



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL** on **TUESDAY 19 DECEMBER 2017**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Ordinary and Extraordinary meetings held on 17 October 2017.	3 - 8
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 30 October 2017	9 - 26
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5 Licensing Committee - 31 October 2017	39 - 42
6 People Scrutiny Committee - 2 November 2017	43 - 46
7 Place Scrutiny Committee - 9 November 2017	47 - 62
8 Corporate Services Scrutiny Committee - 23 November 2017	63 - 68
9 Audit and Governance Committee - 6 December 2017	69 - 72
10 Strata Joint Scrutiny Committee - 30 November 2017	73 - 78
11 Executive - 14 November 2017	79 - 88
12 Executive - 12 December 2017 - To follow	
13 Committee Membership	

Notices of Motion

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

"Exeter City Council continues to support the City's Fairtrade Town status, and regrets the decision of J. Sainsbury to withdraw from active support of Fairtrade and the internationally recognised Fairtrade Mark system, by setting up their own scheme for "fairly traded" tea. This, we and many concerned with Fairtrade believe, would remove the ability of tea producers to determine their own business and community preferences via the Fairtrade Premium, and would undermine the secure pricing structure".

Office of Corporate Manager Democratic & Civic Support

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15 Notice of Motion by Councillor Sheldon under Standing Order No. 6

“This Council calls on the Government to end the pay cap for all public sector workers. We also call on the Government to fully fund pay rises for all public sector workers and not pass on the cost to Local Government and other public sector employers.

Finally, we call for an end to government interference in bargaining arrangements for all public sector pay.”

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

Date: Monday 11 December 2017

Karime Hassan
Chief Executive &
Growth Director

NOTE: Members are asked to sign the Attendance Register

Office of Corporate Manager Democratic & Civic Support			
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THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 17 October 2017

The Right Worshipful the Lord Mayor (Cllr Robson)
The Deputy Lord Mayor (Cllr Hannan)
Councillors Ashwood, Baldwin, Bialyk, Branston, Brimble, Denham, Edwards, Foale, Gottschalk, Hannaford, Harvey, D Henson, Mrs Henson, Holland, Keen, Lyons, Mitchell, Morris, Morse, Musgrave, Newby, Owen, Packham, Pearson, Prowse, Sheldon, Sills, Spackman, Sutton, Thompson, Vizard, Wardle, Warwick and Wood

48 **MINUTES**

The minutes of the Ordinary meeting and Extraordinary meeting held on 25 July 2017 were moved by the Leader and seconded by Councillor Sutton, taken as read and signed as correct.

49 **APOLOGIES**

Apologies for absence were received from Councillors Foggin, Lamb and Leadbetter.

50 **MINUTE'S SILENCE - JEAN HADLEY**

The Council observed a minute's silence in memory of Jean Hadley a former Councillor who had recently passed away, she had served as a Liberal Democrat Councillor for four years from 2002.

51 **OFFICIAL COMMUNICATIONS**

On behalf of the Council, the Lord Mayor congratulated the Communications Team who had recently won the "Creative use of Digital Citizen Engagement" category, for their coverage of the fire at the Royal Clarence Hotel, at the 2017 Granicus Digital Strategy Awards.

The Lord Mayor thanked all those involved in the successful organisation of the recent "Lost Weekend" event.

The Lord Mayor advised that she had the opportunity to meet the new Naval Regional Commander for the South West – Brigadier Frasier – who had taken over from Commodore Jamie Miller, who would be a hard act to follow. She also announced that it had given her great pleasure to preside over the inauguration of Rob Baxter as a Freeman of the City.

The Lord Mayor welcomed the two new Directors David Bartram and Jo Yelland.

52 **PLANNING COMMITTEE - 24 JULY 2017**

The minutes of the Planning Committee of 24 July 2017 were presented by the Chair, Councillor Gottschalk, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 24 July 2017 be received.

53

PLANNING COMMITTEE - 31 JULY 2017

The minutes of the Planning Committee of 31 July 2017 were presented by the Chair, Councillor Gottschalk, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 31 July 2017 be received.

54

PLANNING COMMITTEE - 4 SEPTEMBER 2017

The minutes of the Planning Committee of 4 September 2017 were presented by the Chair, Councillor Gottschalk, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 4 September 2017 be received.

55

PLANNING COMMITTEE - 2 OCTOBER 2017

The minutes of the Planning Committee of 2 October 2017 were presented by the Deputy Chair, Councillor Lyons and taken as read.

RESOLVED that the minutes of the Planning Committee held on 2 October 2017 be received.

56

LICENSING COMMITTEE - 19 SEPTEMBER 2017

The minutes of the Licensing Committee of 19 September 2017 were presented by the Chair, Councillor Spackman, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 19 September 2017 be received.

57

PEOPLE SCRUTINY COMMITTEE - 7 SEPTEMBER 2017

The minutes of the People Scrutiny Committee of 7 September 2017 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of Minute 31 (Exeter Safesleep) and in response to a Member, the Portfolio Holder for People clarified that a provider for the forthcoming Safesleep winter service had not to date been appointed.

RESOLVED that the minutes of the People Scrutiny Committee held on 7 September 2017 be received.

58

PLACE SCRUTINY COMMITTEE - 14 SEPTEMBER 2017

The minutes of the Place Scrutiny Committee of 14 September 2017 were presented by the Chair, Councillor Sills, and taken as read.

In respect of Minute 44 (Review of Strategic Parking Performance) and in response to a Member, the Portfolio Holder for City Transformation, Energy and Transport clarified that there was not a target for weekdays vehicle parking in the city, the main aspiration being to increase dwell time within the city centre.

RESOLVED that the minutes of the Place Scrutiny Committee held on 14 September 2017 be received.

59 **CORPORATE SERVICES SCRUTINY COMMITTEE - 28 SEPTEMBER 2017**

The minutes of the Corporate Services Scrutiny Committee of 28 September 2017 were presented by the Chair, Councillor Sheldon, and taken as read.

In respect of Minute 32 (Questions for Members of the Council under Standing Order 20) and in response to a Member, the Portfolio Holder for Support Services advised that the Council had a robust procurement procedure in place. A revised Procurement Policy would be brought forward in due course which would include paying the living wage, using local labour and supporting sustainability as appropriate.

RESOLVED that the minutes of the Corporate Services Scrutiny Committee held on 28 September 2017 be received.

60 **AUDIT AND GOVERNANCE COMMITTEE - 20 SEPTEMBER 2017**

The minutes of the Audit and Governance Committee of 20 September 2017 were presented by the Chair, Councillor Vizard, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 20 September 2017 be received.

61 **STRATA JOINT SCRUTINY COMMITTEE - 6 SEPTEMBER 2017**

The minutes of the Strata Joint Scrutiny Committee of 6 September 2017 were presented by Councillor Sheldon and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 6 September 2017 be received.

62 **STRATA JOINT EXECUTIVE COMMITTEE - 26 SEPTEMBER 2017**

The minutes of the Strata Joint Executive Committee of 26 September 2017 were presented by Councillor Edwards, and taken as read.

In respect of Minute 32 (Strata IT Director's Report) and in response to a Member, the Portfolio Holder for Support Services commented that in light of the IT issues that caused the failure of the Global Desktop, mitigation measures were being put in place and a review undertaken.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 26 September 2017 be received.

63 **EXECUTIVE - 12 SEPTEMBER 2017**

The minutes of the Executive of 12 September 2017 were presented by the Leader, Councillor Edwards, and taken as read.

RESOLVED that the minutes of Executive held on 12 September 2017 be received and, where appropriate, adopted.

EXECUTIVE - 10 OCTOBER 2017

The minutes of the Executive of 10 October 2017 were presented by the Deputy Leader, Councillor Sutton, and taken as read.

RESOLVED that the minutes of Executive held on 10 October 2017 be received and, where appropriate, adopted.

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

Councillors Hannaford and Prowse declared an interest as Members of the Devon & Somerset Fire & Rescue Authority and they left the meeting during discussion of the item.

Councillor Newby, seconded by Councillor Baldwin, moved a Notice of Motion in the following terms:-

This Council support bestowing Freedom of the City status on the Devon and Cornwall Constabulary, Devon and Somerset Fire and Rescue Service and the Southwest Ambulance Service Trust who have, over the years, gone above and beyond the call of duty for the citizens of this great City 24/7, 365 days a year without thought for themselves.

The Leader proposed an amendment that in accordance with Standing Order 6 (5) this motion be referred to Executive for a report and then be brought back to Council in due course. This was seconded by Councillor Sutton.

The amendment was carried and became the substantive motion.

RECOMMENDED that this motion be referred to Executive for a report and then be brought back to Council in due course.

(The meeting commenced at 6.00 pm and closed at 6.29 pm)

Chair

THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 17 October 2017

The Right Worshipful the Lord Mayor (Cllr Robson)
The Deputy Lord Mayor (Cllr Hannan)
Councillors Ashwood, Baldwin, Bialyk, Branston, Brimble, Denham, Edwards, Foale, Gottschalk, Hannaford, Harvey, D Henson, Mrs Henson, Holland, Keen, Lyons, Mitchell, Morris, Morse, Musgrave, Newby, Owen, Packham, Pearson, Prowse, Sheldon, Sills, Spackman, Sutton, Thompson, Vizard, Wardle, Warwick and Wood

26

APOLOGIES

Apologies for absence were received from Councillors Foggin, Lamb and Leadbetter.

27

HONORARY ALDERMAN

The Leader moved the recommendation that Stella Rose Brock be conferred the title of Honorary Alderman, in recognition of her eminent services to Exeter City Council during the period she was a Member of the Council, including her time as Lord Mayor in 2011/12.

Councillor Mitchell seconded the recommendation.

RESOLVED that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council do confer on Stella Rose Brock the title of Honorary Alderman, in recognition of her eminent services to Exeter City Council during the period she was a Members of the Council, including her time as Lord Mayor in 2011/12.

[Section 249 of the Local Government Act 1972 provides that the foregoing honour may be conferred by resolution of the Council passed by not less than two thirds of the Members voting thereon at a meeting specially convened for the purpose.]

[The foregoing resolution was carried]

(The meeting commenced at 6.29 pm and closed at 6.32 pm)

Chair

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PLANNING COMMITTEE

Monday 30 October 2017

Present:

Councillor Gottschalk (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Foale, Harvey, Mrs Henson, Newby and Sutton

Apologies:

Councillors Morse and Prowse

Also Present:

Chief Executive & Growth Director, City Solicitor & Head of HR, Assistant City Development Manager, Principal Project Manager (Development) (MH), Principal Project Manager (Development), Development Management Highways and Transport, Scrutiny Programme Officer and Democratic Services Officer (Committees) (HB)

85

MINUTES

The minutes of the meetings held on 24 and 31 July, 4 September and 2 October were taken as read and signed by the Chair as correct.

86

DECLARATIONS OF INTEREST

No declarations of interest were made by Members of the Committee.

Councillor Thompson, who was attending under Standing Order No. 44 in respect of Minute No. 88, declared a disclosable pecuniary interest in respect of a nearby area of land.

87

PLANNING APPLICATION NO. 17/0750/FUL - THE KING BILLY, 26-28 LONGBROOK STREET, EXETER

The Assistant City Development Manager presented the application for the demolition of the King Billy pub to build a mixed use development scheme comprising of ground floor commercial units (use classes A1, A3 and A4) with 108 bed space student accommodation above over 6, 7 and 8 storeys.

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

Councillor Mitchell attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- I will repeat some points from the previous meeting on 2 October with main concerns now being the need for a community balance as highlighted in the St. James Neighbourhood Plan and safety issues;
- Policy H5b of the Local Plan states that there should not be an over concentration of use in one area such that the character of the neighbourhood is changed or an imbalance created - this development will

- change the balance of the community. The main thrust of the St. James Neighbourhood Plan is to maintain a community balance;
- no one can believe that the provision of this student block will help redress the community imbalance in the St. James Neighbourhood;
 - the main aim of the St. James Neighbourhood Plan is to re-balance the community and is the more relevant and up to date policy. Greater regard should be given to the Plan;
 - aim of the PBSA is to redress occupation of Houses in Multiple Occupation (HMO's) by students and to free up for family housing;
 - it was stated on 2 October that figures relating to student numbers were 18 months out of date and that the annual report on student numbers was yet to be presented to the Planning Member Working Group;
 - figures have shown that, in the last five years, approval has been given for 5,000 PBSA's, including those not yet built, in the St. James area but that imbalance remains;
 - the policy is not therefore working and a decision cannot be made on this, or future applications, for student accommodation blocks until policies are up to date and the current situation and policies have been reviewed;
 - it is hoped that fire safety concerns have been addressed. However, when a Freedom of Information request was made to the Devon and Somerset Fire and Rescue Service, the advice given was that a notification of deficiencies visit was to occur in due course - it is understood that the visit has not yet occurred.
 - an email response from the planning case officer relating to the checking of external cladding referred also to a check on the stability of the John Lewis building and its relation to the adjoining building - no further information on these elements have been provided; and
 - do not therefore believe that an informed decision can be made without addressing the above issues and a deferral is requested for an up to date report to be provided on student housing in the City together with further information about fire safety matters.

The Assistant City Development Manager advised that the Devon and Somerset Fire and Rescue Service were satisfied regarding the concerns raised at the October meeting in respect of potential fire safety issues including the condition of the cladding on the John Lewis building. The deficiencies review had been in respect of management arrangements which were being addressed by John Lewis and did not relate to materials or the building condition.

Councillor Mitchell responded, as follows, to Members' queries:-

- accept need for PBSA's but a combination of housing generally in the City is also required. The area already has a high number of PBSA's which is in conflict with the Neighbourhood Plan which seeks a community balance;
- social housing would be a more acceptable use of the site for occupancy by single people with no cars and with easy access to the City Centre and transport links. This will dovetail better with the existing community; and
- most students are well behaved but many do cause problems returning from the main campus through residential areas of Pennsylvania.

Councillor Owen attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- support comments of Councillor Mitchell;
- query position relating to the tree at the junction of New North Road and Longbrook Street

- concerned that the figures on supply and demand for student accommodation should be up to date to inform evolution of planning policy but was 18 months overdue. This data will assist in deciding the direction planning policy should take. Will figures be available soon or in the near future;
- a decision should not be made on this application on the basis of out of date figures. With up to date figures a different decision might be reached and the application should therefore be deferred.

The Assistant City Development Manager reported that, as stated at the October meeting, it was not appropriate to defer applications on the basis of changes in data or for policies to be reviewed but that applications should be considered on their merits. The City Solicitor and Head of Human Resources stated that it was not necessary for student numbers to be provided when an application for student accommodation was being considered but that each application should be determined in accordance with City Council policy.

Another Member asked that an update on the University's capacity and its future expansion plans be provided together with the current and intended student numbers and how many would require accommodation in Exeter and whether there was a shortfall or enough accommodation available already. The Chief Executive & Growth Director stated that the current student number in Exeter was 18,652 with a forecast growth to 2012/22 of 20,375. Existing planning policy was that a minimum of 75% of the student population should be accommodated in PBSA's. The growth in numbers therefore suggested a need for further PBSA's. There was also a significant number of students accommodated in HMO's, but there was a demand within this cohort to live in PBSA's. There was therefore a gap in the market for PBSA's.

Members recognised that the existing policy was that a minimum of 75% of the student population should be accommodated in PBSA's, and also with the inference that as much as possible should be accommodated in this way.

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

- on behalf of Exeter St. James Forum this Committee is urged not only to note the St. James Neighbourhood Plan but to recognise the significance as the most up-to-date planning document, support that plan and reject this application;
- thank Councillors Mitchell and Owen for their support for the Forum;
- the development is contrary to the overriding objective of the Neighbourhood Plan to create a better community balance between the settled and student population;
- the application is back before this Committee even though it is now stated that there may be a "potential for over-provision of student accommodation". It is dispiriting to note that the report states that "opportunity for new purpose built accommodation should be welcomed" as it flies in the face of the Neighbourhood Plan;
- the development is out of character and will overshadow the adjacent residential accommodation on Longbrook Street;
- the Neighbourhood Plan became an important Planning Document some years ago. At that time, just under 50% of the residents of the Ward were students;
- in spite of the Article 4 direction and because this Committee consistently pays no more than lip service to the issue of community balance, the settled residents are fast becoming a shrinking minority;

- not opposed to students living in the ward and many resident associations go out of their way to welcome new students. Many students do not like the PBSA concept, preferring the shared house experience and that is why there are an increased number of HMO's, not only in the St. James Ward, but all over the City;
- it is time to recognise the need for community balance and take decisive action to prevent yet further erosions in that balance. There are in excess of 5,000 people looking to be housed in Exeter, there are an unknown number of people who work and who would like to live in the City, but who cannot find affordable housing. Many Exeter residents do not own a car and this site would be ideal to provide housing for people who would like to live in the City;
- the figures for student numbers are not known. Is the occupancy rate of the already built PBSA's known? Our evidence is that there is less than 100% occupancy at present. The report as to the number of units required is not available. To approve this application knowing that it is contrary to the Neighbourhood Plan and not knowing whether additional PBSA's are required lacks logic;
- most PBSA's cannot be converted into residential accommodation. Student accommodation is not officially classed as housing. It is known that, partly at least, because of the approval by this Committee of PBSA after PBSA that Exeter City Council falls short of a five year Housing Land Supply;
- require better forward thinking in approving student accommodation;
- additionally, the issue has been raised by the Forum of the nature and risk of the cladding on John Lewis following Grenfell Tower and the risk of fire spreading between the building and the proposed development because of the narrowness of the gap. The Forum do not accept that the fire risk has been sufficiently analysed; and
- the application should be rejected and this parcel of land should be developed in accordance with the strategy set out in the Neighbourhood Plan. It is the over-riding objective in the Plan that gives scope to reject or further defer this application.

In response to a Member's question, she confirmed that some student accommodation on this site could be acceptable providing it was part of a wider mix which included general residential provision. A balance was important.

