



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 24 FEBRUARY 2015**, on the rising of the Special Meeting of Council commencing at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the meeting held on 16 December 2014.	3 - 10
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 8 December 2014	11 - 14
4 Planning Committee - 5 January 2015	15 - 32
5 Planning Committee - 2 February 2015	33 - 38
6 Licensing Committee - 3 February 2015	39 - 40
7 Scrutiny Committee - Community - 21 January 2015	41 - 50
8 Scrutiny Committee - Economy - 22 January 2015	51 - 58
9 Scrutiny Committee - Resources - 28 January 2015	59 - 68
10 Executive - 27 January 2015	69 - 76
11 Executive - 10 February 2015	77 - 84

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12 Notice of Motion by Councillor Holland under Standing Order No. 6

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”.

The above Notice of Motion was adjourned at the meeting of Council on 16 December 2014, as in accordance with Standing Order 48 (2), the motion could not be debated at that meeting as Standing Orders prohibited the immediate changing of Standing Orders. The motion therefore stood adjourned without debate to this meeting – Standing Order 48(2) forbidding the opportunity for Standing Orders to be suspended to allow any such debate.

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

Date: Monday 16 February 2015

Karime Hassan
Chief Executive &
Growth Director

NOTE: Members are asked to sign the Attendance Register



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Office of Corporate Manager Democratic & Civic Support			
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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 that 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) IDSD 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

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PLANNING COMMITTEE

Monday 8 December 2014

Present:

Councillor Bialyk (Chair)

Councillors Spackman, Choules, Edwards, Lyons, Mottram, Raybould, Sutton, Williams and Winterbottom

Apologies:

Councillors Denham, Mitchell and Newby

Also Present:

Assistant Director City Development, Principal Project Manager (Development) and Democratic Services Officer (Committees) (HB)

113

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

114

PLANNING APPLICATION NO. 14/1090/02 - TITHEBARN GREEN, MONKERTON, EXETER

The Principal Project Manager (Development) presented the application for 350 dwellings (approval of reserved matters for appearance, landscaping, layout and scale, Ref No 12/0802/01 granted 29 November 2013). He confirmed that revised plans had been received that satisfactorily addressed the outstanding concerns over wheelchair accessible dwellings and that the recommendation was now to approve. Condition one would be amended to include revised plans.

He referred to an email from Grace Carleton stating that “the section in the south east of the site is located in the Monkerton Ridge Park area and is part of the picturesque ridge. This area should be kept as green as possible with planting of plants and trees. It is understood that this will be addressed later as it does not form part of this application. It is also understood that the master-plan states that development in this section should be sensitive to the ridge. The NPPF also stated that development should not affect important landscapes.”

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

Mrs Foster spoke against the application. She circulated photographs showing flooding of her garden and raised the following points:-

- severe concerns about potential for flooding in the area generally and specifically at my property as a result of the development;
- there are few trees and poor hedgerows near my house with brambles etc. often cut back by Network Rail and their absence exacerbates the flooding problems as there is insufficient vegetation to absorb the water;
- the culvert passing through the garden has flooded in the past (as shown by circulated photographs) as it links to the poorly drained adjacent fields. It runs under the railway line;

- the additional concreting over of open space and provision of hard-standings will increase the likelihood of flooding in the future;
- have written to Linden Homes but no response has been received;
- ask that no approval be granted until reassurances obtained on the planting of additional trees and hedgerows, special drainage arrangements and the integration of the culvert with the attenuation pond.

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

- outline planning permission was granted in 2013 and the reserved matters seek to present a development of good scale and form;
- it is not unusual for reserved matters to be phased but this development is presented in its entirety;
- caters for affordable housing, wheelchair access, open space and drainage;
- pre application negotiation commenced in February with the reserved matters application in May and extensive consultations have been undertaken with officers over the last seven months with a number of amendments taken on board and terms reached for a Section 106 Agreement;
- the development provides for 350 much needed housing units, including 87 affordable housing units;
- the development co-ordinates with the Tithebarn Link Road;
- current surface water problems relate to the open fields and will be addressed through the provision of an attenuation pond which will collect excess water and release in a controlled and effective way; and
- the client will liaise with Mrs Nora Foster regarding her concerns relating to flooding.

It was agreed that details of drainage required under condition 13 of the outline consent would be approved by the Assistant Director City Development, subject to prior consultation with the Chair.

He responded as follows to Members' queries:

- confirmed that Linden Homes are committed to District Heating as required by the Section 106 Agreement, that the applicant is in contact with E.on who are developing the district network and that it is the intention for the homes to be linked to the network. The certainty over dwelling numbers and layout allows them to move this forward.

RESOLVED that the application for planning permission for application for 350 dwellings (approval of reserved matters for appearance, landscaping, layout and scale, Ref No 12/0802/01 granted 29 November 2013), be **APPROVED** subject to the following conditions, or as otherwise agreed in the aforementioned manner.

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 20 November, as amended by plans received 27 November 2014, 3 December and 8 December and as modified by other conditions of this consent.

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

- 2) All conditions imposed on notice of outline approval (ref no. 12/0802/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 3) Details of the provision of nesting and roosting cavities within the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall subsequently be implemented on site.

Reason: In the interests of sustainable development.

- 4) Prior to the commencement of the development hereby permitted a revised landscape Strategy Plan and planting schedule shall be submitted to the local planning authority for approval (who shall consult with the highways Agency on behalf of the Secretary of State for Transport). Planting shall be undertaken in accordance with the agreed plan/schedule and maintained as such thereafter.

Reason: In the interests of the safe and efficient operation of the M5 motorway.

- 5) No more than 80% of the dwellings hereby approved on land north of the Pinn Brook shall be occupied until a shared use pedestrian/cycle connection to the adopted footpath joining to Babblebrook Mews has been provided and made available for public use, in accordance with details that have been approved in writing by the Local Planning Authority.

Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 6) No more than 80% of the dwellings hereby approved on land north of the Pinn Brook shall be occupied until a shared use pedestrian/cycle connection to the northern boundary with the railway line has been provided and made available for public use, in accordance with details that have been approved in writing by the Local Planning Authority.

Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 7) no more than 50% of the dwellings hereby approved on land north of the Pinn Brook shall be occupied until a shared use pedestrian/cycle connection to Tithebarn Lane has been provided and made available for public use, in accordance with details that have been approved in writing by the Local Planning.

Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

115 **PLANNING APPLICATION NO. 14/2016/16 - LAND ADJOINING RENNES HOUSE, VAUGHAN ROAD, EXETER**

The Assistant Director City Development reported that the application had been deferred at the request of the applicant.

116 **PLANNING APPLICATION NO. 14/4624/16 - CAR PARK, MARY ARCHES STREET, EXETER**

The Assistant Director City Development presented the application for the installation of photovoltaic solar panels on the top deck of multi-storey car park.

RESOLVED that planning permission be **APPROVED** for the installation of photovoltaic solar panels on the top deck of multi-storey car park subject to the following conditions:-

- 1) CO5 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings

117 **PLANNING APPLICATION NO. 14/4623/16 - JOHN LEWIS MULTI STOREY CAR PARK, KING WILLIAM STREET, EXETER**

The Assistant Director City Development presented the application for the installation of photovoltaic solar panels on the top deck of multi-storey car park.

RESOLVED that planning permission be **APPROVED** for the installation of photovoltaic solar panels on the top deck of multi-storey car park subject to the following conditions:-

- 1) CO5 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings

118 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted. The report included the details of the Home Farm appeal.

RESOLVED that the report be noted.

119 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party be held on Tuesday 16 December at 9.00 a.m. The Councillors attending will be Bialyk, Edwards and Lyons. The visits will include a visit to the Bricknells Bungalow site (Min. No. 107 refers) (arriving at approximately 9.10 am) to which all Committee Members are invited.

(The meeting commenced at 5.30 pm and closed at 6.25 pm)

Chair

PLANNING COMMITTEE

Monday 5 January 2015

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Denham, Edwards, Lyons, Mitchell, Newby, Raybould, Sutton,
Williams and Winterbottom

Apologies:

Councillors Choules and Mottram

Also Present:

Assistant Director City Development, Area Planner (PJ), Forward Planning Officer (FP),
Highway Development Management Officer and Democratic Services Officer (Committees)
(HB)

1

MINUTES

The minutes of the meetings held on 27 October and 1 December 2014 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

PLANNING APPLICATION NO. 14/2007/01 - BRICKNELLS BUNGALOW, OLD RYDON LANE, EXETER

The Principal Project Manager (Strategic Infrastructure Planning) presented the application for outline planning permission for the construction of up to 63 dwellings (including affordable) on land to the rear of Bricknells Bungalow. He explained that the application had been deferred at the Committee meeting on 1 December for a site inspection and further consultations by the applicant with residents and negotiations with an adjoining land owner. Revised plans had subsequently been submitted. He reported an additional letter of objection relating to the access arrangements and private driveway of Bricknells from Old Rydon Lane.

The recommendation was for approval subject to planning conditions and a Section 106 Agreement under the Town and Country Planning Act 1990 as set out in the report.

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

- residents are not against the 63 homes, solely the safety issues surrounding the access;
- in the latest revised application, the developer says he has “no intention of serving the full 450 dwellings through this access” which is at odds with the “permeability” planning have insisted the complete development should have. How will this developer stop future residents, all 455 of them, using this access if they want to?;

- clarification is sought as to why the transport assessment does not include the correct number of potential traffic movements at this junction nor take into account the blind spot at the bridge, why and when the precedent for not allowing construction lorries into Old Rydon Lane East was revoked and what happens when Old Rydon Lane is closed for the access road and service installation;
- other than a footpath plan being submitted and approved before construction no other safety recommendations are made such as a 20mph speed limit and single flow traffic direction at the end of the Lane which would mirror Old Rydon Lane West. Other areas of high development, like Harrington Lane, have 20mph speed restrictions. Old Rydon Lane East should merit these safety features;
- the pavement should extend beyond the steps at Newcourt Way. Full disability and pram access was promised. This has not happened at the steps and the station underpass is years away meaning that the disabled or pram user have to use an unpaved road;
- the Highway Authority are planning closure to the road bridge at the top of Old Rydon Close. Pedestrians and cyclists will be diverted along Old Rydon Lane during the construction period;
- the developer is installing a “stand alone” sewerage system. Planning have recommended a unified approach to sewerage on both sides but this developer does not want to wait or contribute to this approach resulting in the loss of the Council’s sustainable objectives in CP10,15 and 17. Constant sewerage overflow, smell and gully pumping, as occurs on the Persimmon and Barratt sites, is not wanted

He responded as follows to Members queries:-

- the agent for the applicant indicates in their letter that an appeal will be launched should the application be refused – such a statement is a veiled threat; and
- the sewerage system of the adjoining Barratt development is overloaded and emptying of excess sewerage has been necessary of late. As the applicant’s proposal includes a stand-alone sewage system it is likely that similar problems are likely to occur. The sewage system should be linked to sewerage upgrades as part of any development of the Pratt land.

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

- following deferral, the applicant has consulted with the adjoining land owner, residents and planning officers;
- with regard to highway and safety issues, the County Council has confirmed that there are no technical highway objections and the access proposal has been subject to an independent safety audit;
- planning obligations have been clarified and revised plans provided;
- the applicant had submitted revised drawings slightly adjusting the position of the proposed access on to Old Rydon Lane north westwards and indicating a footway into the site on the eastern side (where it was previously to the west). These adjustments are considered acceptable and the County Council has previously indicated its support;
- the applicant has confirmed that there is no intention of more than up to 63 dwellings being served through the proposed access and a willingness to agree this formally, if feasible, through a planning condition or Section 106 planning obligation;
- the applicant is willing to downgrade the purpose of the proposed access when vehicular accesses east, via the surrounding development site

becomes available. In this instance, vehicular access north onto Old Rydon Lane would be restricted to serving up to '10 or so' dwellings through alterations to the development's internal roads; and

- pedestrian, cycle and emergency vehicle connections to the wider development area would be retained.

He responded as follows to Members queries:-

- the development must possess the required standard of sewage arrangements to meet the building regulations. If it does not, the development would not occur;
- with regard to safety concerns, an independent safety audit has found the proposal to be acceptable as have the County Council; and
- a Construction Environment Management Plan will set out details of the site compound, materials store, hours of operation etc.

The Highway Development Management Officer responded to the issues raised relating to Highway matters, confirming that the County Council was satisfied with the application.

It was noted that prior to the commencement of development details, of the proposed vehicle access onto Old Rydon Lane, including a footway past the Old Rydon Lane Rail Bridge to the west and visibility splays would be submitted. The agreed access would be constructed before any other part of the development.

An appropriately worded planning obligation could limit long term access onto Old Rydon Lane to 15 dwellings.

RESOLVED that, subject to a Section 106 Agreement under the Town and County Planning Act 1990 to secure the following:-

- affordable housing;
- a limit to providing vehicular access to no more than 15 new dwellings upon the provision of publically accessible highways to the eastern boundary of the site;
- off site noise mitigation measures if required;
- proportionate costs of pedestrian and cyclist rail line link and crossing;
- proportionate costs of the link to the A379;
- costs of match day traffic orders on site; and
- travel planning and travel plan implementation costs.

the Assistant Director (City Development), subject to prior consultation with the Chair, be authorised to **APPROVE** outline planning permission for the construction of up to 63 dwellings (including affordable) on land to the rear of Bricknells Bungalow, subject to the following conditions, which may be varied or supplemented as appropriate:-

- 1) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C07 - Time Limit – Outline.

- 3) Unless otherwise agreed in writing with the Local Planning Authority, 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 25 September 2014 (dwg. no 14038 L01-03 revision D) with planning application reference 14/1451/01 as modified by other conditions of this consent.
Reason: In order to achieve the following outcomes from the development hereby permitted and on adjoining land within the Newcourt strategic allocation:
- safe and convenient access to public transport;
 - the highest appropriate density of development;
 - well located public open space that is of sufficient size and quality.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, and any earth works required, together with a programme of planting and the timing of implementation of the scheme. The submitted landscaping scheme will be expected to accord with drawing no 14038 L01-03 revision D unless otherwise agreed in writing with the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) No development shall take place until a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it 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 and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 6) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 8) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local

Planning Authority.

