

THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 16 December 2014

The Right Worshipful the Lord Mayor (Cllr Prowse)
The Deputy Lord Mayor (Cllr Newby)
Councillors Baldwin, Bialyk, Bowkett, Branston, Brimble, Brock, Bull, Choules, Crew, Dawson, Denham, Donovan, Edwards, Foggin, Fullam, George, Hannaford, Henson, Holland, Leadbetter, Lyons, Mitchell, Morris, Mottram, Owen, Pearson, Raybould, Robson, Sheldon, Shiel, Spackman, Sutton, Tippins, Wardle, Williams and Winterbottom

56 **APOLOGIES**

Apologies for absence were received from Councillors Clark and Laws.

57 **MINUTES**

The minutes of the meeting held on 15 October 2014 were taken as read and signed as correct.

58 **OFFICIAL COMMUNICATIONS**

Councillor Denham presented a petition to Council resolving to request the Chief Executive write to the Secretary of State for Business and Skills expressing its deep concern at the developing Transatlantic Trade and Investment Partnership Agreement (TTIP), the secretiveness of its processes and its potential impact on public services, social and environmental protection, financial regulation and basic democratic oversight.

Members noted that a notice of motion in support of this petition would be considered later on the agenda.

59 **PLANNING COMMITTEE - 27 OCTOBER 2014**

The minutes of the Planning Committee of 27 October 2014 were presented by the Chair, Councillor Bialyk and taken as read.

In respect of Minute 98 (Planning Application No. 14/1451/01 – Exeter Golf and Country Club) and in response to a Member, the Chair, commented that he understood that the discussions between the Golf Club and Persimmon were on going and it was hoped a sensible compromise would be reached shortly.

RESOLVED that the minutes of the Planning Committee held on 27 October 2014 be received.

60 **PLANNING COMMITTEE - 1 DECEMBER 2014**

The minutes of the Planning Committee of 1 December 2014 were presented by the Chair, Councillor Bialyk and taken as read.

RESOLVED that the minutes of the Planning Committee held on 1 December 2014 be received.

61 **SCRUTINY COMMITTEE - COMMUNITY - 11 NOVEMBER 2014**

The minutes of the Scrutiny Committee - Community of 11 November 2014 were presented by the Chair, Councillor Shiel and taken as read.

RESOLVED that the minutes of the Scrutiny Committee - Community held on 11 November 2014 be received.

62 **SCRUTINY COMMITTEE - ECONOMY - 13 NOVEMBER 2014**

The minutes of the Scrutiny Committee - Economy of 13 November 2014 were presented by the Chair, Councillor Henson and taken as read.

In respect of Minute No.59 (Exeter and Heart of Devon Visitor Research 2014), Councillor Branston declared a disclosable pecuniary interest as an employee of South West Tourism Power Marketing that undertook the survey.

RESOLVED that the minutes of the Scrutiny Committee - Economy held on 13 November 2014 be received.

63 **SCRUTINY COMMITTEE - RESOURCES - 19 NOVEMBER 2014**

The minutes of the Scrutiny Committee - Resources of 19 November 2014 were presented by the Chair, Councillor Baldwin and taken as read.

RESOLVED that the minutes of the Scrutiny Committee - Resources held on 19 November 2014 be received.

64 **AUDIT AND GOVERNANCE COMMITTEE - 3 DECEMBER 2014**

The minutes of the Audit and Governance Committee of 3 December 2014 were presented by the Chair, Councillor Sheldon and taken as read.

In respect of Minute 79 (Failure to Declare Discloseable Pecuniary Interests) and in response a Member, the Chair, stated that it was important that if Members had a Discloseable Pecuniary Interest (DPI) they should remove themselves from the meeting. The maximum penalty for not declaring a DPI was a fine of £5,000 and/or a five year ban from public office. It was important that Members attended the yearly training on DPI's to ensure that Exeter City Council's reputation was upheld.

RESOLVED that the minutes of the Audit and Governance Committee held on 3 December 2014 be received.

65 **EXECUTIVE - 18 NOVEMBER 2014**

The minutes of the Executive of 18 November 2014 were presented by the Leader, Councillor Edwards and taken as read.

In respect of Minute 112 (Community Asset Transfer Report) Councillor Bowkett declared a disclosable pecuniary interest as an employee of the Citizen Advice Bureau and he withdrew from the meeting during discussion of this item.

In response to a Member, the Leader welcomed the partnership approach the city was taking with Exeter College to form the Exwick Sport Hub at the Flowerpot Playing Fields to maximise the potential for sport and physical activity on the site.

RESOLVED that the minutes of the Executive held on 18 November 2014 be received and, where appropriate, adopted.

66

EXECUTIVE - 9 DECEMBER 2014

The minutes of the Executive of 9 December 2014 were presented by the Leader, Councillor Edwards and taken as read.

In respect of Minute 114 (Members Allowances), Mr Phillips, Chair of the Panel, presented the Panel's report. He advised Members on the survey and interviews undertaken with 20 Councillors by members of the Panel. He outlined the recommendations to Council in respect of members' allowances for 2015/16 which equated to the officers' pay award for the coming year of 2.2%. The Panel expressed disappointment at the discontinuation of the Councillor's Pension Scheme as this did not help to encourage the younger generation into local government and the Panel would pursue this when opportunities arose.