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

- architect at Grainge Architects speaking on behalf of the developer and their design team. The scale, mass and design of the proposed building have been arrived at through consultation with the planning officers as well as through the Design Review Panel process;
- the principle of student accommodation is accepted on the site in the already approved scheme and it is believed that the scheme complies with the St. James Neighbourhood Plan which calls for 'large scale student accommodation' to be permitted in areas not characterised by traditional housing, where the scale and mass is akin to its surroundings and where servicing requirements can be met without impacting on residents". The proposal ticks all of these boxes;
- the scheme was presented to this Committee on 2 October when it was deferred over concerns over fire safety. The developer has since engaged with specialist fire safety consultants - the International Fire Consultants (IFC) Group - a team of highly experienced professional fire safety engineers who had been asked to report on sprinklers, spread of flame, proximity of windows to the John Lewis building and liaison with the

fire service. The report detailed that sprinklers were not a building regulations requirement but the developer had confirmed that they would go over and above the statutory requirements and install sprinklers. The elevations facing the John Lewis building would be specified to achieve a minimum of 90 minutes fire protection in accordance with the relevant statutory requirements. This would be achieved through the use of suitable non-combustible materials as well as fire breaks at each floor level. This level of design information would be prepared during the next phase of the project;

- the report outlined the requirements for a maximum window opening of 1 metre squared every 4 metres or in every compartment where the elevation was within 1 metre of the site boundary. The current design complied with this requirement. The closest proposed window to the John Lewis building was 1.5 metres away and this was in the fire-fighting staircase, which would have 120 minute fire protection;
- the fire service had reviewed the IFC Group report and was supportive of it. They had no comments regarding the content of the report and requested no further information. The fire service had also confirmed that the design elements detailed within the report should not affect a decision on planning; and
- the site was an appropriate location for student accommodation, together with the commercial units at ground floor, the proposal was appropriate in terms of scale and mass and, crucially, the design and construction of this building had been carefully considered and would be safe for residents and neighbours alike.

He responded as follows to Members' queries:-

- regarding the possibility of flat provision for professional young people rather than a retail function on the ground floor or elsewhere in the development, the design was in accordance with client requirements as they considered student accommodation would be more suitable in this location. The proximity of the large John Lewis building overlooking the site made it a more appropriate accommodation for the transient student population than professional singles; and.
- there was an option to convert some of the student cluster flats into residential accommodation but more suitable sites were available for such provision.

Although one Member felt that provision of student accommodation in this location was inappropriate others felt that, notwithstanding the great need for additional social housing and for cheaper housing generally, student accommodation on this site would be appropriate. It was pointed out that there was an obligation to adhere to existing policies and that the St. James Neighbourhood Plan sat alongside other policies. It was suggested also that consideration could be given to making the transition from HMO's to PBSA's more attractive noting also that not all HMO's were occupied only by students. More PBSA's would make the transition easier.

Without the PBSA policy, the choice for students would be reduced leading to huge concentrations in houses in residential areas. Because of the University's significant contribution to the City's economy pro-active policies in respect of student housing were beneficial and the Article 4 Direction was also helpful in protecting residential areas.

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

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a Student Management Plan (to include a noise assessment from the roof terrace), and a financial contribution towards the delivery of District Heating in the area, planning permission for the demolition of the King Billy pub to build a mixed use development scheme comprising of ground floor commercial units (use classes A1, A3 and A4) with 108 bed space student accommodation above over 6, 7 and 8 storeys be **APPROVED**, subject to the following conditions:-

In the event that the Section 106 Agreement is not completed within six months of the date of this Committee meeting, authority be delegated to the City Development Manager to **REFUSE** permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the Section 106 Agreement.

- (1) The development to which this permission relates must be begun not later than the expiration of three 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) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 July 2017 (dwg nos 1191/PL100; PL101; PL103; PL110A; PL111A; PL112A; PL113A; PL114A; PL116A and PL200A) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- (4) Pre-commencement condition: 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 and traffic routing, 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 for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- (5) Pre-commencement condition: 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 for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

- (6) Pre-commencement condition: 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 for pre-commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

- (7) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for suitable transport

- (8) No part of the development hereby approved shall be brought into its intended use until the pedestrian footway on the rear service yard as indicated on Appendix A of the "Proposed service yard strategy" have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: To provide suitable facilities for the traffic attracted to the site.

- (9) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interests of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

- (10) Prior to occupation of any dwelling hereby approved, details of provision for nesting swifts shall be 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.

- (11) Before the cafe/bar hereby permitted opens, a scheme for the installation of equipment to control the emission of fumes and smell from the restaurant/bar use shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be thereafter be operated and maintained in accordance with the manufacturer's instructions.
Reason: To protect the amenity of nearby occupants.
- (12) Before commencement of the student accommodation development the applicant or the developer shall submit a SAP calculation which demonstrates that a 14% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of the student accommodation the developer of the student accommodation will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.
Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- (13) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes and quality, of the surface water runoff from the construction site.
Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
- (14) **No development** shall commence until a noise assessment report, including noise from the any plant machinery (not to exceed the following noise levels 07:00 to 19:00 43dB (LAr); 19:00 to 23:00 41 dB (LAr) and 23:00 to 07:00 35 dB (LAr) as show 1m from the façade of any residential receptor) has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of future residential amenity.
- (15) The residential accommodation shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.
Reason: To ensure that the proposal complies with Policy CP14 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- (16) The development hereby approved shall comply with the recommendations as stated within the Rear Service Yard Access Strategy dated September 2017 produced by IESIS unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure this area remains operational for all users.

- (17) The development hereby approved shall comply with the recommendations as stated within the Fire Safety Report dated October 2017 produced by International Fire Consultants Limited unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the building meets fire safety requirements.

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PLANNING APPLICATION NO - 17/0848/FUL - GIPSY HILL HOTEL, EXETER

The Principal Project Manager (Development) (MD) presented the application for an extension to hotel accommodation block to form nine self-catering holiday apartments and four new hotel bedrooms (net loss two), following partial demolition of building and demolition of bungalow (net gain 16 bedrooms overall).

The Principal Project Manager (Development) (MD) reported that, as the applicant had appealed against non-determination within the statutory time period, the recommendation in the report of the City Development Manager for this application had been updated, as set out in the update sheet, the recommendation for refusal remaining. It was not therefore the intention to seek a resolution to determine the application but simply to seek a view as to what the Committee would have resolved had it been asked to deal with the application.

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

The Principal Project Manager (Development)(MD) reported that the development would extend the existing hotel accommodation block to the west and north, following partial demolition of the building and demolition of the bungalow, in order to provide four new hotel bedrooms and nine, two-bed self-catering, serviced holiday apartments. Three bedrooms would be lost in the bungalow and three in the existing block (one staff), resulting in a net loss of two hotel bedrooms. Overall there would be a net gain of 16 bedrooms. The extension to the west would be two storeys and contain the four new hotel bedrooms; these would be accessed from the existing block. The extension to the north would be three storeys and contain the nine self-catering apartments; these would have independent accesses. The extension to the north would include a basement with a gym, store and plant room.

One letter of support has been received from the occupiers of Pinhoe Lodge, Gypsy Hill Lane welcoming investment in the hotel. A further letter of support, as set out in the update sheet, had been received from the Isca Community Church, who held services at the Hotel helping it to make connections with the local community.

Two objections had been received.

Devon County Council had objected and recommended refusal as it was concerned about public safety and was contrary to paragraphs 32 and 41 of the National Planning Policy Framework (NPPF). The former stating that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people, and the latter stating that local authorities should identify and protect, where there was robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice. There was robust evidence to protect Pinn Lane and Gypsy Hill Lane as pedestrian and cycle routes.

The proposal would result in a net increase of 16 bedrooms which would generate more vehicle movements along Pinn Lane and Gipsy Hill Lane.

The Exeter Cycling Campaign had also objected stating that the E4 strategic cycle route between Black Horse Lane in East Devon and Cumberland Way in Exeter was the only traffic free route in and out of Exeter to the east. It was therefore critically important to sustain the growth of Exeter and its hinterland, providing the only active alternative to the private car. The proposed development would directly increase vehicle traffic on this route and would not constitute sustainable development. It would also have serious safety implications on both Pinn Lane and Gipsy Hill Lane.

A Member, in noting that the applicant had submitted an appeal for non-determination within the statutory time period, expressed concern over the delay in the process.

The Assistant City Development Manager, in advising that discussions had been held with the developers of the adjacent site (Sandrock), where objections had also been received from the Gipsy Hill Hotel applicant in the past regarding increased traffic use along Pinn Lane, suggested that a scheme had been identified that could overcome the concerns regarding traffic flow on Gipsy Hill Lane, that is, provision of a segregated pedestrian/cycle route through the adjacent site. As there was uncertainty when it could be provided, it was not possible to progress this avenue further at this stage. When there was clear evidence that this segregated route would be provided, the County Council would look favourably on recommending approval with a Grampian condition. The application was at present recommended for refusal based on NPPF Paras 32 and 41.

In response to a Member's queries, the Development Manager Highways and Transport reported that he did not have figures available regarding the number of cycle journeys into the City across Redhayes Bridge and confirmed that it was the intention to improve the cycle infrastructure across the City, the E4 route to include a bi-directional supercycle lane along Cumberland Way which would lead across to the University.

Councillor Mrs Thompson attended the meeting and spoke on this item under Standing Order No. 44. She first declared a disclosable pecuniary interest in respect of a nearby area of land but stated that she would confine her comments to the Gipsy Hill application. She made the following points:-

- the application has just passed the 13 week period required to determine planning applications and the planning department have always sought to determine applications within the statutory time period;
- at the pre-application stage another officer had stated that variations to proposals were acceptable and that the Highways Officer had not anticipated highway objections in pre application discussions;
- the site visit on 17 October had not included a visit to the Hotel itself even though the applicant was available to show the proposals;
- the road is narrow and has been narrow for some time and although Highways may call it a cycle way it is a road;
- Devon County Council Highways have a wish list for a strategic cycle way but this is a long term aspiration and, currently, both Gipsy Hill Hotel residents and staff and other residents along the Lane use it for vehicular journeys;
- this Committee has no jurisdiction to refuse or grant and the application has to go to the Secretary of State, as an appeal for non-determination. Because of this, and the variances within the officer's report, the decision should be

left to the Secretary of State. The Committee should suspend its judgement; and

- the hotel car park does have planning consent.

The Development Manager Highways and Transport advised that the initial number of bedrooms differed from those within the application before the Committee and that proposals for the cycle route as part of a City wide strategy had been included within the Exeter Core Strategy in 2012. The Principal Project Manager (Development) (MD) reported that a planning case officer had provided positive advice in respect of the application from the design point of view at the pre-application stage but had also stated that it was subject to the views of consultees, such as the Highways Authority.

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

- Exeter Cycling Campaign is objecting to the proposed expansion of the Gipsy Hill Hotel on grounds of sustainability and safety;
- Gipsy Hill Lane forms a key part of the strategic E3 and E4 cycling routes that run from the east of Exeter to the city centre and university. It connects directly to the Redhayes pedestrian and cycle-bridge which was built to provide a traffic-free route between Exeter and East Devon. This is the only near traffic-free route between Exeter and East Devon;
- However, the proposed development will increase vehicle traffic on Gipsy Hill Lane, along with Pinn Lane, which was stopped-up to traffic by Devon County Council in 2014;
- if Exeter is serious about reducing congestion, improving air quality, and providing real alternatives to the private car, we must safeguard and improve the strategic cycling routes that we have. This applies just as much to the E3 and E4 routes via Gipsy Hill Lane and Pinn Lane as it does to the Exe Estuary Trail, or indeed, to the planned E9 route along Old Rydon Lane;
- it follows that our second reason for objection is safety. Gipsy Hill Lane is a narrow country lane. There are no pavements, cycleways or street lights. High hedges on either side of the lane mean that, in the face of an oncoming car, there is no safe refuge for people walking and cycling;
- visibility is very poor, particularly at the hotel entrance onto Gipsy Hill Lane, and at the junction between Gipsy Hill Lane and Pinn Lane. There is therefore a danger of collisions between pedestrians, cyclists and cars travelling to and from the expanded hotel. The nature of a hotel means that many of the people driving there will be unfamiliar with the local roads, further increasing the danger of collisions;
- the need to keep the junction of Gipsy Hill Lane and Pinn Lane as traffic-free as possible was stressed by Devon County Council in their speech to this committee in 2014. They noted that these lanes should be 'safe routes to school', and are used by people commuting on foot and by bike between Pinhoe and Sowton. This remains the case, as evidenced by the objections Exeter City Council has received in relation to the nearby Sandrock housing proposal on Pinn Lane. The proposed expansion of Gipsy Hill Hotel will have an equally negative impact on the safety of people walking and cycling along these routes; and
- for the safety and sustainability reasons outlined, Exeter Cycling Campaign respectfully ask committee members to refuse this application.

She responded as follows to Members' queries:-

- the Campaign does not have a formal membership but 450 are signed up to the Facebook page, there are 1,500 twitter followers and between 15/20

- regularly attend the Campaign planning application assessment meetings which meet for up to two hours;
- the Campaign was late to object as unable to access application details from the web site due to a change to the IT systems during the application;
- not opposed to the development of the hotel and wish to see it succeed but the route is identified as a Green Infrastructure Route in the Exeter Core Strategy and is the only route between Exeter and Cranbrook that cannot be used by motor vehicles;
- it is important to prioritise the delivery of the E3 and E4 cycle route for the overall benefit of the community and important to protect the cycle route into the future;
- a strategic cycle route into the City is important as it is a link from the Cranbrook new settlement which is likely to increase to 25,000 residents with cycle link to City Centre; and
- E4 now serving the University linking it to the Science Park and Cranbrook with a drop down to the City Centre. It widens the transport choice, serving the north of the City and can be used by all ages as well as different modes of transport such as bicycles and mobility vehicles.

Mrs Carleton spoke in support of the application. Prior to her allotted three minutes she raised the following points:-

- submitted evidence relating to planning consent in respect of the Gipsy Hill Hotel overflow car park; and
- confirmed that the hotel expansion plans were predominantly to meet a growing business market rather than for holiday lets.

Shortly after commencing her three minute slot, the meeting was adjourned for ten minutes in response to the speaker's requirement for a short recess.

Mrs Carleton re-commenced her three minute presentation making the following points:-

- she emphasised that she was not presenting the merits of her case as they would be presented to the planning inspectorate;
- thanked the Councillors for the site inspection on 17 October but disappointed that the opportunity had not been taken to view the full site and to see the various facilities including meeting rooms, grounds that had been used to celebrate the Queen's 90th birthday in 2016 when over 100 people in the local community had enjoyed a free day out with games and free strawberries and cream;
- also wanted to show Members the bedroom where Baroness Brinton, who had been in a wheelchair, had stayed;
- land has been given freely by the Hotel for cycle infrastructure;
- why is there no reference in the report to the Sandock application which was approved in 2014 and now lapsed. The outline was granted even though an extra 1,045 vehicles were predicted along Pinn Lane. The Sandock application should also be refused – it is a mockery of the consultation process;
- the £27 million cycle way will double the number of cyclists which brings into question the safety of this route. To ensure safety the Redhays Bridge should be closed;
- the Gipsy Hill application will have the least impact on the Lane which can not be closed as it is the only access in; and
- the policies are not functioning.

Responding to Members' queries, she stated that a professional Transport Assessment had been made in respect of Courtlands and that the assessment for Gypsy Hill, which was not a professional one, had been based on the Courtlands one and used in the two pre-application discussions with the Highways Authority.

A Member supported the view that, as the application had been referred to the Secretary of State, then this should be the final arbiter. She also stated that support should be given to the expansion plans of this long established hotel and business helping the economy and creating jobs. She was also concerned about the delay in the planning process in respect of this application.

A Member asked the case officer about the existing housing in Gypsy Hill Lane and why this was acceptable and the proposed development was not. The case officer stated that this was historic and that planning decisions had to follow the planning policies and guidance that existed at the time the decision is made.

The City Solicitor and Head of Human Resources advised that the Planning Inspector would make a decision on the application since the matter had been referred to them by way of appeal for non-determination. The Planning Committee were being asked to indicate how they would have dealt with it had they been making the decision.

Members accepted the importance of reaching a view for submission to the Secretary of State. Whilst recognising the importance of supporting the City's economy as would be the case with the re-development of the Hotel, a Member felt that appropriate weight should also be given to the economic benefits an enhanced cycle network will also bring to the City, particularly as this cycle lane formed part of the primary cycle route between the East of Exeter and Exeter and was set out as a primary route in the Exeter Cycle Map within the Local Transport Plan and Exeter Cycle Strategy.

RESOLVED that if Exeter City Council were the determining Authority planning permission for an extension to hotel accommodation block to form 9 self-catering holiday apartments and 4 new hotel bedrooms (net gain 2), following partial demolition of building and demolition of bungalow would have been **REFUSED** for the following reason:-

The proposed development will increase vehicle traffic on Gypsy Hill Lane and Pinn Lane, which are adopted Green Streets in the Sustainable Transport Supplementary Planning Document (March 2013) intended for use as footpaths and cycleways with no access for motorised traffic. Gypsy Hill Lane is also a Green Infrastructure Route in the adopted Core Strategy and a primary cycle route as part of the adopted (in principle) Strategic Cycle Network for Exeter. The additional traffic generated by the proposed development will reduce the attractiveness and functionality of these routes for walkers and cyclists, contrary to Policy CP17 of the adopted Core Strategy, saved Policies T3 and DG1(a) of the adopted Exeter Local Plan First Review, emerging Policies DD20(a) and DD25(g) of the Development Delivery Development Plan Document (Publication Version July 2015) and paragraph 41 of the NPPF which seeks to protect routes critical in developing infrastructure to widen transport choice. In addition, the roads giving access to the site (Gypsy Hill Lane and Pinn Lane) by reason of their inadequate widths, lack of segregated footways/cycleways, lack of street lighting, and poor visibility at the junction between them, do not provide safe and suitable access to the site for all users, contrary to saved Policy AP1 of the adopted Exeter Local Plan First Review and paragraph 32 of the NPPF, and the increased traffic generated by the proposed development will make these routes less safe for existing users, particularly walkers and cyclists.

