drive this forward working with neighbouring local authorities including Devon County Council. The Knowledge Economy Strategy would provide the framework, the appropriate level of engagement and ensure the action plan route can move in the right direction.

Scrutiny Committee – Economy Members thanked Nigel Wilcock for the presentation and welcomed the direction and progress of development of the Knowledge Economy Strategy to date.

(Report circulated)

## 37 **Budget Monitoring**

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

The Principal Accountant presented the report, which detailed the major differences by management unit to the outturn forecast for the first three months of the financial year up to 30 June 2013, which included a variation of 2.08% from the revised budget. An update on budget monitoring for the Economy and Development Capital Programme and potential areas of budgetary risk were identified and would be the subject of close monitoring. He would send a written response to a Member seeking information on the coinage retained by the Pay and Display machines in the City Council's car parks. Following a further comment on the need for the Council's machines to be Disability Discrimination Act Compliant, the Assistant Director Public Realm would follow up the suggestion that the County Council had surplus DDA stock, which could be used as the need for replacement arose.

The Chief Executive & Growth Director referred to comparison with last year's planning budget success, and any action needed would be taken, to ensure the budget was kept in check. He added that a number of planning consents had been



banked, and although there were two or three significant developments in the pipeline, he was not aware of them being actively pursued at the present time. A Member advised that he had received very positive feedback about the Cowick Street enhancement project and wished to thank all those involved in bringing it to fruition.

Scrutiny Committee Economy noted the report.

(Report circulated)

### 38 **City Centre Strategy for Exeter 2013 - 2022 (Draft)**

Councillor Denham attended the meeting and spoke to the Scrutiny Committee under Standing Order 44.

The City Centre Manager presented a report which updated Members on the preparation for a new City Centre Strategy to cover the period 2013/22, and sought their support for the document as drafted. The case for a new City Centre Strategy had previously received the backing of the City Centre Management Partnership Board (CCMPB) in 2012 and, following initial consideration, of a draft Strategy framework in early 2013, there had been an extensive consultation and listening exercise with a wide range of City Centre stakeholders including Devon County Council, the Police, the business community and Exeter Chamber of Commerce. The City Centre Manager referred to the consultation exercise having significantly strengthened the link with city centre businesses, specifically the independent sector, but emphasised the importance of businesses playing an ever greater role in the delivery of the City Centre initiatives during the lifespan of the City Centre Strategy. He added that the Strategy would only be of real value if the Action Plan was used as a framework for regular review on strategy delivery. The Strategy would be overseen by a reconstituted City Centre Management Partnership Board,(CCMPB) and include representatives from the city centre based business community, the Princesshay and Guildhall shopping centres, the City Council, Police and County Council. Once agreed, each body would need to account for progress on those aspects of the Strategy for which they were responsible. Following the Executive, further work would take place to ensure that the final Strategy was presented in a more attractive format.

Councillor Denham considered that this Strategy would set the way for the next decade. The draft document was significantly different to the earlier version, which had left little opportunity for meaningful engagement to shape the process. She welcomed the reconfiguration of the CCMPB membership, which would include a broader range of people and representation of retail in Exeter. It was understood that many of the projects could only go forward with the development of a successful Business Improvement District (BID). The Exeter Chamber of Commerce had taken the lead on this and would provide an update to this Scrutiny Committee later in the year.

The following responses were given to Members:-

- The City Centre Manager reiterated the difference between the early evening and late night economies and referred to the efforts being made through the Night Time Economy Forum to work to progress a number of projects. A shift in the trading hours would make a difference to the culture of the city and the environment.
- The City Centre Manager agreed that many of the potential projects, identified in the City Centre Strategy, were dependent on developing and identifying new and additional private sector income streams.

- The Assistant Director Economy referred to on-going process monitoring and would take on the suggestion for more 'feeling based' monitoring. He agreed this may provide an opportunity to gather and in effect sample new straplines to promote the city. They were currently pursuing a number of initiatives following on from the Food Festival, involving independent restaurants and cafés to seek to promote the quality of eating places in the city, building on its growing reputation.

Members also made the following comments:-

- the burgeoning independent retail sector in Exeter should be acknowledged, as there was an interesting café culture trail, whose businesses were already predominately using local produce and reference in the Action Plan would be welcomed.
- a request that a list of consultees/respondents should be published.
- the particular problem of a lack of treatment of weeds at this time of year in the city was raised.
- a request for the City Council to write to Devon County Council 's Highways Authority requesting a review of signage in the city centre relating to vehicular access, in an effort to address the increasing number of vehicles driving up High Street and Sidwell Street.

Scrutiny Committee – Economy welcomed the final draft of the City Centre Strategy and sought Executive approval, and also for the following:-

- (1) that the City Centre Partnership be asked to oversee the delivery of the Strategy and Action Plan, and the City Council work with the Partnership to review its membership to include representatives from the various distinctive areas, types of business and other interests which depend on the City Centre; and
- (2) Scrutiny Committee Economy to receive at least an annual presentation and progress report.

(Report circulated)

### 39 **Petition - Magdalen Road Car Park Charges**

Councillor Brock declared a discloseable pecuniary interest as a trader on Magdalen Road and withdrew from the room whilst the item was discussed.

The Service Manager, Public Realm and Commercial Services confirmed that a petition, containing 438 signatures had been submitted to Council on 16 July, with a concern that parking charges at Magdalen Road car park were having an effect on the local footfall. He referred to the outcome of the all-party Task and Finish Group, who had considered a number of options to protect and maximise income from the Council's car parks. That Group had considered that the overall tariff structure should be simplified and following a report to Executive, the Madgalen Road and Howell Road car parks were redesignated as short stay parks, in order to generate turnover of space and support local traders.

Councillor Prowse advised that he had been contacted by the petitioner and spoke on the matter. The petition referred to a decreasing footfall and the withdrawal of the use of parking for season ticket holders at weekends which had a marked decline in use. Howell Road car park had seen a similar drop in numbers. He asked officers to consider including weekend parking for season ticket holders to help recoup the lost business spread over the week. A Member considered that Exeter's car parking

charges were quite reasonable compared with some other cities and suggested a number of vacant offices in Southernhay may have been a contributory factor. The Assistant Director Public Realm confirmed that the redesignation of a number of the city centre's car parks had resulted in some displacement, but it was important to look at the relationship between parking tariffs and income in the round as it was difficult to find any correlation between tariff changes (or the lack of them) and income levels in individual car parks. In addition, overall parking income was holding up very well. The Car Parks Task and Finish Group had set out to create more available space on Magdalen Road for local shopping, and he felt this had been achieved. He noted the issues relating to Howell Road and would continue to monitor the levels of car parking in all car parks, and particularly Howell Road.