In respect of Minute 122 (Budget Strategy 2015- 2016), a Member commented that the New Homes Bonus Funds had not been included in the Medium Term Financial Plan and that there was no reference made to accommodate the budgetary requirements for the proposed Leisure Complex in the Capital Programme.

In response, the Portfolio Holder for Economy and Culture commented that the provision for the funds for the Leisure Complex had not been included in the Capital Programme as it had not yet been approved. An item on the Leisure Complex would be considered later on the agenda.

In respect of Minute 123 (Approval to Establish a New Standing List) and in response to a Member, the Leader commented that he welcomed the development of procedures to include Small and Medium sized businesses on the standing list. Measures would be put in place to help these businesses comply with the necessary health and safety and other legislative regulations. The Council would continue to work with the local business community to encourage the implementation of the living wage. It was also noted that due to commercial confidentiality, the Standing List would be a confidential document.

In respect of Minute 126 (Appointments to Strada – Joint Scrutiny Committee), the following appointments were made:-

Councillors Baldwin, Bialyk and Sheldon.

RESOLVED that with the exception of minute number 128 (Proposal for Leisure Complex and Swimming Pool) which was deferred until later in the meeting (see minute 70 below) the minutes of the Executive held on 9 December 2014 be received and, where appropriate, adopted.

67

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

Councillor Holland, seconded by Councillor Mottram, moved a Notice of Motion in the following terms:-

"This motion seeks to explore the viability of allowing members of the public to ask questions of this Council at its commencement of Full Council Meetings. This may or may not include questions written in advance. In addition to consider that the same facility to be afforded at Executive Meetings which may only be restricted to "agenda items"."

In accordance with Standing Order 48 (2), it was noted that his motion could not be debated at this meeting as Standing Orders prohibited the immediate changing of Standing Orders. The motion stood adjourned without debate to the next meeting – Standing Order 48(2) forbidding the opportunity for Standing Orders to be suspended to allow any such debate.

68

**NOTICE OF MOTION BY COUNCILLOR WARDLE UNDER STANDING ORDER
NO. 6**

Councillor Wardle, seconded by Councillor Bull, moved a Notice of Motion in the following terms:-

“This Council notes:

1. that the Transatlantic Trade and Investment Partnership (TTIP) is currently being negotiated between the US and the EU supposedly to pursue the interest of free trade.
2. TTIP negotiations are being conducted behind closed doors between representatives of the EU and US without transparency or democratic accountability.
3. TTIP would open up access to government procurement markets and eliminate preferential treatment to local suppliers and introduce investment protection provisions that include investor state dispute settlement (ISDS) mechanisms which allow investors to challenge state actions which they perceive as threatening to their investment.
4. The potential implications of TTIP with respect to the City of Exeter, regarding social and environmental affects, and across the spectrum of public services.
5. ISDS mechanisms allow for disputes between investors and governments to be heard by tribunals of “experts” rather than resolved by the host state’s courts. The United Nations Conference on Trade and Development (UNCTAD) recently explained that “foreign investors have recently used ISDS claims to challenge measures adopted by states in the public interest (for example, policies to promote social equity, foster environmental protection or protect public health).

This Council believes that:

- (1) the TTIP negotiations are potentially catastrophic for public services as the EU/US representatives are negotiating to hand over the right to regulate in the public interest without transparency or accountability to their electorates.
- (2) ISDS mechanisms would make it hard for any government to reverse liberalisation and privatisation without being sued by foreign investors. So whatever voters actually wanted, the trade treaty would place major barriers in the way of government giving expression to their democratic will.

Exeter City Council resolved to:-

- (1) To call upon the Leader to write to the Prime Minister, Deputy Prime Minister, the Secretary of State for Business Innovation and Skills, the two MPs representing Exeter and all 6 South West MEPs raising our serious concerns about the developing TTIP, the secretiveness of its process and its

potential impact on public services, social and environmental protection, financial regulation and basic democratic oversight;

- (2) To call upon the Leader to write to Devon County Council and all the other district councils in Devon to urge them to join us in opposing the potential impact of the TTIP: and
- (3) To call upon the Leader to write the District Councils Network and Local Government Association to urge them lobby on behalf of all Local Authorities on the potential impact of the TTIP.”

In presenting the Notice of Motion, Councillor Wardle stated that The Transatlantic Trade and Investment Partnership (TTIP) was a series of trade negotiations being carried out mostly in secret between the EU and the USA. This trade agreement was about reducing the regulatory barriers to trade for big business and would have an impact on things like food safety law, environmental legislation, banking regulations and the sovereign powers of individual nations. In his opinion, it was felt that TTIP was a big threat to society and was an assault on democracy. One of the main aims of TTIP was the introduction of Investor-State Dispute Settlements (ISDS), which allowed companies to sue governments if those governments' policies caused a loss of profits. In effect, it was felt that this meant unelected transnational corporations dictating the policies of democratically elected governments.

