

SCRUTINY COMMITTEE - RESOURCES

7 January 2016

Present:

Councillor Bull (Chair)

Councillors Buswell, Baldwin, Bialyk, Brock, George, Harvey, Mottram, Sheldon, Thompson and Wardle

Apologies:

Councillors Lyons and Packham

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Finance, Corporate Manager Democratic and Civic Support, Corporate Manager Property and Democratic Services Officer (Committees) (SLS)

In attendance:

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| Councillor Peter Edwards | - | Leader |
| Councillor Rachel Sutton | - | Portfolio Holder City Development |
| Councillor Ollie Pearson | - | Portfolio Holder Enabling Services |
| Councillor Heather Morris | - | Portfolio Holder Customer Access |
| Councillor Percy Prowse | - | Member attending under Standing Order 44 |

1 Declarations of Interest

Members made no declarations of interest.

2 Questions From the Public Under Standing Order 19

In accordance with Standing Order No. 19, the following members of the public submitted questions in relation to the bus station site which included the leisure complex. Mr Fuggle and a representative of Mr Haigh were present; Mr Preist, Mr Lewis and Mr Crawley were not present. The Chair gave responses to each of the questions. A copy of the questions had been circulated to Members and were also made available at the meeting. The questions and the responses are appended to the minutes.

3 Questions from Members of the Council Under Standing Order 20

In accordance with Standing Order No 20, a question was put by Councillor Prowse to the Portfolio Holder for City Development. A copy of the question had previously been circulated to Members. The response is appended to the minutes.

A question was also put by Councillor Thompson to the Portfolio Holder as appropriate. A copy of the question had previously been circulated to Members. The response is appended to the minutes.

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

A Member sought clarification as to why the report on the funding of the bus station was being considered in the confidential part of the agenda. He had hoped that, as much debate as possible would be made in the public arena. The Deputy Chief Executive responded stating that the reasons for confidentiality were to ensure that Members could receive all of the necessary information and ensure a full and frank debate on all of the issues, including the potential negotiations with the commercial developer. The Chair advised that he would ask officers to extract some information from the confidential report to enable a report to be circulated, to the meeting of the Executive scheduled for 18 January 2016, which would be considered in the open part of the agenda and so available to the public. The Member welcomed this undertaking by the Chair.

Members voted on this matter.

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

5 **Funding for Exeter Bus Station**

The Assistant Director Finance presented a report which sought Members' consideration, together with a request for additional funding to deliver the new Exeter Bus Station, as part of the redevelopment scheme for the existing Bus and Coach Station site. The request for £6.25 million would be added to the City Council's capital programme, with £4 million to be set aside from Community Infrastructure Levy, (CIL), and £2.25 million from capital receipts.

The Assistant Director Finance made a short presentation, and included details of the proposed Exeter Bus station facilities, and the practical aspects of the delivery of the Bus Station site. He also presented the financial options that had been considered. He assured Members that the project would be subject to ongoing scrutiny to ensure value for money and additional governance arrangements would be put in place to ensure a successful outcome for the delivery of the project.

A Member sought clarification as to how the requested sum would be used. The Assistant Director Finance responded to the Member and stated that further borrowing should not be required. He confirmed the sum of £6.25m was required to deliver the bus station, and that the request would not result in a rise in council tax.

A Member enquired why the City Council was taking this action, when Devon County Council was the transport authority. The Assistant Director Finance referred to the need to expedite the delivery of this project to progress the overall scheme. The Corporate Manager Property provided information on the statutory rights of approved bus operators using the Bus Station and also discussed the current and potential rental income streams from any future operator. It was also confirmed that the outline planning application for the entire Bus and Coach Station site, including the leisure complex would be submitted to an Extraordinary meeting of Council on 20 January 2016.

