



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 24 APRIL 2018**, 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 Extraordinary and Ordinary Meetings held on 20 February 2018.	3 - 14
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 12 February 2018	15 - 30
4 Planning Committee - 19 March 2018	31 - 58
5 Licensing Committee - 27 March 2018	59 - 64
6 People Scrutiny Committee - 12 March 2018	65 - 78
7 Place Scrutiny Committee - 8 March 2018	79 - 92
8 Corporate Service Scrutiny Committee - 22 March 2018	93 - 100
9 Audit and Governance Committee - 14 March 2018	101 - 106
10 Executive - 13 March 2018	107 - 114
11 Executive - 10 April 2018	115 - 120
12 Notice of Motion by Councillor Musgrave under Standing Order No. 6.	

Exeter City Council notes:-

- 1) according to recent research, eight million metric tonnes of plastic waste ends up in the world's oceans each year, endangering marine life;
- 2) there is also a growing understanding of the risks posed to human health by toxic chemicals present in plastics;
- 3) the Ellen MacArthur Foundation estimates that by 2050 the weight of plastic in the oceans will exceed that of fish.

Office of Corporate Manager Democratic & Civic Support			
Civic Centre, Paris Street, Exeter, EX1 1JN	Tel: 01392 277888	Fax: 01392 265593	www.exeter.gov.uk

Exeter City Council resolves to:-

- 1) make Exeter City Council a 'single-use-plastic-free' authority by the end of 2018, including an end to the purchase and procurement of SUPs through the ECC supply chain;
- 2) end the sale and provision of SUP products, such as bottles, cups, cutlery and drinking straws, in council buildings;
- 3) investigate the possibility of requiring pop-up food and drink vendors at council events to avoid SUPs as a condition of their contract;
- 4) work with tenants and operators in commercial properties owned by Exeter City Council to support the phasing out of SUP cups, bottles, cutlery and straws and re-usable and affordable food containers are available for sale in public markets;
- 5) work with festivals organisers to create policy in which single-use 'disposable' plastic cups are replaced at all city festivals with reusable or deposit scheme cups. Ensuring this ultimately becomes a condition for obtaining a licence for large scale events.

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

Date: Monday 16 April 2018

Karime Hassan
Chief Executive &
Growth Director

NOTE: Members are asked to sign the Attendance Register

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THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 20 February 2018

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

1

APOLOGIES

These were received from Councillors Baldwin, Denham, Gottschalk, Mitchell and Newby.

2

DAVID MORRISH

The Council observed a minutes' silence in memory of Former City Councillor David Morrish who had recently passed away having faithfully served the City of Exeter through 50 years of local government service including 28 years as an Exeter City Councillor having been granted Freedom of the City status in April 2011. The Leader and Members reflected on the outstanding qualities David Morrish had brought to the role of member and to his total commitment and dedication to Exeter and its citizens.

3

BUDGET 2018/19

Minute 5 (2018/19 Council Tax Base and NNDR1) of the meeting of Executive held on 9 January 2018 was taken as read and adopted.

The Leader of the Council, moved and Councillor Sutton seconded the resolution as set out in the agenda and circulated papers in respect of the Council Tax for 2018/19.

The Leader, in presenting the budget, set the context for this year's budget proposals by referring to a 6.5% reduction in Government Formula Grant for the year 2018/19, on top of equally drastic cuts in previous years, the last three years having seen cuts of 10.8%, 12.6% and 15.6%. However, despite Exeter's Government grant having dropped from £12 million to £4.8 million between 2010 and 2019, thanks to good leadership and management, the council's finances were in good shape.

In the financial year 2017/18, the Council had delivered £1.3 million in savings and additional income, on top of £1 million saved the previous year. In setting the budget for 2018/19, a balanced budget was proposed, with much of the lost formula grant replaced by a combination of additional efficiency savings and income. The Leader advised that, for every council tax bill, only 8% of the income came back to the Council, Devon taking 76%, the Police 11% and the Fire Authority 5%. In the current financial year, an average bill for a Band D property in Exeter had been £1,670.80 and, of that, the City Council had received £145.05. It was proposed to increase the Council's share of the bill by 3.45%, which was the equivalent of 10 pence a week.