The Principal Project Manager (Development) (MH) presented the application for the demolition of an existing bungalow to allow construction of New Hotel with up to 250 Bedrooms and associated facilities including new pedestrian foot Bridge link as main entrance at high level via Sandy Park Stadium Car Park.

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

The Principal Project Manager (Development) (MH) explained that the key issue was transport and that both an initial and revised proposal for alleviating traffic flows along Old Rydon Lane as a consequence of the development had not been acceptable to the Highways Authority. Although parking for residents would be provided on the main Sandy Park site with access to the hotel by means of a pedestrian bridge there was concern that both staff vehicle movements and those of servicing vehicles would impact on safety conditions on the Lane and make it less attractive to pedestrians and cyclists. The applicant's latter proposal was for a traffic island within the carriageway of Old Rydon Lane immediately outside the proposed vehicular access to the hotel site itself as an addition to the scheme for one way traffic on the Lane west of the Hotel site back towards the railway bridge through a Traffic Regulation Order (TRO) (allowing eastbound movements only for vehicles). The applicant had offered a financial contribution of £40,000 towards this scheme. This, and the earlier proposed traffic solution, had not satisfied the Highways Engineer as it was not felt that an associated TRO could be adequately enforced.

As well as traffic movement being a potential problem, a Member referred to potential parking problems in the wider area occurring during match days and at other times. The Principal Project Manager (Development) (MH) confirmed, in response to other Members, that the provision of 250 bedrooms was indicative at present and a maximum limit. Final numbers as well as the hotel design would be addressed as reserved matters.

Another Member referred to planning permission granted for 392 homes on the adjoining site, suggesting that a road link from this residential development to the A370 and the newly constructed roundabout access into Sandy Park, required as part of a legal agreement on construction of 150 units, could solve the concerns regarding traffic on Old Rydon Lane.

The planning permission was over three years old and it was unusual for such a time lapse before progressing a Section 106 Agreement. The Chief Executive & Growth Director advised that it would be appropriate to seek clarification from the developer on the intentions for this site and to seek early resolution to the completion of the outstanding Section 106 Legal Agreement.

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

- representing residents of Old Rydon Lane and the local area;
- the Newcourt Masterplan states that Old Rydon Lane will be managed with the aim of avoiding additional traffic using this route and to ensure that it does not become attractive as a through route for private vehicle traffic. Old Rydon Lane will be managed to make this route attractive to cyclists and shall be maintained as green infrastructure;
- the proposed hotel site is on a designated green belt and a valuable green corridor for cyclists and pedestrians. With such a large scale building project, the lay down area for materials will be vast, as will the size of the various construction vehicles and equipment, creating major access problems,

including road closures and safety hazards on a narrow country lane. This is unacceptable;

- the designated commercial land to the West of Sandy Park, which would connect directly to the A379 is a far better site;
- the proposed hotel site seems to be the cheapest possible option but with the biggest negative impact to the local area and residents. Even the need for another hotel away from the city centre is suspect, when there's already seven hotels within approximately one mile radius of Sandy Park;
- traffic is already increasing as Newcourt expands and will get far worse once IKEA opens. The safety of pedestrians, cyclists and Exeter Chiefs' own supporters, who flood Old Rydon Lane on match days, are already in grave jeopardy as there are no footpaths and safety will only get significantly worse, if the hotel on this inappropriate site is approved;
- considering the massive impact of IKEA opening next year, with its 1,000 space car park, those motorists will use Old Rydon Lane as a short-cut and escape route when Newcourt Way and the A379 are at expected gridlock at peak times;
- after consulting fellow residents of Old Rydon Lane, Newcourt, Clyst Road, Clyst St Mary, Bishop Clyst, their Parish Councils, plus Councillor Mike Howe, an East Devon District Councillor, they are all in full support of my objection; and
- Sandy Park should not increase the safety risk posed to their own spectators and the wider public.

He responded as follows to Members' queries:-

- the building of residential properties on the Bricknells Bungalow site did lead to considerable traffic problems as a result of parked vans and movement of construction vehicles; and
- 15 houses built with a further 60 homes proposed on this site will lead to further problems.

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

- reading letter on behalf of Mr Tony Rowe, OBE, Chairman of Exeter Rugby Club;
- aware of Devon County Council's objections to the proposals and have had numerous meetings and consultations to try and resolve their concerns which it is believed have been addressed and that the development would have a minimal impact on Old Rydon Lane;
- the Transport Assessment identified that there would only be 10 trips in the morning and evening peak periods that would potentially access the site to and from Old Rydon Lane through Newcourt. This was considered to be a concern by Devon County Council, and hence a raft of further mitigation measures are proposed to reduce the impact to a minimal level including:
- redesigned the staff and service access to and from the Hotel to make it physically impossible for vehicular movements along Old Rydon Lane to access the site from a westerly direction;
- reducing the level of on-site staff parking to 30 additional spaces, 10 of which are existing;
- staff contracts preventing access to the site from the west, any incidences to be in violation of staff conditions of employment;
- agreeing to write the above conditions into the Hotel Travel Plan, and regularly monitor and report any incidences of access to the site from the west;

- these measures would physically prevent any trips accessing the Hotel to and from the west;
- the Club will offer to provide a contribution to the proposed scheme to upgrade and redesign Old Rydon Lane to provide a partial one way route from the westerly direction, even though it is considered that the mitigation measures do not require this one-way scheme to mitigate the impact from the Hotel;
- despite all these extensive mitigation measures, Devon County Council still consider there to be an impact on Old Rydon Lane to the west of the site, due to the slight possibility that vehicles could U-turn in Old Rydon Lane to access the site. This is unlikely as there are no opportunities for U-turns on Old Rydon Lane and only very few vehicles would make this manoeuvre, if any;
- the guiding policy is the National Planning Policy Framework (NPPF) which states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this case, the residual impacts from the Hotel development after the extensive mitigation measures are minor and cannot be considered to constitute a severe impact;
- Highways England have no issues with the application;
- only asking for an extra 30 car spaces at the Hotel for staff. Hotel guests will be accessing and parking at the current Sandy Park car park accessed from Sandy Park Way. No hotel guests will be using Old Rydon Lane Hotel guests will use the footbridge access from the car park over Old Rydon Lane to the main reception of the Hotel;
- as all other issues in relation to the principle of a Hotel on this site are acceptable. It is considered that there are no grounds for refusal of this application;
- currently Sandy Park is losing business to Torquay and Plymouth, and not attracting the bigger business users because there is no on site accommodation in the form of a Hotel to support the conferencing, banqueting and Rugby facilities;
- Exeter Rugby is a members club, the members owning Sandy Park. The Directors do not get paid for their services to the club and all the profits from the activities at Sandy Park are used to maintain Exeter Rugby at the pinnacle of English Rugby. The club is currently Champions of England and are focusing on being Champions of Europe; and
- the Club has helped put Exeter firmly on the Rugby sporting map of Europe.

In response to a Member's question, he stated that it was anticipated that hotel residents, as well as those attending rugby matches and conferences, would use the main Sandy Park address as their point of destination when utilising sat nav capabilities.

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

Members further considered the car parking proposals for the hotel for both hotel staff and residents and, notwithstanding a suggestion of a mezzanine type solution on the Sandy Park site to cater for residents parking, the applicant had advised that there was insufficient capacity on the Sandy Park site to absorb hotel residents' needs as well as catering for match days parking and that of the proposed conference facility.

With a potential future solution for traffic flows generally in the area as well as for Old Rydon Lane through the provision of a link to the A379, Members considered that the potential for a Grampian condition preventing implementation until a partial

one-way system on a section of Old Rydon Lane had been approved and implemented through a Traffic Regulation Order (TRO) was of sufficient merit to progress the application. The Development Manager Highways and Transport advised that, subject to this proviso, the application could be supported by Devon County Council as Highway Authority.

The City Solicitor and Head of Human Resources advised that if Members were considering approval of the application on that basis, it would also have to be subject to confirmation from Highways England that this did not affect their current recommendation of no objection to the proposal. It was also pointed out that this would require further modelling work by the applicant to demonstrate that there would be no adverse impact on the operation of Junction 30 arising from the introduction of one-way restriction on Old Rydon Lane.

The Principal Project Manager (Development) (MH) advised that a Section 106 Agreement under the Town and Country Planning Act 1990 would be required to secure a financial contribution of £40,000 from the applicant to Devon County Council in respect of the TRO relating to the introduction of the partial one-way restriction on Old Rydon Lane together with appropriate conditions.

Members re-iterated their concerns regarding the lack of progress in relation to the completion of a Section 106 Agreement relating to the adjoining land and their desire to reconsider this matter at a future Committee. Officers noted this and undertook to raise the matter with the applicant for that development and bring a report on this issue back to Planning Committee in due course.

RESOLVED that the decision to deal with the application be delegated to the City Development Manager subject to:-

- (a) a Grampian condition prohibiting implementation of the permission until such time as a TRO relating to the introduction of a partial one-way system of Old Rydon Lane has been agreed and implemented;
- (b) the proposal in (a) above being to the satisfaction of Highways England who would require modelling of the potential impact of the introduction of a one-way scheme upon the distribution of trips and details of any impact on the operation of Junction 30;
- (c) the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a contribution of £40,000 from the applicant to Devon County Council in respect of the proposed TRO; and
- (d) conditions to be reported to a Delegation Briefing and subsequently agreed with the Chair of the Planning Committee.

90

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

91

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

92

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 21 November 2017 at 9.30 a.m. The Councillors attending will be Bialyk, Denham and Newby.

(The meeting commenced at 5.30 pm and closed at 8.43 pm)

Chair

PLANNING COMMITTEE

Monday 4 December 2017

Present:

Councillors Lyons, Bialyk, Denham, Edwards, Mrs Henson, Morse, Prowse and Sutton

Apologies:

Councillors Gottschalk, Foale, Harvey and Newby

Also Present:

Corporate Manager Democratic and Civic Support, City Development Manager, Principal Project Manager (Development) (MH), Principal Project Manager (Development) and Archaeology Officer

94

CHAIR

In the absence of Councillor Gottschalk, the meeting was chaired by Councillor Lyons.

95

DECLARATIONS OF INTEREST

Councillor Denham declared a non-pecuniary interest in respect of Min. No. 97.

96

PLANNING APPLICATION NO. 17/1360/FUL AND 17/1361/LBC - 16/17 CATHEDRAL YARD AND ROYAL CLARENCE HOTEL, CATHEDRAL YARD

The Principal Project Manager (Development) (MH) presented the application for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel.

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

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

- the design of the proposed building has been developed in extremely close consultation with the City Council as well as many external organisations so that it was respectful to that which was present before the fire;
- that 98% of the public who had expressed an opinion on the proposals, had done so in a positive manner;
- that the proposed new roofscape was designed so that it sympathetically blended in with its surroundings; and
- that those parts of the original building which had been salvaged would form a focal part in the new hotel.

During discussion, the Committee congratulated the applicants for the way in which this matter has been dealt with including their commitment for the proposed building to be respectful to that which preceded it; the restoration of some element of the previous building; and the speed in which this matter has been brought to the Committee following, what had been, a devastating fire.

The recommendation was for approval, subject to the conditions as set out in the report, and amended, where appropriate, via the late list.

RESOLVED that planning permission for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three 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) 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 19th October, 22nd, 24th, 29th and 30th November 2017 (including dwg. nos. (04)018 Rev A, (04) 016 Rev A, (04) 017 Rev A, (04) 000 Rev J, (04) 001 Rev H, (04) 002 Rev H, (04) 003 Rev H, (04) 005 Rev H, (04) 006 Rev H, (04) 007 Rev C, (04) 050, (05) 000 Rev E, (05) 002 Rev G, (05) 008, (06) 010 Rev A, (06) 011 Rev A, (06) 013 , (06) 014, (06) 015, (06) 016 Rev A, (06) 017 Rev A, (06) 018 Rev A, (06) 019 Rev A, (06) 021 Rev A, (06) 022 Rev A, (06) 0236 Rev B, (06) 024, (06) 025, (06) 026, (06) 030 Rev B, (06) 031 Rev A, (06) 032 Rev A, (06) 033, (20) 101 Rev C, (20) 102 Rev C, (20) 103 Rev B, (20) 104, (20) 105, (20) 106, (20) 108, (20) 109, (20) 110, (20) 111, (20) 200, (20) 201, (20) 301, (20) 302, (20) 401 Rev B, (20) 402 Rev B, (20_) 403 Rev B, (20) 404 Rev B, (20) 405 Rev C, (20) 406 Rev B, (20) 407 Rev A, (20) 408 Rev B, (20) 409 Rev A, (20) 410 Rev B, (20) 411 Rev B, (20) 412 Rev B, (20) 413 Rev A, (20) 414 Rev C, (47) 001, (20) 310, (20) 311, (20) 314, (21) 000, (21) 001 Rev A, (21) 002, (21) 003 and (21) 004) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** 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 for pre-commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- (4) **Pre-commencement condition:** 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 and traffic routing, 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 for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- (5) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be completed strictly in accordance with the approved drawings referred to in condition 2 and the following documents submitted as part of the application –
- a. Architectural Restoration Specification Fabric Repair Works Ref 8404RS dated August 2017
 - b. Schedule of Works Fabric Repair Works Ref 8404SoW dated August 2017
 - c. Window Schedule dated August 2017, and
 - d. Door Schedule dated August 2017.

Reason: To protect and preserve the character of the listed building.

- (6) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- (7) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

- (8) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, the kitchen ventilation system for the premises shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

Reason for pre-commencement condition: In the interests of the amenity of the area, especially nearby residential uses.

- (9) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall be designed such that the cumulative façade noise level at 1 m from the worst affected windows of nearby noise sensitive premises does not exceed $L_{Aeq,15min}$ 39 dB during the daytime, and $L_{Aeq,15min}$ 29 dB during the night as set out in Section 7 Conclusion of the Environmental Noise Survey Report ref 17262-R01-A dated 26 June 2017 prepared by Sandy Brown and submitted in support of the application. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by

the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

Reason: In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

- (10) Details of the height, position, appearance and materials to be used in the construction of the proposed roof plant enclosure shall be submitted to and be approved in writing by, the Local Planning Authority prior to the installation of this element of the scheme.

Reason: To ensure that the details of the roof plant enclosure are appropriate in the interests of the character and appearance of the building and the wider locality.

- (11) Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site full details of the lighting scheme including the design, siting, illumination type and intensity shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall subsequently be installed on the premises.

Reason: To ensure that the impact of any lighting installed on the premises is acceptable in terms of its impact on the character and appearance of the listed building and the wider conservation area.

- (12) Prior to the installation of any new fenestration (doors/windows) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the works shall be carried out strictly in accordance with the approved details.

Reason: To protect and preserve the character of the listed building.

- (13) Prior to the commencement of the tanking works to the basements details, including sections to a scale of not less than 1:20, demonstrating the method of fixing and installation of the proposed membrane to existing built fabric shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the tanking works shall be carried out strictly in accordance with the approved details.

Reason: To protect and preserve the character of the listed building.

97

PLANNING APPLICATION 17/1361/LBC - 16/18 CATHEDRAL YARD AND ROYAL CLARENCE HOTEL, CATHEDRAL YARD

The Principal Project Manager (Development) (MH) presented the application for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create a 74 bedroom hotel.

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 amended, where appropriate, via the late list.

RESOLVED that listed building consent for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric)

following extensive fire damage to create a 74 bedroom hotel be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three 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) 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 19th October, 22nd, 24th, 29th and 30th November 2017 (including dwg. nos. (04)018 Rev A, (04) 016 Rev A, (04) 017 Rev A, (04) 000 Rev J, (04) 001 Rev H, (04) 002 Rev H, (04) 003 Rev H, (04) 005 Rev H, (04) 006 Rev H, (04) 007 Rev C, (04) 050, (05) 000 Rev E, (05) 002 Rev G, (05) 008, (06) 010 Rev A, (06) 011 Rev A, (06) 013 , (06) 014, (06) 015, (06) 016 Rev A, (06) 017 Rev A, (06) 018 Rev A, (06) 019 Rev A, (06) 021 Rev A, (06) 022 Rev A, (06) 0236 Rev B, (06) 024, (06) 025, (06) 026, (06) 030 Rev B, (06) 031 Rev A, (06) 032 Rev A, (06) 033, (20) 101 Rev C, (20) 102 Rev C, (20) 103 Rev B, (20) 104, (20) 105, (20) 106, (20) 108, (20) 109, (20) 110, (20) 111, (20) 200, (20) 201, (20) 301, (20) 302, (20) 401 Rev B, (20) 402 Rev B, (20_) 403 Rev B, (20) 404 Rev B, (20) 405 Rev C, (20) 406 Rev B, (20) 407 Rev A, (20) 408 Rev B, (20) 409 Rev A, (20) 410 Rev B, (20) 411 Rev B, (20) 412 Rev B, (20) 413 Rev A, (20) 414 Rev C, (47) 001, (20) 310, (20) 311, (20) 314, (21) 000, (21) 001 Rev A, (21) 002, (21) 003 and (21) 004) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** 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 for pre-commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- (4) **Pre-commencement condition:** 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 and traffic routing, 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 for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the

development works are properly considered and addressed at the earliest possible stage.

- (5) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be completed strictly in accordance with the approved drawings referred to in condition 2 and the following documents submitted as part of the application –
- a. Architectural Restoration Specification Fabric Repair Works Ref 8404RS dated August 2017
 - b. Schedule of Works Fabric Repair Works Ref 8404SoW dated August 2017
 - c. Window Schedule dated August 2017, and
 - d. Door Schedule dated August 2017.

Reason: To protect and preserve the character of the listed building.

- (6) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- (7) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

- (8) Pre-commencement condition: Prior to the commencement of the development hereby permitted, the kitchen ventilation system for the premises shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

Reason for pre-commencement condition: In the interests of the amenity of the area, especially nearby residential uses.

- (9) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall be designed such that the cumulative façade noise level at 1 m from the worst affected windows of nearby noise sensitive premises does not exceed $L_{Aeq,15min}$ 39 dB during the daytime, and $L_{Aeq,15min}$ 29 dB during the night as set out in Section 7 Conclusion of the Environmental Noise Survey Report ref 17262-R01-A dated 26 June 2017 prepared by Sandy Brown and submitted in support of the application. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

Reason: In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified

to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

- (10) Details of the height, position, appearance and materials to be used in the construction of the proposed roof plant enclosure shall be submitted to and be approved in writing by, the Local Planning Authority prior to the installation of this element of the scheme.