Scrutiny Committee – Economy noted the petition and would continue to monitor the Magdalen Road and Howell Road car parks usage.

(Report circulated)

#### 40 **Transport Initiatives and Issues - Update**

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

The Projects and Business Manager updated Members on the progress made in relation to transport initiatives and issues affecting Exeter and the City Council's involvement, both as a planning authority as well as providing transport infrastructure. The report covered all forms of transport available in Exeter, as well as an update on road improvements and other major schemes. It was noted that the funding for major schemes had been devolved to the Local Transport Board, with one omission being the replacement of a Bus and Coach Station. Redevelopment of the city's transport hub was now a top priority, and a number of options were being pursued, including the LEP's future single Local Growth Fund.

He responded to a Member's comment on lobbying for an equality of the Air Passenger Duty, stating that the membership of the Transport Select Committee did not include either of the city's MP's, however they were both very supportive when any such matter was taken up. He provided an update on a number of projects in the city including the forthcoming pedestrianisation of Central Station forecourt, and a future scheme at Liverpool Hill to Kinnerton Way, which would provide an important pedestrian and cycle link for a local school. He responded to Members' comments on the condition of St Clements Lane, and would investigate whether it was possible to secure some funding from Sustrans to look at improving the uneven surface of the tow path by Exeter Canal at Bromhams Field to link with the cycle trail. The Projects and Business Manager also addressed a comment on an apparent inconsistency for cyclists on the arterial routes into the city, referring to the cycle map of Exeter, which gave a number of off-road alternatives. He would make further enquiries on the Heavitree Pleasure Ground's consultation for the new pedestrian and cycle path to provide more information to the ward member.

Scrutiny Committee – Economy offered their continued support for the Council's involvement in the initiatives outlined in their report, with the replacement Bus and Coach Station being a high priority.

(Report circulated)

#### 41 **Exeter Commercial Property Register**

The Assistant Director Economy presented a report which updated Members on the handling of investment and relocation enquiries, and noted the progress made in

improving the toolkit available to attract and respond to enquiries about commercial properties. The Commercial Property Register, available through [www.exeter.gov.uk/property](http://www.exeter.gov.uk/property) provided an unbiased advice service to businesses looking to relocate or expand their existing business in Exeter and the Heart of Devon area. The Economy Unit worked with a wide range of commercial agents and used the system to promote vacant properties to local, regional and national businesses. He responded to comments about developing the service, stating that the available resources were used to continually raise the Register's profile. Members suggested seeking the support of the Heart of the South West Local Enterprise Partnership to help promote this service.

Scrutiny Committee – Economy noted the following:-

- (1) progress made with the Commercial Property Register and acknowledged the City Council's role in dealing with investment and relocation enquiries;
- (2) progress made in improving the toolkit available to staff for dealing with inward investment / relocation enquiries in the form of a promotional video, the [www.investinexeter.co.uk](http://www.investinexeter.co.uk) website and the prospectus, and
- (3) suggested that support from the Heart of the South West Local Enterprise Partnership be sought to help promote this service.

(Report circulated)

#### 42 **RAMM Visitor Research 2013/14**

The Museums Manager presented a report on the visitor research programme and outlined the proposed programme of research for the period 2013/14. The results of this market research helped identify long term trends and captured the contribution made by the RAMM to the city. It also provided useful supporting evidence when submitting future funding applications. A summary of the visitor trends was set out in Section 4 of the report and, of particular note, was the increase in dwell time as well as many positive comments about the quality of the experience. It was gratifying to note that 94% of participants agreed that the RAMM made a vital impact on the city, with the Museum being seen as a flagship of excellence for the city. The Chief Executive & Growth Director responded to a suggestion that the Museum's opening hours be extended, potentially into the early evening and whilst he understood the interest, advised that a sound financial case, including any staff implications would have to be made.

Scrutiny Committee – Economy noted the report and the positive impact made by the RAMM in attracting visitors and their expenditure to the city.

(Report circulated)

#### 43 **Work Schedule Programme Meeting**

Members considered suggested topics for scrutiny as put forward at a scrutiny work programme on 25 July 2013. They made a number of suggestions including:-

- The Heart of the South West Local Enterprise Partnership (LEP) - It was agreed that an invitation would be extended to the Chair or Chief Executive to attend the November meeting. Councillor Leadbetter would also be able to contribute to the debate as the Devon County Council representative on the LEP.
- Future delivery of faster Broadband connectivity in the city

- Improving the vitality of District Shopping centres.
- The future direction and promotion of the Quay area
- Youth unemployment

Scrutiny Committee – Economy supported the topics suggested of high, medium and low priority suggestions for future scrutiny work, noting that a programme of work would now be progressed in conjunction with the Chair of the three Scrutiny Committees.

(Report circulated)

**44 Parkwood Leisure Services Working Group - Membership**

It was reported that due to the change in the Portfolio Holder responsibility from Environment and Leisure to Economy and Culture, the monitoring of the Parkwood Leisure contract, including the reporting of the Parkwood Leisure Services Working Group minutes would be transacted through Scrutiny Committee – Economy. A revised Terms of Reference was circulated as the membership would now include the Chair of Scrutiny Committee – Economy, Councillor Leadbetter and Portfolio Holder Economy and Culture, Councillor Denham together with a representative from each of the political Groups. Nominations were sought for the Parkwood Leisure Services Working Group.

Scrutiny Committee – Economy supported the nominations of Councillors Robson, Crow and Brock as the representatives. (Subsequent to the meeting Councillor Mitchell took the place of Councillor Brock.)

**45 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.

**46 Minutes of Exeter and Heart of Devon Growth Board - 8 July 2013**

The minutes of the Exeter and Heart of Devon Growth Board held on 8 July 2013 were circulated for Members' information, and referred to a number of issues that the City Council may need to consider and take forward as appropriate.

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

(Minutes circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.25 pm

Chair

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Scrutiny Committee – Economy  
5 September 2013

**Questions to the Portfolio Holder for Economy and Culture from Councillor Prowse** *(The reply is in italics)*

1. Can the Portfolio Holder give Members an update on the progress to encourage local businesses and sponsors to assist in the funding for the Christmas lights?

