

EXETER CITY COUNCIL
EXECUTIVE

Statement of Decisions

Tuesday 17 September 2013

Present:-

Councillor Peter 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)

Minutes

(Minute 81)

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.

Declarations of Interest

(Minute 82)

No declarations of disclosable pecuniary interests were made.

Asset Management Review - Housing Garage Sites

(Minute 83)

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.

Executive 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.

Home Energy Conservation Report & Energy Company Obligation Funding

(Minute 84)

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.

Executive 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.

Local Air Quality Management Air Quality Action Plan 2011-2016 & Air Quality Progress Report

(Minute 85)

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.

Executive 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.

City Centre Strategy for Exeter 2013-2022

(Minute 86)

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

Executive 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.

Proposed Draft Amended Supplementary Planning Document: 'Houses in Multiple Occupation (including Class C4 Uses)' For Public Consultation

(Minute 87)

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.

Executive 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.

Community Infrastructure Levy Adoption and Affordable Housing Supplementary Planning Document Revision

(Minute 88)

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 revoked and 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. He advised that, whilst District Heating Systems were desirable, they were not essential.

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.

Executive recommended that Council notes and approves:-

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

Executive 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)

Proposed Response to the Technical Consultation 'New Homes Bonus and the Local Growth Fund

(Minute 89)

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.

Executive 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

Changes to Portfolio Holders

(Minute 90)

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.

Executive resolved to note:-

- (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.

Appointment of Representatives to serve on Outside Bodies

(Minute 91)

The schedule of representatives on outside bodies was circulated.

Executive resolved that representatives serve on those bodies set out on the schedule.

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

(Minute 92)

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

(Minute 93)

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

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