Reason: To ensure that the details of the roof plant enclosure are appropriate in the interests of the character and appearance of the building and the wider locality.

- (11) Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site full details of the lighting scheme including the design, siting, illumination type and intensity shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall subsequently be installed on the premises.

Reason: To ensure that the impact of any lighting installed on the premises is acceptable in terms of its impact on the character and appearance of the listed building and the wider conservation area.

- (12) Prior to the installation of any new fenestration (doors/windows) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the works shall be carried out strictly in accordance with the approved details.

Reason: To protect and preserve the character of the listed building.

- (13) Prior to the commencement of the tanking works to the basements details, including sections to a scale of not less than 1:20, demonstrating the method of fixing and installation of the proposed membrane to existing built fabric shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the tanking works shall be carried out strictly in accordance with the approved details.

Reason: To protect and preserve the character of the listed building.

(NOTES: At this point in the meeting, Councillor Denham declared a non-pecuniary interest in the following item and left the meeting during consideration thereof, and did not return.

Councillor Edwards also left the meeting at this point)

98

PLANNING APPLICATION NO. 17/1086/FUL - EXETER COLLEGE OF FURTHER EDUCATION, HELE ROAD

The Principal Project Manager (Development) (MD) presented the application for the construction of a 60 bed student accommodation building on the corner of St David's Hill and Howell Road, with new pedestrian access on St David's Hill, footpath and landscaping. He also referred to a late drawing submitted by the applicants which had been drawn up to show proposed emergency access to the site for the Fire and Rescue Service. He indicated that, due to its late receipt, the views of both the Devon and Somerset Fire and Rescue Service and Highway Authority had not yet been received.

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

Councillor Sills attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- objecting to this proposal on the grounds that there had been a lack of community consultation in respect of the application and its impact on the local neighbourhood;
- the 200+ signature petition which had been received;
- the lack of a noise assessment;
- the significant disruption there would be in the vicinity during the construction period and the impact this would have; and
- concerned at the level of supervision there would be in place for the occupants of the accommodation.

Councillor Lamb attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- the significant harm that the proposed development would have on the historic environment and character and appearance of the conservation area and adjoining listed buildings;
- no clear and convincing justification (as required by the National Planning Policy Framework) for harm to a heritage asset;
- alternative sites were available elsewhere on the college campus which would have a lesser impact; and
- suggestions of alternative uses such as a gateway feature or tourist attraction into the City.

Christine Fraser spoke against the application. She raised the following points:-

- she supported the comments already made by the local councillors about the impact on harm to this historic area of the City;
- the lack of consultation with the local community;
- the imbalance to the local community that this further educational accommodation would bring; and
- the breakdown of the local community at the expansion of the business priorities of the college.

She responded as follows to Members' queries:-

- the inadequate level of supervision proposed compared to the number of students who it was proposed would be housed in these blocks;
- degradation of this important green space; and
- the lack of public consultation undertaken by the college in respect of this application.

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

- the college had a property masterplan and a desire to remain a City Centre College;
- with the on-going success of the college there was a need to invest to meet the needs of learners from both Exeter and the wider south west area. The most critical element was that the College builds out to the extremity of the Hele Road site;
- application was part of the first phase of the masterplan development and looks to cater for an existing demand, a varying cohort including small numbers of sixth form, Higher Education, International, Exeter Chiefs Academy students

and Haven Banks summer course customers. Some of these currently reside in homestay facilities across the city and beyond which are not sustainable;

- the building is not a typical student residential application as it is on College land, is of relatively small scale (61 units) and will be self-contained, with no offsite parking requirements. In terms of management, the staffing structure includes a student residential manager and a pool of live in wardens to ensure 24 hour cover for the property. There will also be an evening curfew of 11pm for the majority of learners. As well as significant management plans and policies, the 16 to 18 age group attracts a separate Ofsted inspection, to ensure that the highest standards are adhered to;
- a key element was to open up a gateway between the two main college sites and the bounding Exeter St Davids and Exeter Central railways stations. The landscape plan accompanying this application included a new routeway with amphitheatre social spaces with the aim of reducing pressure on other footpaths in the St Davids area and providing spaces, sympathetic to the conservation area surroundings, for students to meet in;
- have listened to community feedback and statutory consultation and amended both the design and the management arrangements. The core funding is 21% less than a school receives for young people up to the age of 16, so it is critical to enhance our current offer; and
- the site provides a challenging topography, but believe proposal meets student requirements, while being sensitive to the local needs. This is not an application by a third party commercial provider but by the city's college servicing a local demand.

He responded as follows to Members' queries:-

- that the college had sent letters to 120 local residents in the immediate vicinity;
- his view that the proposed amendment to the plans to include an additional access to the site which would be restricted to the Fire and Rescue Service was adequate;
- that the students for whom this accommodation was proposed were already housed elsewhere in the community, and that the proposed accommodation would be more suitable and viable than that currently used;
- that the college was committed to remain city centre based, but only if it were able to build up to the extremities of the existing site; and
- that the level of warden provision had been increased to meet concerns previously expressed. He also commented that the college now employed a small mental health support team to support its students' community.

The recommendation was for approval, subject to the conditions as set out in the Update Sheet and a Section 106 Agreement under the Town and Country Planning Act 1990/Unilateral Undertaking to ensure the accommodation is only used by students of Exeter College and securing a student management scheme.

During discussion, the following points were raised:-

- concern at the lack of support for the application from the Devon and Somerset Fire and Rescue Service;
- similar lack of comment from the Highways Authority on the revised fire access proposals;
- the impact on the historic environment of the area;
- a number of councillors stated that they were not against the concept of development on this site, but that the type and scale of that proposed was inappropriate; and

- the large number of additional conditions which were proposed and were included on the late list, and the fact that Members had not been given the opportunity to consider these in any detail.

A proposal to defer the matter so as to allow time to receive the comments of the Highway Authority on the fire access arrangements was put to the vote and declared **LOST**.

A recommendation for approval (as per the agenda and late list) was put to the vote and **LOST**.

RESOLVED that the application be **REFUSED** for the following reasons:-.

- (1) the proposed development would harm the character and appearance of St David's Conservation Area and the setting of the Grade II* listed Imperial Hotel, due to the loss of open space and trees on the site to built development, which are integral to the character of the area, contrary to saved Policies L3, C1 and C2 of the Exeter Local Plan First Review 1995-2011, and paragraphs 126, 131 and 132 of the NPPF. In addition, the proposed development through its massing, form and external appearance is considered to lack the design quality and distinctiveness to justify the development of the site taking into account the historic context and its prominence in the public realm, and to outweigh the harm that would be caused to the heritage assets. Therefore, it is considered to be a poor design for the site, contrary to Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 56, 58, 60, 61, 64, 66, 126 and 131 of the NPPF. For the same reasons as above, the proposed development is considered to conflict with emerging Policies DD12, DD25 and DD28 of the Development Delivery Development Plan Document - Publication Version (July 2015);
- (2) a Section 106 Agreement under the Town And Country Planning Act 1990 or Unilateral Undertaking had not been prepared in accordance with the Planning Obligations Supplementary Planning Document and emerging Policy DD12 of the Development Delivery Development Plan Document - Publication Version (July 2015) to ensure that the proposed accommodation was only occupied by students of Exeter College and to secure a student management scheme, including: staff to manage the welfare and behaviour of the students; no car parking on the campus for occupiers of the accommodation; no issuing of parking permits in relation to any residents' parking scheme in force in the area to the occupiers of the accommodation; measures to manage the move-in and collection process; and provisions for monitoring and enforcement. The Local Planning Authority considers that the design of the proposed development and its location on the College campus means that it would only be suitable to be occupied by students, and the student management scheme is necessary in the interests of local amenity, sustainability and highway safety. The Local Planning Authority considers that it would be inappropriate to secure the above provisions by any method other than a legal agreement; and
- (3) an informative be added that, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However, the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

99

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

100

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

101

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 19 December 2017 at 9.30 a.m. The Councillors attending will be Edwards, Foale and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 7.45 pm)

Chair

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LICENSING COMMITTEE

31 October 2017

Present:

Councillors Sheldon, Branston, Brimble, Foale, Hannan, D Henson, Holland, Mitchell, Keen, Owen, Pearson and Sills

Apologies:

Councillor Newby

Also present:

Environmental Health and Licensing Manager, Solicitor, Principal Licensing Officer and Democratic Services Officer (Committees) (MD)

19 **Chair**

Councillor Sheldon took the Chair.

20 **Minutes**

The minutes of the meeting held on 19 September 2017 were taken as read and signed by the Chair as a correct record.

21 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

22 **Adoption of a new Animal Licensing Policy**

The Principal Licensing Officer presented the report that detailed the responses to the 12 week consultation of the proposed animal licensing policy. The policy had previously been presented to the Licensing Committee at the meeting held on 18 July 2017 and would require adoption by Council in December 2017.

There was a need to maintain and improve the standard of animal welfare, an animal licensing policy having been proposed in Exeter following a Defra consultation. The policy consolidated the requirements for the various animal licences issued by Exeter City Council and included the licencing conditions for pet vending and cat and dog breeding. He highlighted that there had been some constructive feedback from the RSPCA which had been added to the policy. A consultation response from the Dogs Trust had provided information on forthcoming national legislative amendments, which would likely require minor amendments made to the policy.

In response to questions from Members, the Environmental Health and Licensing Manager and the Principal Licensing Officer explained that:-

- Following consultation with numerous animal welfare agencies, it had been agreed that three litters or more at dog breeding establishments would constitute

- the threshold for requiring a dog breeding licence. Other authorities set this threshold at five litters a year. Three litters were considered the lowest number within the scope of the legislation;
- Dog boarding establishments were strongly recommended to have the appropriate insurance;
 - There was a difference between kennels and home boarding within the policy. Home boarding looked after animals at a person's residence, rather than at a business premises;
 - If a dog was entrusted to a kennel or home boarding establishment, then the dog walker was responsible for the animal. The legislation for enforcement matters was separate, however the PSPO could be used as a control measure but evidence would be required for enforcement action;
 - Any breaches with the number of animals bred, would be addressed following receipt of a complaint. Trading Standards have authorisation to undertake specific investigations via social media, however Licensing and an authorised vet would perform a site visit and take any required action in relation to specific complaints;
 - Any investigation by the police into any dogs attacking other dogs, would on a case by case basis. It would be a multi-agency investigation and dependent on the demand on the police;
 - The policy had been put on hold for several years due to numerous government consultations and was now important to now push the policy forward and update the licenses to put the Council into a stronger position.

RECOMMENDED that the Animal Licensing Policy be approved and Executive and Council requested to adopt the Policy.

23 **Skin Piercing Registration**

The Environmental Health and Licensing Manager presented the report on skin piercing registration. He explained that the report sought to replace the current premises-specific skin piercing registration to allow both a premises' and individual to have a license and allow a person to work at one or more registered premises in the city. An Environmental Health Officer would still be required to visit the premises to ensure hygiene, cleanliness and infection control standards were maintained. The amendments would tidy up the register and bring the Council in line with neighbouring authorities.

In response to questions from Members, the Environmental Health and Licensing Manager and the Principal Licensing Officer explained that:-

- Personal registrations would be provided following conversations with owners, premises' inspections, and the skin piercing type applied for and viewing of any qualifications. There was a national plan to establish a minimum level qualification for tattoos, but currently registrations must work within the current codes of practice;
- There were no cases of registrations being refused, establishments in the City operated at high standards and were compliant;
- Potential issues of illegal tattooists, operating from locations such as their residence would be difficult to track, so the Council would liaise with the police to monitor and track cases as they were reported;
- There were age constraints within the legislation for piercings on certain areas of the body. The standard legislation was that it was illegal for these piercings on persons under 18 years old. For more common piercings, such as ear piercing, the advice was that it should not be permissible for those under the age of 16.

RESOLVED that:-

- (1) From 1 April 2018, registration for persons to carry out skin piercing be granted on a personal, rather than premises-specific basis. Existing (premises-specific) registrations be re-issued as personal registrations, meaning persons may practice specified skin-piercing activities at any registered premises within the city of Exeter, provided that the premises was registered for that particular activity; and
- (2) Existing and future registrations for skin piercing premises be (re)issued as premises-only certificates.

The meeting commenced at 5.30 pm and closed at 6.05 pm

Chair

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PEOPLE SCRUTINY COMMITTEE

Thursday 2 November 2017

Present:

Councillor Wardle (Chair)
Councillors Foale, Branston, Foggin, Hannaford, Holland, Thompson and Vizard

Apologies:

Councillors Hannan and Morris

Also present:

Service Improvement Lead (Benefits), Technical Accounting Manager, Principal Accountant Corporate, Scrutiny Programme Officer and Democratic Services Officer (Committees) (HB)

In attendance

Councillor Emma Morse	- Portfolio Holder for People
Councillor Hannah Packham	- Portfolio Holder for the Housing Revenue Account
Councillor Phil Bialyk	- Portfolio Holder for Health and Wellbeing, Communities and Sport

33

MINUTES

The minutes of the meeting of People Scrutiny Committee held on 7 September 2017 were taken as read and signed by the Chair as correct.

34

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

ITEMS FOR DISCUSSION

35

HOUSING REVENUE ACCOUNT - BUDGET MONITORING TO QUARTER 2

The Technical Accounting Manager advised Members of any major differences, by management unit between the approved budget and the outturn forecast for the second quarter in respect of the Housing Revenue Account (HRA) and the Council's new build schemes. An outturn update in respect of the HRA Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

During this period, the total budget variances indicate that there would be a net surplus of £928,511 in 2017/18. This represented a significant movement of £3,416,126 compared to the revised budgeted deficit of £2,487,615 for 2017/18 with, most notably, £2,700,000 attributable to delays with the St Loyes Extra Care scheme.

The total amount of HRA capital expenditure for 2017/18 showed a total forecast spend of £10,429,195 compared to the £11,722,625 approved programme, a decrease of £1,303,430.

The following responses were given to Members' queries:-

- the tender return had prompted a review of the St. Loyes Extra Care Scheme, the results of which would be reported to this Committee;
- further information would be provided to Members on the progress of the new fire management safety policy in Council properties particularly the provision of appropriate storage for bicycles as concerns remained over tenants responses to the new requirements for these with reference also made to prams;
- Members sought reassurance that existing Council specialist expertise in tree management would not be lost and that the Portfolio Holder for Place be requested to advise on the status of a Tree Strategy. Members were advised that works being delivered this financial year to deal with at risk trees are being prioritised by Public Realm with the works on site more weighted in the second half of the financial year, due to seasonal works; and
- further information would be provided to Members on surveyor recruitment, vacant posts having placed a constraint on the delivery of certain planned works, one Member remarking on the competition from the private sector in this area.

People Scrutiny Committee noted the report.

36

PEOPLE - BUDGET MONITORING TO QUARTER 2

The Principal Accountant advised Members of any material differences, by management unit between the approved budget and the outturn forecast for the second quarter in respect of People Services. An outturn update in respect of the People Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the People Services budget.

The current forecast suggested that net expenditure would increase from the approved budget by a total of £122,780 after transfers from reserves and revenue contributions to capital. This represented a variation of 4.37% from the revised budget and included a supplementary budget of £178,300.

The 2017/18 Capital Programme showed a total spend of £182,616.

People Scrutiny Committee noted the report.

ITEM FOR CONSIDERATION BY THE EXECUTIVE

37

EXETER CITY COUNCIL TAX SUPPORT SCHEME 2018/19

The Benefits and Welfare Lead presented the report seeking Members' views on the local Council Tax Support (CTS) scheme for working age residents for 2018/19. The local CTS scheme had commenced in April 2013 and Members were required to agree the scheme rules annually.

Members welcomed the continuation of the scheme largely on the same basis as existing and noted that officers continued to closely monitor the situation in light of the fluidity of the overall welfare picture and the anticipated impact of the full Universal Credit regime in 2018.

People Scrutiny Committee noted the report and recommended Executive approve the scheme for 2018/19 to continue without substantive changes from the current year's scheme.

ITEM FOR DISCUSSION

38

TOPIC IDEAS FOR TASK AND FINISH GROUPS

The Scrutiny Programme Officer invited Members to suggest Task and Finish Group topics for consideration at the Interim Scrutiny Work Programme Meeting on 13 November 2017.

The one suggestion put forward was for a review of play area provision in the City, specifically to map what play areas there are, their level of use and what maintenance is required.

ITEMS FOR INFORMATION ONLY

39

EXETER HEALTH AND WELLBEING BOARD - MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2017

The Portfolio Holder for Health and Wellbeing, Communities and Sport reported that the Director (JY) would be bringing a final report to the January meeting of the Board on revised operational arrangements following a recent review of its purpose, function, terms of reference and membership.

People - Scrutiny Committee noted the minutes of the Exeter Health and Wellbeing Board of 12 September 2017.

40

HRA MANAGEMENT BOARD

The Portfolio Holder for the Housing Revenue Account (HRA) updated Members on progress with the proposal to establish a HRA Management Board. It was proposed that the Board would comprise elected Members, who would hold the majority, together with representatives with expertise in housing matters. Recommendations from the Council's Remuneration Panel were to be considered by Council and would include a recommendation for remunerating the above representatives.

Final proposals for the establishment of the Board would be presented to this Committee, Executive and Council in due course.

People Scrutiny Committee noted the report.