The Leader continued by referring to the extremely good value for money provided and stating that Exeter continued to punch well above its weight when it came to the running and development of the city. According to the Centre for Cities, Exeter was now the second fastest growing city in the UK, the population having increased by 2% in one year with the number of jobs in the city rising from 92,000 to 95,000. Employment had grown by 3.3% in the last year - compared to 1.7% nationally - and there had been a net increase of 3,000 jobs in the private sector - the 10th highest in the country. Exeter had the third lowest youth unemployment in the country and the fifth lowest for all claimants. These figures demonstrated a growing and successful economy, achieved with the highest drop of CO2 emissions in the UK, a drop of 44%.

The investment in the Exeter Science Park was an example of the role the Council played in supporting a knowledge economy and driving innovation, with £1.2 million invested and the Government's Industrial Strategy had recognised this world class environmental science cluster at Exeter. The economic growth of the city was good for residents and the wider Devon economy. The city's travel to work area was continuing to grow and was only second to that of Cambridge. The city had seen a net exporting of £26 million of wages every week to the rest of Devon. The arrival of Lidl's distribution depot and Ikea within the city were driving up wage levels. Ikea's commitment to the living wage, following the example set by the Council, was causing all employers to think about the salaries offered to employees.

Commenting on the city centre, the Leader referred to the Aviva investment in the Guildhall which had supported a year on year increase in footfall in double digits with the Council, as the landlord, being an active partner in making it a successful investment for the city. The content of the scheme reflected the ingredients sought to create an excellent experience which was also the concept behind the re-development of the bus station site. It was necessary to provide reasons for people to visit the city centre other than simply shopping, especially as the internet has disrupted retailing and centres that did not recognise this would die.

The Leader stated that plans were progressing to redevelop the bus station site and that the Council was shortly to go out to tender for contractors to build the new bus station and new leisure centre. This was a major and much-needed investment in the city centre, which was so crucial to the city's economy. Planning permission and a budget were in place, and there were now fresh opportunities for the rest of the site since the Crown Estate had withdrawn its plans for a retail and leisure development last autumn. It had been Council policy to redevelop this site for 20 years and this administration was confident of finally securing contractors to build it. The current bus station and Pyramids pool were not good enough for Exeter. The aspiration for the city was much bigger than patching up and saving money.

Money had been secured to clean up the Pyramids which could not be put off any longer as the tired facilities desperately needed long term replacements, the quality of those replacements to set a new benchmark for the quality expected and demanded throughout the city centre, as it develops in the years ahead. The quality of the public realm was crucial and doing things on the cheap was a false economy.

The Leader continued by referring to the big drop in CO2 emissions, coming as the city launched a major public consultation on Exeter's draft Air Quality Action Plan. The Council was working with its partners at Exeter City Futures on the commitment to make Exeter congestion-free and energy independent by 2025. The Council had a proud record of investment in renewables and developing innovation in the low carbon agenda and was building district heating networks to support the RD&E

Hospital, St. Lukes, the city centre and new housing at Monkerton. Moreover, all the Council's new builds meet the Passivhaus standard.

The Leader emphasised that housing remained a key council priority and, despite achieving one of the highest percentage increases in the housing stock in the UK, the challenges facing the sector were significant. The Government still refused to lift the borrowing cap preventing councils from borrowing to fund council house building.

Delivery of affordable homes via Section 106 Agreements was currently averaging 110 homes a year. So far in 2017/18, developers had completed a total of 51 affordable homes. In the pipeline, 2,478 homes were expected on developments already started on site with another 1,763 homes granted outline planning consent and, of these, between 25% and 35% were expected to be affordable homes. Investment in the housing stock, which was 10% of the city's properties, remained a key objective for the Council. Furthermore, the Medium Term Financial Plan for the next five years was to deliver over £37 million of investment in maintenance programmes and planned improvements.

The Leader went on to highlight how the Council continued to support residents in financial difficulty. In the last 10 months the Council had helped 357 residents with the cost of renting their home, including help with deposits, through discretionary housing payments totalling £239,000. This support had helped residents to remain in their homes or move to more affordable accommodation. The Council had also assisted 78 residents struggling financially through its exceptional hardship fund. The Council continued to administer local welfare support, despite funding ceasing in 2015. This supported residents in immediate crisis including help with their utility expenses and provision of food. The Council had made 352 referrals to the food bank which was a sad indictment of the Government's on-going austerity agenda. The Council was continuing with its commitment to reduce homelessness through working to prevent people becoming homeless in the first place and also tackling rough sleeping on its streets.

Exeter had won a bid to be one of the Government's homelessness prevention Trailblazer authorities and was investing £650,000 over two years with partner agencies. The Council had invested in Trailblazer funds into expanding work to reduce rough sleeping by commissioning services such as a rapid response team to those new to rough sleeping in the city, a prison re-settlement service working across Exeter and Torbay, and a hospital worker to prevent homeless hospital discharge. The Council had also funded an emergency bed and assessment service with the local hostel which had provided 1,020 bed-spaces since December 2017.