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

- 9) C57 - Archaeological Recording.
- 10) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 11) Future reserved matters applications that relate to this consent must prepare as part of that application a waste audit statement relating to the development proposed therein. This statement should identify:
- (a) sustainable procurement measures to minimise the generation of waste during the construction process, including avoidance of over-ordering and reduced use of hazardous materials;
 - (b) the types and quantities of waste that will be generated during the demolition and construction phases and the measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - the segregation of waste materials to enable their separate reuse, recycling or recovery;
 - the recycling of construction, demolition and excavation waste for use on site or at the nearest suitable facility; and
 - for any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal;
 - (c) the types and quantities of waste that will be generated during the operational phase of the development and measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - methods for limiting the generation of waste;
 - the provision of sufficient storage facilities to enable the segregation of reusable and recyclable waste from waste requiring disposal; and any other steps that are necessary to secure the maximum diversion of waste from disposal.
- Reason:** To comply with Devon County Council Waste Local Plan Policy WPC4 and emerging Devon Waste Plan policy W4 and to ensure that the waste hierarchy is followed.
- 12) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a CSH Level 5 (Zero Carbon) if commenced on or after 1 January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 13) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (CSH) assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise

agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development.

- 14) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 15) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 16) The dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 17) The development hereby approved should be constructed to incorporate a Sustainable Urban Drainage (SUDS) scheme that should be approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To reduce overall flood risk in accordance with Policy CP12 of the Exeter Core Strategy.
- 18) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
a) There shall be no burning on site during demolition, construction or site preparation works;
b) Unless otherwise agreed in writing, no construction works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 19) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been

found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 20) A scheme for protecting the proposed development from noise shall be submitted to the Local Planning Authority as part of the submission of reserved matters. The scheme shall include the phasing of works, so that no property is occupied until full noise mitigation measures for that property have been completed. The agreed scheme shall be implemented in full thereafter.

Reason: In the interests of the residential amenity of the future occupants of the dwellings, especially as detailed design of the development has not yet been fixed.

- 21) Prior to occupation of the 30th dwelling hereby approved the specification of the following highway links shall be agreed in writing with the Local Planning Authority and the links shall be made available for free and unrestricted public access at all times:

a) between points A and D as shown on drawing number 14038 L01_04 rev D submitted with planning application 14/1451/01 unless otherwise agreed in writing with the Local Planning Authority.

b) between points B and E as shown on drawing number 14038 L01_04 rev D submitted with planning application 14/1451/01 unless otherwise agreed in writing with the Local Planning Authority.

The highway connections at points A, D, B and E shall be provided up to and contiguous with the boundaries of the adjoining development site shown on site location plan drawing number 14038 L01_03 rev B submitted with planning application 14/1451/01 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of permeability and safe and suitable access to high quality public transport and other facilities from all dwellings hereby approved.

- 22) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements, heavy vehicle routing, timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity.

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

Reason: In the interest of public safety.

- 24) No more than 50 dwellings hereby approved shall be occupied until a new vehicular link from Old Rydon Lane to a new all movement junctions on the A379 has been provided to a standard agreed in writing by the Local Planning Authority, opened for public use and maintained for those purposes at all times.

Reason: To provide suitable access for the full quantum of development south of Old Rydon Lane and mitigate the impact of development traffic on the operation of the Clyst Road/ A376 junction and Old Rydon Lane.

- 25) Prior to the commencement of development details of the proposed vehicle access onto Old Rydon Lane, including a footway past the Old Rydon Lane Rail Bridge to the west and visibility splays (as indicated on drawing 01485-PHL-01 Rev I) shall be submitted to and approved in writing by the Local Planning Authority. No other part of the development hereby approved shall be commenced until the vehicle access has been constructed in accordance with the approved details.

Reason: To ensure that a safe and suitable access is achieved, in accordance with paragraph 32 of the National Planning Policy Framework .

- 26) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 27) No building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network rendered necessary by the development have been completed to the Local Planning Authority's satisfaction.

Reason: To ensure that the sewerage infrastructure is adequate to accommodate the proposed development.

4 **PLANNING APPLICATION NO. 14/1375/03 - LAND TO NORTH WEST AND SOUTH EAST OF THE PADDOCKS, HARTS LANE, EXETER**

The Principal Project Manager (Development) presented the application for the development of 178 residential dwellings along with green infrastructure, public open space, flood attenuation provisions, vehicle access points and internal roads, pedestrian/cycle links and associated works. He advised that the number of dwellings had been reduced from 180 to 178.

He reported that two additional letters of objection had been received.

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

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

- Barratt's/David Wilson are based in Exeter employing 710 and will create 1,900 jobs as part of its' developments. Build period would be between 2015 and 2019;
- development is in accordance with the Monkerton Master Plan and the Exeter Local Plan and will meet housing needs in east Exeter;
- a CIL contribution of almost £1 million will be provided;

- the Section 106 Agreement will include affordable housing including the provision of three wheelchair accessible units to be transferred to condition 21, public open space and contribution toward off-site play equipment of £80,000, including £500 per dwelling towards Devon County Council Travel Planning;
- affordable housing will include a tenure mix; and
- the development provides a balance between housing provision and ecological and biodiversity requirements.

In response to Members he stated that linkage to the District Heating System would only be possible when the system was available. This was not the case at present and a good gas main was already in situ. Further, the development would meet Code 4 of sustainable home requirements.

The Assistant Director City Development stated that by the time final approval had been obtained the District Heating system was likely to be operational. Requirement for linkage to the system could be included in Section 106 Agreements, if required, and this was supported. It was stated that there was a need for more two bedroom houses on the social housing mix, rather than shared ownership and an agreement on this would be necessary before the affordable housing was signed off.

RESOLVED that, subject to the receipt of revised plans to address issues of layout and compliance with the Residential Guide SPD, the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the following:-

- affordable housing including the provision of three wheelchair accessible units, details of which are to be finalised;
- public open space, including provision of its ongoing management and maintenance;
- financial contribution toward off-site play equipment of £80,000; £500 per dwelling towards Devon County Council Travel Planning and £5,000 to Traffic Regulation Order; and
- linkage to any available District Heating System.

the Assistant Director (City Development), subject to prior consultation with the Chair, be authorised to **APPROVE** planning permission for the development of 178 residential dwellings along with green infrastructure, public open space, flood attenuation provisions, vehicle access points and internal roads, pedestrian/cycle links and associated works, subject also to the following conditions, which may be varied or supplemented as appropriate:-

- 1) the development to which this permission relates must be begun not later than the expiration of two years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) C36 - No Trees to be Felled

- 8) C38 - Trees - Temporary Fencing
- 9) the occupation of the southern parcel of development (up to 106 dwellings) authorised by this permission shall not be allowed, unless otherwise agreed by the Local Planning Authority (in consultation with the Secretary for Transport) until either:-
- Devon County Council (in consultation with the Secretary of State for Transport) has approved in writing a full scheme of works for improvements to Moor Lane roundabout and;
- The approved works at Moor Lane roundabout have been completed in accordance with the Local Highway Authority's written approval (in consultation with the Secretary of State) and have been certified in writing as complete on behalf of the Local Planning Authority or
- The Phase 3 or 'Tithebarn' Link Road has been completed between Cumberland Way and Tithebarn Bridge, and either the full eastern section completed to its junction with the former A30 and open to traffic in accordance with the Local Highway Authority's written approval (in consultation with the Secretary of Transport) or agreed provisions are in place to use Science Park Drive as an interim highway link open to all traffic pending full completion of the eastern section.
- Reason:** To ensure that the capacity of Moor Lane Roundabout is either enhanced to prevent the risk of queuing on the westbound A30 Honiton Road approach extending into and impacting upon the operation of M5 Junction 29, or a full linkage is in place to the north between the former A30 and Cumberland Way to achieve the necessary traffic relief to the Moor Lane junction. This linkage would include the completed section of the Phase 3 Link Road between Cumberland Way and Tithebarn Bridge and subject to the Agency being satisfied with the provisions within the Agreement being discussed, permitted general traffic use of Science Park Drive as an interim eastern section of the route pending full completion of the Phase 3 Link Road to the east of the M5.
- 10) No dwellings in the northern parcel of the development hereby approved shall be occupied until the access to Monkerton Drive, including footway and access drainage, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
- Reason:** To ensure a safe and suitable access to the northern parcel of the development, in accordance with Paragraph 32 of the NPPF.
- 11) no more than 50 dwellings in the northern parcel shall be occupied until the pedestrian/cycle connections in the north west corner to Cumberland Way, and at the south onto Harts Lane (as indicated on the Planning Layout (Drawing Number 100 Revision *)) have been provided and made available for public use in accordance with details to be approved by the Local Planning Authority and maintained for this purpose at all times.
- Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 12) No dwellings in the southern parcel of the development hereby approved shall be occupied until the access onto Pinn Lane, including side road pedestrian priority, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
- Reason:** To ensure safe and suitable access to the southern parcel of the development, in accordance with Paragraph 32 of the NPPF.

- 13) No more than 75 dwellings in the southern parcel shall be occupied until the three pedestrian/cycle connections; to the west to tie into Cumberland Way; to north in broadly the centre of the boundary with Harts Lane; to Harts Lane through the Open Space to the north east and as indicated on the Planning Layout (Drawing Number 100 Revision *) have been provided and made available for public use in accordance with details to be approved by the Local Planning Authority and maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 14) 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 been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 15) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed plans.
- 16) Access to the northern part of the site for construction vehicles over 3.5 Tonnes shall only be from Cumberland Way, with such access to be in accordance with details approved in writing by the Local Planning Authority. The access hereby permitted shall be removed and the land reinstated to its former condition on or before 4 years from its first use.
Reason: To provide safe and suitable access to the northern parcel for construction traffic and minimise the impacts on the amenity of local residents.
- 17) The development hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, if no development of the site is commenced before the 1 January 2016 the dwellings shall accord with CSH Level 5 (Zero Carbon) 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 maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 18) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (CSH) assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code

Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development.

- 19) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 20) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 21) The affordable dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 22) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
a) There shall be no burning on site during demolition, construction or site preparation works;
b) Unless otherwise agreed in writing, no construction works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 23) C70 - Contaminated Land.
- 24) No development shall commence, within the southern parcel of the site, until details of the children's play equipment to be located within the southern areas of public open space has been submitted to and approved in writing by the Local Planning Authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details at all times.
Reason: To ensure appropriate children's play equipment is provided on the site for the benefit of future residents.
- 25) Notwithstanding condition no 2 and prior to first occupation of the dwellings full details of the sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.

- 26) C57 - Archaeological Recording
- 27) Unless it is demonstrated in writing prior to commencement that it is not viable or feasible to do so, the buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the LPA.
Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 28) No development shall commencement until a plan has been submitted indicating the position of the emergency vehicular access onto Cumberland Way and thereafter implemented in accordance with the agreed details and made available for use prior to the first occupation of any dwelling and maintained thereafter at all times.
Reason: To satisfy the requirement identified within the Flood Risk Assessment to enable vehicular access to and from the site in the event of a 1 in 1000 year flood.
- 29) Unless otherwise agreed in writing, no development shall take place until details of provision for bird/bat boxes has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 30) the development hereby approved shall not commence until details of the proposed finish floor levels and overall ridge height of specified dwellings, in relation to an agreed fixed point or O.S. datum have been submitted to and been approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
Reason : In the interests of visual amenities of the area and the residential amenities of future occupants and existing neighbouring occupants.
- 31) The development shall proceed in accordance with the Hydrock Flood Risk Assessment Final Report June 2014 (ref R/C12145/001.06) and that the existing 'substandard' Pinn Brook culvert identified within the report is removed to an agreed method and timescale (not to exceed first occupation) to the satisfaction of the Local Planning Authority.
Reason: In the interests of flood mitigation and protection.

5 **PLANNING APPLICATION NO. 14/0525/01 - LAND NORTH OF WESSEX CLOSE, WESSEX CLOSE, TOPSHAM, EXETER**

The Assistant Director City Development presented the application for residential development of up to nine dwellings.

He reported the receipt of four additional letters of objections, two having been received earlier that day and circulated to Members re-iterating the objections set out in the report and asking for a deferral in light of new plans provided and concerns over the manner in which the application had been notified. There had,

however, been no new plans provided as this was an outline application. The additional two letters had also referred to the notification of the application.

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

Mr Bishop spoke against the application;

- notification of the application had been inadequate – letters to two people dated 19th December had not been received until the 27th December when the Council Offices had been closed;
- the main stakeholders – the Ministry of Defence, Annington House, the Retreat Boatyard and five residential properties – had not been advised;
- any development should be harmonised with the application approved for Heritage Homes;
- Retreat Drive is unsuitable for additional traffic and there have been two fatalities on the junction with Exeter Road. This road is very busy and there can be a 5-7 minute wait to exit;
- there are already 45 cars associated with Wessex Close and 10 vehicles associated with affordable homes are likely to be generated at the Heritage Homes development and this development will generate a further 18-25 vehicles; and
- parking problems occur along Retreat Road by spectators at Topsham FC football matches and the road is used by heavy vehicles, bin lorries etc;

In response to a Member question he stated that the MOD owned Retreat Road was leased to Annington Homes but there was dispute over maintenance arrangements.

It was noted that road ownership was not relevant to the planning application.

The Highway Development Management Officer responded to the issues raised relating to Highway matters. Given the modest scale of development and that a safe and suitable access to the site could be achieved on to Retreat Drive and/or Wessex Close the development was considered to be acceptable in highway terms. A condition would be included so that no development would take place until the provision of suitable pedestrian facilities.

RESOLVED that, subject to:-

- the completion of a Section 106 Agreement under the Town and County Planning Act 1990 to secure a financial contribution to provide highway improvements to the sum of £25,000 and reference within the Section 106 Agreement that, if the development exceeds 10 units and/or 1,000sqm combined floor-space, an affordable housing contribution will be sought

the Assistant Director (City Development), subject to prior consultation with the Chair, be authorised to **APPROVE** planning permission for residential development of up to nine dwellings, subject also to the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the buildings(s), the means of access thereto and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason : To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 2) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason : To ensure compliance with sections 91 – 93 of the Town and Country Planning Act 1990.
- 3) An appropriate agreement to secure pedestrian and cycle facilities in the vicinity of the junction of Retreat Drive and Exeter Road, together with any required road signs and markings, before the occupation of the first residential unit, all in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To ensure a safe and suitable access is provided for pedestrians, in accordance with paragraph 32 of the NPPF.
- 4) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals
- 5) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: In the interest of public safety.
- 6) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010, the addendum thereto dated May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: to promote best practice in sustainable development
- 7) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: to promote best practice in sustainable construction.