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

Chair

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PLACE SCRUTINY COMMITTEE

9 November 2017

Present:

Councillor Sills (Chair)

Councillors Lyons, Foggin, D Henson, Keen, Owen, Prowse, Wardle and Wood

Apologies:

Councillor Mitchell

Also present:

Director of Communications and Marketing, Museums Manager, City Surveyor, Corporate Manager – Executive Support, Cleansing & Fleet Manager, Economy and Enterprise Manager, Principal Accountant (PM), Principal Accountant (MH), Principal Project Manager (Strategic Infrastructure Planning), Scrutiny Programme Officer and Democratic Services Officer (Committees) (SLS)

In attendance:

Councillor Philip Bialyk	Portfolio Holder for Health and Wellbeing, Communities and Sport
Councillor Stephen Brimble	Portfolio Holder for Place
Councillor Rosie Denham	Portfolio Holder for City Transformation, Energy and Transport
Councillor Rachel Sutton	Portfolio Holder for Economy and Culture/Labour Group Deputy Leader

45 **Minutes**

The minutes of the meeting held on 14 September 2017 were taken as read and signed by the Chair as correct, subject to the amendment of Minute 36, relating to the setting up of a liaison group involving both Exeter City Council and Devon County Council officers and a more effective collaboration over the future surface treatment and action, and the inclusion of the wording and “extend an invitation to Members”.

46 **Declaration of Interests**

Councillor Prowse declared a disclosable pecuniary interest in respect of the Queens Crescent Gardens Agreement for Lease and Compulsory Purchase item on the agenda (Minute 53), and withdrew from the meeting whilst this matter was discussed.

47 **Questions from the Public under Standing Order 19**

In accordance with Standing Order No 19, four members of the public submitted a question on issues relating to the bus service in the city and also a question in relation to the Heart of the South West Partnership’s Productivity Strategy and congestion. A copy of the questions had been previously circulated to Members, and this, together with the appropriate responses from Councillor Denham, Portfolio Holder City Transformation, Energy & Transport and Councillor Sutton, Economy and Culture is appended to the minutes.

48 **Topic Ideas for Task and Finish Groups**

The Scrutiny Programme Officer invited Members to suggest Task and Finish Group topics for consideration at the forthcoming Interim Scrutiny Work Programme Meeting which was due to take place on 13 November 2017. The Chairs and Deputy Chairs of the Scrutiny Committees would be invited along with the Portfolio Holders. She would continue to contact Members for suggested topic ideas for Task and Finish Groups to ensure a rolling programme of work.

A Member suggested a task and finish group to consider if there were any issues with the Council's current staffing levels. The Scrutiny Programme Officer stated that she would contact the Member to discuss.

49 **Heart of the South West Local Enterprise Partnership Productivity Strategy Plan Consultation**

The Economy and Enterprise Manager confirmed that a consultation exercise for the Heart of the South West Local Enterprise Partnership, (HotSW LEP) had commenced and sought the views of businesses, organisations, academia, groups, individuals, and Exeter City Council to help form a robust productivity plan. The consultation was being hosted on Torbay's Council's web site at www.torbay.gov.uk/devolution

This approach would help to drive productivity and growth across the region and specifically across the Exeter area. The City Council, as well as other Councils in Devon and Somerset, the HotSW LEP, the two national Park Authorities and three Clinical Commissioning groups have been working in partnership to develop the Productivity Plan. She was in the process of contacting Exeter's business community for their views and comments on the draft Productivity Plan for inclusion in a city wide submission back to the HotSW LEP. Members were invited to submit comments by 20 November to enable a submission to the draft Productivity Plan to be made by 30 November. Members were also advised that the wider consultation would be considered by the Joint Committee of the Leaders of the Heart of the South West and the Heart of the South West LEP Board, before a final Productivity Strategy was agreed early in 2018.

50 **Car Park Refurbishment and Development**

The City Surveyor presented a report on the condition and structural surveys completed on the Council's multi-story car parks portfolio in response to the action plan in the New Strategy for Parking 2016 – 2026. He referred to the approach to deliver a Car Park Investment Strategy, and sought Members' approval for the procurement of consultant services in relation to this project, to deliver a development Potential Feasibility Study of city centre surface car park sites. This would examine whether sites could be brought forward for suitable development of alternative uses, while retaining overall parking space numbers in the city centre. A further piece of work would also explore the implications of the City Council's longer term aspirations to reduce city centre car use. The City Surveyor suggested that any intensification of parking could include temporary decking rather than the construction of new multi-storey car parks.

A Member welcomed the stance on creating more car parks which could defeat the object of tackling city centre congestion. He understood the issues surrounding the potential development of some of the surface car parking sites and sought additional detail on the issues relating to the Triangle, Howell Road and also Mary Arches Street car parks. He also noted that the Finance Officer would be present later in the

meeting to address comments on the approval of up to £100,000 for the consultant's costs associated with the feasibility and congestion work. The City Surveyor confirmed that the Howell Road car park included a large water attenuation tank, there were shallow foundations near to the Triangle Car Park and archaeological remains under the surface part of the Mary Arches Street Car Park. He detailed how development of those sites might be possible and the challenges they might present.

A Member referred to Electrical Vehicle (EV) and was gratified to note the innovative use of solar panels in some of the City's car parks, but he asked whether the power for the electrical installation was drawn from the grid or was taken from the Council's own solar panels. The City Surveyor advised that, where possible EV charging was delivered through the solar panel system, however, if the EV charging arrangements were extended then further grid reinforcement may be required. A Member commented on the earlier discussion at the meeting relating to public transport and specifically that an improved bus service in the city would alleviate some of the concerns raised about congestion.

Place Scrutiny Committee noted the report and requested Executive approval of the following:-

- (1) authorising the City Surveyor to procure a consultant to assist with the production of a Car Park Investment Strategy, subject to further funding approval in due course;
- (2) authorising the City Surveyor to procure a consultant to assist with the production of a Feasibility Study for the future development of city centre surface car park sites;
- (3) authorising the City Surveyor to procure a consultant to assist with work on reducing city centre car usage; and
- (4) approval by Council of a budget of up to £100,000 for the consultant costs associated with the feasibility and congestion work.

51 **New Entertainment Venue Needs Assessment**

The City Surveyor presented the report which updated Members on the outcome of the work of the New Entertainment Venue Advisory Group (NEVAG) which had been set up to discuss the city centre's entertainment venue requirements. The Group included a broad range of representatives from the arts, cultural and entertainment sectors. They had worked with officers to oversee a new venue needs assessment which had been undertaken by consultants, Fourth Street. The assessment included an appraisal of a number of possible sites for any new venue. It was proposed that detailed public consultation and engagement be undertaken to enable a wide group of interested parties and individuals to comment on the findings. The Corporate Manager – Executive Support stated that his team would carry out an in-house consultation exercise and involve the members of NEVAG.

Members offered the following views: -

- lamenting the demise of the former Civic Hall on Queen Street, but welcomed the opportunity to create a functional venue that could cater for all.
- the importance of a full and robust consultation, and the additional facility would offer a further platform for entertainment in the city. The Member was pleased that the consultation was being carried out in-house and he acknowledged that NEVAG had been very proactive so far.
- the need to ensure the consultation would include not only Exeter residents but those in the wider catchment of Devon. The Corporate Manager – Executive Support advised that the consultation would not be limited to within

Exeter's boundary. The Director of Marketing and Communications referred to the comprehensive and wide reaching data base already held by the Corn Exchange which would be used.

- that consideration for a theatre or event hotel package be explored.

In response to Members' comments the City Surveyor stated that the request for funding to carry out consultation did not extend to the issue of viability at this stage, but that would be fully explored when all of the necessary information was obtained. He confirmed that the consultation would commence after the report had been considered by the Executive and Council and after the busy Christmas period.

Place Scrutiny Committee supported the report and requested Executive to recommend approval by Council of the following:-

- (1) that the Corn Exchange be the preferred location for any entertainment venue; and
- (2) funding of £5,000 for a public consultation exercise on the findings of the needs assessment.

52 **Mitigating the Impacts of Development on Protected Habitats**

The Principal Project Manager (Strategic Infrastructure Planning) presented the report on mitigating the impacts of development in its area on protected habitats such as Exe Estuary, Dawlish Warren, and the East Devon Pebblebed Heaths. In catering to population growth, new dwellings increase the pressure on protected habitats, and measures must be taken to mitigate these impacts. These included on-site measures to reduce visitor pressures, as well as the implementation of Suitable Alternative Natural Greenspace (SANGs), the purpose of which was to provide potential visitors to the protected habitats with an alternative greenspace to visit, thus reducing the pressure on the protected habitats. If the impacts of development on protected habitats were not mitigated, Exeter City Council would not be fulfilling its legal obligations, and Natural England may decide to intervene to place a block on development. The mitigation measures relating to the Exe Estuary, Dawlish Warren, and the East Devon Pebblebed Heaths were contained in the South East Devon European Site Mitigation Strategy (SEDESMS), which was published in June 2014, and subsequently endorsed by the South East Devon Habitats Regulations Executive Committee (SEHREC) on 29 June 2016, subject to further work being undertaken to re-evaluate costs, and to confirm overall SANGs requirements and delivery approaches. This work had now been completed.

Mitigation measures and associated costs had also now been finalised. Overall SEDESMS implementation costs had been refined and reduced from £23,553,767 to £15,456,264, a considerable overall cost saving. However, these costs must be apportioned between fewer dwellings as a result of the aforementioned revisit of a number of the assumptions underpinning the SEDESMS. There was consequently a need to revisit and increase the amount that was top-sliced from the Community Infrastructure Levy receipts from each dwelling in each of the three partner authorities' areas, (Exeter City Council, Teignbridge District and East Devon District Councils) and each of the partner authorities also needed to revisit any high level CIL commitment to habitats mitigation. Each of the partner authorities also needed to approve the implementation of these revised per dwelling contributions, as endorsed by the SEHREC at its meeting on 27 July 2017, and as detailed in Appendix 1 to this report. These revised contributions would be top-sliced from CIL receipts from dwellings which do not yet have planning permission. The revised contributions

would not be retrospectively top-sliced from dwellings which already had planning permission.

The Principal Project Manager (Strategic Infrastructure Planning) responded to comments made by a Member on the amount and where the receipts were held, and declared that the development money was administered by East Devon District Council. He also clarified that the annual and accumulative figures were set out in an appendix to the report.

Place Scrutiny Committee supported the report and requested Executive to recommend approval by Council of the following:-

- (1) welcome the significant reduction in the overall cost of habitats mitigation measures referenced in Table 26 of the South East Devon European Site Mitigation Strategy;
- (2) revised per dwelling charges for habitats mitigation detailed in Appendix 1, circulated with the report, to be implemented from 1 January 2018, and index linked in accordance with the recommendation made by the South East Devon Habitats Regulations Executive Committee on 27 July 2017; and
- (3) the revised per dwelling charges would have the effect of increasing Exeter's contribution to overall habitats mitigation costs from the £2,000,000 committed for this purpose to 2026 (by Exeter City Council's Executive on 10 February 2015) to approximately £4,000,000 of the £15,456,264 total cost of implementing the Strategy to 2026.

Place Scrutiny Committee also noted that:-

- (4) while no Suitable Alternative Natural Greenspace (SANGs) would be delivered in Exeter to 2026, the South East Devon Habitats Regulations Executive Committee (SEDHREC) had approved an appraisal being undertaken of SANGs capacity and likely delivery costs, including in Exeter's Valley Parks, to inform the development of the Greater Exeter Strategic Plan and any future iteration of the South East Devon European Site Mitigation Strategy

53 **Queen's Crescent Gardens - Agreement for Lease and Compulsory Purchase**

The Principal Project Manager (Strategic Infrastructure Planning) presented the report on seeking Members' approval to allocate a relatively modest amount of unallocated New Homes Bonus receipts towards the (primarily waste management related) costs that the St. James Community Trust Ltd would incur. The Trust would assume the 125 year lease of Queen's Crescent Garden from the City Council, subsequent to the impending completion of the compulsory purchase of the Garden by the Council. The Garden had been neglected for decades, but had the potential to become a valued local resource. The grant would also allow initial work to deal with a number of urgent tree works as a priority task. Improving Queen's Crescent Garden was also identified as a priority in the St. James Neighbourhood Plan. The approach by the Trust had the potential to offer a future model for other communities who wished to manage their own open spaces.

Following further clarification by the City Solicitor and Head of Human Resources, a revised recommendation was presented which reiterated that the grant was to be a one off payment, and investment evidence would be required before any finance was released to the Trust. The Principal Project Manager (Strategic Infrastructure

Planning) stated that the process included a thorough check of the documentation, and he would continue to ensure that the right procedures were in place. The investment was likely to be implemented through the Church, Charities and Local Authorities (CCLA), which was a dedicated financial institution used by those sectors.

One of the Ward Members for Duryard and St James was pleased that the Trust had pursued the commitment to take on the space. He confirmed that he was not a trustee of the St James Community Trust and was able to speak at City Council meetings on this issue. He was grateful to the Principal Project Manager (Strategic Infrastructure Planning) who had facilitated this work and helped the project to come to fruition. A Member championing community development also wished to support the project, but mentioned the need for a holistic approach to any transfer of community assets going forward. He hoped that the project would continue to be well thought through, including support for the governance and financial arrangements, whilst still allowing for an element of initiative. He noted that the New Homes Bonus funding would be used as intended to enhance the city and was not taken from service delivery budgets.

Place Scrutiny Committee supported the report and requested Executive to recommend approval by Council of the following:-

- (1) £50,000 of unallocated New Homes Bonus receipts be allocated to Exeter St. James Community Trust Ltd as a grant, (as a one-off payment, and subject to satisfactory confirmation that the monies would be appropriately invested) to address immediate and ongoing liabilities associated with the Trust taking on the lease of Queen's Crescent Garden, and
- (2) £5,000 of unallocated New Homes Bonus receipts be allocated for the purchase and installation (by Exeter City Council's Public Realm) of three new rubbish bins outside the Queen's Crescent Garden walls.

54 **Budget Monitoring (2nd Quarter)**

Following an earlier request, the Principal Accountant (PM) responded to a Member's enquiry about the funding for the Car Park Consultation and Feasibility Study. He stated that the Council had set aside an earmarked reserve to support one-off funding opportunities such as this. He would ensure that a more comprehensive reply was forthcoming.

The Principal Accountant (PM) presented the report which advised Members of any major differences, by management unit between the approved revenue budget and the estimated outturn as part of a quarterly financial update in respect of Place Scrutiny Committee. The current forecast suggested that net expenditure for the Committee would increase from the approved budget by a total of £188,220 after transfers from reserves and revenue contributions to capital. This represented a variation of 2.86% from the revised budget and included a supplementary budget of £574,297, already agreed by Council. The Principal Accountant (MH) stated that the report also included a predicted outturn update in respect of the Place Capital Programme, and she confirmed a total current spend of £1,121,576 in 2017/18 with £4,666,810 of the programme potentially deferred until 2018/19.

The Principal Accountant (PM) responded to a Member's comment on the expenditure for external advice relating to appealed planning decisions. He stated that the Council employed a planning solicitor, but on occasions it had been necessary to seek additional legal advice. The expenditure was a reduction on the previous year and he would respond to the Member and confirm the figures. Another

Member agreed that it would be more desirable to have an additional in-house staff rather than seek external advice. A Member had also spoken with the Events, Facilities & Markets Manager about his disappointment over the reduced scale of the Sunday Market and Car Boot Sale at Matford and he hoped that the income stream could be improved. The Member also referred to the efforts made by the Exeter Tidy Group working with Exeter University and others to raise the level of recycling. He felt that Exeter's recycling rate did not compare with neighbouring local authorities, and accepted that the income for recycling fluctuated. The Director Communications and Marketing stated that the Director Place had reset the targets for the Council's Recycling teams and it should be noted that even a 1% increase could see revenues increase by £55,000. The Chair invited the Portfolio Holder for Place to speak on this matter and he welcomed any opportunity to work with the Member and others, in an effort to continue to drive up recycling rates through education as well as spread the message of the Council's commitment. A Member referred to the difficulty of making a direct comparison with neighbouring Councils, particularly as Devon County Council were able to include the material from the Recycling Centres at Exton Road and Pinhoe. The Member Champion for Food Waste also referred to the work of the Devon Authorities Strategic Waste Committee and added that as food waste was also included by some authorities, Exeter did quite well in comparison. He also paid tribute to the hard working staff at the Materials Recycling Centre (MRF), a sentiment that was echoed by the rest of the Scrutiny Committee.

Place Scrutiny Committee noted the report.

55 Legacy Leisure Working Group - Minutes

The minutes of the Legacy Leisure Working Group held on 12 September 2017 were noted.

56 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 items on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Part 1, Schedule 12A of the Act.

57 RAMM's Business Plan for 2018-22

The Museums Manager presented the Royal Albert Memorial Museum's (RAMM's) Business Plan 2018-22, for endorsement by Members, which had been prepared as part of their successful application to Arts Council England (ACE) in their bid to recognised as a National Portfolio Organisation (NPO). This was part of a national funding programme which runs from April 2018 until March 2022 and details of the timetable were presented. It was acknowledged that securing external funding through other grant making bodies was of growing importance to the future operation of the Museum.

Place Scrutiny Committee endorsed the RAMM's Business Plan and requested Executive approval of the following:-

- (1) final submission to the Arts Council England to support RAMM's case for investment;
- (2) authorise the Portfolio Holder, Economy & Culture agree any adjustments to the Business Plan that do not affect its overall priorities or direction of travel;

- (3) authorise the Director, and Museums Manager in consultation with the Portfolio Holder, Economy & Culture to submit applications for grant funding less than £100,000 in value, where there was no requirement for match funding; and
- (4) authorise the Museums Manager in consultation with the Portfolio Holder, Economy & Culture to submit applications for grant funding less than £50,000 in value, where there was no requirement for match funding.
(Grant applications above £100,000 would continue to come to Place Scrutiny Committee or one specially convened for approval).

58 **Place Services Operational Depots**

The Cleansing and Fleet Manager presented the report which examined the welfare facilities, health and safety and general suitability of the Belle Isle site as a working depot for the City Council's Public and Green Spaces team. The report also examined spare capacity at the Exton Road site and the potential to amalgamate Place based services there. He referred to the need for suitable and sufficient sanitary conveniences and washing facilities to be provided and the potential impact on morale and health and well-being for employees. He would respond to a request from a Member for information on health and safety data for the last two years.

A brief presentation showing the facilities at both locations was made. It was agreed that an invitation would be extended to Members for an accompanied visit to both sites at the earliest opportunity.