*Councillor Denham referred to the progress made in seeking sponsorship and marketing to fund the Christmas lights in the High Street. Following on from the discussion at the Christmas Lights Task and Finish Group, a face to face approach had been made to contact a number of city centre businesses. It had also been possible to use some of the results from the consultation carried out for the City Centre Strategy. She hoped to be in a position to provide a further update at Council, and there may be confirmation of a significant sponsor.*

2. Can the Portfolio Holder tell Members of any initiatives that would boost the visitor numbers to the city of Exeter over the Christmas period, that would both fill the spare capacity car parking and benefit local business and events?

*Councillor Denham outlined the many seasonal activities to promote the city, including 50,000 copies of the Winter in the City, an events brochure, which will be distributed widely in the region, as well as promotion through the web site and social media.*

*Other activities include -*

- *The Christmas Lights switch on - 21 November and the start of late night shopping.*
- *The Christmas Market will take place on the Cathedral Green from 21 November to 19 December. Other weekend Christmas markets will take place on Fore Street and Castle Street.*
- *A Santa's Grotto and reindeer visit in the Guildhall Shopping Centre*
- *Exeter City Football Club's Annual Santa Run.*
- *There are also a number of pantomime and children's shows taking place in the Corn Exchange, and the Phoenix, Barnfield and Bike Shed theatres.*

Councillor Prowse thanked the Portfolio Holder for her reply and reiterated his previous offer to help with the face to face approach to local businesses.

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## SCRUTINY COMMITTEE - RESOURCES

18 September 2013

### Present:

Councillor Baldwin (Chair)

Councillors Bull, Donovan, Macdonald, Newby and Robson

### Apologies:

Councillors Brock, Crew and Dawson

### Also present:

Deputy Chief Executive, Acting Assistant Director Finance, Assistant Director Environment and Democratic Services Officer (Committees) (SLS)

### **32 Minutes**

The minutes of the meeting held on 19 June 2013 were taken as read and signed by the Chair as correct.

### **33 Declarations of Interest**

No declarations of disclosable pecuniary interests were made.

## **PERFORMANCE MANAGEMENT**

### **34 AIM Property Maintenance Progress 2013/14**

The report of the Acting Assistant Director Finance, Assistant Director Economy and Assistant Director Housing and Contracts was submitted, detailing the financial position of the £1.5m programme of non-housing reactive and planned property maintenance and refurbishment for the financial year 2013/14. The report also provided, where necessary, specific details on significant programme variations. In future, any variations will be reported as part of the budget monitoring process.

Scrutiny Committee – Resources noted the first quarter financial position of the £1.5m programme of non-housing reactive and property maintenance and refurbishment for 2013/14.

(Report circulated)

### **35 Budget Monitoring (Quarter 1)**

The Acting Assistant Director Finance presented the report, advising Members of any material differences by management unit to the revised budget for the first three months of the financial year up to 30 June 2013, which included a variation of 0.98% from the revised budget. The report also contained the detail of two key review areas, and potential areas of budgetary risk, which would be the subject of close monitoring. Members welcomed the changes in reporting style, which now offered a more explanatory and clearer picture.

The Acting Assistant Director Finance responded to a comment on the backlog of processing housing benefit claims. A significant amount of work had now been undertaken to address this issue, with additional staff now focused on this task to provide an immediate impact. The Deputy Chief Executive considered that it was

important to highlight any such issues and he suggested a presentation be made to the December meeting, covering the Housing Benefit subsidy area of work.

Scrutiny Committee – Resources noted the report.

(Report circulated)

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

### **36 Overview of the General Fund Budget 2013/14**

The Acting Assistant Director Finance presented the report, advising Members of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account after three months, for the 2013/14 financial year. The report contained details of the three Scrutiny Committees and the Housing Revenue Account, together with the current budget variance after the first financial quarter of the year. The Service Committee budgets showed a forecast overspend of £57,670 against a revised Service net expenditure budget of £12,223,520. The General Fund overspend related to an impact from a reduction of costs resulting from the reorganisation, and an amalgamation of key variances of Committee. Two new elements of the report were included, the highlighting of the main areas of budgetary risk, and more pictorial information on the outstanding debt in key service areas.

The Deputy Chief Executive gave the following responses to Members' queries:-

- savings had already been identified from utilising existing staff more efficiently and ensuring a multi skilling approach as a result of the Looking Good Programme.
- the provision of the CAB Advisory Services in the City Council's Customer Service Centre had received a very positive response from clients and colleagues, enabling clients to be dealt with as part of a more co-ordinated approach.
- a review of the reporting mechanism to ensure effective performance monitoring of customer facing services had been discussed at a recent meeting of the Council's Transformation Board overseeing the reorganisation.

The Acting Assistant Director Finance responded to a comment in respect of the RAMM's appeal on their Business Rates, advising that the process was very protracted and could take a number of years to resolve. He acknowledged the positive comments on the management of the Council's property portfolio, adding that colleagues had adopted their current approach as they were mindful of the challenging financial climate.

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

- (1) General Fund forecast financial position for the 2013/14 financial year;
- (2) Housing Revenue Account forecast financial position for 2013/14 financial year;
- (3) additional supplementary budgets listed in Appendix C of the circulated report;
- (4) outstanding Sundry Debt position as at June 2013; and
- (5) creditors' payments performance.

(Report circulated)

### 37 **Capital Monitoring Statement**

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

Members were asked to support the approval of an urgent request to the Executive for of an additional sum of £36,000, to complete essential resurfacing of Leighton Terrace car park. The works were considered necessary to ensure that the car park could continue to be operated in a safe manner and avoid any temporary closure. The Deputy Chief Executive explained that an evaluation had been based on supplied information; he would investigate and circulate a reply to Members. A more proactive planned approach to commercial property maintenance would be taken. A Member referred to the uneven surface of the car park at the Exeter Arena Athletics Stadium and was currently awaiting a reply to her enquiry on this issue. The Acting Assistant Director Finance clarified that £71,000 available funding would be used for specific national cycle network projects, with the City Council carrying out the work on behalf of the County Council. He would send a breakdown of expenditure on the anticipated projects.

Scrutiny Committee – Resources noted the current position and recommended approval by Council of the revised annual Capital Programme, and an urgent request for an additional £36,000 to complete the resurfacing of Leighton Terrace car park.