- 8) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 9) Prior to the commencement of the development hereby approved a wildlife plan, indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity

- 10) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

a) There shall be no burning on site during demolition, construction or site preparation works;

b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;

c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

Reason: to protect neighbouring residential amenity

- 11) The developer shall prior to commencement of the development submit for approval in writing, a scheme for protecting the proposed development from noise. All works that form part of the approved scheme shall be completed before any of the permitted development is occupied.

The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.

Reason: to protect future residential amenity

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

Reason: to protect future residential amenity

- 13) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials,

species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

14) C37 - Replacement Planting

15) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.

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

16) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.

17) The dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

18) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

6

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

7

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 20 January 2015 at 9.30 a.m. The Councillors attending will be Newby, Lyons and one other.

(The meeting commenced at 5.30 pm and closed at 7.32 pm)

Chair

PLANNING COMMITTEE

Monday 2 February 2015

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Choules, Denham, Edwards, Lyons, Mitchell, Mottram, Raybould, Sutton, Williams and Winterbottom

Apologies:

Councillor Newby

Also Present:

Assistant Director City Development, Principal Project Manager (Development) (MH) and Democratic Services Officer (Committees) (HB)

9

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

10

PLANNING APPLICATION NO. 14/2016/01 - LAND ADJOINING RENNES HOUSE, VAUGHAN ROAD, EXETER

The Principal Project Manager (Development) presented the application for the demolition of existing two storey car parking and erection of a new block of flats (3/4 storeys) containing 26 homes, including on site car parking, amendments to existing access and relocation of telecoms equipment cabinet.

He reported one further letter of objection highlighting health and safety issues with the loss of parking resulting in parking in neighbouring streets particularly in relation to parents dropping off children for school.

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

- the design was not in keeping with the surrounding area;
- impact on existing amenity area of Rennes House;
- absence of secure parking for both Rennes House and new development
- new development had 27 car parking spaces for 26 flats, Rennes House only has 15 spaces for 61 residents;
- the 27 cycle racks proposed for the new development are excessive as the majority of residents are likely to be too old for bicycles;
- high incidence of anti social behaviour in the area and more CCTV cameras are required. The bin storage area for the new development will have more cameras than Rennes House itself; and
- insufficient parking for parents dropping of school children leading to parking in Hill Lane and Vaughan Road with the safety of the children being compromised.

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

- the development would be in accord with the five stage design philosophy to sustainable and affordable housing provision in Exeter;

- healthy design principles were incorporated from the outset, to provide an uplifting and life enhancing environment;
- focus on a fabric first approach based on low energy, passivhaus principles to reduce energy demand and carbon emissions;
- seek to enhance the natural environment by employing permaculture design principles integrating the new development with its surroundings;
- at the forefront of developing integrated design strategies that help to future proof a building against the effects of climate change;
- design incorporates the Lifetime Homes criteria;
- the scheme will provide 26 much needed new homes, all will be social housing, rented to households on the housing register and retained as a long term asset by the Council. The homes will be for over 55's;
- scheme to include one fully wheelchair accessible flat;
- over 4,500 households on the Housing Register, and of those over 1,000 are in the highest level of need. About a quarter of those 1,000 are over 55 years of age and would qualify for the proposed scheme;
- there has been a shift in housing needs for the over 55's towards one bedroom rather than two bedroom. Over 70% now require one bedroom homes;
- meetings with residents held on 6 March 2014 and 28 January 2015. On the whole the scheme was well received;
- there will be engagement with the car park tenants with a view to managing a move to a garage site of their choice, as appropriate, prior to the new build starting. There will also be engagement with the head teacher of the adjacent school to keep updated on the build programme and timescales;
- parking moved from the underground to ground level saves around £500,000 that can be used elsewhere. In line with some comments from residents, car parking provision can be examined;
- as landscape design for the site is finalised will look carefully at the security of the parking areas, to find solutions to restrict non-residents using the area around Rennes House as a cut through. Will also finalise the security of individual spaces so that their use is restricted to residents of Rennes and the new scheme only – currently we are investigating the use of a lockable bollard system; and
- the detailed landscaping design will focus on providing a high quality, integrated landscaping scheme that will maximise the quality and usability of the space in the ground level courtyard and on the second floor terrace.

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

RESOLVED that planning permission for the demolition of existing two storey car parking and erection of a new block of flats (3/4 storeys) containing 26 flats, including on site car parking, amendments to existing access and relocation of telecoms equipment cabinet be **REFUSED** on the grounds of inadequate amenity space, particularly to serve Rennes House which would have been a consequence of the new development and poor amenity for potential residents by virtue of habitable rooms directly abutting the public highway.

11

PLANNING APPLICATION NO. 14/1166/14 - EAGLE YARD, TUDOR STREET, EXETER

The Principal Project Manager (Development) presented the application for part conversion and part demolition and replacement of existing buildings, to re-develop the site to provide 21 student studio flats in two blocks with associated amenity space, parking and bin storage areas.

He reported that English Heritage's objection remained in spite of revisions to the scheme, that the Environment Agency had requested an additional condition requiring a structural survey of the leat running through the site and that one letter had been received following re-consultation on revised plans welcoming changes and raising minor points relating to detailed design.

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

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

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, to secure the limiting of accommodation to students only and securing submission of a management plan governing the occupation of the property, planning permission for part conversion and part demolition and replacement of existing buildings, to re-develop the site to provide 21 student studio flats in two blocks with associated amenity space, parking and bin storage areas be **APPROVED**, subject also to the following conditions:-

- 1) C07 - Time Limit – Outline
- 2) Approval of the details of the landscaping of the site (hereinafter called "the reserved matter") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) 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 15th and 29th January 2015 (*dwg. nos. 1896/13/020 Rev L, 1896/13/021 Rev H, 1896/13/022 Rev G, 1896/13/023 Rev E and 1896/13/024 Rev F*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) The development hereby approved shall be carried out strictly in accordance with the levels information specified on the drawings hereby approved. Prior to the commencement of development a fixed datum point within the site to which the specified levels can be related shall be agreed in writing with the Local Planning Authority.
Reason: To ensure that the development is constructed in accordance with the relative levels relating to adjoining properties in the interests of the residential amenities of the occupants of surrounding properties.
- 5) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing. The drainage details submitted pursuant to this condition shall accord with the submitted Flood Risk Assessment Ref. BSA1896A dated 28/01/2015. Thereafter the development shall be implemented in accordance with the approved details.
Reason: To ensure the satisfactory drainage of the development.
- 6) C17 - Submission of Materials
- 7) C37 - Replacement Planting
- 8) C57 - Archaeological Recording

- 9) C58E - Contract Prior to Demolition
- 10) C70 - Contaminated Land
- 11) Prior to the commencement of the development hereby approved details of the proposed security gates at the access into the site shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure that the design, appearance and function of the proposed security gates are acceptable.
- 12) The stairwell in the west facing gable elevation of Block C shall be fitted with obscure glazing in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the said glazing shall be retained in situ unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the privacy and amenity of the occupants of the adjoining property.
- 13) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the local authorities during the development works, in order to discuss forthcoming work and its environmental impact.
Reason: In the interest of the environment of the site and surrounding areas.
- 14) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site.
- 15) 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.
- 16) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO² emissions rate reduction from Part L 2006) as a minimum, and CSH Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 17) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (CSH) assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must

provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- 18) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 days following that date.

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

- 19) No development shall take place until a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it 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 and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 20) Notwithstanding drawing no. 1896/13/020 Rev L, no part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with further details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

- 21) Prior to the commencement of the development hereby approved details of all retaining wall, boundary treatments, paths and hard surfaced areas within the site shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of the character and appearance of the Riverside Conservation Area and the setting of the adjoining listed building.

- 22) Prior to the commencement of the development hereby approved a full structural survey of the covered ordinary watercourse running through the site (leat) shall be undertaken and submitted to the Local Planning Authority for approval in consultation with Devon County Council as the Lead Local Flood Authority. The said structural survey shall also identify any remedial works necessary to facilitate implementation of the scheme hereby approved in accordance with the drawing specified in Condition 2. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason – To ensure that the scheme is capable of implementation in accordance with the approved detail to the satisfaction of the Local Planning Authority.

in the event that the Section 106 Agreement is not completed within six months of the date of this committee meeting, the Assistant Director City Development be authorised to **REFUSE** planning permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the Section 106 Agreement.

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

13 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party be held on Tuesday 17 February 2015 at 9.30 a.m. The Councillors attending will be Denham, Williams and Winterbottom.

(The meeting commenced at 5.30 pm and closed at 6.33 pm)

Chair

LICENSING COMMITTEE

3 February 2015

Present:

Councillor Catherine Dawson (Chair)

Councillors Laws, Brimble, Choules, George, Fullam, Henson, Holland, Newby, Shiel and Tippins

Apologies:

Councillors Crew and Pearson

Also present:

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

1 **Minutes**

The minutes of the meetings held on 22 July and 23 September 2014 were taken as read and signed by the Chair as correct records.

2 **Declarations of Interest**

No declarations of interest were made by Members.

3 **Policy of Restriction and Quality Standards for Hackney Carriages**

The Assistant Director Environment had submitted a report on the findings of the consultation conducted with regard to the Council's policy of restriction in respect of hackney carriages.

A number of Members stated that, because of the size of the report and the significant amount of supporting documents, there had been insufficient time to properly consider all the issues and arguments for and against de-restriction. Councillor Newby moved and Councillor Choules seconded the deferral of the report for consideration at a Special Meeting of the Committee.

The Corporate Manager Legal advised that in the event that the motion to defer did not succeed, those Members who had not had sufficient time to read the report and documentation could not vote on the matter.

It was noted that two Members of the Committee had submitted their apologies.

On the casting vote of the Chair, it was agreed to defer the report.

RESOLVED that the report on a policy of restriction and quality standards for Hackney Carriages be deferred for consideration at a Special Meeting of this Committee.

4 **Responses to the consultation relating to the Licensing Act 2003 Statement of Licensing Policy**

The Assistant Director Environment presented the report advising that the Licensing Authority was required to publish a Statement of Licensing Policy (the Policy) in order to determine applications for the grant of new licenses and variations to existing licenses. The City Council's current Statement of Licensing Policy had come into effect in January 2011 and it was a legal requirement to review such policy statements every five years. As the current policy had to be reviewed by 2016, a consultation had commenced in September 2014 and concluded on 12 December 2014. The responses to the consultation were set out in the report. The Policy document had been amended from the original draft to accommodate the responses received, all of which were set out in the report, together with the response of the Assistant Director Environment.

Amendments to the sections on saturation and cumulative impact (Section 11) and Variable Closing Times (Section 12) were tabled. For clarity, the Assistant Director Environment advised that the Policy may be amended in the future to include the cumulative impact of late night hot food premises but only if additional evidence is submitted to the Licensing Committee by the Police. Therefore, for the time being, the current cumulative impact policy remained as it was, and applied to all premises selling alcohol for consumption on the premises within and abutting to the boundary of the zone as shown in Appendix F of the circulated report.

The Policy would be considered by Executive on 17 March 2015 and by Council on 21 April 2015 for adoption.

RESOLVED that the Committee support the Draft Statement of Licensing Policy and recommend its adoption by Council to take effect from 22 April 2015.

The meeting commenced at 5.30 pm and closed at 6.04 pm

Chair

SCRUTINY COMMITTEE - COMMUNITY

21 January 2015

Present:

Councillor Norman Shiel (Chair)

Councillors Branston, Brimble, Bull, Clark, Foggin, George, Holland, Mitchell, Raybould and Robson

Apologies:

Councillor Morris

Also Present

Chief Executive & Growth Director, Assistant Director Environment, Service Lead Housing Customers, Principal Project Manager, Cleansing & Fleet Manager, Housing Needs Manager, Audit Manager (HP), Technical Accounting Manager, Principal Accountant and Democratic Services Officer (Committees) (HB)

In attendance:

Jane Shooter and Elizabeth Deasy of Exeter Primary Care Ltd.

Councillor Rob Hannaford	-	Portfolio Holder for Housing and Customer Access
Councillor Keith Owen	-	Portfolio Holder for Environment, Health and wellbeing

1 Minutes

The minutes of the meeting held on 11 November 2014 were taken as read and signed by the Chair as correct.

2 Declarations of Interest

Councillor Raybould declared a disclosable pecuniary interest and withdrew from the meeting whilst Minute Number 10 was discussed.

Councillor Mitchell expressed an interest in respect of Minute Number 4.

3 Fraud awareness

The Chair welcomed Helen Putt, the Audit Manger, to the meeting who, in response to the Government's papers "Protecting the Public Purse" and "Fighting Fraud Locally", was seeking to increase knowledge of the background to, and implications of, the fraud, bribery and corruption awareness polices. She defined these elements and set out the circumstances in which they occurred.

She also detailed what the Council was doing to counter fraud, bribery and corruption and what action to take if these elements were suspected.

Highlighted were:-

- 85% of fraud is perpetrated by employees or former employees; and
- bribery and corruption was focused around procurement, planning, licensing and parking fees and charges.

4 **Overview of Exeter Primary Care Ltd**

Councillor Mitchell expressed an interest in this matter.

The Chair welcomed Jane Shooter, Practice Manager of the Heavitree Practice and Marketing Director of EPC Ltd. and Elizabeth Deasy, Practice Manager of the Barnfield Hill Practice and Chief Executive Officer of EPC Ltd. who spoke on the work of Exeter Primary Care Ltd.

Exeter Primary Care Ltd, comprising 5 GP's and 6 Practice Managers, had been created in response to the commissioning system. In April 2013 commissioning and procurement had passed from the PCT to Clinical Commissioning Groups, local authorities and NHS England. Commissioners were required to place services out to tender as there was no longer General Practice or NHS exclusivity. Individual practices would find it difficult and costly to comply with the supplier accreditation requirements and Exeter Primary Care Ltd. had been created as a confederation of Exeter GP practices.

The Federation provided a vehicle and skills to successfully bid for services, provided economies of scale in provision and enabled practices to act and work together. Exeter offered a discrete healthcare market with 148,000 patients living within 5 miles of the city centre with 16 practices possessing a history of working together. There was a wide array of potential competitors to provide services including Virgin, Boots, Lloyds, Superdrug, Sainsbury's, Tesco, GP Provider Companies and Foundation Trusts (RD&E). She outlined types of service to be provided including flu vaccinations, smoking cessation and well person health checks.