Councillor Thompson had submitted questions in advance of the meeting, to which the Assistant Director Finance offered the following responses -

- the matter was not considered to be a key decision, as it was a decision being taken by full Council (key decisions relate only to matters being decided by the Executive).
- the City Council had the aspiration to deliver a comprehensive scheme facilitating the new leisure complex, bus station, commercial property and public realm on the Bus and Coach Station site. The location and layout of the current bus station prevented this from being possible. The proposed bus station layout was set out in the outline planning application.
- in respect of the scheme being seen as value for money, the wider development provided the opportunity for the Council to secure some long term income streams, which would support the revenue budget in the future. If approved, the total commitment for the Council would total £32.25m. In terms of future maintenance, it was expected that the maintenance of the Leisure Complex would form part of the management contract and the bus station maintenance would form part of the lease obligations. Both were expected to be net contributors to the Council's income.
- the Council would continue to own the freehold of the whole Site. A long lease would be granted to the developer of the commercial parts of the scheme, with a ground rent being received. The bus station would be let to an operator at an occupational rent.
- there were no new legal implications arising as a consequence of the report.
- the passing rent for the Bus and Coach Station was advised.
- the applicants have submitted an outline planning application and the City Council have resolved to work with them on a development agreement to deliver the scheme should it secure planning consent.
- no costs have been incurred in respect of the Bus Station site. The Leisure Complex had incurred some costs against the approved budget, which included site acquisition and operator procurement costs.

The Chair suggested that, to ensure an appropriate debate in the public arena, a further report should be included in the open part of the forthcoming Executive agenda, as well as for the session closed to the public. He proposed an additional recommendation, that information would be extracted from the confidential report to enable the subsequent meeting of the Executive to discuss as many of the issues relating to the funding of the Bus Station site, in the public arena. A Part 2, confidential report would still be discussed to ensure the opportunity for a full debate by Members.

Councillor Sheldon seconded the motion, which was carried.

Scrutiny Committee - Resources requested Executive to approve a budget of £6.25 million to be allocated to the delivery of a new bus station in Exeter.

The meeting commenced at 5.30 pm and closed at 7.30 pm

Chair

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SCRUTINY COMMITTEE - RESOURCES - 7 JANUARY 2016

PUBLIC QUESTION UNDER STANDING ORDER 19 FROM MR FUGGLE

- 1) Why is it that the council tax payers have been told for some time now that the developers of the retail outlets would pay for the bus station and now it seems that they are now unwilling to do this?
- 1) **ANSWER** - *The issue of the bus station having to be funded/delivered by the public rather than private sector was considered by the Council Executive on 23 June 2015. The paper highlighted the need for public sector involvement and provided a number of options. After further work the recommendation is that the Council deliver the bus station.*
- 2) If this is a change from their side, should other developers be approached or have you signed the council tax payer into a deal we can't get out of even if they go back on their side of the deal?
- 2) **ANSWER** – *There was no 'deal' in relation to the developer funding the bus station.*

Members of the Scrutiny Committee - Resources were invited to debate the matter.

A Member sought clarity over the role of Devon County Council as transport authority in this matter.

Mr Fuggle was present at the meeting and had the opportunity to respond for a maximum of two minutes.

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SCRUTINY COMMITTEE - RESOURCES - 7 JANUARY 2016

PUBLIC QUESTION UNDER STANDING ORDER 19 FROM MR HAIGH (A representative for Mr Haigh asked the question)

- 1) How can the vast and increasingly sum of money proposed to be spent on the redevelopment of the bus station site be justified when the resulting new bus station will not meet the requirements of a rapidly expanding and successful city and with the swimming pool offering no improvement of facilities than already exists near the town centre, in particular in the provision of seating capacity required to hold events and competitions?
- 1) **ANSWER** - *The decision to deliver a new leisure complex on the bus station site has already been agreed by Executive at their meeting on the 2 October 2012. The leisure complex will deliver a variety of activities with the pool being but one element of the overall development. As regards seating capacity work is ongoing to resolve this issue.*
- 2) With changes to the highways planned in the area concerned, and both schemes having the very real potential to cause further congestion and safety issues in that part of town, would it not be the prudent thing to site the pool outside the town centre and to devote much more priority and space to create a bus station and associated facilities that the city deserves?'
- 2) **ANSWER** - *These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.*

Members of the Scrutiny Committee - Resources were invited to debate the matter.