(Report circulated)

### 38 **Revision of Asbestos Policy**

The Assistant Director Environment presented a report and sought approval for a revision of the Asbestos Policy, which set the future framework and detailed the resource implications for specific members of staff. He responded to Members' comments on accredited quality management of policy documents, stating that there was no separate quality management system applied to all policy documents. With regard to staff being appraised of the Asbestos Policy, the policy provided the overarching framework, whilst front-line staff would be briefed in the relevant safe working practices and risk assessments, dependent upon their role. The Assistant Director Environment reassured Members that those staff and contractors likely to come into contact with asbestos were appropriately trained. He also responded about the inclusion of a continuing budget for asbestos removal in the Asset Management Programme. The Deputy Chief Executive confirmed that any future changes in such policies, would be identified in an appendix to the report as part of a more helpful reporting regime.

Scrutiny Committee – Resources endorsed the revised Asbestos Policy and recommended approval to the Executive.

(Report circulated)

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

### 39 **Health and Safety at Work Matters**

The Assistant Director Environment presented the report, providing Members with a quarterly update on health and safety at work and to ensure that Members were aware of strategic health and safety issues and actions taken. He highlighted a number of areas, including the revision of the Asbestos Policy, set out in an appendix to the report:-

- the procurement of AssessNET, a new modular safety management system;
- the risk assessment of all Council footpaths and associated assets had commenced (which would be the subject of a future report to Members); and
- a multi agency Exeter Safety Advisory Group including the Police, DCC Highways, and the Ambulance Service to evaluate any risk areas associated with evaluating major events planned in Exeter.

A Member also sought further information on the management of the Contract Control process. The Assistant Director Environment advised that the Principal Safety Officer was currently working on this and would respond to the Member directly.

Scrutiny Committee – Resources noted the report.

(Report circulated)

#### 40 **Work Schedule Programme Meeting**

Members considered suggested topics for scrutiny as put forward at a Scrutiny Work Programme on 25 July 2013. A further meeting was due to take place with the Chairs of the Scrutiny Committees to consider the suggestions made and identify and prioritise any further areas.

A Member suggested an update on the Welfare Reform changes, as well as covering the actual application process.

Members welcomed the new financial reporting format, and congratulated the Finance Working Group on their work so far. The Chair referred to a forthcoming training session on Finance due to take place on 23 October, ostensibly for Members of the Committee, but an invitation would also be extended, and the session to be repeated as part of the Councillor Induction programme for new Members in May.

Scrutiny Committee – Resources supported the topics suggested of high, medium and low priority suggestions for future scrutiny work, noting that a programme of work would now be progressed in conjunction with the Chair of the three Scrutiny Committees.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.30 pm

Chair

## AUDIT AND GOVERNANCE COMMITTEE

26 September 2013

### Present:-

Councillor Bowkett (Chair)  
Councillors Baldwin, Branston, D J Henson, Leadbetter, Morris, Payne, Ruffle and Spackman

### Apologies

Councillors Choules and Laws

### Also Present

Deputy Chief Executive, Acting Assistant Director Finance, Corporate Manager Legal, Corporate Manager Policy, Communications and Community Engagement, Audit Manager (HP) and Democratic Services Officer (Committees) (SLS)

Barrie Morris, Engagement Lead, Grant Thornton, Chartered Accountants  
Nigel Timmins, Audit Manager, Grant Thornton, Chartered Accountants

13

### MINUTES

The minutes of the meeting held on 26 June 2013 were taken as read by the Chair and agreed as a correct record.

14

### DECLARATIONS OF INTEREST

No discloseable pecuniary interests were declared.

15

### 2012/13 REPORT TO THOSE CHARGED WITH GOVERNANCE (ISA 260) (GRANT THORNTON)

Mr Barrie Morris, representing Grant Thornton, the Council's external auditors, presented the Audit Findings report of the Council's financial statements for the year ended 31 March 2013. It was anticipated that, subject to the approval of the final management representation letter and updating the post balance sheet events review, both items on the agenda, that an unqualified opinion on the financial statement would be issued. He thanked the Acting Assistant Director Finance and his team for their assistance and professional approach.

Barrie Morris responded to a Member's enquiry on the inclusion of the Science Park, stating that the City Council acknowledged the importance of monitoring any potential risk and identifying residual costs. The Acting Assistant Director Finance also replied to a Member's comment in relation to the residual risk associated with liquidity, confirming that the City Council's policy for short term borrowing would remain. He would follow up his valid point on the usefulness of comparator information, and would investigate the opportunity to review the Council's activity in this area with other authorities.

**RESOLVED** that the Audit and Governance Committee noted the report.

(Report circulated)

**FINANCIAL RESILIENCE**

Mr Nigel Timmins, representing the Council's external auditors, presented Grant Thornton's Financial Reliance Report. The report outlined the financial resilience of the City Council by looking at the following:-

- key indicators of financial performance
- approach to strategic financial planning
- approach to financial guidance and financial control

Grant Thornton concluded that the Council had adequate financial resilience arrangements and issued a predominantly green indication to show that the key characteristics of good practice were in place. Members requested additional comparator information in relation to the Housing Revenue Account.

**RESOLVED** that the Audit and Governance Committee noted the report.

(Report circulated)

**FINAL STATEMENT OF ACCOUNTS 2012/13**

Councillor Ruffle declared an interest as a Member of the Exeter Canal and Quay Trust.

The Acting Assistant Director of Finance presented the Council's financial statements for 2012/13. Members acknowledged the very tight financial deadlines imposed on the City Council and considered a number of suggestions to improve the reporting process in future years. It was noted that the City Council had maintained its prudent financial position.

**RESOLVED** that the Audit and Governance Committee approved the Statement of Accounts for 2012/13.

(Report circulated)

**MANAGEMENT REPRESENTATION LETTER TO THE EXTERNAL AUDITOR IN RESPECT OF THE 2012/13 STATEMENT OF ACCOUNTS**

The Acting Assistant Director Finance presented the draft letter to the External Auditor, Grant Thornton in respect of the 2012/13 Statement of Accounts.

**RESOLVED** that the Audit and Governance Committee approved the letter and requested that it be signed by the Acting Assistant Director Finance and Chair of the Audit and Governance Committee for forwarding to the External Auditor, Grant Thornton.

(Letter circulated)

**INTERNAL AUDIT PROGRESS REPORT**

The Audit Manager (HP) presented the progress report on the areas of work carried out by the Internal Audit Team during the period from April to June 2013. The report also included the overall progress made against the 2013/14 Audit Plan, including the active monitoring of audit processes and actions. The activities were now given

an assurance 'star' rating to make the information and process clearer. A summary of progress as at 30 June 2013 was set out in an appendix to the report. The Acting Assistant Director Finance responded to a number of Members' comments who sought further clarification of a recommendation to review the official ordering of goods process, which now required all purchases to be supported by an official electronic order, as well as being signed off by a designated member of staff. He stated that this process would be closely monitored and a progress report made in six months time.