Place Scrutiny Committee supported and requested Executive to recommend approval by Council of the allocation of £40,000 to complete a detailed study to examine the feasibility of amalgamating all Place operational services at the current Exton Road sites.

The meeting commenced at 5.30 pm and closed at 7.40 pm

Chair

PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 9 November 2017 from Ms Maggie Emery

To Cllr Rosie Denham, as Portfolio Holder for City Transformation, Energy and Transport.

Stagecoach recently made changes to its H bus service in Exeter, as a result of which it no longer travels as far as Cowley Bridge. This has caused great inconvenience to residents in Duryard including those wishing to travel to the RD&E Hospital in Barrack Road.

Stagecoach insist that they undertook effective consultation, prior to withdrawing the H bus service to Cowley Bridge and West Garth Road. This is disputed by a large number of residents who have signed a petition against the changes with over 550 names on it. Everyone was dismayed at the loss of this important service.

We believe that Stagecoach must now undertake a proper and transparent consultation with all the affected residents, in a way which also allows the elderly residents to meaningfully take part. A door to door questionnaire, with proper lead in time and published results, must be undertaken. The results of this should then be openly discussed at a meeting or with the Local Transport Authority.

Will Exeter City Council use all the powers and influence at its disposal to support residents on this?

The Chair, Councillor Sills read out the question from Ms Emery relating to the bus service in Exeter. She was unable to attend the meeting. The Portfolio Holder City Transformation Energy and Transport, Councillor Rosie Denham responded to the question. She had been engaged in correspondence with a number of residents over recent months, had met locally with councillors and had an initial meeting with Stagecoach after the changes were announced, but before they were rolled out. Unfortunately the contact did not result in any changes to the proposals and the service was now in place. Residents had continued to feedback more effectively on the impact that was having on them.

Exeter City Council had limited powers to directly influence Stagecoach, but following a meeting with two of the local councillors, the County Council and in consultation with the Chair of the Exeter Highways and Traffic Orders Committee (HATOC) an item has been requested on the agenda of the forthcoming meeting on 20 November. Stagecoach would be in attendance and there would be the opportunity to raise the residents' concerns over the impact that the changes have had on them. Councillor Denham would continue to raise this matter with Stagecoach directly. She encouraged residents to also continue to share their experiences.

Councillor Denham confirmed that she had addressed the specific question about the changes to the H bus route, but there were issues with changes to bus routes across the city and particularly pertinent as the city continued to grow and travel patterns changed. It was important to ensure that all relevant data was used to inform Stagecoach and other transport providers to help with service design and develop more of a strategic approach. She hoped to meet with Stagecoach and Devon County Council to discuss.

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**PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 9
November 2017 from Mr J Sheppard**

To Cllr Rosie Denham, as Portfolio Holder for City Transformation, Energy and Transport.

It is now two months since the the Crediton 5 bus has been re routed around West Garth Road and Wrefords Lane.

As a local resident I am most concerned about the pathway of the bus up and down West Garth Road. It is a quite steep and narrow suburban road (at the top) and not really designed for huge double decker access.

To watch it descend from the top of the road, to me, looks to be quite precarious. It is noisy with excess Diesel fumes on its ascent.

We have had a single decker service replaced by a huge double decker which is causing wear and tear, on a less than adequate route way. If residents were to park, rightfully, on either side of the road in the two pinch points then I doubt the bus would get through. Residents at the lower end of the road often have to park on the pavement.

I am aware that there are other concerns about the replacement of the H bus and that other people are voicing these.

However my particular question is whether Exeter City Council can support a request for a bus service more commensurate and suitable for this context and environment?

The Chair, Councillor Sills read out the question from Mr Sheppard relating to the bus service in Exeter. She was unable to attend the meeting. The Portfolio Holder City Transformation Energy and Transport, Councillor Rosie Denham responded to the question.

The Portfolio Holder City Transformation Energy and Transport, Councillor Rosie Denham responded to the question. She reiterated some of the comments made to the question from Ms Emery and Ms Sheppard and repeated her response which was that although this question had been a specific ask of the Exeter City Council, it was important to bear in mind that the City Council was not the transport authority. Devon County Council commission and subsidise bus services where they consider the need was not being met by the commercial services. It was appropriate to raise such issues through the Exeter Highways and Traffic Order Committee (HATOC). He referred to her previous response that these questions would be put to Stagecoach seeking some redress over any any perceived gaps. The changes had an impact on residents who had a service which had been withdrawn and she was happy to continue to support residents in their efforts to call for an appropriate bus service.

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**PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 9
November 2017 from Ms Lesley Sheppard**

To Cllr Rosie Denham, as Portfolio Holder for City Transformation, Energy and Transport.

As residents of Exeter City, paying council tax to Exeter City Council, the residents of the Wreford Lane/West Garth Road/Cowley Bridge area should surely have the same standard of bus service as other city residents i.e. one that delivers them to the High Street and the interchange for other city buses?

The 5 bus stop at Bury Meadow Park on our side of town requires crossing a busy road and is effectively in the middle of the FE College campus. Often during the day it requires negotiating the pavements with a great many students. It is nearly half a mile (0.4) from the High Street.

To get off at the other end of town also requires crossing a busy road, and walking up a hill to reach the High Street.

Having shopped on the High Street the only easily accessible 5 stop for the return journey is the Paris Street stop. If shopping at the Fore Street end of town it is a disadvantage to have to walk back to Paris Street (0.6 mile round trip) when City buses can be accessed from either end of the High Street as well as the interchange area. These issues are particularly important for elderly or disabled people.

If the contract awarded to Stagecoach allows them to provide our area of the city with a second rate service in this way then will the Council subsidise the service to reinstate the H bus, or similar, to ensure all residents are fairly treated?

The Chair, Councillor Sills read out the question from Ms Sheppard relating to the bus service in Exeter. She was unable to attend the meeting. The Portfolio Holder City Transformation Energy and Transport, Councillor Rosie Denham responded to the question. She reiterated some of the comments made to the question from Ms Emery and the specific ask of Exeter City Council. It was important to bear in mind that the City Council was not the transport authority. Devon County Council commission and subsidise bus services where they consider the need was not being met by the commercial services. It was also appropriate to raise such issues through the Exeter Highways and Traffic Order Committee (HATOC) and she referred to her previous response that these questions would be put to Stagecoach to seek redress over any perceived gaps. This change had an impact on residents who had a service which had been withdrawn. It was important to take a strategic approach and look at the whole city.

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PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 9 November 2017 from Mr Mike Walton

To Cllr Rachel Sutton, as Portfolio Holder for Economy and Culture.

Increasing productivity in our region and our city is crucial to growing the economy, strengthening business and increasing employment. It is to be welcomed therefore that the Heart of the South West Partnership is consulting on its Productivity Strategy. There is one major inhibitor to productivity that all citizens of Exeter will be familiar with. It is something that inhibits the free movement of goods and employees across the city and places a drag on our economy and our productivity growth. Exeter is not alone in facing this issue, by some measures this costs the UK economy £21bn a year. This inhibitor is congestion.

It is surprising therefore that the Productivity Strategy appears to make no mention of, and have no plans to address, congestion in the region or the city of Exeter.

There is some value in 'connecting' the towns and cities of the South West by investing in rail and road links, as the Productivity Strategy proposes. However, unless the congestion within these towns and cities is addressed then this greater 'connectivity' leads only to increased congestion, and with increased congestion comes decreased productivity.

Since this Productivity Strategy is currently undergoing consultation there is an opportunity to shape it. Will the Place Scrutiny Committee therefore request that Heart of the South West Partnership's Productivity Strategy includes measures for reducing congestion in our region and city?

The Chair, Councillor Sills read out the question from Mr Walton as he was unable to attend the meeting. The Portfolio Holder Economy and Culture, Councillor Sutton responded to the question. She thanked both Mr Walton and the Exeter Cycling Campaign for their question, which had raised an important issue currently affecting the city. Exeter City Council has been consulting with Exeter businesses to contribute to an Exeter wide response on the Heart of South West Productivity Plan. The Exeter Cycling Campaign had been included in this consultation.

The same issue raised by Exeter Cycling Campaign has been highlighted by officers of the City Council and will be included within the Exeter response. She encourage Exeter Cycling Campaign, as well as many other businesses in Exeter, to formally respond to the City Council consultation on the Productivity Plan.

The City Council consultation period closes 20 November, which provides time to compile a formal Exeter response to the Heart of the South West Productivity Plan by their closing date of 30 November 2017.

The consultation was being hosted on Torbay Council's web site at www.torbay.gov.uk/devolution

Members discussed congestion levels in the city. A Member considered that the levels were unacceptable and he would be raising the issue of congestion with Devon County Council. He also referred to the Exeter Board which could discuss this subject. A Member agreed that whilst the County Council were the Transport Authority, both Councils worked in partnership with all agencies to try and mitigate the impact of any changes to the bus service as well as looking at ways to reduce congestion.

The Portfolio Holder for Economy and Culture, Councillor Sutton referred to lengthy correspondence, lobbying and a meeting held last summer, which had been attended by representatives from Exeter City Council and Devon County Council as well as representatives from Exeter Chamber of Commerce, Highways England and the Police. The consensus had been that the current levels of traffic in Exeter were a major problem. She welcomed the comments from the Member and an undertaking to raise some of the issues at the Exeter Highways and Traffic Orders Committee. She hoped that it would be possible to set up a Transport Board to help address some of the issues raised more quickly and include partners such as Highways England.

CORPORATE SERVICES SCRUTINY COMMITTEE

23 November 2017

Present:

Councillor Greg Sheldon (Chair)

Councillors Warwick, Baldwin, Hannan, Harvey, Holland, Owen and Musgrave

Apologies:

Councillors Lamb and Morris

Also present:

Chief Finance Officer, City Surveyor and Democratic Services Officer (Committees) (MD)

36 **Minutes**

The minutes of the meeting held on the 28 September 2017 were taken as read and signed by the Chair as correct.

37 **Declarations of Interests**

No declarations of disclosable interest were made.

38 **Budget Monitoring (Quarter 2)**

The Chief Finance Officer presented the quarterly report advising Members of the differences of the revised budget in respect of the Corporate Services Scrutiny Committee. Members were reminded that they should consider remedial action in respect of any potential income overspend or shortfall.

The current forecast showed that following the revised budget, the net expenditure for the Corporate Services Scrutiny Committee would decrease by £46,150, representing a variation of 0.58% including the supplementary budgets that had been agreed previously. He discussed the significant variations for corporate property estates, unapportionable overheads and strategic management.

In response to Members' questions, the Chief Finance Officer and City Surveyor responded:-

- Underspend may relate to unfilled vacancies, however the Chief Finance Officer would confirm with HR and respond back to the Member; and
- The anticipated net income in respect of Paris Street properties related to the bus station area, which was set out in the budget at the start of the financial year based on the projected closing date but has been subject to change during the year.

Corporate Services Scrutiny Committee noted the report.

39 **Capital Monitoring Statement to 30 September 2017**

The Chief Finance Officer presented the report of the current position in respect of the Council's revised annual capital and advised Members of the anticipated level of deferred expenditure into future years. The annual capital programme was updated every three months to reflect any cost variations, slippage or acceleration of projects to manage risks.

He advised that in the first six months of the financial year, the Council had spent £4.134 million on the programme compared to the £4.063 million spent in 2016/17. The current programme forecasted that £7.370 million of the programme could be deferred to 2018/19 or beyond. He discussed the schemes that had been completed in 2017/18, highlighting the following schemes - Newcourt Community Hall, Rougemont Gardens and the Canal Pontoons.

In response to Members' questions, the Chief Finance Officer and City Surveyor responded that:-

- By-elections were a rare occurrence which usually incurs an overspend. It was projected that there would be an overspend for the December by-election;
- There was a bid in with the European Regional Development Fund for the innovative Smart Grid PV and Battery Storage Project, which represented 55% of the total cost of the scheme. The energy savings project report would be going to Executive in December; and
- The bus station expenditure would be going to Council in January for discussion on the de-risking process.

Corporate Services Scrutiny Committee noted the report and requested Executive to support and Council approve the following:-

(1) The revision of the annual capital programme to reflect the reported expenditure variations and schemes to be deferred to 2018/19.

40 **Overview of the Revenue Budget 2017/18**

The Chief Finance Officer presented the report that advised Members of the overall projected financial position of the HRA & General Fund Revenue Budgets for the 2017/18 after six months and to approve any additional expenditure required during the financial year.

The second quarter projection for the Housing Revenue Account showed a significant reduction in the amount taken from the working balance, resulting in an increase of £928,511 to the working balance, totalling at £9,495,965. He commented further on the key variances detailed in the report.

In response to Members' questions, the Chief Finance Officer responded:-

- he would confirm with the Housing Department when the detailed reports for St Loyes funding would be brought forward; and
- The difference between electoral services and Democratic Representation was that democratic representation were the Members of the Council and electoral services were the team responsible for running elections.

Corporate Services Scrutiny Committee noted the report and requested Executive note and Council approve the following:-

- (1) The General Fund forecast financial position for the 2017/18 financial year;
- (2) The HRA forecast financial position for 2017/18 financial year;
- (3) The outstanding Sundry Debt position as at September 2017; and
- (4) The creditors' payments performance.

41 **Treasury Management - Half Year Report 2017/18**

The Chief Finance Officer presented the report on the current Treasury Management performance for the 2017/18 financial year, and the position regarding investments and borrowings at 30 September 2017. He also requested Council approve the revised Treasury Management Strategy which included a request to increase the limit for investment in Property Funds from £5m to £10m.

He explained that there had been an improvement against the estimate for net interest payable from the General Fund and, for the first time in several years there had been an interest rate increase, which had a negligible impact on borrowing rates. He discussed the General Fund, highlighting that it had shown an improvement against the estimate for net interest payable.

He advised that the Treasury Management Strategy which had been approved by Council in February 2017, had no significant changes and continued to hold only small surplus funds. He explained that there had been two investments in the CCLA and LAMIT property fund and there was a need for an increase in the limit for investment. It was noted that the returns on the Property Fund were significantly higher than the returns on other investment options available.

He referred Members to the report which detailed the Counterparty list, which detailed the other banks that Council could use for deposits.

In response to questions from Members, the Chief Finance Officer responded as follows:-

- Confident with the investments made and money generally loaned to Local Authorities;
- Money deposited in the bank was a deposit and not an investment, so the bank could use the money as they saw fit;
- The Treasury Management Strategy had been approved by Full Council and acted as a strict rule followed meticulously by the authority;
- He would be meeting with the Treasury Management Advisors to discuss the Treasury Framework and would respond back to Members. All investments were, in his professional opinion, legitimate; and
- Council would decide whether the increase for property fund be approved.

Corporate Services Scrutiny Committee noted the Treasury Management report for 2017/18 financial year which included a request to increase the limit for investment in Property Funds from £5m to £10m and recommended approval by Executive and Council.

42 **Discretionary Rates relief**

The Chief Finance Officer presented the report that sought Members approval for a Local Discretionary Relief Scheme policy to determine the level of Discretionary Relief to be granted to certain defined ratepayers within the Council's area. The Government had announced the launch of a £300m discretionary fund following the

spring 2017 Budget, which would cover a four year period starting in 2017/18, to support businesses that faced steep increases in business rates bills.

He confirmed that all billing authorities in England had been included in the discretionary fund, and this policy would provide a plan to distribute the funds. Section 151 Officers across the Devon Authorities were keen to work under a Devon framework, and had asked the Devon Revenues & Benefits Group to produce a flexible policy document to reflect local issues, enabling political steer. He highlighted where the focus of the policy would be. The Chief Finance Officer explained the scheme had been developed so that funds would slowly reduce over the four years.

In response to questions from Members, the Chief Finance Officer responded that the Council would seek a declaration that a business had not received more than £200,000 in state aid over the relevant three year period. A declaration would be beneficial to help identify what other aid a business was being received and be taken to legal as required. Member involvement was required through the Council's Constitution.

Corporate Services Scrutiny Committee noted the report and requested that:-

- (1) Executive recommend Council to approve the Policy; and
- (2) Delegated authority be given to the Section 151 Officer in consultation with the Leader, to review the scheme, and if necessary, increase the maximum threshold, to ensure Government funding is fully directed to businesses in Exeter.

43 **St Nicholas Priory - Repair Update and Asset Transfer**

The City Surveyor presented the report which provided an update on the St Nicholas Priory structural repair and building conservation issues. Executive had approved a budget in April 2016 for the structural repairs to St Nicholas Priory and further discussions with potential partners about community management of the St Nicholas Priory. Since then the repair work had been carried out and there had been discussions with community partners, with recommendations made for a potential asset transfer of the property to Exeter Historic Building Trust.

Exeter Historic Building Trust would be prepared to take over ownership and provide a dedicated upkeep of the building. They were also keen to use the property as a valuable community asset.

He explained that the transfer would secure improved use of the business and enhance stewardship. However, it would not completely absolve the City Council from any ongoing liability for the building as safeguards would need to be involved in the proposed lease to protect the Trust. The City Surveyor also requested the Corporate Services Committee to approve a change of working in the last paragraph of section 8 in the report to go to Executive to:-

“Separate discussions are in hand regarding the potential of loans from RAMM's main and handling collection”.

In response to questions from Members, the City Surveyor confirmed that Exeter Historic Building Trust would also be responsible for the maintenance and upkeep of the gardens.

Corporate Services Scrutiny Committee noted the report and requested:-

- (1) Executive to authorise the City Surveyor, in consultation with the Lead Councillor for Support Services, to agree terms for a lease of St Nicholas Priory to Exeter Historic Buildings Trust on the terms set out in the report; and
- (2) Executive to approve disposal of land for less than best consideration on the terms set out in the report
- (3) Change the wording of the report to Executive to “*separate discussions are in hand regarding the potential of loans from RAMM’s main and handling collection*”.

The meeting commenced at 5.30 pm and closed at 6.05 pm

Chair

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AUDIT AND GOVERNANCE COMMITTEE

Wednesday 6 December 2017

Present:-

Councillor Natalie Vizard (Chair)
Councillors Wood, Mrs Henson, Keen, Lamb, Thompson and Warwick

Also Present

Chief Finance Officer, Corporate Manager Democratic and Civic Support, Corporate Manager – Executive Support Unit, Audit Manager (HK) and Democratic Services Officer (Committees) (MD)

29

APOLOGIES

Apologies were received from Councillors Harvey, Musgrave and Sheldon.