A Member referred to Question 1, and the seating capacity of the leisure complex. The Chair was able to respond and advised that the Design Team for the project were currently reevaluating the seating capacity.

Mr Haigh's representative was present and had the opportunity to respond for a maximum of two minutes. He thanked the Member for the response. Although there had been a reference in the report of discussions as early as October 2012, he felt that there had not been sufficient notice of this, and that consultation on this matter had only taken place in early December. He confirmed that the Exeter Swimming Club had raised concerns over the level of seating particularly in relation to competitions.

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PUBLIC QUESTION UNDER STANDING ORDER 19 FROM MR PREIST

My reason for being so specific is that on p46 of the Design & Access statement of the application it states that the Bus Station area will be 675 square metres and the Substation area in the adjacent building will be 85 square metres apportioned 20/65 between passenger facilities and retail outlets.

The total of these two figures (760) was quoted by David Black in his submission to the Highways Committee of DCC when they considered the traffic issues associated with the application.

The 675 figure is clearly much less than the area set out on the large scale plan provided with the application and I hope that the figure of 20 for passenger facilities is a nonsense since the waiting room alone in the current station has an area of 75 square metres.

Bus Station Redevelopment

I would like some factual answers about details of the proposed Bus Station since there is a lack of clarity in the application

1) What is the total area of the exterior site devoted to the Bus Station?

1) **ANSWER** - *The scheme shown on page 46 of the Design and Access Statement is illustrative. (as requested the "Sub Station" area referred to on that page is an electrical substation).*

2) What is the floor area in the building to be constructed adjacent to the stands that will be dedicated to Bus Station facilities (excluding retail outlets)?

2) **ANSWER** - *The planning application is made in outline only, with all matters reserved, it allows for 3200-3700 square metres of space for the bus station including 760 square metres arranged over two floors for the bus station buildings. This building will include passenger facilities as well as bus operator/driver facilities. Further application for the approval of details of Access, Appearance, Landscaping, Layout and Scale will need to be made in due course.*

3) What facilities will be provided within this floor area?

3) **ANSWER** – The Bus Station will include

- Build of new bus Station
- 12 stands (plus four layover bays) including two out of hours coach facilities
- Waiting area
- Retail kiosks
- Staff/driver welfare facilities
- Enquiry facility and associated administration

4) What is the estimated cost to the City of a) the exterior station and b) interior facilities?

4) **ANSWER** – *The total cost of the project is £6.25 million.*

Members of the Scrutiny Committee – Resources were invited to debate the matter. Mr Preist was not in attendance at the meeting.

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SCRUTINY COMMITTEE - RESOURCES - 7 JANUARY 2016

PUBLIC QUESTION UNDER STANDING ORDER 19 FROM MR LEWIS

I am very disappointed that this item is being heard without the contents being heard without the public or press able to see it. Having heard recently that the people of Exeter will be paying for the new bus station, I believe the details of funding the bus station is being heard at this meeting, and subsequently at Executive meeting.

1) What are the elements reported in this paper?

1) **ANSWER** - *The paper sets out the rationale for the council delivering a new bus station for Exeter.*

2) What matters are within this paper that requires it to be confidential?

2) **ANSWER** - *There are commercial sensitive matters within the report, which could negatively impact the project.*

3) Considering that councils should be open and transparent about decision making, does all of the contents of this paper need to remain confidential?

3) **ANSWER** - *The contents of the paper, as currently drafted, need to be dealt with as a confidential matter, and consideration within Part 2, the closed session of the agenda due to the commercially sensitive nature of the information. If the Members of the Committee feel it is appropriate these elements can be separated to produce a Part 1 matter to be discussed in the open part of the agenda, and also retain the Part 2 report for consideration by the Executive and subsequently Council.*

Members of the Scrutiny Committee - Resources were also invited to debate the matter.

Mr Lewis was not present at the meeting.