The Deputy Chief Executive also responded to a comment on the Internal Audit summary of work completed, in relation to Collection Tax (Collection and Recovery), and confirmed that the lack of staff resources had been addressed as part of the City Council's organisational review. The Audit Manager (HP) agreed to provide more detailed background on the recommendations made in respect of Council Tax following the next Audit of this service, which was due to commence shortly. She would circulate a copy of the Audit report in relation to Allotments.

The Audit and Governance Committee noted the Internal Audit Progress Report for the first quarter of the year 2013/14.

(Report circulated)

20                    **CORPORATE GOVERNANCE RISK REGISTER QUARTERLY REVIEW**

The Corporate Manager Policy, Communications and Community Engagement presented a report which advised the Committee of the changes introduced to the Council's risk management policy and procedures, and also sought approval for the updated Corporate Risk Register.

The Risk Management Policy now offered a more robust process and included the identification of risk at the earliest opportunity; risks were now monitored by the Strategic Management Team, and risk owners were accountable for their individual areas. Training would be arranged for Members of the Audit and Governance Committee to explain the process and procedures used in more detail. It was acknowledged that the post mitigation risk scores still had to be added to the Corporate Risk Register.

The Audit and Governance Committee noted the revised Risk Management Policy and Procedure and approved the updated Corporate Risk Register for the City Council.

(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                    **CORPORATE GOVERNANCE RISK REGISTER QUARTERLY REVIEW (APPENDIX B)**

The Corporate Manager Policy, Communications and Community Engagement presented a report which advised the Committee of the changes introduced to the

Council's risk management policy and procedures. This included an appendix to the report (Appendix B).

The Audit and Governance Committee noted the details contained in Appendix B.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.20 pm)

Chair



## EXECUTIVE

Tuesday 17 September 2013

### Present:

Councillor Edwards (Chair)  
Councillors Denham, Fullam, Hannaford, Mrs Henson, Owen, Pearson and Sutton

### Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Economy, Assistant Director Environment, Assistant Director City Development, Assistant Director Housing and Contracts, City Centre Manager and Democratic Services Manager (Committees)

81

### MINUTES

The minutes of the meetings of the Executive held on 18 June and 1 July 2013 were taken as read and signed by the Chair as correct records.

82

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

83

### ASSET MANAGEMENT REVIEW - HOUSING GARAGE SITES

The report of the Assistant Director Housing and Contracts was submitted, reporting on the outcome of an asset management review of the City Council's garage sites and considering recommendations for estate rationalisation.

Members were advised that the Council owned 930 garages over 65 sites. Since 2009, around 60 garages a year had been vacant. This represented 6.5% of the total stock and around £26,500 in lost rental income each year. A review of garages had been undertaken and the proposal before Members was to consult on the review to reduce the garages from 930 on 65 sites to 276 on 24 sites.

The Assistant Director Housing and Contracts outlined the issues raised in the review including pressure on parking on some estates, the need for more hardstandings and that garages were quite often not big enough to park a car in. The proposal was only for garages in City Council ownership.

Councillor Prowse spoke on this item under Standing Order no.44. He raised concerns regarding the private ownership of garages and that the Council would need to be sure that any proposals put forward did not include privately owned garages.

The Assistant Director Housing and Contracts clarified that a detailed assessment of the sites had been undertaken, taking into account those garages in private ownership and that the proposal at Wynford Road was only for a corner of the site to be re-developed.

Members discussed the need to ensure that the Council was aware of the ownership of the garages before any development was taken forward, some Members raised concerns regarding any potential legal implications regarding ownership and possible development.

The Portfolio Holder for Housing and Customer Access advised that the proposals were a holistic approach to the way forward for garage sites and the consultation process should highlight any ownership issues. This would be a phased project over a number of years, a further report with results of the consultation to be brought back to Executive in November.

Scrutiny Committee – Community considered the report at its meeting on 3 September 2013 and the comments of Members were noted.

**RESOLVED** that:-

- (1) recommendations set out in the report be approved in principle for consultation with Ward Members and the Tenants and Leaseholders' Committee; and
- (2) a report for detailed consideration be brought back to the November meeting of this Committee.

(Report circulated)

84

#### **HOME ENERGY CONSERVATION REPORT & ENERGY COMPANY OBLIGATION FUNDING**

The report of the Assistant Director Environment was submitted, updating Members on the Council's duties relating to home energy conservation and work being conducted on procuring an Energy Company Obligation (ECO) provider.

Members were advised that, in order to monitor progress against these targets, the Government required all local authorities in England to produce a Home Energy Conservation report by 1 March 2013, setting out the energy conservation measures that each authority considered practicable, cost-effective and likely to result in significant improvement in energy use savings.

Members were updated on the Green Deal position and that the ECO is an obligation placed upon the seven largest energy companies requiring them to fund energy efficiency measures, and was funded through charges on all energy bills. A partnership had been formed with Local Authorities in Devon and invitation to tender for procuring an Energy Company Obligation Delivery Partner for Devon and Torbay had been advertised. The procurement process was being undertaken by Devon County Council on behalf of the partnership. The aim was to have an ECO Delivery Partner in place by 21 October 2013.

Members discussed the low take up of the Green Deal nationally, but that by working with other Local Authorities in Devon on ECO, it was hoped that a better deal could be achieved for Exeter residents.

Scrutiny Committee – Community considered the report at its meeting on 3 September 2013 and the comments of Members were noted.

**RESOLVED** that:-

- (1) the contents of the Home Energy Conservation Report be noted; and

- (2) the procurement route, as set out in the report, that is the Council select a partner for Energy Company Obligation delivery and co-ordinate delivery in partnership with that company, including marketing support, be agreed.

(Report circulated)

85

**LOCAL AIR QUALITY MANAGEMENT AIR QUALITY ACTION PLAN 2011-2016  
& AIR QUALITY PROGRESS REPORT**

The report of the Assistant Director Environment was submitted, updating Members on the Council's duties relating to local air quality management and work being conducted on a Low Emissions Strategy.

Members were updated on the four key objectives in this Second Air Quality Action Plan and the development of a Low Emissions Strategy Plan. The Council had been successful in obtaining a DEFRA grant of £60,000 to establish a Low Emissions Strategy.