The Leader advised that the Council had been successful in securing the status of Local Delivery Partner with Sport England. This had been an incredible achievement and was credit to the years of collaboration and partnership working the Council had been leading and participating in. Exeter and the East Devon new town of Cranbrook, were one of 12 places selected to work on a ground-breaking new approach to tackle inactivity in communities. They were one of only 12 out of 113 places in England to be awarded Pilot status and the only location in the South West. There would be access to a share of over £100 million of National Lottery funding over four years to encourage people who were currently inactive to access sport and physical activity.

On another sporting note, the City Council had funded the investment to build a new grandstand at St James's Park and works had now begun on site.

The Leader referred to the work undertaken to ensure that the economic success of the city had a direct financial benefit to its communities. Funding had been provided to support community associations and create the Exeter Community Forum, the Community Grants programme was around £1.5 million and the Council was committed to spending 15% of Community Infrastructure Levy on community development, equating to £3.75 million over six years.

The Leader concluded by stating that the Council continued to do such a lot with very little, and that he was very proud of the hard work that continued every day to make the city such a great place in which to live, work and visit.

A balanced budget was proposed to protect and maintain the services which the citizens of Exeter needed the most. He proposed the recommendation set out in the report in terms of the approval of both the revenue estimates and capital programme for the year 2018/19. It would result in the setting of a District Council tax of £150.05 for a Band D property which was an increase of £5 a year for a Band D property, or less than 10 pence a week. By comparison, the County precept would rise by £63.27 or £1.22 a week, the Police by £12 a year or 23 pence a week and the Fire Authority by £2.44 or 5 pence a week.

A Band D Council Tax would be split as follows:-

Exeter City Council	£ 150.05
Devon County Council	£1,331.19
Devon & Cornwall Police	£ 188.28
Devon & Somerset Fire	£ 84.01
Making a total bill of	£1,753.53

The Opposition Leader acknowledged that, year on year, Central Government cuts to local government funding was regrettable but that the City's strong economic position was a reflection of an overall stable national picture, remarking that a £5 increase in Exeter's Council Tax Band D was a commendable model. Highlighting a number of budget reductions including recycling, environmental protection, licensing, street cleaning, communications and marketing and economic development, together with those of some central services, he advised that it was a budget his group could not support. He also opposed increased car parking charges and the suggestion of introducing a congestion charge for Exeter.

The Deputy Leader welcomed the proposed budget stating that some of the changes reflected the movement of support service costs to different budget heads. The many positive initiatives referred to, she felt, reflected an ambitious, forward thinking and aspiring city with value for money a key driver. She commented, in particular, on the role of Exeter City Futures in seeking to solve congestion problems and of the need for a common understanding of these problems and a commitment to change travel behaviour generally. The increase in car parking charges was one measure to assist such ambitions. She also looked forward to the delivery of projects as part of the Sport England pilot.

In response to a Member's concern that a significant proportion of revenue funding would be to service debt, it was noted that future borrowing for specific projects would be backed by robust business cases.

Other Members called for changes in the Government's approach to housing and for a relaxation of existing constraints to enable Councils to support a far greater investment in affordable housing.

Other Members also gave their support for the budget, the Portfolio Holder for Place emphasising the commitment to protecting frontline services in the face of recent austerity measures and referring particularly to increasing recycling rates including plastic recycling. The Portfolio Holder for Support Services advised that there had not been an increase in the marketing budget other than the addition of grants made available by the Council to this budget head.

The Leader concluded by stating that Exeter, unlike some local authorities, had been proactive in facing challenges and was working hard to make the necessary changes and plans for a future when the money from central government would be removed completely. He commended the budget to Council.