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PUBLIC QUESTION UNDER STANDING ORDER 19 FROM MR CRAWLEY

- 1) St David's NP/St James Why is this development being branded Princesshay, when it is clearly on the other side of the main thoroughfare that is Paris Street? This could convey the wrong idea to readers.
- 1) **ANSWER** - *The Crown Estate has chosen to brand their scheme Princesshay Leisure because they see it as an integral part of the development of the existing Princesshay offer. The intention is to develop in such a way as to create close linkage between the existing and new areas to form one whole.*
- 2) Why is the bus garage in Belgrave Road, on the eastern side of the proposed development, being relocated out of the city?
- 2) **ANSWER** - *A bus depot is no longer felt to be an appropriate use for a city centre site.*
- 3) Where is the environmental impact assessment that convinces us that buses will not contribute to the carbon footprint on over 100 daily unremunerative journeys?
- 3) **ANSWER** - *These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers' report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.*
- 4) Why is the proposed new bus station going to be smaller than the present one, thereby causing hindrance to the bus operator as well as the passenger and preventing future growth in public transport as Exeter continues to expand?
- 4) **ANSWER** - *These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers' report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.*
- 5) Why are the Park & Ride bus stops conveniently placed at the top of Paris Street going to be relocated further down and further away from the centre they are supposed to serve?
- 5) **ANSWER** - *These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers' report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.*
- 6) When Paris Street is closed off at the top end, how will Park & Ride buses exit Paris Street on their return journeys?
- 6) **ANSWER** - *These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers' report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.*
- 7) Following Devon County Council's recommendation, why has nothing been done to revert the closure to two-way traffic outside John Lewis back to as it used to be?
- 7) **ANSWER** - *These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers'*

report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.

8) What provision has been made to create a seamless transition of bus terminals from the existing to the proposed?

8) **ANSWER** - Detailed work still needs to be progressed in respect of the specifics of the interim solution. This will be covered by the subsequent planning document.

9) National Express have objected to the loss of two terminal bays at the bus station and the insistence that they should instead pick up and set down in a side street. Why has Stagecoach, the main user, not made any objection to this scheme that will surely affect their performance and the delivery of a service fit for purpose?

9) **ANSWER** - We are unable to comment specifically on this issue and suggest that this question is posed to both Stagecoach and other potential interested operators.

10) Why has the Council decided to have a new swimming pool that does not meet International standards?

10) **ANSWER** - The City Council's new swimming pool complex is being designed to meet the needs of the local community. As such national, rather than international design standards apply in most instances. The principal design guidance is embodied within Revision 4 (May 2013) of the Sport England Design Guidance Note for Swimming Pools (produced with funding support from the ASA). Sport England provides guidance on competitive swimming pool design within the Swimming Pools design guide. This is based on the Amateur Swimming Association (ASA) and Federation Internationale de Natation (FINA) requirements. Effectively both national and international standards are incorporated within the Sport England guidance, which is being used.

11) Why are the council happy to have a new cinema included in the scheme when there are already three others in close proximity?

11) **ANSWER** - This is a commercial decision for the developer and a planning issue.

These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers' report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.

12) What provision has been made for traders in Sidwell Street to go about their business without being inconvenienced by the street becoming a bus terminus for two years?

12) **ANSWER** - This is a planning consideration.

These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers' report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.

13) Why hasn't the opportunity been seized to include a multi-purpose central hall for the performing arts, to include theatre, dance, music as well as conferences and exhibitions?

13) **ANSWER** - This council has made a formal decision to deliver a Leisure Complex on the bus station site. Therefore the decision to progress has already been made.

- 14) Devon County Council state that they are not contributing one penny to the proposed redevelopment so can it be explained how the finance is being sourced to provide the new facilities?
- 14) **ANSWER** - *If approved, the new bus station will be financed using £4 million from Community Infrastructure Levy and £2.25 million of Capital Receipts. £8 million of Community Infrastructure Levy has been allocated for City Centre Infrastructure.*
- 15) What is the amount of compensation being paid to Stagecoach to uproot from its present ideal bus garage site to the outskirts of the city?
- 15) **ANSWER** - *No compensation is being paid to Stagecoach*
- 16) Who is paying the compensation in question 15?
- 16) **ANSWER** – *Please refer to the response in 15 and so it not applicable.*
- 17) If Devon County Council are not contributing any money, who is paying for the unnecessary alterations to the width of York Road and associated traffic deviations in the area of King Edward Street and Longbrook Street?
- 17) **ANSWER** -*These matters are issues for consideration in determination of the current planning application for redevelopment of the site and will be addressed in the officers report to committee (the Extraordinary Council) on 20th January. The report will be available to the public from 13th January 2016.*

Mr Crawley was not present, but Members of the Scrutiny Committee - Resources were invited to debate the matter.