Councillor Leadbetter spoke on this item under Standing Order no.44. He stated that there had not been any improvement within the Air Quality within the last seven years. In response to the Leader regarding Devon County Council input as transport authority, he said he would look to move the issue forward with Devon County Council through Exeter HATOC.

The Assistant Director Environment advised that the funding from DEFRA was ring-fenced and would be used to develop the Low Emissions Strategy. More recently the air quality within Exeter had not worsened, and in fact had improved slightly in the short-term, despite the city's growth. He also advised that the Council's work on Air Quality and Low Emission strategies, together with respective action plans were instrumental in influencing partners to take account of the importance of air quality in such issues as transport management.

The Leader highlighted the need to take forward the proposal for the park and ride site at Alphington.

The Portfolio Holder for City Development emphasised the need to work closely with the County Council to improve air quality within the City and proposed an additional recommendation seeking high level meetings with the County Council to move forward improvements in Air Quality. This was agreed.

Scrutiny Committee – Community considered the report at its meeting on 3 September 2013 and the comments of Members were noted.

**RESOLVED** that:-

- (1) the progress on the Air Quality Action Plan be noted;
- (2) the development of a Low Emissions Strategy to fulfil air quality objectives be agreed; and
- (3) discussions take place with Devon County Council as a matter of priority to take forward issue of the Air Quality in the City.

(Report circulated)

**CITY CENTRE STRATEGY FOR EXETER 2013-2022**

The joint report of the City Centre Manager and the Assistant Director Economy was submitted, updating Members on the preparation of a new City Centre Strategy to cover the period 2013/22, seeking approval from Members for the City Centre Strategy document as drafted.

The case for a new City Centre Strategy had previously received the backing of the City Centre Management Partnership Board (CCMPB) in 2012 and, following initial consideration of a draft Strategy framework in early 2013, there had been an extensive consultation and listening exercise with a wide range of City Centre stakeholders including Devon County Council, the Police, the business community and Exeter Chamber of Commerce. The resulting final draft of the Strategy would be reproduced in a more attractive format and published in Autumn 2013. The action plan would be reviewed on an annual basis. It was important for its success that the Strategy had wide spread ownership across the business community as well as the key agencies and the membership of the City Centre Partnership would change to reflect this as well as those organisations who would be responsible for delivering the Strategy

Councillor Leadbetter spoke on this item under Standing Order no.44. He welcomed the Strategy and the efforts being undertaken towards bridging the gap between the afternoon and evening economy.

Members welcomed and embraced this Strategy and suggesting that Exeter examine successful initiatives in other cities designed to encourage visitors.

The Portfolio Holder for Economy and Culture stated that this was the coming together of all the stakeholders and partners within the City Centre and thanked Scrutiny Committee Economy for its support and comments.

Scrutiny Committee – Economy considered the report at its meeting on 5 September 2013 and the comments of members were noted regarding the City Centre Partnership Membership and overseeing the delivery of the Strategy and Action Plan.

**RESOLVED** that:-

- (1) the draft City Centre Strategy be approved;
- (2) the City Centre Partnership be asked to oversee the delivery of the Strategy and Action Plan, and the City Council work with the Partnership to review its membership to include representatives from the various distinctive areas, types of business and other interests which depend on the City Centre;
- (3) Scrutiny Committee - Economy receive at least an annual presentation and progress report;
- (4) a list of consultees/respondents be published; and
- (5) the City Council write to Devon County Council 's Highways Authority requesting a review of signage in the city centre relating to vehicular access, in an effort to address the increasing number of vehicles driving through the High Street and Sidwell Street.

(Report circulated)

87

**PROPOSED DRAFT AMENDED SUPPLEMENTARY PLANNING DOCUMENT:  
'HOUSES IN MULTIPLE OCCUPATION (INCLUDING CLASS C4 USES )' FOR  
PUBLIC CONSULTATION**

The report of the Assistant Director City Development was submitted, looking to consider amending the guidance to apply a restriction on further HMO's to a wider area comprising the entire area that is subject to a previous Article 4 Direction that came into effect on 1 January 2012. The Article 4 Direction brought changes of use from Class C3 (dwellings) to Class C4 (small HMOs for 3-6 persons) within planning control.

Members were advised that the recommendation was to introduce a restriction on new HMOs in parts of Duryard, Pennsylvania and two areas of Newton that were presently below the 20% threshold.

The Portfolio Holder for City Development stated that the Article 4 Direction worked well and had helped to respond to public concern regarding the over concentration of HMOs in one area. There were safe guards in place to enable permission for HMO's to be approved in the restricted areas in exceptional circumstances.

**RESOLVED** that the draft amended Supplementary Planning Document 'Houses in Multiple Occupation (including Class C4 Uses)', attached at Appendix One of the report, as a basis for public consultation, be agreed.

(Report circulated)

88

**COMMUNITY INFRASTRUCTURE LEVY ADOPTION AND AFFORDABLE  
HOUSING SUPPLEMENTARY PLANNING DOCUMENT REVISION**

The report of the Assistant Director City Development was submitted, seeking Executive's support for the adoption of the Exeter Community Infrastructure Levy (CIL) and for revision of the Affordable Housing Supplementary Planning Document (SPD) that was adopted in February 2013.

The Assistant Director City Development advised that the Community Infrastructure Levy would be a new form of charge that allows authorities to raise funds from developers and would replace Section 106 Agreements in respect of strategic infrastructure although the latter could still be used for securing affordable housing and site specific elements in association with developments.

The Community Infrastructure Levy Examiner had found that the City Council should seek 35% affordable housing as well as charging the proposed residential CIL rate of £80 per square metre. Whilst the requirement for 35% affordable housing would be applied irrespective of the recently adopted Affordable Housing SPD's stated interim figure of 25%, it would be more transparent to remove reference to 25% from the SPD. Instead it was proposed that the whole of the SPD be replaced with an amended version and this would be brought forward in due course.

The Assistant Director City Development advised of an amendment to the implementation date of 1 December 2013.

Councillor Leadbetter spoke on this item under Standing Order no.44. He raised concerns regarding the 35% affordable housing contributions and the unintended

consequences of this putting off developers, questioned how the distribution of CIL would be decided; and if the items on the list could be added to.

The Assistant Director clarified that the Regulation 123 list could be changed and the Council was at liberty to revise it at any time although monies could still be secured through a Section 106 Agreement for more site specific infrastructure projects.

Members discussed the 35% affordable housing contribution and the need to ensure that this did not deter development coming forward; who and how the CIL funds would be allocated; District Heating Systems and if they should be included on the Regulation List 123.