The following responses were given to Members queries:-

- the current GP weekend opening was being funded centrally by the Prime Minister's Challenge Fund until the end of April and, subject to the availability of support from the NHS England's Sustainability Fund, might be continued beyond April;
- each GP's Practice is an independent business entity comprising the partners, doctors, nurses and community nurses from the North Devon Health Care Trust. Midwives and Healthcare visitors were employed by the RD&E and Virgin Health Care respectively;
- two different IT systems are used in the City and the consent of patients is obtained for across the board access to their records;
- all GP surgeries must have a contract with NHS England and consideration is being given, as part of the Integrated Care Exeter initiative, which comprises a number of partners including the local authorities, RD&E Hospital Trust and the voluntary sector etc., for bidding to run the Exeter Walk In Centre;
- there are no plans to incorporate social care into existing work but EPC Ltd. do and will work with other social care providers; and
- the Ide lane Surgery, Westbank and the Clinical Commissioning Group were looking at existing services in preparation for additional residential development in the area.

The Chair thanked Jane Shooter and Elizabeth Deasy for their presentation. They assured Members that EPC Ltd. was keen to work in collaboration with the City Council wherever possible.

5 **Traffic Congestion and Highway Management in Exeter**

The Right Worshipful the Lord Mayor, Councillor Prowse attended the meeting and spoke on this item having given notice under Standing Order No. 44.

He referred to a number of reports on the subject of congestion by both the City Council and the County Council as well as the Local Transport Plan seeking to develop coherent transport strategies for the City. In spite of these and because of continued growth in car usage, traffic congestion remained a problem in the City. He pointed out that many of the City's bus lanes were discontinuous and not wide enough to be effective. He also felt that insufficient facilities were provided for people cycling to work. Referring to specific arterial routes into the City which, he suggested, were becoming traffic black spots, he sought Members views and ideas for raising these matters with relevant Devon County Council officers.

The Chair thanked the Lord Mayor for his input, advising that the purpose of the report was for Members to agree on questions to be put to both the County Council's Head of Highways, Capital Development and Waste Management and the Head of Planning and Transport (or their representatives) who were being invited to a meeting of this Committee.

The Principal Project Manager spoke to a presentation setting out the main issues around transport in the City under the following headings:-

Traffic Congestion in Exeter

- too much traffic and too little road space; and
- impact on the economy.

Travel to work by Exeter residents

- driving: 47%, walking: 22.9%, bus: 9.2%, cycling: 6.3%, car passenger: 5.3%, train: 2.1% and motorbike: 1.2%

Rail

- Devon Metro - new stations, better rolling stock and added capacity;
- rail improvements are popular with the public although trains are often full but improvements are heavily dependent on Government and rail operators and the network does not serve the whole City.

Roads

- improvements proposed include Bridge Road widening, Tithebarn Lane link, Exhibition Way link (subject to village green litigation) and Alphington Park and Ride (subject to planning permission).

Buses

- good network so lots of potential but short lead in time for change and congestion itself is an obstacle.

Walk/Cycle

- 28% combined;
- legacy of cycling demonstration town 2005-11;
- resistance from other road users; and
- all the easy sections have been completed but bold solutions needed for the rest.

Smart Solutions

- electric vehicles - does not address congestion but does reduce pollution;
- gateway to funding for smart technology; and
- bid being worked up for money to work up a Smart travel management project for the Rugby World Cup.

Members discussed the problems and it was agreed that, as well as inviting County Council officers to a future meeting, it would be helpful for Mike Watson, Managing Director of Stagecoach as well as representatives of Sustrans and, possibly, other transport providers to attend also. Members raised the following issues for putting to the attendees:-

- how would a Park and Ride at Alphington attract people out of cars when the bus would be caught in the same congestion on Alphington Road. Could the Park and Ride bus use Tan Lane ?;
- could and should Water Lane be implemented as a bus only link?;
- bus lanes generally - could they be made more effective (wider, more continuous) and, if not, are they worthwhile ?;
- can there be a strategic look at residents' parking across the City? - a Member referred to problems experienced by commuters parking in Mincinglake, Stoke Hill and Pennsylvania;
- can Park and Ride be promoted more to reduce parking in residential areas and does Park and Ride have sufficient capacity for this ?;
- could rail Park and Ride be promoted ?;
- could vacant sites be used for Park and Change or additional parking for local centres - a Member suggested smaller scale Park and Ride sites in the Pinhoe and Whipton areas, for example, an area of land to the rear of the Beacon Heath shops;
- could Park and Ride be extended later into the evenings and to additional sites on Sunday ?;
- could bus fares be reduced as they deter and even prevent people from travelling ?;
- can the Stagecoach bus timetable to Plymouth, especially on Saturdays, be reviewed ?;
- what more could be done to improve facilities for cyclists and pedestrians to encourage travel by these modes ?; and
- what are the preparations for the Rugby World Cup ?

With regard to the last point, the Principal Project Manager explained that a Transport Group was meeting regularly comprising representatives of the City and County Councils, Exeter Chiefs, England Rugby, transport operators and emergency services and they were considering all transport issues. He also agreed to enquire about the prospect of using the suggested vacant land at Beacon Heath for local parking.

6 Questions from Members of the Council under Standing Order 20

In accordance with Standing Order 20, Councillor Mitchell put a question on fly tipping in the St James Ward to the Portfolio Holder for Environment and Wellbeing. The Portfolio Holder replied. A copy of the questions had previously been circulated to Members. The questions and the replies from the Portfolio Holder (in italics) are appended to the minutes.

7 Reports of Portfolio Holders

Councillors Owen and Hannaford presented progress reports on priorities within the Environment, Health and Well Being Portfolio and the Housing and Customer Access Portfolio respectively. Responses to Members' queries are set out below:-

Environment, Health and Well Being

The Portfolio Holder advised that the next meeting of the Licensing Committee on 3 February 2015 would consider reports on a revised Licensing Policy and a Policy of Restriction and Quality Standards for Hackney Carriages. The latter would present a number of options for consideration by Members on the way forward for taxi provision in the City.

Housing and Customer Access

The Portfolio Holder highlighted:-

- the continued requirement that all new housing developments include 35% social and housing and affordable housing;
- the construction of 20 new council houses on council-owned land and continued search for funding to increase this number; and
- the introduction of schemes to improve the quality of private rented accommodation with research being undertaken to identify policy interventions in other cities, especially Oxford, and their applicability for Exeter and Exeter CVS establishing a multi-agency Private Rented Sector Forum.

He referred to the University of Exeter's survey of the City's housing stock, including the private sector, which he suggested could be the topic for a future presentation to this Committee.

Scrutiny Committee - Community noted the reports.

ESTIMATES, CAPITAL PROGRAMME AND FEES AND CHARGES

8 Community - General Fund - Estimates/New Capital Bids/Fees and Charges

The Principal Accountant presented the report on the Community Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared; changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the capital programme for Community was also attached to the report.

The Accountant reported budget reductions in temporary accommodation and the homelessness budget. Improvements in first line advice and processes had resulted in a reduced need for the former and, in respect of the latter, a review of services

provided had found that there was scope to re-design current funding arrangements with partners.

The Portfolio Holder agreed to respond after the meeting to a question in respect of public conveniences and undertook to report to a future meeting of this Committee on CCTV provision in the City where budget savings were being proposed as part of the Council's wider savings targets.

Scrutiny Committee - Community noted the draft Revenue Estimates for 2015/16, the proposed Capital Programme and Fees and Charges for further consideration by Executive.

9 Community - Housing Revenue Account - Estimates/New Capital Bids/Fees

The Technical Accounting Manager presented the report on the Housing Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the capital programme for Housing was also attached to the report together with details of the Council Own Build programme.

Scrutiny Committee – Community noted the draft Revenue Estimates for 2015/16, the proposed Capital Programme, Fees and Charges and Council Own Build for further consideration by Executive.

10 Housing Rents and Service Charges 2015/16

Councillor Raybould declared a disclosable pecuniary interest and withdrew from the meeting whilst this matter was discussed.

The Technical Accounting Manager presented the report recommending a rent increase for council dwellings from 1 April 2015.

The Government had announced a new social housing rent policy to apply for ten years from 2015-16 to 2024-25. Under the new policy, rents in the social sector should increase by Consumer Price Index (CPI) inflation by + 1% annually. Social rents would continue to be set on the current basis, whereby rent per property was calculated using a national formula reflecting the value of the property, number of bedrooms and local earnings. The main change was the move from an annual limit on weekly rents of Retail Price Index + 0.5% + up to £2, to a limit of Consumer Price Index + 1%, following the Office for National Statistics announcement that the Retail Price Index no longer met international standards for an inflation-index.

Therefore, in accordance with the Government's policy, it was necessary to implement an increase of 2.2% (CPI + 1%). For 2015-16 this would result in an average increase £1.65 per week, over 52 weeks, per property.

Scrutiny Committee - Community noted the report and recommended Executive to approve:-

- (1) a rent increase for Council dwellings of 2.2% from 1 April 2015;
- (2) an increase in garage rents of 2.2% from 1 April 2015;
- (3) an increase of service charges by 2.2%, with the exception of the charges specified below from 1 April 2015:-

- (a) 2.8% increase in respect of cleaning communal areas in line with anticipated rises in cleaning contract costs;
 - (b) 0% increase in respect of communal electricity at Weirfield House;
 - (c) 0% increase in respect of water at Magdalen Gardens;
 - (d) 3.1% increase in respect of fire alarm testing in line with rises in maintenance and monitoring contract costs; and
 - (e) 5% increase in respect of repair costs in line with Building Cost Information Service (BCIS) rates.
- (5) the charging, in principle, of full market rent to tenants with a household income of at least £60,000; and
- (6) the flexibility to let new-build council housing at “affordable rents”, that is, up to 80% of local market rent where considered appropriate.

ITEMS FOR EXECUTIVE

11 Clinical Waste Collections

The Cleansing and Fleet Manager presented the report seeking approval for the re-design of the clinical waste collection service. The proposals, if implemented fully, would enable costs to be reduced by approximately £30,000, offer alternative and preferred provision for some clients and ensure that relevant legislation is complied with.

He responded as follows to Members’ queries:-

- a trade clinical waste service already operated for care homes, etc. In terms of residents being treated at home by a health care worker, the Council would seek a service level agreement with the relevant health provider to collect the clinical waste generated from treatment; and
- at present, clinical waste was disposed of on a daily basis by vans transporting the waste to Liskeard, with East Devon and Teignbridge District Councils operating similar systems. From the end of January, a central collection point would operate from Exton Road with a larger vehicle transporting this waste to Liskeard.

Scrutiny Committee - Community noted the report and recommended Executive to:-

- (1) agree a separate clinical waste collection being offered only for hazardous or infectious clinical waste, meaning that offensive waste, such as sanitary protection products (Sanpro waste), would be collected and disposed of via the domestic rubbish collection and disposal at the Energy from Waste plant;
- (2) where required, agree to additional rubbish capacity being provided to households generating Sanpro waste at no charge;
- (3) approve the City Council working with healthcare providers to ensure they make their own arrangements to remove clinical waste that they generate in clients’ homes, or that they pay the Council to collect this waste; and
- (4) approve the Council working with pharmacies and others to explore the potential for a network of sharps-box depositories and exchanges.

12 Domestic Waste Containers - Charges and Policies

The Cleansing and Fleet Manager presented the report seeking to consolidate into one document a number of existing policies relating to domestic waste collection and the supply of waste containers. It also sought approval for a revised policy on charging for domestic waste containers to provide a simpler and harmonised charging structure.

Members were advised that there was no charge placed on the provision of seagull resistant sacks and that, although previous legal advice given was that it was not possible to require developers to provide bins with new houses as part of legal agreements with planning approval, there was scope to work collaboratively with developers to assist new home-owners in making arrangements for bin provision.

It was also noted that charges for bins reflected the cost of supply and provision and that waste operation Supervisors had the capacity to issue enforcement notices under Section 46 of the Environmental Health Act 1990.

Scrutiny Committee - Community noted the report and recommended Executive to:-

- (1) approve the consolidated waste collection policies, as set out in Appendix 4 of the report;
- (2) approve the proposed list of exemptions of charges for domestic waste containers, as set out in Appendix 3 of the report, to be adopted with effect from 1 February 2015; and
- (3) agree that the City Council follow more robustly an escalation process leading to the use of Section 46 of the Environmental Protection Act 1990 requiring residents to purchase or provide domestic waste containers to the required specification.

The meeting commenced at 5.30 pm and closed at 7.50 pm

Chair

SCRUTINY COMMITTEE – COMMUNITY
21 JANUARY 2015

MEMBER QUESTION UNDER STANDING ORDER 20

Fly-tipping

As the Portfolio Holder will be aware persistent fly tipping has been an issue within St James. Indeed this weekend another episode opposite 'The Tannery' in Well Street occurred and was reported by local residents and myself.

The Street Scene team, as always, reacted quickly to remove the items. However, I was informed that due to staff being moved to other teams and seconded into other posts that currently no investigative enforcement action could occur because the team currently has no enforcement officers - the team was once four strong. As he will be aware enforcement is a vital part of maintaining a clean environment.

Does the Portfolio Holder agree with me that this is a concerning situation, was he aware of the staffing issues facing this service and what steps will he take to resolve the situation?

Answer

I appreciate Cllr Mitchell and residents reporting this instance of fly-tipping to the City Council. I also reported it to the Council myself at the weekend, having noticed it myself when I was in Well Street on Saturday morning.

In terms of issues such as litter and fly-tipping enforcement, environmental health staff, Supervisors/Officers from Waste and Civil Enforcement Officers all have powers to tackle such issues and they carry this out along with other duties.

Unfortunately, it has become apparent from practical experience in the field that the opportunity to connect fly-tipped waste with an address is becoming more difficult as many people are mindful about data theft and placing their address details in their waste – this means that officer resources spent investigating such complaints are not successful in identifying the culprit, in the main. Therefore, it is more expedient to remove fly-tipped waste swiftly in 'one-off' situations and instead concentrate any investigation where there is a chronic problem.

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SCRUTINY COMMITTEE - ECONOMY

22 January 2015

Present:

Councillor Henson (Chair)

Councillors Brock, Branston, Brimble, Bull, Foggin, Holland, Lyons, Robson, Wardle and Williams

Apologies:

Councillors Crew and Donovan

Also present:

Chief Executive & Growth Director, Assistant Director Finance, Assistant Director Economy, Economy and Tourism Manager, Service Manager Community Safety and Enforcement, Leisure Facilities Manager, Audit Manager (HP), Arts and Events Manager, Scrutiny Programme Officer and Democratic Services Officer (Committees) (SLS)

In attendance:

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

1 **Minutes**

The minutes of the meeting held on 13 November 2014 were taken as read and signed by the Chair as correct.