RESOLVED:-

- (1) that the following, as submitted in the Estimates Book, be approved:-
 - (a) the Revenue estimates for 2018-2019;
 - (b) the Capital programme for 2018-2019;
- (2) that it be noted that, at the meeting of the Executive on the 9 January 2018, the Council calculated the figure of 36,547, as its council tax base for the year 2018-2019 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 made under Section 33(5) of the Local Government Finance Act 1992;
- (3) that the following amounts be now calculated by the Council for the year 2018-2019 in accordance with Sections 31A of the Local Government and Finance Act 1992:-
 - (a) £106,012,434 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act;
 - (b) £100,528,557 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act;
 - (c) £5,483,877 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year;
 - (d) £150.05 being the amount at (3)(c) above divided by the amount at 2 above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year;
 - (e) Valuation Bands

A	B	C	D
£100.03	£116.71	£133.38	£150.05
E	F	G	H
£183.39	£216.74	£250.08	£300.10

Being the amount given by multiplying the amount at (3)(d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable

to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (4) that it will be noted that, for the year 2018-2019, Devon County Council, the Office of the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have stated the following amounts on precepts issued to the Council, in accordance with Section 83 of the Local Government Act 2003, for each of the categories of the dwellings shown below:-

Devon County Council
Valuation Bands

A	B	C	D
£887.46	£1,035.37	£1,183.28	£1,331.19
E	F	G	H
£1,627.01	£1,922.83	£2,218.65	£2,662.38

Office of the Police and Crime Commissioner for Devon and Cornwall

A	B	C	D
£125.52	£146.44	£167.36	£188.28
E	F	G	H
£230.12	£271.96	£313.80	£376.56

Devon and Somerset Fire and Rescue Authority
Valuation Bands

A	B	C	D
£56.01	£65.34	£74.68	£84.01
E	F	G	H
£102.68	£121.35	£140.02	£168.02

That, having calculated the aggregate in each case of the amounts at (3)(e) and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby set the following amounts as the amounts of council tax for the year 2018-2019 for each of the categories of dwellings shown below:-

Valuation Bands

A	B	C	D
£1,169.02	£1,363.86	£1,558.70	£1,753.53
E	F	G	H
£2,143.20	£2,532.88	£2,922.55	£3,507.06

In accordance with Standing Order 30 a named vote on the Resolution was recorded, as follows:-

Voting for:-

Councillors Ashwood, Bialyk, Branston, Brimble, Edwards, Foale, Foggin, Hannaford, The Deputy Lord Mayor, Harvey, Keen, Lamb, Lyons, Morris, Morse, Musgrave, Owen, Packham, Pearson, Sheldon, Sills, Sutton, Vizard N, Vizard M, Wardle, Warwick and Wood.

(27 Members)

Voting against:-

Henson D, Mrs Henson, Holland, Leadbetter, Prowse and Mrs Thompson.

(6 Members)

Abstain:-

The Lord Mayor

(1 Member)

Absent:-

Councillors Baldwin, Denham, Gottschalk, Mitchell and Newby

(5 Members)

The Resolution was carried.

(The meeting commenced at 6.00 pm and closed at 6.59 pm)

Chair

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THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 20 February 2018

The Right Worshipful the Lord Mayor (Cllr Robson)

The Deputy Lord Mayor (Cllr Hannan)

Councillors Ashwood, Bialyk, Branston, Brimble, Edwards, Foale, Foggin, Hannaford, Harvey, D Henson, Mrs Henson, Holland, Keen, Lamb, Leadbetter, Lyons, Morris, Morse, Musgrave, Owen, Packham, Pearson, Prowse, Sheldon, Sills, Sutton, Thompson, Vizard M, Vizard N, Wardle, Warwick and Wood

1

APOLOGIES

Apologies for absence were received from Councillors Baldwin, Denham, Gottschalk, Mitchell and Newby.

2

MINUTES

The minutes of the Ordinary Meeting held on 19 December 2017 and the Extraordinary Meetings held on 12 October and 19 December 2017 were moved by the Leader and seconded by Councillor Sutton, taken as read and signed as correct.

3

OFFICIAL COMMUNICATIONS

The Lord Mayor announced that following a Panel selection from over 500 nominations, 9 of the 100 most influential women in Exeter were either Members or officers of the City Council. That was an amazing statistic, and showed not only the influence the City Council had on the workings of the city, but also the respect in which those who work for it as either a Councillor or an officer were held. As a finalist she also passed on her congratulations for achieving this recognition.

The Lord Mayor also congratulated the Royal Albert Memorial Museum, which had recently been successful in picking up Bronze awards from the South West Tourism Awards, in both the Access & Inclusivity, and Large Attraction categories. This was excellent recognition of the hard work all the staff and volunteers at RAMM put in to make it such a high quality visitor experience. In addition, the Shop at RAMM had also recently been nominated for the retailer of the year in the Exeter Living Awards. This was alongside the Exeter Corn Exchange who had been nominated in the Arts Category of those awards. Finally, the City Council's own Lost Weekend Festival had been nominated in the Event category. All of these awards, or nominations show how committed the City Council was in providing many different things to do and see in the city.