The Chief Executive & Growth Director highlighted the challenges ahead of how and when to allocate the capital receipts and that the cost of any infrastructure required may exceed the value of the funds at any one given time. Governance arrangements for CIL funds would be brought to Executive in due course.

The Assistant Director City Development clarified that if a District Heating System would be an advantageous on a site the monies could still be collected through a Section 106 Agreement as site specific infrastructure.

The Portfolio Holder for City Development thanks officers for their hard work undertaken on the CIL.

The Portfolio Holder for Housing and Customer Access proposed an amendment to recommendation F that the Portfolio Holders for Housing and Customer Access and City Development be delegated authority to agree amendments to paras 3.8-10 of the Draft SPD (P82-3) with regard to affordable housing mix plus any consequential amendments such as the example in appendix 3 (P89-90). This was to ensure that the right mix of affordable housing was achieved given the Council's needs at the time and was agreed.

**RECOMMENDED** that Council:-

- a) approves the Community Infrastructure Levy Charging Schedule at Appendix 1 for adoption and implementation from 1 December 2013;

**RESOLVED** that:-

- b) the Payment Schedule at Appendix 2 for implementation in conjunction with the Charging Schedule be approved;
- c) the Regulation 123 List at Appendix 3 as a list of infrastructure that the Council intends to provide funding support for through CIL be approved;
- d) the requirement for 35% affordable housing on sites of 3 dwellings or more apply to all relevant approvals of planning permission, except where there has been a Planning Committee resolution to grant planning permission, be approved. Subject to where such a resolution has been passed, the requirement applies if planning permission has not been granted before the date on which the Community Infrastructure Levy is implemented;
- e) the Council continue to apply the February 2013 Affordable Housing SPD except paragraphs 3.4 - 3.6 and in other instances where 25% affordable housing and a threshold of 15 dwellings are mentioned; and

- f) the revised Affordable Housing Supplementary Planning Document at Appendix 4 for public consultation with the intention of replacing the current version be approved and that the Portfolio Holders for Housing and Customer Access and City Development be delegated authority to agree amendments to paras 3.8-10 of the Draft SPD (P82-3) with regard to affordable housing mix plus any consequential amendments such as the example in appendix 3 (P89-90)

(Report circulated)

89 **PROPOSED RESPONSE TO THE TECHNICAL CONSULTATION 'NEW HOMES BONUS AND THE LOCAL GROWTH FUND**

The report of the Chief Executive & Growth Director was submitted, asking Members to consider a proposed City Council response to the current Government consultation seeking views on suggested mechanisms for the pooling of £400million of New Homes Bonus through local enterprise partnerships to support strategic housing and other local economic growth priorities.

The Assistant Director City Development advised of the background to the New Homes Bonus and the Government proposal to top slice about 35.1% of New Homes Bonus funding from local authorities in 2015/16 reducing to about 30% in future years. He updated Members on the two alternative mechanisms for pooling contributions and the implications for the Council which could involve the Council pooling £1.225m of its projected £3.5m for 2015/16.

Councillor Leadbetter spoke on this item under Standing Order no.44. He advised that, as a member of the Local Enterprise Partnership, there could be advantages to the Council of the proposed scheme as there could be potentially a larger fund of money to bid for although the Council would have to be ready to come forward with projects to bid for money through the Local Enterprise Partnership.

During discussion, Members raised concerns regarding the proposed changes and supported the recommendation whilst acknowledging the need for the Council to be ready with projects to bid for a share of any Local Enterprise Partnership funds.

**RESOLVED** that:-

- (1) a submission to the NHB and the Local Growth Fund consultation be supported:-
- (i) opposing the principle of top slicing New Homes Bonus since this blunts the incentive effect for authorities and local communities;
  - (ii) strongly favouring the second mechanism in involving allocating County New Homes Bonus before District New Homes Bonus; and
  - (iii) identifying the need for Local Enterprise Partnership to recognise 'softer' non-contractual commitments by councils to their communities on the use of New Homes Bonus.

- (2) the City Council engages with representatives of the Local Enterprise Partnerships and other appropriate bodies on future governance arrangements proposing a sub-regional partnership and the development of its strategic economic plan for submission to Government. A sub-regional partnership may offer a solution to governance issues

(Report circulated)

90

### **CHANGES TO PORTFOLIO HOLDERS**

The report of the Leader of the Council was submitted updating Members on the changes to Portfolio Holders, their titles and responsibilities, appointment of Member Champions, Members to Scrutiny Committees Economy and Resources and Licensing Committee.

In response to Members, the Leader advised on the role of Member Champions and their terms of reference.

**RESOLVED** that Executive note the:-

- (1) changes to the Portfolio Holders, titles and responsibilities;
- (2) appointment of Member Champions;
- (3) appointment to Scrutiny Committee Economy - Councillors Sheldon and Morris and Scrutiny Committee Resources - Councillor Martin;
- (4) Licensing Committee - appointment of Chair - Councillor Dawson and Deputy Chair - Councillor Laws; Councillor Denham as a Licensing Committee Member; and
- (5) subsequent minor amendments to the Council's Constitution.

(Report circulated)

91

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

The schedule of representatives on outside bodies was circulated.

**RESOLVED** that representatives serve on those bodies set out on the schedule.

(Schedule circulated)

92

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

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



**MINUTES OF EXETER AND HEART OF DEVON GROWTH BOARD - 8 JULY  
2013**

**RESOLVED** that the minutes of the Exeter and Heart of Devon Growth Board of 8 July 2013 be noted.

(Minutes circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.20 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 15 October 2013.**

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## EXECUTIVE

Tuesday 1 October 2013

### Present:

Councillor Edwards (Chair)  
Councillors Denham, Fullam, Hannaford, Mrs Henson, Owen, Pearson and Sutton

### Also present:

Deputy Chief Executive, Assistant Director Economy, Assistant Director Environment, Acting Assistant Director Finance, Projects and Business Manager and Democratic Services Manager (Committees)

94

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

95

### MAJOR GRANTS AND NEW HOMES BONUS PANEL

The minutes of the meetings of the Major Grants and New Homes Bonus Panel held on 13 September 2013 were submitted.

The Projects and Business Manager updated Members on the recommendations of the Panel and the position with regards to the Citizens Advice Bureau Rent Grant depending on confirmation of the move to the Civic Centre.

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.