2 **Declarations of Interest**

Councillor Foggin declared an interest in relation to Minute 6.

Councillor Branston declared a discloseable pecuniary interest and withdrew from the meeting whilst Minute 11 was discussed.

3 **Reports of Portfolio Holders**

Councillor Sutton and Denham presented progress reports on priorities within the City Development and also the Economy and Culture Portfolios respectively. Responses to Members' comments and queries are set out below:

City Development

Councillor Sutton provided the latest position relating to the turnaround time for land searches and reported that the backlog had been reduced to approximately eight days. It should be noted it had been a difficult situation to address. A Member felt it was appropriate to thank the significant effort made by staff to reduce the backlog.

Economy and Culture

Councillor Denham referred to the emphasis which was now on delivering the priorities of the Corporate Plan.

Scrutiny Committee – Economy noted the achievements and priorities presented for both City Development and the Economy and Culture Portfolios.

4 Fraud Awareness

The Chair welcomed Helen Putt, the Audit Manager, to the meeting who made a presentation in response to the Government's publications "Protecting the Public Purse" and "Fighting Fraud Locally". She spoke on the background to the fraud, bribery and corruption awareness policies. She defined these elements and set out the circumstances in which they occurred and also detailed what the Council was doing to counter such activity which should be categorised as criminal activity. There were penalties for the individual concerned as well as the Council, if insufficient effort had been made to ensure due diligence.

The Audit Manager referred to the measures already in place and she outlined the ways to report any suspected fraud, including the use of an anonymous help line. Copies of a leaflet entitled "What should you do if you suspect Fraud, Theft or Corruption" a Guide for Staff, Councillors and Members of the public were circulated.

The Chair thanked the Audit Manager for the presentation.

5 Estimates/New Capital Bids/Fees and Charges

The Assistant Director Finance presented the report on the Estimates and Fees and Charges, which outlined the strategic framework, within which the estimates had been prepared; changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. The budget framework, a detailed schedule of the Capital Programme and proposed new schemes for the areas covered by the Scrutiny Committee – Economy and proposed 2015/16 Fees and Charges were included as an appendix.

He drew attention to the key budget changes for 2015/16. He also referred to the revenue allocation which had been made to deliver the Rugby World Cup event and the proposed New Swimming Pool and Leisure Centre complex, for which expenditure would be capitalised when the building had been designed and planning permission obtained. The Assistant Director Economy responded to a Member's enquiry and confirmed that savings to the current Leisure Management contract would be made when Parkwood moved to the Trust Model in the new financial year.

A Member welcomed the recent Budget Briefing for Members which had provided an overall budgetary position which had been very useful.

Scrutiny Committee – Economy noted the draft Revenue Estimates for 2015/16, the proposed Capital Programme and Fees and Charges for further consideration by Executive.

6 Parking Places Enforcement

Councillor Foggin declared an interest when giving an example of parking difficulties faced by trades' people.

The Service Manager Community Safety and Enforcement presented a report which sought Members' views on the inclusion of additional parking places within the Civil Enforcement Order, effectively bringing the enforcement of more City-Council owned parking areas in-house. This was as a result of concerns about the robust approach adopted by private parking enforcement on non-Council parking sites in Exeter.

He responded to a Member's comment in respect of the ownership of the Swans Nest car park, which was adjacent to the Exeter Canal, although geographically the car park was situated in Teignbridge District Council, it was owned by the City Council. He also suggested that any individual seeking information on the parking permit criteria should contact the City Council's parking service as they could provide sound advice on the most appropriate place to park.

Scrutiny Committee - Economy noted the report and recommended Executive to:-

- (1) amend the City of Exeter (Civil Enforcement Off-Street Parking Places) Order 2014 to include the Swans Nest car park for enforcement of classes of vehicles not permitted;
- (2) confirm the permanent inclusion in the 2014 Order of sites at Duryard, Bromhams Farm, Cowick Barton Fields, Bettysmead, Hamlin Lane, King George V and Station Road (Pinhoe) following their successful trial in 2014;
- (3) confirm the Clifton Hill Ski Slope Approach as suitable for enforcement by a private parking enforcement company; and
- (4) review the private arrangements currently in place for Station Road, Exwick and Flowerpot at the end of the lease periods in May and March 2017 respectively.

7 City Centre Business Improvement District

The Assistant Director Economy presented a report which set out the process and a proposal for setting up the City Centre Business Improvement District, (BID) and also as the Council will be eligible as a rate payer on its own property, recommended that the City Council should cast its votes in support of setting up the BID for the next five years. A copy of the BID Business Plan was circulated with the report.

The establishment of a city centre BID was important to provide the focus for a concentrated effort to face up to the challenges of meeting the changes in consumer behaviour, investment being made in other locations and the reality of reducing public sector finances and services. It was anticipated that as the BID progressed, local businesses and stakeholders would more readily be able to identify the projects that will ensure a more coordinated approach to enhancing the city centre. If the ballot was successful, the BID would commence within six months of the ballot taking place, for a period of five years until 2020.

A Member complimented all those involved in drawing the BID document together and particularly welcomed the inclusion of the wide a range of stakeholders which should have a universal appeal.

Scrutiny Committee - Economy supported the proposals of the City Centre Business Improvement District Board and recommended to Executive and Council the following:-

- (1) that the City Council vote in favour of the establishment of the City Centre Business Improvement District (BID); and
- (2) the City Council casts its votes in favour of setting up the City Centre BID in the forthcoming ballot in February 2015.

8 **Rugby World Cup 2015 Update**

The Assistant Director Economy presented a report which updated Members on the preparations currently being made for Exeter being a 'Host City' for the Rugby World Cup tournament, taking place between 18 September and 31 October 2015, as well as the work being undertaken to ensure that there was a legacy from the city's involvement.

He responded as follows to Members' queries:-

- the maximum capacity of 6,000 for the provision of the Fanzone quoted was to ensure there was adequate emergency access for all, taking account of any other events going on in the immediate area.
- 'dressing' the city would add interest and colour to the overall event, although the final format still had to be agreed, the Rugby World Cup organisation's corporate style would also include a number of banners and these would be in place at least six weeks prior to the start of the games, around Sandy Park and also at the main gateways to the city, such as Heavitree Road and Topsham Road and Exe Bridges. Appropriate signage and flags would also be in place. City businesses and retailers will also participate in promoting the event in some way, as well as the main sponsors, Land Rover and Heineken.
- there would be a strict control on the sale of official souvenirs and programme, within the immediate environs of Sandy Park and the Fanzone in the city centre, and this stance would be supported by Environmental Health and Trading Standard officers. He welcomed a Member's comment on her experiences when marshalling car parks on regular match days at Sandy Park in Apple Lane and at Digby and the likely presence of unofficial sellers. He hoped that the number of volunteers in place would deter their activities but all staff would be vigilant.
- the rigorous traffic management arrangements would be the same as any match day at Sandy Park, but some modelling work was also being carried out to establish where people were likely to be travelling from and how that might affect the way that Sandy Park will operate. He was not aware of any plans to close any local roads at this time.
- a group had already been set up to discuss the effects on public transport including the opportunities for rail, and First Great Western was aware of the issues.
- the £10,000 community fund competition should attract entries from a number of local rugby clubs.

Scrutiny Committee – Economy supported the recommendation for Executive to note the report and progress made to date.

9 **Annual Review of Support for Exeter Businesses**

The Economy and Tourism Manager updated Members on the progress made in supporting businesses through Exeter Business Support and the Exeter Pop Up Shop format, and the progress to renew the contract for this service, due to commence in April 2015. She was able to confirm that following a tendering exercise

for the Exeter Business Support Contract for 2015/16, that Peninsula Innovations Ltd. had been successfully re-appointed.

The Economy and Tourism Manager responded to a Member's comment on the range of marketing material currently in use, and confirmed that regular reviews of former clients were carried out including details of employee numbers and turnover. She also referred to the three month period offered for the Pop-Up Shop which provided an opportunity for fledgling companies to test the business model to see if they had a sustainable customer base and marketing model. There have been successes with a number of businesses having moved on to trade elsewhere in the city. She was unable to make a comparison with the loss of family run independent traders and the number of charity shops operating in the city, but would make enquiries with the Estates team.

Scrutiny Committee - Economy noted the report and recommended Executive to:-

- (1) support the City Council in continuing to fund business support for embryonic, new and existing businesses to provide opportunities for individuals to secure the means of improving their financial position and promoting job creation, at a cost of £42,000, and
- (2) Officers within Economy be authorised to negotiate a service level agreement for 2015 – 2016, following a contract advertisement, for the continued delivery of services outlined in this report under the banner of Exeter Business Support.

10 **Cost of Living Final Report**

The Chair of the Cost of Living Forum, Councillor Denham updated Members on the Cost of Living Forum's final recommendations to the Scrutiny Committee - Economy. These were set out with a detailed explanation. She drew attention to the potential to draw down funding from the European Structural and Investment Funding (ESIF) and the intention to develop a combined bid approach between the Council, private and voluntary sectors and stakeholders. She hoped that they could develop a number of bid applications provided this funding was achieved. The Assistant Director Economy stated that he would discuss the funding opportunities with the Partnerships Manager at the Heart of the South West Local Enterprise Partnership (SWLEP). It was important to continue to discuss the available opportunities to tackle the social and skills issues which the living wage could help to address.

A Member enquired if the local media were aware of the outcomes of the study. Councillor Denham advised that details had already been publicised, but there was also the opportunity to promote the individual recommendations.

Councillor Denham thanked all the members of the Forum for their participation.

Scrutiny Committee - Economy noted the report and the following activity including:-

- (1) to hold an ESIF information event as soon as possible in 2015 in association with the LEP and the Federation of Small Businesses to which private and voluntary sector organisations and stakeholders will be invited to attend;
- (2) to hold a six month review of ongoing, relevant Council work streams identified by the Forum, reporting back to the Scrutiny Committee - Economy with an update;

- (3) promote the Living Wage by putting information on the Council's website, the Exeter Citizen and through social media highlighting the work of the Cost of Living Forum and providing case studies reflecting the Council's success in implementing the Living Wage along with an interview with a local business which has implemented the Living Wage successfully;
- (4) the Cost of Living Forum should continue to meet annually;
- (5) to engage with existing businesses via their networking events to raise the profile of the Living Wage and the Cost of Living Forum work;
- (6) to provide Council staff with information to increase their knowledge of the Living Wage which they can share with outside organisations, and
- (7) to share the Cost of Living Forum reports with East Devon District Council and Teignbridge Council.

11 **Update on the Exeter Visitor Strategy 2012 - 2016**

Councillor Branston declared a discloseable pecuniary interest as an employee of South West Tourism Power Marketing and withdrew from the room.

The Economy and Tourism Manager presented a report which updated Members on progress with implementing the Exeter Visitor Strategy 2012 – 2016. She referred to the overview of progress made and outputs achieved during 2014, against the priorities as well as a selection of achievements made. A set of the key performance indicators were included in the Visitor Strategy as a basis for monitoring trends and effectiveness of the actions implemented. She responded to a Member's comment about the lack of availability of the more traditional bed and breakfast establishments, and stated that there were still a number of traditional bed and breakfast establishments but these were often situated in the suburbs, but added that Exeter provided a range of accommodation to suit most pockets.

The main aim of achieving a 5% increase in visitor spend and employment related to visitor trend has been achieved and 2015 was anticipated as being a successful year.

Scrutiny Committee – Economy noted the progress made with implementing the Exeter Visitor Strategy 2012 – 2016 and supported the actions proposed to be undertaken during 2015 – 2016 focusing on promoting the area for Rugby World Cup 2015.

12 **Annual Arts and Events Review 2014**

The Arts and Events Manager presented a review of the performance of the festivals and events portfolio which in 2014/15 had comprised Animated Exeter, Vibrasonic, Exeter Open Studios, Exeter Respect and the Unexpected Festival and set out the programme of activity for 2015/16.

Scrutiny Committee – Economy noted the report and noted the breakdown of Arts and Events budgets for 2015/16 namely £50,000 for the Unexpected Festival towards the programme for the Fanzone during the Rugby World Cup 2015 and £43,350 for the revised Project Grants Scheme.

13 **Filming in Exeter**

The Economy and Tourism Manager presented a report which informed Members how the City Council responded on a day to day basis to film production companies wishing to film within the city. It also covered how the city was promoted as a good place to film, and the way in which they could foster skills development in creative industries to support business growth and get local people into work.

Exeter's recent track record in attracting filming and the progress made by the Economy team in handling film enquiries and promoting the area as 'film friendly' had had a number of successes. It was anticipated that a one off project, with an intern placement from a local college or University, would be working on developing a film pack on the city that would improve Exeter's presence on national film web sites.

Scrutiny Committee - Economy noted the report.

14 **Parkwood Leisure Working Group Minutes 21 October and 9 December 2014**

Scrutiny Committee – Economy noted the minutes of Parkwood Leisure Group held on 21 October and 9 December 2014.

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

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

16 **Parkwood Leisure Management Contract Annual Update**

The Leisure Facilities Manager presented the report which set out the performance of the Parkwood Leisure Management Contract for year four of the contract, October 2013 to September 2014.

A Member, who also sat on the Parkwood Leisure Working Group had been very impressed with the cooperation and effort made by Parkwood to work effectively with both the City Council and the local community. The Leisure Facilities Manager responded to an enquiry about the length of term of contract which was in place until 2020. He added that the staff rate of pay was not a requirement of the current contract, and although there may be the desire, paying staff the living wage would have an additional financial impact on the City Council.

A Members' Briefing for Exeter City Councillors would be held on the 25 February 2015 to provide an opportunity to explore, any issues or comments on the day to day operation of the sites with representatives from Parkwood Leisure.

Scrutiny Committee – Economy noted the report.

17 **Exeter & Heart of Devon Growth Board Minutes**

The minutes of the Exeter and Heart of Devon Growth Board held on 10 November 2014 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.

The meeting commenced at 5.30 pm and closed at 6.45 pm

Chair

SCRUTINY COMMITTEE - RESOURCES

28 January 2015

Present:

Councillor Baldwin (Chair)

Councillors Mottram, Bialyk, Brock, Bull, George, Lyons, Morris, Robson, Sheldon, Spackman and Winterbottom

Apologies:

Councillor Tippins

Also present:

Deputy Chief Executive, Assistant Director Finance, Corporate Manager Property, HR Business Manager, Audit Manager (HK), Scrutiny Programme Officer and Democratic Services Officer (Committees) (SLS)

In attendance:

Councillor Peter Edwards	- Leader
Councillor Ollie Pearson	- Portfolio Holder for Enabling Services
Councillor Rob Hannaford	- Portfolio Holder for Housing and Customer Access

1 **Minutes**

The minutes of the meeting held on 19 November 2014 were taken as read and signed by the Chair as correct.