30

MINUTES

The minutes of the meeting held 20 September 2017 were taken as read and signed by the Chair as correct.

31

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

32

EXTERNAL AUDIT TECHNICAL UPDATE AND ANNUAL AUDIT LETTER 2016/17

Darren Gilbert, Director, KPMG, presented the progress report which provided Members with an updated position with regards to the delivery of their responsibility as the City Council's external auditor. Members were advised that work for the 2016/17 period had been completed as had the work for the Pooling of Housing Capital Receipts, which had raised no issues and the work for 2017/18 was in the process of commencement. He would provide a report on the scheduled work at the next meeting in 2018.

He discussed the Council's Annual Audit Letter which was a statutory requirement providing a summary and conclusion of key findings from the work carried out for the City Council in 2016/17. He confirmed that it included an audit of the financial statements, the value for money (VFM) conclusion and informed there was no new information to update. The letter would be published on both the PSAA and City Council websites for the public to view.

In response to Members' questions, Darren Gilbert informed them that the National Audit Office had issued a new guide to taxpayers rights in respect of audit and had changed the terminology to Local Authority from Council to reflect the fact that the guide covered Police Authorities and Fire Authorities as well as Councils.

The Audit and Governance Committee noted the External Audit Progress Report and Technical Update report and received the Annual Audit Letter.

INTERNAL AUDIT PROGRESS REPORT

The Audit Manager (HK) presented the report on the internal audit work carried out during the period 1 July to 30th September 2017, advising Members on the overall progress against the Audit Plan highlighting that of the six audits undertaken, five had been reported as good with one area assessed as 'some improvement required..

There had been good progress during the first half of the year, but due to the loss of the finance apprentice and a staff member on long term sick leave, progress during the second half of the year had been impacted with an expected 40 day shortfall. The Audit Manager and Section 151 Officer proposed to fill this shortfall by existing staff members working additional hours, with a supplementary budget of £7,800 required to provide the additional staffing resources to deliver the approved audit plan.

She discussed the issue of the trade waste report which had been the one instance in this quarter where remedial action had not been agreed by management. She explained reconciliations were not currently carried out by cleansing between the incomes received. The Managers response had been "*The system should be fully automated by 1 December 2017, and data should transfer from the relevant field on Bartec to that on Ash Debtors. There would be no risk that the two systems would not balance*". It was considered this be approved by Council as a recommendation.

She explained that the annual governance statement (AGS) identified significant issues to Governance throughout the year, but the Council would continue to make improvements using an action plan, which is monitored by the Audit and Governance Committee quarterly and for which an update had been provided.

The new section on emerging issues and risks was discussed, which would inform Members of any emerging issues. Three risks highlighted were the replacement of the Data Protection Act with the General Data Protection Regulations (GDPR), the amendments to the IR35 (the Intermediaries legislation) responsibilities and Organised Crime procurement following a study by the Home Office.

A Member discussed the GDPR, and how Strata were working on incorporating security improvements to protect data. However it was the responsibility of the Members and not the Council, to ensure all confidential information in relation to their constituents was protected from risk.

In response to Members' questions, the Audit Manager (HK), Chief Finance Officer and Corporate Manager Executive Support Unit informed:-

- The staff member from the team was able to work in short periods, but has been signed off on long term sickness. The existing team members have the experience to cover the interim period and had originally worked full time hours, which had been reduced to part time hours to avoid redundancy. The option to extend hours would revert working hours back to full time and would not cause any issues which the audit team had agreed to do during the interim period;
- The representative for the Monkerton Heating Company was an individual, rather than the Planning Department. They would be the only one with any conflict of interest, which internal audits checks would check and the person be excluded accordingly;
- The data protection regulations were being replaced and action was required to ensure compliance with the new regulations;
- A working group has already been established with the Councils data protection officer to ensure that staff and Members received appropriate training on the

Data Protection Regulations. Guidance can also be provided to Members from the Policy Officer;

The Audit and Governance Committee noted the Internal Audit Report and requested Executive note and Council approve:-

- (1) The supplementary budget to cover the additional staffing costs to meet the approved audit plan; and
- (2) The manager's response for reconciliations on remedial actions.

34

REPORT ON OMBUDSMAN COMPLAINTS

The Corporate Manager Executive Support presented the report, which explained the role of the Local Government Ombudsman (LGO) in investigating and resolving complaints about councils and included the LGO's 2016/17 annual review of complaints about Exeter City Council. He explained that there was a legal duty to communicate the Council's performance in relation to the LGO annual review to Members.

He discussed the complaints received by Exeter City Council and decisions made by the LGO for the year ending 31st March 2017. Nine out of the ten cases dealt with the Ombudsman had resulted in no further action by the Ombudsman. Only one case was upheld and, whilst the case was unique, improvement steps had been put in place for the future.

Members discussed the department in question, referring to issues arising in levels of quality due to reduced staff numbers and ways of making improvements and requested more information from the Planning Solicitor on the complaint and needs of the department. In response to questions from Members, the Corporate Manager Executive Support explained that any upheld complaint was a concern for the Council, but the Ombudsman only addressed cases in which the complainant was not happy with the Council's response after considering it through the two stages of its complaints process.

The Audit and Governance Committee noted the report.

35

DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

The Corporate Manager Democratic and Civic Support presented the report which sought feedback from Members on the Consultation Paper, for the Governments' proposals to update the criteria for disqualifying individuals from either standing for, or holding office as, a local authority member, directly elected mayor or member of the London Assembly. Comments and feedback on the proposed questions from Members were requested before the consultation closed on Friday 8th December:-

- (1) Should an individual who is subject to the Notification requirement set out in the Sexual offenders Act 2003 should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?
- (2) Should an individual who is subject to Sexual Risk Order be free to stand for election as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?
- (3) Should an individual subject to a Civil Injunction or Criminal Behaviour Order be prohibited from standing for election or holding office, as a

member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

- (4) Do you agree that being subject to Civil Injunction or Criminal Behaviour Order be the only anti-social behaviour related reasons why an individual should be prohibited from standing for election or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?
- (5) Do you consider that the proposal set out in the consultation paper will have an effect on the local authorities discharging their Public Sector Equalities Duties under the Equalities Act 2010?

Members discussed the questions and commented on the possible use of the Disclosure and Barring Service (DBS) checks for existing and prospective Councillors, how they could work and any limitations. They also discussed the potential for any unfair historic convictions being raised through the checks which could impact on running for public office and the democratic process. They agreed the DBS system would need to be streamlined to accommodate the local government system. They agreed to add a question to the consultation on the use of DBS checks and requested that the terminology used in some of the consultation questions be re-phrased to ensure clarity.

In response to questions from Members, the Corporate Manager Democratic and Civic Support explained that:-

- Details relating to Civil Injunctions and Criminal Behaviour Orders were outlined in the report;
- Disqualification criteria for Directors was established in the existing regulations;
- Using a DBS check would in his opinion be for the political party to make ahead of any election to ensure they are putting forward the appropriate candidates. This would not be for Council to make as it would be too late once an election was held. A check could be added to the consultation questions;
- The Police and Crime Commissioner role would have to have no criminal record of any kind. Any check which resulted in any form of offence would mean immediate dismissal;
- Any Councillor would be barred from public office while they had an injunction against them. Once it had been lifted, they would be free to run for election to be re-elected as a Councillor.

The Audit and Governance Committee noted the report and requested the following to be provided as the Councils response to the consultation:-

- Questions 1 and 5 - Yes in each case;
- Questions 2 and 3 – No in each case;
- Question 4 - the Committee felt that it could not respond to this question without further clarification on the exact meaning of the points contained therein; and
- That an additional point be raised in relation to the appropriateness of DBS (Disclosure and Barring Service) check being undertaken by individuals who put themselves forward as a member of a Local Authority, Mayor of a Combined Authority, Member of the London Assembly or the Mayor of London.

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

Chair

STRATA JOINT SCRUTINY COMMITTEE

Thursday 30 November 2017

Present:-

Councillor Lyons (Chair)
Councillors Dewhirst, Wood, Dent and Jung

Also Present

Strata IT Director, Compliance and Security Manager, Strata Board Director, Programme & Resource Manager, Chief Finance Officer, Business Systems Manager, Infrastructure and Support Manager, Document Centre Manager and Democratic Services Officer (Committees) (HB)

49

APOLOGIES

These were received from Councillors Haines, Leadbetter and Prowse.

50

MINUTES

The minutes of the meeting held on 6 September 2017 were taken as read and signed by the Chair as correct.

51

DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

52

QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None.

53

QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

None.

54

STRATA IT DIRECTOR'S REPORT

The Strata IT Director presented the quarterly report on the functioning of the Strata organisation, the aim being to provide background to the core areas of specialisation within Strata and identifying key activities, successes and areas for improvement. The report gave examples of the progress Strata had made against the core objectives of cost reduction, risk reduction and increasing capability for change and included a SWOT analysis and updated key performance indicators.

Strata had continued to make progress and was delivering a good service to the three authorities again confirmed by the Devon Audit Partnership (DAP), the main challenge being the major systems outage on 13th September which had occurred in the Dell Storage Area Network (SAN). Strata had engaged with both ComputerWorld who had designed the SAN solution and Dell who manufactured it and advanced technical training for two of the Strata Infrastructure engineers was

in place. It was explained that all critical systems were recovered via the Oakwood backup and that the outage had enabled Strata to review the capability of the Oakwood secondary data centre location, options for improving the Oakwood DC being investigated to be reported to this Committee and the Strata Joint Executive Committee in due course.

Members recognised that, apart from niche areas, where smaller suppliers could offer services, increasingly it was only possible to invite the larger companies to tender where leverage for negotiation was not as great, as was the case with the recent outlook crash where Microsoft had advised that the likely cost of a fix was prohibitively expensive and that the option to upgrade to Outlook 2016 was advisable.

He highlighted the following key areas:-

- the Exmouth Town Hall relocation project for East Devon District Council had been delivered on time and budget with work now on the move to Honiton. The IT Director praised Sue Langston in particular and Robin Barlow for their hard work on this project;
- three new apprentices joined in September and Strata was engaging with Exeter University regarding offering a degree programme;
- positive results from a Staff Engagement Survey;
- a high level of project work with demands made upon the Business Analysts with interruptions to resolve Service incidents. Strata intended to introduce a new third line support function which would be cost neutral.;
- effective recruitment with high calibre staff being recruited;
- an Out of Hours service had been launched on 6 November;
- successful roll out of new Multi Function Devices - printers;
- the Strata Security and Compliance team had continued to make good progress in protecting the three authorities against cyber threats;
- engaging with each authority to perform a review of all current projects with all asked to prioritise their projects as High, Medium and Low;
- risk monitoring was in place and shared with DAP; and
- financial monitoring had been increased with financial reporting across service teams.

The following responses were given to Members' queries:-

- the new Global Communication platform was proving effective with a view to having all three authorities migrated to the new platform by mid-2019;
- the extensive programme of server migrations from Windows 2003 to 2008 had resulted in the Public Service Network (PSN) accreditation with a further migration in 2019 to move from a Windows 2008 to a Windows 2010 environment;
- the two particular areas highlighted by staff in the survey were the high workload and pay;
- the main functions of the new printers were printing, copying and scanning with a balanced distribution of those with stapling features and purchase of consumables was very competitive; and
- concern remained with performance of a number of key suppliers. Effective supplier management had been introduced with VirginMedia Business five months ago and would be introduced to other suppliers.

Individual managers presented their respective areas as set out below:-

Infrastructure Projects – Adrian Smith

The Global Desktop programme had been completed and all users migrated from legacy systems into the Global Desktop environment. A Global Desktop Improvement Programme (GDIP) was running with the aim of addressing reported issues. Outlook and Microsoft had advised that, even though it was their product at fault, they would not be resolving the issue. Their suggestion to migrate to an Office 2016 environment was not acceptable and Strata had escalated the matter with Microsoft.

The Global Communications project had made an excellent start and was now fully functioning at the new Exmouth Town Hall location. The Strata Joint Executive Committee were being asked to agree the roll out schedule. Service desks across three authorities were fully staffed with an apprentice at each site. Positive customer satisfaction remained above 96%.

A new Devon Wide Area Network (WAN) was being installed to replace Devon WAN, the new WAN being cost neutral. To remain with the existing supplier (Updata) would have seen an eight fold increase in the cost of the WAN as Devon County Council had subsidised the original WAN, the impact being a potential £70,000 increase in costs.

The East Devon office move to Exmouth had been completed on time with no issues with doors opening at 8.30am on 13 November. Excellent feed-back was also received on the office refurbishment.

Compliance and Security – Robin Barlow

PSN Coco compliance certificates had been gained for East Devon and Exeter after already receiving the compliance for Teignbridge but was dependent on the removal of the three Windows 2003 servers which need to be completed by the end of November. The second Business Continuity Planning workshop had been held with the three councils where key systems had been agreed and initial recovery time requirements recorded. A Strata internal workshop had been held with the Strata General Data Protection Regulation (GDPR) accredited practitioner (Tracy White) and engagement with the council teams responsible for GDPR and a Strata asset information audit planned along with standard Data Privacy Impact Assessment forms.

Strata were also looking to run an event in February at East Devon in conjunction with the Federation of Small Businesses to look at how the authority could better protect itself. In terms of the security position, the level has remained at Medium as the attack from email campaigns had abated. A recent incident had resulted in spam emails being routed via the Strata email system due to technical misconfiguration. This had been resolved with further controls put in place to prevent and detect.

Document Centres - Martin Millmow

During October, consultations on the rollout of new Ricoh printers had been held at Teignbridge with stakeholders invited to contribute to the final configuration. The roll out of the new Ricoh devices would commence in December 2017. At East Devon, the new devices for the Exmouth office were confirmed with installation in the first week of November. An additional Ricoh device has been setup at the Knowle to support staff working at both the Exmouth and Knowle offices.

All had 'Follow Me printing' technology, so that prints could be retrieved from any MFD with increased data protection and management reports. A new part time designer was working alongside the team at East Devon and the existing vacancy in the Teignbridge document centre filled.

Business Systems – Dave Sercombe

The Business Change Request (BCR) queue continued to reduce with further visits to BCR owners to assess the older BCRs to provide a more accurate picture of the BCR workload. Exeter had advised that a number could be closed as they were not required or did not reflect the Council direction. Other projects included:-

- Firmstep in Exeter - the first batch of forms had gone live. The Graffiti form was a completely end to end process with report from customers going to a mobile device for operatives to resolve. The operatives then close the call whilst in the field sending an immediate response back to the customer;
- Firmstep in Teignbridge - work had begun on the Firmstep project in Teignbridge. Both Exeter and Teignbridge would benefit from this common software as the knowledge and skills gained in both authorities could be shared with early work underway to review its potential benefits for East Devon;
- Door Access systems had been installed at Exmouth and Teignbridge and the work to configure the software to manage these was progressing; and
- New HR and Payroll system continued in Teignbridge and Exeter; and
- planning, building control and land charges systems had gone live in July 2017;

Responding to Members, who detailed the many difficulties experienced by Town Councils in viewing electronic planning applications, particularly applicants' plans, which hindered their responses to the District Councils Business Systems Manager undertook to examine options for improvements be introduced.

Programme and Resources – Steve Gammon

The Programme and Resources Manager detailed the projects being undertaken as requested by Council service managers and as agreed by the partner Councils and set out in the annual Strata Business Plan. The current number of scheduled projects in 2017/18 and 2018/19 were 1613 Active Convergence Projects and 5516 Active Service Projects. Experience showed that there would be other, as yet, unknown projects requested by service managers through the remainder of 2017/18. Also presented were detailed tables of project demand for 2017/18 and 2018/19 and a chart of project schedule convergence projects. An indicator and performance graphic covered movements in incidents, service-requests, business change requests, system outages and satisfaction on completed jobs.

Strata Joint Scrutiny Committee noted the report and thanked the Strata staff for their hard work and the significant progress made.

55

PROPOSED "GLOBAL COMMS" ROLL OUT SCHEDULE

The Infrastructure and Support Manager presented the report setting out the proposed roll out schedule for the new Global Comms platform, made up by two key products, Skype for Business as the telephone system and Anywhere365 as the new contact centre.

It was proposed to roll out East Devon over March to May 2018, Exeter August to October, Teignbridge February to April 2019 and satellite sites May to November 2019 with the reasons for the prioritisation set out in the report.

Strata Joint Scrutiny Committee noted and supported the report.

56

STAFF ENGAGEMENT SURVEY

The Strata IT Director presented the report setting out the results of the staff engagement survey for 2017. An action plan would be drawn up by the Strata management team and human resources to be discussed with Unison. The survey was being sent out annually to facilitate year on comparisons.

In summary, 73% of the workforce had responded and there had been an improvement in every area compared with 2016. 88% of the 49 respondents to this particular question would recommend Strata as a place to work, compared with 87% in 2015 and 68% in 2016.

57

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 I, Schedule 12A of the Act.

58

STRATA BUDGET MONITORING QUARTER II - 2016/17

The Director responsible for Finance reported that Strata had been given a total of £6,104,000 to run the IT Services in 2017/18 along with funding for various capital projects. The 2017/18 Business Plan had revised the savings profile set out in the original Business Cases over the initial ten year period of the Company.

The Strata budget was on track to deliver around £260,000 of revenue savings for the Councils in 2017/18 with the key variations set out in the report.

At the six month stage the Board was projecting a savings of £259,777 against the total original target of £252,836.

The report set out variations in the capital budget and it was noted that there had been some additional expenditure on the data centre.

The report set out a suggested change to the original method of funding agreed at the inception of the company and the pros and cons of this new system compared with the existing were set out. At this stage, the Strata Board wished to focus on improving service further rather than implementing a new charging system and the Scrutiny Committee supported this proposal

Strata Joint Scrutiny Committee noted and supported the report, requesting the Strata Joint Executive Committee to also support the Strata Board's suggestion of not introducing a new charging policy at this stage.