Members discussed the impact of the proposals currently out for consultation for a proportion of the New Homes Bonus funding to be allocated to the Local Enterprise Partnership (LEP), what impact this would have on the City Council's ability to fund community projects and the need to ensure that the City Council was in a position to come forward with projects to apply for funding from the LEP.

**RESOLVED** that the minutes of the Major Grants and New Homes Bonus Panel held on 13 September 2013 be received and, where appropriate, adopted.

(Minutes circulated)

96

### OVERVIEW OF THE GENERAL FUND REVENUE BUDGET 2013/14

The report of the Acting Assistant Director Finance was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account after three months, for the 2013/14 financial year. The Service Committees showed an overspend of £378,990 against a revised Service Net Expenditure budget of £12,223,520.

In response to a Member, the Acting Assistant Director Finance advised that the main variance in the Housing Revenue Account was due to additional funding required for Phase 2 of the Council Own Build Programme, which had been previously approved by the Executive.

Members welcomed the improvements undertaken in Cowick Street and the installation of solar panels on the Civic Centre. They discussed the need to scrutinise the trends of sundry debts figures over a five year period; the kitchen and bathroom programme and to invite external contractors to address Members through a Members briefing. It was also felt that Executive should have an overview of the Housing Benefits situation particular in relation to the backlog of applications and progress towards the February 2014 deadline for the claiming of subsidy from the Government.

The Deputy Chief Executive advised that the installation of the solar panels had generated a savings of approximately 40% in electricity usage at the Civic Centre and that the Council would looking to install solar panels on other suitable council buildings.

The Portfolio Holder for Housing and Customer Access proposed an additional recommendation that a detailed report on the Housing Benefit situation addressing the backlog of applications and February 2014 deadline be brought to a future meeting of the Executive. This was agreed.

Scrutiny Committee – Resources considered the report at its meeting on 18 September and the comments of the Members were noted.

**RECOMMENDED** that Council approves the:-

- (1) General Fund forecast financial position for the 2013/14 financial year;
- (2) HRA forecast financial position for 2013/14 financial year;
- (3) additional supplementary budgets listed in Appendix C of the report;
- (4) the outstanding Sundry Debt position as at June 2013; and
- (5) creditors' payments performance.

**RESOLVED** that Executive be kept updated on the Housing Benefits situation.

(Report circulated)

97

### **CAPITAL MONITORING STATEMENT TO 30 JUNE 2013**

The report of the Acting 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 asked to approve an urgent request for an additional sum of £36,000 to complete essential resurfacing of Leighton Terrace car park. The works were necessary to ensure that the car park could continue to operate and comply with Health and Safety Regulations.

The Deputy Chief Executive clarified that, as a result of this valuation, the Council had updated its estimates process.

Members discussed the wider issue of the tendering and procurement process within the City Council and the need to ensure that small local businesses were not precluded from tendering for Council Projects. The Chair suggested that the tendering and procurement process could be an issue for Scrutiny Committee – Resources to scrutinise.

The Portfolio Holder for Housing and Customer Access expressed disappointment that the scheme to help bring empty properties back into use had been withdrawn due to lack of interest from landlords. The Acting Assistant Director Finance would clarify if these funds would have to be given back to the Government.

The Portfolio Holder for Economy and Culture advised that the scheme to replace the running track at Exeter Arena had been deferred to take account of the weather conditions required for works to be undertaken.

Scrutiny Committee – Resources considered the report at its meeting on 18 September and the comments of the Members were noted.

**RECOMMENDED** that Council notes and approves the current position in respect of the annual capital programme and requested to approve an urgent request for an additional £36,000 to complete the resurfacing of Leighton Terrace car park.

(Report circulated)

98

#### **REVISION OF ASBESTOS POLICY**

The report of the Assistant Director Environment was submitted, seeking approval of a revision of the Asbestos Policy.

Members were advised that the Council Asbestos Policy was approved in 2008 and the review of the policy had been undertaken to ensure the policy met current regulations and aligns with the organisational structure.

In response to a Member, the Assistant Director Environment clarified that the policy was necessary to ensure that asbestos in Council owned property was actively managed in accordance with regulations and Health and Safety Guidance.

Scrutiny Committee – Resources considered the report at its meeting on 18 September and the comments of the Members were noted.

**RESOLVED** that the Asbestos Policy and management arrangements held within it be approved.

(Report circulated)

99

#### **RECORDING OF COUNCIL MEETINGS**

The report of the Corporate Manager Democratic and Civic Support was submitted, seeking consideration of the possibility of allowing the recording of all Council and its committee meetings.

The Deputy Chief Executive advised on the new requirements on Local Authorities with regards to Public Access to meetings which included a statement to require reasonable facilities for any member of the public to report on meetings. To allow this to occur at the earliest opportunity, and in compliance with Standing Orders, Executive would need to recommend to Council the removal of Standing Order 30.

Members were updated on the proposal for the use of Social Media at Committee meetings.

Executive welcomed the positive way forward of allowing the recording of meetings. They noted the convention with regards to the use of social media by Councillors during meetings and instructed officers to draw up the necessary protocols to protect the wishes of members of the public during the recording/filming of meetings of the Council and its committees.

**RECOMMENDED** that Council:-

- (1) remove Standing Order number 30, so as to allow for the recording of the Council's meetings and the constitution be amended accordingly;

**RESOLVED** that Executive:-

- (2) note the convention with regards to the use of social media by Councillors during meetings; and
- (3) instructs officers to draw up the necessary protocols to protect the wishes of members of the public during the recording/filming of meetings of the Council and its committees.

(Report circulated)

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

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

101 **EXETER SCIENCE PARK CENTRE**

The joint report of the Assistant Director Economy and Acting Assistant Director Finance was submitted, seeking approval for an additional support measure in the form of a loan facility to enable the Science Park Centre and Exeter Science Park to make progress against the prevailing difficult economic background.

Members were updated on the background to the development, the proposal to take forward the Exeter Science Park and the financial implications for the Council.

Executive Members welcomed the progress being made with respect to the Science Park and recognised the importance of the park to the future economic growth of the city and surrounding area.

**RECOMMENDED** that Council approves the provision of a loan facility to Exeter Science Park Company Limited on the terms as set out in the report to enable the development of phase one of the Science Park Centre to progress.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.35 pm)

**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 15 October 2013.**

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# Agenda Annex

## SEATING IN THE GUILDHALL

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

Cllr Morris (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 Customer Access  
 Pearson: Enabling Services  
 Owen: Environment, Health and Wellbeing  
 Sutton: City Development  
 Denham: Economy and Culture

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