2 **Declarations of Interest**

Councillor Winterbottom declared a discloseable pecuniary interest as a member of the Exeter Canal and Quay Trust and withdrew from the room whilst Minute 14 was discussed.

3 **Question from Members of the Public Under Standing Order 19**

In accordance with Standing Order No. 19, Ms Fraser, representing a consortium of community groups, including the St David's Neighbourhood Partnership, St James Forum and Alphington Village Forum put a question on the proposed level of New Homes Bonus funding for community activity through the community groups. The Leader, as the Member responsible for the budget responded. A copy of the question had been circulated to Members and was made available at the meeting. The question and the reply from the Leader are appended to the minutes.

Scrutiny Committee – Resources noted the question.

4 **Reports of Portfolio Holders**

Councillors Edwards, Pearson and Hannaford presented their individual progress reports on the Leader, Enabling Services and Customer Access Portfolios, respectively.

Councillor Edwards responded to Members' comments as follows:-

- the Council would continue to offer apprenticeships and hoped to increase the numbers over time. He also referred to a recent discussion with the Headmaster of St James School with a view to encouraging more students to consider becoming an apprentice, which may also have additional benefits for local firms.
- work was taking place with Active Exeter to formulate an action plan to increase the levels of physical activity in the city. The Exeter Health and Wellbeing Board had identified funding for a number of projects to achieve this, but following continuing engagement with the Local Health Authority, there would have to be consideration as to how any improvements could be measured.
- an agreement had been reached at a recent Devon District Forum to work in partnership with East Devon and Teignbridge Councils to improve the rail service.
- the Council continued to seek to promote the living wage and, in the longer term, engage with the business community to ensure that businesses would continue to thrive in Exeter. He was due to meet with the CBI representative for the South West, as well as the TUC, local employers and organisations such as the Exeter Chamber of Commerce to discuss the challenges to achieve this. There had been similar concerns when the minimum wage was first introduced and he hoped that eventually the living wage would also be seen as the norm.

Councillor Hannaford responded to a Member's comment in terms of how Community organisations might respond in the future following the changes in responsibility for community assets management. Local clubs and sports organisations were an important part of the local infrastructure and he intended to work with clubs in his ward to look at all the options. Such clubs would need some reassurance and guidance to ensure that they could continue to run their facilities effectively. A Member referred to his own role of Member Champion for the Empowerment of Communities and agreed that there was a need to include capacity building for clubs to ensure they could take on their future responsibilities effectively.

Councillor Pearson responded to a Member's comment and confirmed that a report to the Exeter Board had agreed to explore the mapping of community facilities in the city, to set up an appropriate register as well as offer clear guidance to ensure that assets from the community value were appropriately maintained.

Scrutiny Committee – Resources noted the achievements and priorities presented.

5 **Fraud Awareness**

The Chair welcomed Helen Kelvey, the Audit Manager, to the meeting who made a presentation in response to the Government's publications "Protecting the Public Purse" and "Fighting Fraud Locally". She spoke on the background to the fraud, bribery and corruption awareness policies. She defined these elements and set out the circumstances in which they occurred and also detailed what the Council was doing to counter such activity which should be categorised as criminal activity. There were penalties for the individual concerned as well as the Council, if insufficient effort had been made to ensure due diligence. There were a number of measures already in place and the Audit Manager outlined the ways to report any suspected fraud, including the use of an anonymous help line. Copies of a leaflet entitled "What

should you do if you suspect Fraud, Theft or Corruption” a Guide for Staff, Councillors and Members of the public were circulated.

The Audit Manager responded to a Member concerned at the number of bogus emails and how were they getting through the City Council’s fire wall. She advised that every effort was made to block such emails by keeping up with the ever moving pace of change in technology. It was the responsibility of the Department of Work and Pensions to instruct the City Council if fraud involving benefit was suspected and, even with limited resources, every effort was made to address such activity.

The Chair thanked the Audit Manager for the presentation.

6 Estimates/New Capital Bids/Fees and Charges

The Assistant Director Finance presented the report on the Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared; changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. The budget framework, Capital Programme and proposed new schemes for the areas covered by the Scrutiny Committee – Resources and proposed 2015/16 Fees and Charges were included as an appendix to the report.

A Member welcomed the modest increase in the proposed fees and charges. The Assistant Director Finance also responded to a Member’s comment on the energy saving projects and confirmed that the City Council had already entered into a two year fixed agreement with an energy supplier, and acknowledged that the recent decrease in energy prices had been unexpected.

Scrutiny Committee – Resources noted the draft Revenue Estimates for 2015/16, the proposed Capital Programme and Fees and Charges for further consideration by Executive.

7 Capital Programme 2015/16 and 2017/18

The Assistant Director Finance presented a report and requested Members’ approval of the General Fund and Housing Revenue Account Capital Programmes for 2015/16, along with a number of schemes identified for the following two years. Members were advised that a borrowing requirement of £26.687 million had been identified over the next four financial years, which would have an ongoing impact on the council tax.

The Assistant Director Finance responded to a Member’s question on the variation in the allowance for the cost of replacement bathrooms and particularly kitchens in the years 2016/17, 2017/18 in comparison to 2015/16. He responded that the Council was undertaking a stock condition survey, and advised that once the results had been collated, the costs would be reviewed and capital used to fund the required works. Kitchen replacement costs varied from £4,000 to £6,500. The cost of replacement work was dependent on a number of factors including the size and condition of the property. The City Council operated a value for money strategy and, if other ancillary works were required, such as rewiring, this was carried out using the Kitchens budget.

Scrutiny Committee – Resources supported the following for approval by Executive:-

- (1) the General Fund Capital Programme for 2015/16 as set out in Appendix 3 of the report; and

(2) the HRA Capital Programme for 2015/16 as set out in Appendix 4 of the report.

8 Revenue Budget Proposals 2015/16

The Assistant Director Finance presented the report outlining the strategic framework within which the estimates had been prepared and highlighted the issues that would affect the actual setting of the overall level of council tax. The report also summarised the overall budget position arising from the current cycle of Scrutiny Committee meetings.

The Government had announced the provisional Local Government Settlement on 18 December 2014, confirming that the Council would receive £6.635 million in 2015/16, which was £11,000 lower than predicted as part of the Medium Term Financial Plan. (MTFP). An updated MTFP was attached to the report, which identified additional spending resources and it was currently indicated that the savings required would total £3,033,000 over the next two years (2016/17 and 2017/18). The report also outlined the Council Tax budget requirement for 2015/16, and after taking into account the surplus and the taxbase, the proposed Band D council tax for 2015/16 would be £135.05, an increase in the annual council tax of £2.64 or 1.99%.

The Assistant Director Finance also provided an update on Business Rates (NNDR) and the calculation of business rate gain was in excess of £1.289 million above the baseline from the Government. He responded to a Member's comment on the potential loss of business rate revenue following the change in legislation to allow the conversion from office to residential accommodation. This still represented growth in the city with council tax revenue being collected, however, the position would be monitored and reviewed as appropriate.

Scrutiny Committee – Resources noted the report and recommended that Executive approve the draft Revenue Budget proposals for 2015/16 and recommended also that the minimum level for the General Fund Working Balance remains at £2 million.

9 Treasury Management Strategy Report 2015/16

The Assistant Director Finance presented a report which sought Members' approval for the adoption of the Treasury Management Strategy Report, which also incorporated the Annual Investment Strategy 2015/16, as required under Section 15(1)(a) of the Local Government Act 2003. The key sections were set out in paragraph 8.2 and included an increase in the amount the City Council could lend to UK owned banks as well as the upper limit that could be lent to the highest rated Foreign owned banks.

The Assistant Director Finance provided an update on the situation relating to their Landsbanki investments, confirming that the City Council had been able to broadly recover what had been invested, and also recovered all of the investment from the Glitnir Bank. An opportunity to recover the funds held in Icelandic Krona had arisen and this would be discussed with the Local Government Association. He also responded to comments received from a Member relating to the repayment of a loan from the Police and Crime Commissioners Panel body, confirming if it was disbanded, it would be replaced by another democratic body, the liability transferred and any repayment to be made on time. He also outlined the facility to make loans between local authorities. The Public Works Loan Board was a statutory body of the UK Government that provided loans to public bodies.

A Member commented on the investment strategy and suggested a Member Briefing be held to enable Members to have a better understanding of how the savings and investment strategy was delivered. It was noted that an appropriate date would be identified.

Scrutiny Committee - Resources noted the report, requesting that Executive recommend the adoption by Council of the new Treasury Management Strategy and delegations contained therein.

10 **Prudential Code for Capital Finance in Local Authorities (incorporating the Annual Statement of Minimum Revenue Provision)**

The Assistant Director Finance presented the report, which set out the proposed 2015/16 prudential indicators for capital finance for adoption by the Council, and to set the annual statement of Minimum Revenue Provision (MRP). The prudential indicators covering a period of the next three years were set out in Appendices A to C. The report also confirmed that the requirement to produce an annual strategy of minimum revenue provision for repayment of debt had been met.

Scrutiny Committee – Resources noted the report and recommended that Executive approve the adoption by Council, of the following:-

- (1) Prudential Indicators set out in Appendix A-C of the report, and,
- (2) Annual Statement of Minimum Revenue Provision for the City Council.

11 **Annual Pay Policy Statement**

The Human Resources Business Manager presented a report, which set out the City Council's annual Pay Policy Statement 2015/16, and the legal requirement for approval by Council each financial year. There had been no significant changes, but she confirmed that the revised policy and appendix circulated with the report had also taken account of the general uplift from the implementation of the nationally determined living wage, for the lowest paid (Spinal Column Point 10) on 1 April 2015 as well as implementation of the nationally agreed 2014/16 pay award for employees excluding Chief Officers, with effect 1 January 2015. The implementation of the nationally negotiated pay award for Chief Officers and Chief Executives for 2014/16 was still subject to national agreement.

Scrutiny Committee - Resources recommended that the Council's annual Pay Policy Statement for 2015/16, be adopted and published following approval by Council in accordance with the legislation.

12 **Income Generating Measures Task and Finish Group Report**

The Chair of the Income Generating Measures, Councillor Bialyk presented an outline of the conclusion of the Task and Finish Group's investigations, and included a selection of ideas highlighted and discussed by the Group and relevant officers as plausible, having potential and being capable of practical implementation. The Group had also considered the available resources and the level of anticipated revenue which could be generated. Ideas were taken from the Commercialisation Board and Council Staff were also approached.

Councillor Bialyk thanked staff and Members for their involvement in the Task and Finish Group to date, and also to those members of staff who had made suggestions.

The report included a number of areas which were identified by the Group as having the potential to provide further sustainable income for the Council, they were now looking forward to making a further investigation and develop a business case, with a report to the future Scrutiny Committee - Economy meetings:-

- A. A Solar Photovoltaic site on Council owned land.
The Corporate Manager Property would investigate the generation of solar power together with a potential site. *(June)*
- B. A dedicated member of staff to bid for external funding.
The Deputy Chief Executive agreed that the creation of a self funded post would help to coordinate funding bid activity, and could benefit not only the City Council but also the many community groups to identify prospective grants and maximise funding opportunities. *(June)*
- C. Use of St Nicholas Priory for weddings and maximising the use of RAMM for corporate events.
The Corporate Manager Property would pursue this suggestion, and a structural survey was awaited to determine the level of investment required. An application would need to be made to the Heritage Lottery Fund. *(June)*
- D. Selling external advertising on the outside of car parks in a prominent place.
The Deputy Chief Executive said that the financial and community engagement potential would be considered, including the possibility of local businesses advertising. *(September)*
- E. Exeter has a number of parks and open spaces which are not utilised to their maximum potential. The Council could look into the following such as :- holding events in parks/licensed ice cream vendors in parks/open air cinemas/weddings/more car parks/more paid facilities in parks. *(September)*
- F. Museum – voluntary donations for entry. *(June)*

Scrutiny Committee - Resources welcomed the opportunity to consider and comment upon the ideas submitted by the Group and supported the following:-

- (1) selection of income generating ideas detailed within the report with a view to business cases being submitted for consideration by this Committee;
- (2) timescale for the provision of those business cases be put to the Committee; and
- (3) a review of progression, either at a point in time agreed by this Scrutiny Committee under recommendation (2), or six months from the date of this report, whichever is the sooner.

13 **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 3 of Part I, Schedule 12A of the Act.

14 **The Future of the Custom House**

Councillor Winterbottom declared a discloseable pecuniary interest as a member of the Exeter Canal and Quay Trust and withdrew from the room whilst this matter was discussed.

The Corporate Manager Property presented an outline of the proposal to relocate the Quayside Visitor Centre into the Custom House and the simultaneous letting of the building to the Exeter Canal & Quay Trust (ECQT). The Council had explored a number of options for a long-term, sustainable use for the property on Exeter's historic quayside, and this solution would ensure the ongoing stewardship of the historic fabric and provide greater access for all.

Scrutiny Committee Resources noted the following and recommended Executive to: -

- (1) support the proposed relocation of the Quayside Visitor Centre to the Custom House; and
- (2) support the headline terms as detailed in the report for the proposed letting to the Exeter Canal and Quay Trust.

The meeting commenced at 5.30 pm and closed at 7.15 pm

Chair

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SCRUTINY COMMITTEE - RESOURCES
28 JANUARY 2014

PUBLIC QUESTION UNDER STANDING ORDER 19

QUESTION TO SCRUTINY COMMITTEE FROM 3 COMMUNITY GROUPS:
St David's NP/St James Forum/Alphington

QUESTION:

What is the level of New Homes Bonus for 2015/16 and the proposed sum which is earmarked for community projects through community groups;

Is this an increase in the amount allocated for decision by community groups in 2014/15, and what is the major portion of the balance being allocated for?

Christine Fraser
Jo Hawkins
Diana Moore

REPLY

Councillor Edwards, thanked Ms Fraser, Moore and Hawkins for the question and as Leader responsible for the budget and strategic determination of the Council replied. He stated that the provisional allocation of New Homes Bonus for Exeter City Council in 2015/16 is £3,528,983.

The allocation of the funds was determined in line with the approval given by Council in February 2014.

- £120,000 for capacity building;
- £250,000 for community projects;
- £ 36,000 for ward grants;
- The balance is to be used to fund the proposed leisure complex.