A Member suggested that the change in bus movement could be positive for the footfall of Sidwell Street. A Member also welcomed the opportunity to debate this at the forthcoming Council meeting on 20th January. He was concerned about some of the issues raised but recognised the need to improve the current facility and the need for a first class interchange facility. He remained concerned about the change in available bus bays and hoped that there would be an appropriate explanation within the planning application.

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Scrutiny Committee - Resources - 7 January 2016

Questions from Councillor Prowse

Question to the Portfolio Holder Under Standing Order 20.

Today's additional committee meeting to discuss the additional funding required to fund the new building of a new bus station is a necessary consequence of the changing pattern to the entire redevelopment. Given the recent decision by the County Council as a statutory consultee in connection with the proposed closure of upper Paris Street, as part of the redevelopment of the entire site, can the Portfolio Holder(s) answer the following question.

As Highways authority, the County Council has chosen not to want to initiate the actual 'Stopping Up' notice of the closure of upper Paris Street. It therefore falls upon the applicant to commence the process. Neither the applicant or Exeter City Council are the Highways authority. Are the Portfolio Holders aware that if there is ONE objection, it will be necessary for the Secretary of State for the Dept. for Transport to direct a public enquiry.

Not only is this an expensive and very prolonged process, who is to foot the bill?

ANSWER – *Councillor Sutton, Portfolio Holder for City development replied and advised that the planning applicant is Crown Estate and partners, not Exeter City Council, and they will be applying to the Secretary of State for consent for the road closure.*

The Secretary of State has the discretion to hold a Public Inquiry but is not obliged to. Without wishing to prejudge the Secretary of State's view, a Public Inquiry is only likely where there are substantial matters of objection (rather than it being automatically triggered by any objection) and where these objections are on matters not already considered in determining the planning application.

The cost of holding any inquiry would fall to the applicant. There are no fees and appears to be no provision for third parties to claim costs relating to an Inquiry.

There may be costs to Exeter City Council in terms of officer time to support the application, or if assistance is offered by providing a venue.

Under Standing Order 20, the Member had the opportunity to ask a supplementary question

Councillor Prowse enquired when the application for a Stopping up Notice would be forthcoming.

Councillor Sutton, in reply, was able to advise that she was unaware of such a notice, and of course other parties would be able to make an application.

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Scrutiny Committee - Resources - 7 January 2016

Questions from Councillor Thompson

Question to the Portfolio Holder Under Standing Order 20

Why following my request to view the external professional advice concerning the Bus Station redevelopment proposals have I been informed 'their advice is, of course, confidential to the Council and as such we are not able to release it as you request'.

ANSWER –

The Corporate Manager Legal had offered advice in writing to Members of the Scrutiny Committee – Resources as they would be considering support for the Executive to recommend that full Council approve additional funding to deliver a new bus station for Exeter.

Members were entitled to see documents held by the City Council which related to business to be transacted at a council meeting. However, this general rule does not apply where the documents sought fall within the category of “exempt information”. It was the opinion that both documents sought by the Member fall within the definition of “exempt information” and therefore cannot be disclosed. Exempt information is defined in Schedule 12A of the Local Government Act 1972 as follows:

- 1). Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*
- 2). Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

The legal advice document falls within the definition set out in 1 above and the external professional advice falls within the definition set out in 2 above. It was noted that the legal advice was summarised for Members information and included in a report to the Executive dated 23 March 2010. This report was available to Members on request.

It was noted also that the exemptions apply where the matter relates to a development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992. The planning application for the bus station redevelopment has been submitted by The Crown Estate and partners and therefore the issue about the City Council granting itself permission does not apply in this case. In other words, the exemptions set out above still apply.

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