(The meeting commenced at 5.30 pm and closed at 7.30 pm)

Chair

EXECUTIVE

Tuesday 14 November 2017

Present:

Councillor Edwards (Chair)
Councillors Bialyk, Brimble, Denham, Gottschalk, Morse, Packham, Pearson and Sutton

Apologies:

Councillor Leadbetter

Also present:

Director - Bindu Arjoon, Director (JY), Director of Communications and Marketing, Corporate Manager Democratic and Civic Support, City Surveyor, Museums Manager, Service Lead Housing Customers, Economy and Enterprise Manager, Principal Project Manager (Strategic Infrastructure Planning), Cleansing & Fleet Manager, Service Improvement Lead (Benefits) and Democratic Services Manager (Committees)

92

MINUTES

The minutes of the meetings held on 12 September and 10 October 2017 were taken as read and signed by the Chair as correct.

93

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

94

URGENT DECISION - EXETER GUILDHALL - FIRE ALARM

Members were advised of the delegated decision that was taken by the City Surveyor in consultation with the Portfolio Holder for Support Services to allocate £50,000 for the urgent replacement of the fire alarm system in the Guildhall. The urgent replacement had been necessitated by both advice from a recent fire risk assessment and as two recent small fires within the facility had not been detected adequately by the current system.

The Portfolio Holder for Support Service commented that it was vital that the Guildhall was protected.

Members supported this decision.

RESOLVED that the urgent decision be noted.

95

URGENT DECISION - MATERIALS RECLAMATION FACILITY (MRF)

Members were advised of the urgent decision taken by the Director (DB) in consultation with the Portfolio Holder for Place to allocate £10,600 of capital funding as an urgent measure for replacement of the air compressor at the Council's Materials Reclamation Facility (MRF). This equipment was critical to the economic operation of the MRF and the existing compressor, although well-maintained, had exceeded its designed life span. Without a functioning air compressor the MRF

would be unable to operate effectively and sort materials to a standard required to maintain current net income levels.

RESOLVED that the urgent decision be noted.

96

COUNCIL TAX SUPPORT SCHEME 2018/19

The Director (BA) presented the report seeking Members' views on the local Council Tax Support (CTS) scheme ('the Scheme') for working age residents for 2018-19. The local CTS had started in April 2013 and Members were required to agree the scheme rules annually.

Members were advised that there were no imperatives to make changes to the current year's scheme in the light that significant changes had been made from the previous year's scheme. Officers continued to closely monitor the position in terms of the impact on residents.

The Benefits and Welfare Lead clarified that the Devon Authorities Group schemes were aligned but not with those of Devon's Unitary Authorities.

People Scrutiny Committee considered the report at its meeting on 2 November 2017 and its comments were reported.

RECOMMENDED that Council approve the Scheme for 2018-19 to continue without changes from the current year's scheme.

97

CAR PARK REFURBISHMENT AND DEVELOPMENT

The City Surveyor presented the report to bring Members up to date on the condition and structural surveys completed on the Council's multi-storey car parks portfolio in response to the action plan in the New Strategy for Parking 2016-26. The report discussed proposed ways forward to deliver a Car Park Investment Strategy for the multi-storey car parks, a Development Potential Feasibility Study for city centre surface car parks and a further piece of work exploring the possibilities and implications of city centre car use reduction. It also sought approval for the procurement of some consultancy services in relation to these projects.

The City Surveyor presented an approach to deliver a Car Park Investment Strategy, and sought approval for the procurement of consultancy services in relation to this project. The City Surveyor also requested authorisation to engage consultants to produce and deliver a Development Potential Feasibility Study of city centre surface car park sites. This would explore whether sites could be brought forward for development for suitable alternative uses, while exploring the possibilities for retaining overall parking space numbers in the city centre. A further piece of work would also explore the implications of the City Council's longer term aspirations to reduce city centre car use.

The Leader stated that it was important that the Council looked at all its land to help improve housing requirements of the city but that any of this land coming forward should not be used for student accommodation.

The Portfolio Holder for City Transformation, Energy and Transport commented that it was important that the Council looked at car parking in the city and worked in the long term to reduce traffic congestion in the city.

Place Scrutiny Committee considered the report at its meeting on 9 November 2017 and its comments were reported.

RESOLVED that the City Surveyor be authorised to procure consultants to assist:-

- (1) with the production of a Car Park Investment Strategy, subject to further funding approval in due course;
- (2) with the production of a Feasibility Study for the future development of city centre surface car park sites; and
- (3) with work on reducing city centre car usage; and

RECOMMENDED that Council approve:-

- (4) a budget of up to £100,000 for the consultancy costs associated with the feasibility and congestion work.

98

NEW ENTERTAINMENT VENUE NEEDS ASSESSMENT

The City Surveyor presented the report updating Members on the outcome of the work of the New Entertainment Venue Advisory Group (NEVAG) set up to advise on city centre venue requirements and present findings of the new venue needs assessment. The Group included a broad range of representatives from the arts, cultural and entertainment sectors. The Group had worked with officers to oversee a new venue needs assessment which had been undertaken by Fourth Street, a consultancy. The Fourth Street document also included an appraisal of a number of possible sites for any new venue and the recommendation of the appraisal was that the Corn Exchange was the preferred location for any entertainment venue. The findings of the assessment would now be the subject of a detailed public consultation and engagement with stakeholders and the wider public.

The Portfolio Holder for City Transformation, Energy and Transport commented that this report was supported by Place Scrutiny Committee and once the public consultation exercise had been undertaken the Council would have a better picture of how to take forward any proposals for a new entertainment venue.

Members supported the proposed way forward.

Place Scrutiny Committee considered the report at its meeting on 9 November 2017 and its comments were reported.

RESOLVED that:-

- (1) progress and comment on the findings of the needs assessment be noted; and
- (2) a public consultation exercise on the findings of the needs assessment be approved;

RECOMMENDED that Council;

- (3) accepts the reports' recommendation that the Corn Exchange is the preferred location for any entertainment venue; and
- (4) approves a budget of £5,000 for a public consultation exercise on the findings of the needs assessment.

MITIGATING THE IMPACTS OF DEVELOPMENT ON PROTECTED HABITS

The Principal Project Manager, Strategic Infrastructure Planning, presented the report on mitigating the impacts of development on protected habitats such as Exe Estuary, Dawlish Warren, and the East Devon Pebblebed Heaths. In catering to population growth, new dwellings increased the pressure on protected habitats, and measures had to be taken to mitigate these impacts. These included on-site measures to reduce visitor pressures, as well as the implementation of Suitable Alternative Natural Greenspace (SANGs), the purpose of which was to provide potential visitors to the protected habitats with an alternative greenspace to visit, thus reducing the pressure on the protected habitats.

Members were advised that not to implement the proposed revised per dwelling charges for habitats mitigation, not to make more Community Infrastructure Levy (CIL) available for this purpose, might appear to leave more CIL available for other infrastructure priorities. However, the reality was that a block would be likely to be placed on development (because its impacts on protected habitats were not being appropriately mitigated) and the CIL receipts available for other infrastructure priorities would subsequently reduce significantly and dramatically.

Members thanked the Principal Project Manager, Strategic Infrastructure Planning for his work on the habitats mitigation. They supported the view that, in future years, mitigation measures should be directed towards parts of the city including the Valley Parks, this would then reduce the need for residents to travel by car to other areas for recreation purposes, including the protected habitats.

RECOMMENDED to Council that:-

- (1) the reduction in the overall cost of habitats mitigation measures referenced in Table 26 of the South East Devon European Site Mitigation Strategy be welcomed;
- (2) the revised per dwelling charges for habitats mitigation detailed in Appendix 1 be approved and implemented from 1 January 2018, and index linked in accordance with the recommendation made by the South East Devon Habitats Regulations Executive Committee on 27 July 2017;
- (3) that the revised per dwelling charges having the effect of increasing Exeter's contribution to overall habitats mitigation costs from the £2,000,000 committed for this purpose to 2026 (by Executive on 10 February 2015) to approximately £4,000,000 of the £15,456,264 total cost of implementing the Strategy to 2026, be noted; and
- (4) that no SANGs are to be delivered in Exeter to 2026 be noted but that the South East Devon Habitats Regulations Executive Committee has approved an appraisal being undertaken of future SANGs capacity and likely delivery costs, including in Exeter's Valley Parks, to inform the development of the Greater Exeter Strategic Plan and any future iteration of the South East Devon European Site Mitigation Strategy.

**QUEENS CRESCENT GARDENS - AGREEMENT FOR LEASE AND
COMPULSORY PURCHASE**

The Principal Project Manager (Strategic Infrastructure Planning) presented the report seeking Members' approval to allocate £50,000 of unallocated New Homes Bonus receipts towards the costs that the St. James Community Trust would incur in assuming the 125 year lease of Queen's Crescent Garden from the City Council, subsequent to the impending completion of the compulsory purchase of the Garden by the Council. The report also sought £5,000 of unallocated New Homes Bonus for the purchase and installation for three new rubbish bins outside of Queens Crescent Gardens.

Members were circulated with a revised recommendation which stated that the monies to Exeter St. James Community Trust Ltd would be a one off payment and subject to satisfactory confirmation that the monies would be appropriately invested.

Councillor Owen, having given notice under Standing Order no.44, spoke on this item. He stated that it was important that the Council used New Homes Bonus and Community Infrastructure Levy to support local communities to improve their areas and that revitalising Queen's Crescent Garden was a priority in the St. James Neighbourhood Plan. The Council should look at developing a policy to support communities to take forward similar projects. Councillor Owen thanked all the officers involved in supporting this proposal.

In response to the Leader, Councillor Owen updated Members on the history behind establishing the ownership of Queens Crescent, the compulsory purchase order and the work of the local community to revitalise the garden.

Members thanked officers for taking this project forward and welcomed supporting residents to improve their communities and accessing funding.

Place Scrutiny Committee considered the report at its meeting on 9 November 2017 and its comments were reported with the amended recommendation.

RECOMMENDED that Council approve the:-

- (1) £50,000 of unallocated New Homes Bonus receipts being allocated to Exeter St. James Community Trust Ltd as a grant (as a one off payment, and subject to satisfactory confirmation that the monies would be appropriately invested), to address immediate and ongoing liabilities associated with the Trust taking on the lease of Queen's Crescent Garden; and
- (2) £5,000 of unallocated New Homes Bonus receipts being allocated for the purchase and installation (by Exeter City Council Public Realm) of three new rubbish bins outside the Queen's Crescent Garden walls.

**ADDITIONAL FIXED TERM STAFF TO SUPPORT NEW FIRE SAFETY
MANAGEMENT POLICY**

The Service Lead Housing (Customers) presented the report setting out the business case for increasing the staffing provision (for up to 18 months on a fixed term basis) to ensure that the approved Fire Safety Management Policy was

introduced and implemented effectively. This was to ensure that the Council's agreed approach of Clear and Safe for Escape routes was effectively implemented.

He advised that it was important the Council worked with Tenants, Leaseholders and the Fire Service to implement the Fire Safety Policy which included addressing overcrowding, looking at storage and the circulation of an educational video. The Section 151 Officer commented that, if approved, the budget would be added to the Housing Revenue Account (HRA) and managed within the HRA's medium term financial plan.

The Portfolio Holder for Housing Revenue Account supported the commitment to work with tenants and leaseholders to implement the Fire Safety Policy.

RECOMMENDED that Council approves two new posts to be added to the Council's establishment to include the additional posts of an Implementation Officer (Liaison) and an Implementation Officer (Installations) on a maximum 18 month fixed term basis.

102

FREEDOM OF THE CITY - RON CRABB

The Corporate Manager Democratic and Civic Support presented the report setting out a proposal to offer the Freedom of the City to Mr Ron Crabb in recognition of his outstanding services to the City and the community of Exeter, in a professional, charitable and personal capacity.

Members supported this proposal and acknowledged Mr Ron Crabb's contribution as a Football League Referee, his outstanding service in promoting the city, his support for charities and as mentor to Marines at Lympstone.

RECOMMENDED to Council that:-

- (1) the title of Honorary Freeman of the City Status be conferred on Mr Ron Crabb; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held on the rising of the ordinary meeting on 19 December 2017, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

103

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 items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1,2, 3 and 4 of Part 1, Schedule 12A of the Act.

104

RAMM'S BUSINESS PLAN FOR 2018 - 2022

The Museum Manager presented the report presenting RAMM's Business Plan 2018-22 for Members' consideration. This has been prepared as a result of RAMM's successful application to Arts Council England (ACE) to be recognised as a National Portfolio Organisation (NPO). The decision at the end of June 2017 was, as for all other cultural organisations making similar applications, an 'in principle' one, with an associated conditional financial offer for each of the four years. The next stage for all successful applicants was to prepare a Business Plan and a number of other required documents. Members were advised that securing external

funding through other grant making bodies would be of growing importance in RAMM's future and this report also proposed a recommendation to support this area of work.

Members were advised of the potential amount of funding that RAMM could receive over the next four years from the Arts Council England should this application be successful.

Members supported the Business Plan and the proposed way forward.

Place Scrutiny Committee considered the report at its meeting on 9 November 2017 and its comments were reported.

RESOLVED that:-

- (1) RAMM's Business Plan 2018-2022 be endorsed;
- (2) the final submission of the Business Plan to the Arts Council England to support RAMM's case for investment be agreed;
- (3) the Portfolio Holder for Economy and Culture be authorised to agree adjustments to the Business Plan that do not affect its overall priorities or direction of travel;
- (4) the Director Communications and Marketing and Museum Manager be authorised, in consultation with the Portfolio Holder, Economy and Culture, to submit applications for grant funding less than £100,000 in value, where there is no requirement for match funding; and
- (5) the Museum Manager be authorised, in consultation with the Portfolio Holder, Economy and Culture, to submit applications for grant funding less than £50,000 in value, where there is no requirement for match funding.

105

PLACE SERVICES OPERATIONAL DEPOTS

The City Surveyor presented the report examining the welfare facilities, health and safety issues and general unsuitability of the Belle Isle site as a working depot for the Council's Parks and Green Spaces workforce. The report also examined spare capacity at the Exton Road site and the potential to amalgamate Place based services there.

The Portfolio Holder for Place welcomed the feasibility study to examine the potential of amalgamating all Place operation services.

Place Scrutiny Committee considered the report at its meeting on 9 November 2017 and its comments were reported.

RECOMMENDED that Council approves the allocation of £40,000 to complete a detailed study to examine the feasibility of amalgamating all Place operational services at the current Exton Road sites.

STAFFING WITHIN ARTS AND EVENTS

The Economy and Enterprise presented the final business case for the review of staffing within the Arts and Events Team. Members were advised of the changes as result of the consultation processes.

Members thanked the Arts and Events Assistant and Arts and Events Manager for all their hard work and commitment in organising of events within the city and its surrounding areas.

RESOLVED that the following be approved:-

- (1) as of 1 April 2018, the job description for the Arts and Events Manager be amended to represent a way forward for the service area;
- (2) the Arts and Events Assistant be made redundant as of 31 March 2018;
- (3) out of the existing Arts and Events revenue budget, Exeter City Council provide an annual grant of £20,000 for two years to the Exeter Cultural Partnership, once it's governance has been agreed upon;
- (4) out of the Arts and Events revenue budget, Exeter City Council provide one-off grant funding for event organisers with the purpose of upscaling existing events or introducing new events to Exeter; and
- (5) the new structure be implemented on 1 April 2018.

BELLE ISLE TEMPORARY WELFARE FACILITIES

The City Surveyor presented the report to advise Members of a proposal for temporary welfare facilities at the Belle Isle Depot to ensure that the Council complied with its responsibilities as an employer under the Health and Safety at Work Act 1974.

In accordance with paragraph C1.31 of the Council's constitution, this report requested an exemption to the requirement in the Council's Contract Regulations that all contracts with an estimated value over £75,000 must be awarded following a formal tendering process.

Members were advised that three quotes were being obtained to ensure best value for money.

Members supported the proposed way forward.

RESOLVED that:-

- (1) an exemption be made from the requirement under the Council's Contract Regulations to follow a tender exercise for the installation hire/purchase and removal of welfare facilities at Belle Isle Depot; and

RECOMMENDED that Council approve:-

- (2) an additional one off sum of £50,000 for installation and an ongoing revenue sum of £84,000 per year to cover rental of the temporary buildings to be added to the Public and Green Spaces Budget. This funding would remain until a permanent solution was found.

(The meeting commenced at 5.30 pm and closed at 6.25 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 19 December 2017.

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Agenda Annex

SEATING IN THE GUILDHALL

		Deputy Lord Mayor Councillor Hannan (L)	Chief Executive & Growth Director	Lord Mayor Councillor Robson (L)	Corporate Manager Democratic/Civic Support	City Solicitor & Head of HR	
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Democratic Services Manager (Committees)				Deputy Chief Executive	Chief Finance Officer	
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Councillors	Councillors	Councillors		Councillors	Councillors
Warwick (L)	Hannaforde (L)	Edwards (L)	TABLE	Leadbetter (C)	Mitchell (LD)
Ashwood (L)	Foggin (L)	Sutton (L)		Newby (C)	Musgrave (G)
Harvey (L)	Keen (L)	Denham (L)		Baldwin (C)	Prowse (C)
Wood (L)	Sheldon (L)	Pearson (L)		Henson, D. (C)	Mrs Henson (C)
Foale (L)	Lamb (L)	Morse (L)		Thompson (C)	Holland (C)
Lyons (L)	Sills (L)	Bialyk (L)			
		Brimble (L)			

Cllr Morris (L)	Cllr Owen (L)	Cllr Branston (L)	Cllr Packham (L)	Cllr Gottschalk (L)	Cllr Wardle (L)	Cllr Vizard (L)	
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L: Labour: 28
C: Conservative: 8
LD: Liberal Democrat: 1
G: Green: 1
Vacancy: 1

Portfolio Holders

Edwards: Leader
 Sutton: Deputy Leader and Economy and Culture
 Gottschalk: City Development
 Bialyk: Health and Wellbeing, Communities & Sport
 Denham: City Transformation, Energy & Transport
 Brimble: Place
 Packham: Housing Revenue Account
 Pearson: Support Services
 Morse: People

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