The funding allocation remains the same as in 2014/15, unless it is amended by Full Council.

This funding would provide an equitable way of distributing the available funding, and this was against the backdrop of a challenging financial regime with this Authority having to identify and make over £3 million in savings. It may not be possible to guarantee the same level of funding in future years.

A Member also referred to the stance taken by the City Council which had not been to use New Homes Funding to supplement any funding gap of services, but would be used to enhance the future of the city. A Member agreed with the discussion and hoped that Ms Fraser was satisfied with the response and that this subject would be discussed at a future Scrutiny Committee.

Ms Fraser made a final comment and thanked Members for the opportunity to ask her question. She suggested that the community groups would appreciate the development of a community development strategy to identify any funding possibilities as many bids now included match funding and such research could help to locate and respond to the different packs and funding

regime. They hoped to develop a community alliance and share best practice to achieve maximum value and to benefit all. They recognised the level of cuts that they were faced with and would rather address future funding in a more strategic way and also eliminate any duplication.

Members noted the question and for drawing a possible future coordinated approach to funding to their attention.

EXECUTIVE

Tuesday 27 January 2015

Present:

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

Apologies:

Councillor Leadbetter

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Economy, Assistant Director Housing, Assistant Director Finance, Assistant Director Public Realm, Cleansing & Fleet Manager, Economy and Tourism Manager and Democratic Services Manager (Committees)

1

MINUTES

The minutes of the meetings held on 18 November and 9 December 2014 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

3

HOLOCAUST DAY

The Committee observed a minutes silence to mark Holocaust Day.

4

HOUSING RENTS AND SERVICE CHARGES 2015/16

The joint report of the Assistant Director Finance and Assistant Director Housing was submitted setting out the proposed increases in respect of council dwelling rents, garage rents and service charges with effect from 1 April 2015.

The Assistant Director Housing advised of the proposed increase in rents of Council dwellings and garages of 2.2%. Services charges were limited to covering the cost of providing the services, therefore, whilst some would increase by 2.2% there were exceptions and these were detailed in the report. Government guidelines advised that authorities should endeavour to keep increases from service charges in-line with rent changes which were Consumer Price Index + 1%. Further work had been undertaken on the housing association rents within the city and the results showed an average weekly rent for a two bedroom flat was £100 per week.

Scrutiny Committee – Community considered the report at its meeting on 21 January 2015 and its comments were reported.

RESOLVED that:-

- (1) rents of Council dwellings are increased by 2.2% from 1 April 2015;
- (2) garage rents are increased by 2.2% from 1 April 2015;
- (3) service charges are increased by 2.2%, with the exception of charges specified below from 1 April 2015;
 - (a) 2.8% increase in respect of cleaning communal areas in line with anticipated rises in cleaning contract costs;
 - (b) 0% increase in respect of communal electricity at Weirfield House;
 - (c) 0% increase in respect of water at Magdalen Gardens;
 - (d) 3.1% increase in respect of fire alarm testing in line with rises in maintenance and monitoring contract costs; and
 - (e) 5% increase in respect of repair costs in line with Building Cost Information Service (BCIS) rates.
- (4) in principle to charge full market rent to tenants with a household income of at least £60,000; and
- (5) the flexibility to let new-build council housing at 'affordable rents' – up to 80 % of local market rent, where considered appropriate.

5

CLINICAL WASTE COLLECTION

The report of the Cleansing and Fleet Manager was submitted which sought approval for the redesign of the clinical waste collection service. If the recommendations could be implemented fully, this would enable a reduction in costs of approximately £30,000, offer alternative and preferred provision for some clients, and ensure that the Council continued to comply with all relevant legislation.

In response to Members' questions, the Cleansing and Fleet Manager confirmed that while offensive waste would be disposed of via the general rubbish collection there would be a free clinical Sharps waste collection service. As a high proportion of customers receiving a separate clinical waste collection would be experiencing ill-health or have a disability, communication would be carried out sensitively which would include one to one contact via the phone or household visits.

Scrutiny Committee – Community considered the report at its meeting on 21 January 2015 and the support and comments of the Members were noted.

RESOLVED that:-

- (1) a separate clinical waste collection is offered only for hazardous or infectious clinical waste, meaning that offensive waste, such as sanitary protection products (Sanpro waste), will be collected and disposed of via the domestic rubbish collection and disposal at the Energy from Waste plant;
- (2) additional rubbish capacity is provided to households generating Sanpro waste at no charge, where required;
- (3) the Council works with healthcare providers to ensure they make their own arrangements to remove clinical waste that they generate in clients' homes, or that they pay the Council to collect this waste; and

- (4) the Council work with pharmacies and others to explore the potential for a network of sharps-box depositories and exchanges.

6

DOMESTIC WASTE CONTAINERS - CHARGES AND POLICIES

The report of the Cleansing and Fleet Manager was submitted seeking to consolidate into one document a number of existing policies relating to domestic waste collection and supply of waste containers. It also sought approval for a revised policy on charging for domestic waste containers to provide a simpler and harmonised charging structure.

A Member raised his objections to this policy and was of the view that having a flat rate for all households for the purchase of bins in those areas where bins were compulsory was unfair to less well off households. It was in effect a new tax.

In response to Members' queries, the Cleansing and Fleet Manager clarified:-

- the charge for the grey bins covered the cost of the bin together with the supply and delivery;
- there were still some areas of the city where the use of wheelie bins were not suitable and, in these areas residents, would not be expected to use the bins;
- it was expected, that in the case of Houses of Multiple Occupancy (HMO's), it would be the landlords responsibility to provide the wheelie bins;
- the Cleansing Department would work with Private Sector Housing regarding whose responsibility the purchase of the bins were in private rented properties; and
- waste operation Supervisors had the capacity to issue enforcement notices under Section 46 of the Environmental Health Act 1990 this action would only be taken as a last resort.

The Portfolio Holder for Environment and Wellbeing commented that the charges for the grey bins would cover costs including delivery and the green bins were in effect subsidised by council tax. He confirmed that the introduction of the policy would be monitored and reviewed.

Scrutiny Committee – Community considered the report at its meeting on 21 January 2015 and the support and comments of the Members were noted.

RESOLVED that:-

- (1) the consolidated waste collection policies in Appendix 4 be approved;
- (2) the proposed list of exemptions from charges for domestic waste containers (Appendix 3) be adopted with effect from 1 February 2015; and
- (3) the Council more robustly follow an escalation process leading to the use of Section 46 of the Environmental Protection Act 1990 to require residents to purchase or provide domestic waste containers to the required specification.

(In accordance with Standing Order no.43, Councillor Fullam requested that his voting against this recommendation be recorded)

PARKING PLACES ENFORCEMENT

The report of the Assistant Director Public Realm was submitted to consider the inclusion of additional parking places within the Civil Enforcement Order, effectively bringing the enforcement of more City-Council owned parking areas in-house. This was as a result of concerns about the robust approach adopted by private parking enforcement of non-Council parking sites in Exeter.

The Portfolio Holder for Housing and Customer Access supported the review of the private arrangements currently in place for Station Road, Exwick and Flowerpot at the end of the lease periods in 2017.

Scrutiny Committee – Economy considered the report at its meeting on 22 January 2015 and the support and comments of the Members were noted.

RESOLVED that:-

- (1) the City of Exeter (Civil Enforcement Off-Street Parking Places) Order 2014 to include the Swans Nest car park for enforcement of classes of vehicles not permitted be amended;
- (2) the permanent inclusion in the 2014 Order of sites at Duryard, Bromhams Farm, Cowick Barton Fields, Bettysmead, Hamlin Lane, King George V and Station Road (Pinhoe) following their successful trial in 2014 be confirmed;
- (3) the Clifton Hill Ski Slope Approach as suitable for enforcement by a private parking enforcement company be confirmed; and
- (4) the private arrangements currently in place for Station Road, Exwick and Flowerpot at the end of the lease periods be reviewed in May and March 2017 respectively.

CITY CENTRE BUSINESS IMPROVEMENT DISTRICT

The report of the Assistant Director Economy was submitted setting out the process and proposals for setting up the City Centre Business Improvement District and recommended that the City Council casts its votes in support of setting it up for the next five years. If the ballot was successful, the BID would commence within six months of the ballot taking place, for a period of five years until 2020.

Scrutiny Committee – Economy considered the report at its meeting on 22 January 2015 and the support and comments of the Members were noted.

RECOMMENDED to Council that it approves the City Council casting its votes in favour of setting up the City Centre BID in the forthcoming ballot in February 2015.

RUGBY WORLD CUP 2015 UPDATE

The report of the Assistant Director Economy was submitted to update Members on the preparation for Exeter being a 'Host City' for the Rugby World Cup tournament taking place between 18 September and 31 October 2015, including work being undertaken to ensure that there was a legacy from the city's involvement. The Assistant Director Economy also informed Members that the European seven a-side tournament would be held at Sandy Park on 11 and 12 July 2015 and this was an opportunity to test our preparations for the Rugby World Cup tournament.

The Chief Executive & Growth Director commented that the seven a-side tournament would be good for the visitor economy and there was the opportunity to have this tournament return to the city on a more regular basis and Executive should consider providing funding to successfully promote the event.

Scrutiny Committee – Economy considered the report at its meeting on 22 January 2015 and the support and comments of the Members were noted.

RESOLVED that the report be noted and that the Assistant Director Economy bring a report to the next Executive on the support required to host the European seven a-side tournament on the 11 and 12 July 2015.

10

ANNUAL REVIEW OF SUPPORT FOR SMALL BUSINESSES

The report of the Economy and Tourism Manager was submitted updating Members as to the progress made in supporting businesses through Exeter Business Support and the Exeter Pop Up Shop and in renewing the contract for this service, due to commence in April 2015. Following a tendering exercise for the Exeter Business Support Contract for 2015/16, Peninsula Innovations Ltd had been successfully re-appointed.

Scrutiny Committee – Economy considered the report at its meeting on 22 January 2015 and the support and comments of the Members were noted.

RESOLVED that:-

- (1) the City Council to continue to fund business support for embryonic, new and existing businesses to provide opportunities for individuals to secure the means of improving their financial position and promoting job creation, at a cost of £42,000; and
- (2) authority be given to officers within Economy to negotiate a service level agreement for 2015 – 2016, following a contract advertisement, for the continued delivery of services outlined in the report under the banner of Exeter Business Support.

11

2015/16 COUNCIL TAX BASE AND NNDR1

The report of the Assistant Director Finance was submitted looking to set the 2015/16 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012. The report also sought approval to delegate to the Assistant Director Finance (Section 151 Officer) the Council's estimate of Business Rate Income (NNDR1) for the next and following financial years for subsequent circulation to all Members.

Members were advised that there had been a growth in business rates of approximately £1.289 million above the baseline set by the Government and there was still the final payment of last year's deficit of £728,000 to be paid. The amount calculated as the council tax base for the year 2015/16 would be 34,750.

RESOLVED that:-

- (1) in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2015/16 shall be 34,750; and
- (2) responsibility to approve the Council's NNDR1 return by 31 January 2015 be delegated to the Assistant Director Finance (Section 151 Officer).

12 **URGENT ITEM - PERMITTED DEVELOPMENT RIGHTS FOR CHANGES OF USE FROM OFFICES TO RESIDENTIAL**

The Leader raised concerns regarding the permitted development rights for the changes from offices to residential which was having damaging consequences on the local office market and in particular Southernhay.

The Chief Executive & Growth Director stated that Exeter City Council had applied for an exemption from the permitted development right for Southernhay as part of the consultation exercise but this had not been accepted. A number of significant proposals had come forward since May 2013 which was leading to a loss of city centre employment and officers had indicated a concern with some of the proposed conversions regarding amenities.

Members raised serious concerns at the loss of valuable office space in the city and that these conversions provided sub standard residential accommodation.

RESOLVED that the Leader, in consultation with Chair of Planning Committee, write to the Minister of State for Housing and Planning at the Department for Communities and Local Government raising the City Councils concerns and asking him to commission a thorough evaluation of the impact these Permitted Development rights were having in terms of the economic, financial and housing consequences and to assess if there was a case for more widespread exemptions.

13 **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.

14 **EXETER AND HEART OF DEVON GROWTH BOARD MINUTES 10 NOVEMBER 2014**

Scrutiny Committee – Economy considered the minutes at its meeting on 22 January 2015 and the support and comments of the Members were noted.

RESOLVED that the minutes of the Exeter and Heart of Devon Growth Board meeting held on 10 November 2014 be noted.

(The meeting commenced at 5.30 pm and closed at 6.30 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 24 February 2015.

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EXECUTIVE

Tuesday 10 February 2015

Present:

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

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Economy, Assistant Director Customer Access, Assistant Director Finance, Corporate Manager - Legal, Corporate Manager Democratic and Civic Support, Corporate Manager Property, HR Business Manager, Principal Project Manager (Strategic Infrastructure) and Democratic Services Manager (Committees)

13

DECLARATIONS OF INTEREST

Councillors Edwards, Denham, Leadbetter and Pearson all declared discloseable pecuniary interests as members of the Exeter Canal and Quay Trust and withdrew from the room whilst Minute 24 was discussed.

14

EUROPEAN RUGBY SEVEN A-SIDE TOURNAMENT

The Assistant Director Economy updated Members on the position with regards to the European Rugby seven a-side tournament. A meeting had taken place with the Rugby Football Union and a number of planned activities were proposed to promote the tournament. It was anticipated that the approximately costs of £5,000 to support the promotion of the events would be funded from existing budgets.

RESOLVED that the update be noted.

15

GENERAL FUND/HOUSING REVENUE ACCOUNT ESTIMATES AND CAPITAL PROGRAMME 2015/16

The report of the Assistant Director Finance was submitted seeking approval of the General Fund revenue estimates for 2015/16 and to recommend the Band D level of Council Tax for 2015/16. The report also included the proposed Capital Programme for 2015/16 and future years, and the proposals in respect of the Housing Revenue Account.

The Local Government Settlement had been confirmed and the Council would receive £6.635 million in 2015/16. There was a growth in business rates of approximately £1.289 million above the baseline set by the Government and, with the final payment of last year's deficit of £728,000 to be paid, there was a budget of £561,000 for business rates. The proposed Band D council tax for 2015/16 would be £135.05, an increase in the annual council tax of £2.63 or 1.99%.

In response to Members' questions, the Assistant Director Finance stated that the Council's revenue spending power included the base line figure for business rates but no adjustment for growth; the budget setting process had started in October

2014 with the budget for oil and fuel prices also set at that time, the tariff for electric and gas being fixed until June 2016.