The Local Government Information Unit (LGIU) had recently issued a briefing raising concerns regarding TTIP's and how the Public procurement and the delivery and regulation of public services could be affected. There were serious concerns on the affect on the National Health Service (NHS). He asked that all Members support this notice of motion.

Councillor Bull, in seconding the motion, stated that TTIP negotiations had began in February 2014, the process had been secretive and undemocratic. This secrecy was on-going, with nearly all information on negotiations coming from leaked documents. There had only been very high level input into the negotiations from Civil Servants. One of the main aims of TTIP was to open up Europe's public health, education and water services to US companies. This could have serious implications for the NHS as it could put restrictions on the ability of the UK government to control costs (e.g. of medicines) and to regulate any transnational companies that provide health services.

ISDSs were already in place in other bi-lateral trade agreements around the world and had led to such injustices as in Germany where Swedish energy company Vattenfall was suing the German government for billions of dollars over its decision to phase out nuclear power plants in the wake of the Fukushima disaster in Japan. This showed a public health policy put into place by a democratically elected government being threatened by an energy giant because of a potential loss of profit. Councillor Bull asked Members to support this motion.

Whilst the majority of Members supported the motion and had concerns regarding the reduction of regulatory barriers to trade for big businesses and the implications on food safety law, environmental legislation, banking regulations, the NHS and democracy, some Members were of the view that more information was required as to the details and implications of TTIP and ISDS, before the Council could make a decision in this respect.

Councillor Wardle, in response, stated that once negotiations were completed, the European Parliament must agree the outcome and it would then be subject to

formal ratification. The deal also had to be separately ratified by the national parliaments of each of the EU Member States before it formally came into force. In the UK this would be done through secondary legislation. He was concerned over the secrecy surrounding TTIP and the unknown affect it could have on trade and democracy in the UK.

The Notice of Motion was put to the vote and carried.

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

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

70 **EXECUTIVE - 9 DECEMBER 2014 - MINUTE NO.128 (PROPOSAL FOR LEISURE COMPLEX AND SWIMMING POOL)**

Minute 128 of Executive held on 9 December 2014 was taken as read.

The Leader stated that, in order to remain competitive and attract investors to the City, the development of the Bus and Coach Station site was essential. This was, he felt, an appropriate use of the New Homes Bonus Funds and would provide a facility for the local community and bring visitors into the city. The figures in the Medium Term Financial Plan were the worst case scenario should New Homes Bonus Funds be discontinued after the election in May 2015. The New Homes Bonus Funds should not be used to support the Revenue budget and this facility would benefit the whole city. Having considered alternative sites for a pool it was felt this high profile building contributing to the attraction and visitor experience of the city centre would best to be met on this city centre site.

A Member stated his objections to the level of borrowing that was required for implementation of this development and the impact that the interest payments would have on the revenue account, particularly when the Council needed to save £4 million over the next three years. He expressed concerns regarding the implication this proposal could have on any cuts in services such as street sweepers and community patrol and the impact of the long term maintenance of the building.

In response to a Member, the Portfolio Holder for Economy and Culture clarified that the budget for the Leisure Complex included a contingency fund.

Some Members spoke in support of the proposal and welcomed this visionary development of the bus and coach station site to include a new Leisure Complex. This would bring further investment into the city as well as being a great recreational facility for local residents and visitors.

Other Members had reservations regarding the scheme and the way forward proposed.

RESOLVED that Minute 128 of the Executive held on 9 December 2014 (as below) be received and adopted:-

- (1) the allocation of £19.4 million to develop a new leisure complex and swimming pool on part of the bus station site to replace the Pyramids;

- (2) that the Leader nominate and Council appoint the Leisure Complex Programme Board as a Sub-Committee of the Executive;
- (3) that all future spend decisions in respect of the £19.4 million budget for the development of the new Leisure Complex and Swimming Pool be delegated to the Leisure Complex Programme Board;
- (4) that the Leader nominate, and Council appoint, the following Members to the Leisure Complex Programme Board:
 - The Leader of the Council
 - Portfolio Holder- Economy and Culture
 - Portfolio Holder- City Development and
 - Leader of the Opposition or nominated representative; and
- (5) that the Proceedings of the Leisure Complex Programme Board take place in accordance with the Executive Procedure Rules.

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

Voting for:

Councillors Baldwin, Bialyk, Bowkett, Branston, Brimble, Bull, Choules, Crew, Dawson, Denham, Donovan, Edwards, Foggin, George, Hannaford, Henson, Holland, Lyons, Morris, the Deputy Lord Mayor, Owen, Pearson, Raybould, Robson, Sheldon, Shiel, Spackman, Sutton, Tippins, Wardle, Williams and Winterbotton.

(32 Members)

Voting against:

Councillors Fullam and Mitchell

(2 Members)

Abstain:

Councillor Brock, Leadbetter, Mottram and the Lord Mayor.

(4 Members)

Absent:

Councillors Clark and Laws

(2 Members)

(The meeting commenced at 6.00 pm and closed at 8.10 pm)

Chair