Scrutiny Committee – Resources considered the report at its meeting on 28 January 2015 and the support and comments of the Members were noted.

RECOMMENDED to Council:-

- (1) to approve the Council's overall spending proposals in respect of both its revenue and capital budgets;
- (2) to approve the council tax for each Band as set out in section 8.19.3, subject to Devon County Council, OPCC Devon and Cornwall and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) when the actual council tax amounts for Devon County Council and the Devon and Somerset Fire Authority are set then the revised council tax levels be submitted to Council on 24 February 2015 for approval;
- (4) to note the Statement given by the chief finance officer as required under Section 25 of the Local Government Act 2003.

16

TREASURY MANAGEMENT STRATEGY 2015/16

The report of the Assistant Director Finance was submitted seeking adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2015/16, as required under section 15(1)(a) of the Local Government Act 2003.

In response to Members' questions, the Assistant Director Finance confirmed that the General Fund did not have any long term borrowing. The Housing Revenue Account (HRA) did have long term borrowing as the Council had made a one off payment in March 2012 to buy itself out of the HRA subsidy system.

Scrutiny Committee – Resources considered the report at its meeting on 28 January 2015 and comments were noted.

RECOMMENDED to Council to adopt the new Treasury Management Strategy and delegations contained therein.

17

PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES (INCORPORATING THE ANNUAL STATEMENT OF MINIMUM REVENUE PROVISION)

The report of the Assistant Director Finance was submitted setting out the proposed 2015/16 prudential indicators for capital finance for adoption by the Council and setting the annual statement of Minimum Revenue Provision (MRP). The Regulations required that a local authority shall determine for the current financial year an amount of minimum revenue provision which it considered to be prudent.

Members were advised of the current and future estimates of the Capital Financing Requirement and the Operational Boundary for 2015/16 to 2017/18.

In response to a Member's question, the Assistant Director Finance stated that the Authorised Limit was the maximum that the Section 151 Officer was allowed to

borrow to cover Operational Boundary and day to day Cashflow needs. The Council was not allowed to exceed this amount of borrowing without first authorising an increase to the limit.

Scrutiny Committee – Resources considered the report at its meeting on 28 January 2015 and comments were noted.

RECOMMENDED to Council to adopt the:-

- (1) Prudential Indicators as set out in Appendix A-C; and
- (2) Annual Statement of Minimum Revenue Provision for the Council.

(In accordance with Standing Order 43, Councillor Fullam requested that his name be recorded as having voted against the recommendation)

18

ANNUAL PAY POLICY STATEMENT

The report of the Human Resource Business Manager was submitted seeking approval of the Council's Annual Pay Policy Statement 2015/16 which must be approved by Full Council each financial year in line with legislation.

The Human Resource Business Manager confirmed that the report had also taken account the general uplift from the implementation of the nationally determined living wage with effect from 1 April 2015. The implementation of the nationally negotiated pay award for Chief Officers and Chief Executives for 2015/16 had now been agreed as set out on page two of appendix one.

In response to a Members questions, the Human Resource Business Manager advised of the Council's policy with regards to the re-employment of local government officers who had been previously made redundant from a local authority.

Scrutiny Committee – Resources considered the report at its meeting on 28 January 2015 and its comments were noted.

RECOMMENDED to Council that the Pay Policy Statement 2015/16 be adopted and published in accordance with the legislation.

19

CHANNEL SHIFT IMPLEMENTATION RESOURCES

The report of the Assistant Director Customer Access was submitted advising Members that the Council had agreed to implement a Channel Shift Programme which was the first step in developing the Council's Digital offer. The funding proposal agreed by Council in December included the costs for recruiting two staff. This equated to an increase in the establishment of one post and therefore agreement was being sought to implement recruitment to these posts.

The Assistant Director Customer Access advised of the position with regards to the procurement by Strata to deliver the technology to take forward the Channel Shift Programme. This had caused a slight delay in the project while Strata considered the most suitable options taking into account the future requirements of the other two authorities.

The Portfolio Holder for Enabling Services commented that these were important roles to advance the programme to enable self service of the Council Services.

The Portfolio Holder for Housing and Customer Access welcomed this spend to save model as the way forward.

RESOLVED that:-

- (1) the replacement of the existing temporary Customer Access Officer post and the permanent Process Redesign Officer with the creation of a posts of Business Improvement Lead and Business Improvement Analyst be approved;
- (2) the two staff currently employed would be put at Risk and recruitment commenced once there was a revised Organisational Change Policy in place; and
- (3) the full Implementation Plan for the Channel Shift Programme be considered by the Channel Shift Board and presented at a future Executive meeting, as would the draft Digital Strategy.

20

FREEDOM OF THE CITY

The report of the Corporate Manager Democratic and Civic Support was submitted detailing a proposal to set criteria against which future nominations for Freedom of the City could be judged. At an Extraordinary meeting of the Council on 15 October 2014 the Council had agreed that, in order to maintain the dignity associated with the award of such a honour, a set of criteria should be drawn up against which future nominations could be considered.

All Members of the Council had been asked to comment on the appropriateness of the proposed criteria. The comments regarding length of community service qualification and the withdrawal of the award if the individual brought the position or Council into disrepute had been incorporated into the criteria.

Councillor Winterbottom having given notice under Standing Order no.44 spoke on this item. He commented that while he supported the report he felt that the award of honour should be similar to that of a life peerage and be awarded on a life time basis.

Members supported an additional recommendation that future Freemanships should be awarded on a life time basis and would not be eligible for passing to future generations. This recommendation would apply to future Freedom of the City awards only.

RECOMMENDED to Council that:-

- (1) the following criteria against which future nominations for Freedom of the City of Exeter be adopted:-
 - a) For those who have extraordinarily served the community over a number of years (minimum of 20 years) in a voluntary or professional capacity;
 - b) For those who have achieved national, international or world recognition for excellence in their particular field of expertise (be it business, entrepreneurial, sport, or any other area);

- c) For those who have promoted Exeter during their career so as to significantly raise the profile of the City on a national, international or world basis;
 - d) For those who have, via a particularly extraordinary act, or series of acts, put the safety or well being of themselves secondary to those of others; and
 - e) Future awards would be on a life time basis and would not be eligible for passing to future generations; and
- (2) provision be made for the withdrawal of this award in line with the Council's adopted scheme for the enrolment of Honorary Aldermen.

21 **MANAGING ORGANISATIONAL CHANGE AND REDUNDANCY POLICY AND PROCEDURE**

The report of the Corporate Manager Legal Services was submitted seeking to implement a new policy for the effective and timely management of organisational change and redundancies at the Council. Members were advised that the Council's existing Managing Organisational Change Policy was overdue a review, and in partnership with the recognised Trades Unions the opportunity had been taken to revisit these provisions.

RECOMMENDED to Council that:-

- (1) the implementation of the Managing Organisational Change and Redundancy Policy and Procedure with effect from 1 March 2015 be approved; and
- (2) the Deputy Chief Executive, in consultation with the Leader of the Council, be given delegated authority to amend the policy where necessary.

22 **GOVERNANCE AND PRIORITISATION OF COMMUNITY INFRASTRUCTURE LEVY FUNDING**

The report of the Assistant Director City Development was submitted providing an update on the Community Infrastructure Levy (CIL) and setting out proposals for the future use and governance of receipts.

The Principal Project Manager (Strategic Infrastructure) advised that the report concerned the management and governance of CIL receipts. During the period to 2026, CIL was expected to raise approximately £25million. He outlined the breakdown of funding and the recommendations as detailed in the report. Further to discussions with various community groups it was recommended that all of the neighbourhood funding should be pooled. For the first five years a bottom up strategy should be prepared to identify collective community priorities. A further report and decision would be needed on the finer administrative arrangements for any joint Major Infrastructure Panel.

Members had been circulated with a letter from Devon County Council's Head of Planning, Transport and Environment which detailed issues of funding of additional school places, funding of transport schemes and governance.

The Principal Project Manager (Strategic Infrastructure) addressed the points raised by the Head of Planning, Transport and Environment.

Funding of additional school places:-

- the Council had secured more than the national average developer contribution towards new school places for the whole plan period to 2026
- Survey data from Cranbrook illustrates that most residents of new dwellings in the area already live (90%) and go to school in Devon.

Funding of transport schemes and governance:-

- recommended that a 'combined authorities' approach to effectively plan for and manage the delivery of growth priorities in Exeter, Teignbridge and East Devon should be explored further to enable the authorities to collectively profile investment priorities against the various sources of income according to where the greatest needs and opportunities prevail including the match funding of key transport schemes
- in response to the County Council's comments and working towards a combined authorities approach an additional recommendation was proposed that a joint Officer Working Group be established, consisting of relevant officers from Exeter City Council, Devon County Council, East Devon District Council and Teignbridge District Council – to identify infrastructure needs, priorities and sources of funding; bring forward schemes; support and implement decisions by any joint Major Infrastructure Panel.

During discussion Members raised the following points:-

- welcomed the pooled approach to neighbourhood funding and the support and advice that St James Neighbourhood Forum had provided to date with this proposed way forward
- Exeter City Council had already secured and paid considerable funding to the County Council through Section 106 monies for education
- it was important that the City Council continued to invest in the growth of the City Centre
- recognised the challenges that the Council faced in securing funding for infrastructure and prioritising schemes and the need for all authorities concerned to have a combined approach.

The Chief Executive & Growth Director commented that the way forward presented challenges in prioritising the delivery of infrastructure in and around the City. It was important that a combined approach with the County Council and neighbouring authorities was taken to secure funding that could be available through the Local Enterprise Partnership (LEP).

The majority of Members welcomed the way forward to work towards a combined authority approach which would hopefully help to secure additional funding for major infrastructure projects through the LEP and other external funding sources. A Member did raise concerns regarding the percentage of funding proposed for the City Centre major infrastructure and how was the city centre area defined.

RESOLVED that:-

- (1) the prioritisation of CIL income (total assumed at £25 million) as set out in the table below and in sections 11, 12 and 17 be agreed;

Purpose	Approximate Amount		Description
Administration	5%	£1.25m	Costs of administrating receipt and expenditure of CIL.
Neighbourhood Funding	15%	£3.75m	Developing and implementing a community- level strategy for addressing the demands of development.
European Site Mitigation	8%	£2m	Mitigating the recreational impacts arising from new development on European protected habitats.
City Centre Major Infrastructure	32%	£8m	Dedicated to city centre leisure, transport and public realm projects unless alternative contributions can be secured. Priority will be given in the early years to the city centre above other major infrastructure
Other major Infrastructure to include roads and schools	40%	£10m	Expected after 2019/20.

- (2) the formation of an Exeter only Major Infrastructure Panel with the flexibility to determine the final allocation of funding from CIL to major schemes and leverage funding from other sources as outlined in sections 13 to 16 be agreed;
- (3) the Council Leader meeting with counterparts at Teignbridge and East Devon District Councils and Devon County Council with a view to exploring the establishment of a joint cross boundary Major Infrastructure Panel, be supported;
- (4) the Assistant Director City Development be given delegated authority to agree the terms of reference as set out in paragraph 13.1 to implement an agreed infrastructure Business Plan;
- (5) the Assistant Director City Development be given delegated authority to confirm final neighbourhood funding arrangements in the St James neighbourhood area; and
- (6) a joint Officer Working Group be established, consisting of relevant officers from Exeter City, Devon County, East Devon District and Teignbridge District Councils, the Group to:-
 - Identify infrastructure needs, priorities and sources of funding (including opportunities to lever moneys)
 - Bring schemes to a point where they are investment ready
 - Formulate and keep an up-to-date, draft five-year investment programme
 - Support and implement decisions by any joint Major Infrastructure Panel.

(In accordance with Standing Order 43, Councillor Leadbetter requested that his abstention from voting be recorded)

23 **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.

24 **THE FUTURE OF THE CUSTOM HOUSE**

Councillors Edwards, Denham, Leadbetter and Pearson all declared discloseable pecuniary interests as members of the Exeter Canal and Quay Trust and withdrew from the room whilst this matter was discussed.

Councillor Sutton chaired the meeting for this item.

The report of the Corporate Manager Property was submitted outlining a proposal to relocate the Quayside Visitor Centre into the Custom House and the simultaneous letting of the building to the Exeter Canal & Quay Trust (ECQT).

Members were advised that the Council had explored a number of options for a long-term, sustainable use for the property on Exeter's historic quayside, and the proposed solution would ensure the ongoing stewardship of the historic fabric and provide greater access for all.

Scrutiny Committee – Resources considered the report at its meeting on 28 January 2015 and its comments were noted.

RESOLVED that:-

- (1) the proposed relocation of the Quayside Visitor Centre to the Custom House be approved; and
- (2) the headline terms for the proposed letting to ECQT be approved.

(The meeting commenced at 5.30 pm and closed at 6.50 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 24 February 2015.

Agenda Annex

SEATING IN THE GUILDHALL

		Deputy Lord Mayor Councillor Newby (C)	Chief Executive & Growth Director	Lord Mayor Councillor Prowse (C)	Corporate Manager Democratic/Civic Support	Corporate Manager Legal	
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Democratic Services Manager (Committees)				Deputy Chief Executive	Assistant Director Finance	
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Councillors	Councillors	Councillors		Councillors	Councillors
George (L)	Robson (L)	Edwards (L)		Leadbetter (C)	Fullam (LD)
Crew (L)	Sheldon (L)	Sutton (L)		Baldwin (C)	Mrs Brock (LD)
Williams (L)	Spackman (L)	Hannaforde (L)		Henson (C)	Mitchell (LD)
Laws (L)	Raybould (L)	Pearson (L)	TABLE	Shiel (C)	Donovan (C)
Dawson (L)	Lyons (L)	Owen (L)		Winterbottom (C)	Holland (C)
Clark (L)	Foggin (L)	Denham (L)			Mottram (C)
Bowkett (L)					

Cllr Tippins (L)	Cllr Morris (L)	Cllr Branston (L)	Cllr Brimble (L)	Cllr Bull (L)	Cllr Wardle (L)	Cllr Bialyk (L)	Cllr Choules (L)
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L: Labour : 27
 C: Conservative : 10
 LD: Liberal Democrat : 3

Portfolio Holders

Edwards: Leader
 Sutton : Deputy Leader and City Development
 Denham: Economy and Culture
 Hannaforde : Housing and Customer Access
 Owen: Environment, Health and Wellbeing
 Pearson: Enabling Services

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