The Lord Mayor was delighted that the Planning Inspectorate had upheld the Planning Committee's decision to refuse a planning application on part of the Ludwell Valley Park area. She thanked all those involved in achieving this excellent result in preserving this important part of green space within the city.

4 **PLANNING COMMITTEE - 12 FEBRUARY 2018**

It was noted that the minutes of the Planning Committee of 12 February 2018 were not yet available for circulation, and would be presented at the next Council on 24 April 2018.

5 **LICENSING COMMITTEE - 6 FEBRUARY 2018**

The minutes of the Licensing Committee of 6 February 2018 were presented by the Chair, Councillor Owen, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 6 February 2018 be received.

6 **PEOPLE SCRUTINY COMMITTEE - 4 JANUARY 2018**

The minutes of the People Scrutiny Committee of 4 January 2018 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the People Scrutiny Committee held on 4 January 2018 be received.

7 **PLACE SCRUTINY COMMITTEE - 11 JANUARY 2018**

The minutes of the Place Scrutiny Committee of 11 January 2018 were presented by the Chair, Councillor Sills, and taken as read.

In respect of Minute 4 (Member Question to the Portfolio Holder – Exeter Car Boot Market) and in response to a Member, the Portfolio Holder Economy and Culture stated that the Market would reopen in the second or third week of March.

RESOLVED that the minutes of the Place Scrutiny Committee held on 11 January 2018 be received.

8 **CORPORATE SERVICES SCRUTINY COMMITTEE - 25 JANUARY 2018**

The minutes of the Corporate Services Scrutiny Committee of 25 January 2018 were presented by the Chair, Councillor Sheldon, and taken as read.

RESOLVED that the minutes of the Corporate Services Scrutiny Committee held on 25 January 2018 be received.

9 **STRATA JOINT EXECUTIVE COMMITTEE - 5 JANUARY 2018**

The minutes of the Strata Joint Executive Committee of 5 January 2018 were presented by Councillor Edwards, and taken as read.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 5 January 2018 be received.

10 **EXECUTIVE - 9 JANUARY 2018**

The minutes of the Executive of 9 January 2018 were presented by the Leader, Councillor Edwards, and taken as read.

RESOLVED that with the exception of Minute no.5 (2018/19 Council Tax Base and NNDR1), which had been considered at the Extraordinary Council Meeting on 20 February 2018 preceding this meeting, the minutes of Executive held on 9 January 2018 be received and, where appropriate, adopted.

11

EXECUTIVE - 13 FEBRUARY 2018

The minutes of the Executive of 13 February 2018 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of Minute 13 (Parking Tariffs) and in response to a Member, the Leader sought the advice of the City Solicitor and Head of HR, who confirmed that the progression of the required Parking Places Order to redesignate a number of pay and display parking sites was delegated to the Service Manager Community Safety & Enforcement. Any objections to that Order would be brought back to Members for consideration.

In respect of Minute 21 (Additional Budget for First Year Business Planning and Company Formation Activities) and in response to a Member's comment on the administration's approach in respect of future housing, the Leader stated that the Council's policy was to build more housing and the City Council had started to work in partnership to create a development model on an individual basis.

RESOLVED that the minutes of Executive held on 13 February 2018 be received and, where appropriate, adopted.

12

PORTFOLIO HOLDER AND COMMITTEE MEMBERSHIP

Members had been advised in a communication from the Leader of a number of changes to the size of the Cabinet, a split of responsibilities to the Portfolio Holders and also at Council that Members would be asked to appoint a new Chair of Planning Committee. It was noted that the Executive would be reduced to nine members – and include the Leader and seven other portfolio holders, together with the Leader of the Opposition. The responsibilities of the Portfolio Holder of City Development (up to now held by Councillor Gottschalk) would be taken on by the Leader. These changes would remain in place until the Annual Council on 15 May 2018.

The Leader, seconded by Councillor Morse, moved the following change to the membership of Planning Committee.

RESOLVED that the following be agreed:-

Planning Committee

Councillor Sutton to be appointed Chair, in place of Councillor Gottschalk, for the remainder of the current municipal year.

(The meeting commenced at 7.00 pm and closed at 7.20 pm)

Chair

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PLANNING COMMITTEE

Monday 12 February 2018

Present:

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

Also Present:

City Development Manager, Principal Project Manager (Development) (MH), Development Manager Highways and Transport, Assistant Highways Development Management Officer (Exeter) and Democratic Services Officer (Committees) (HB)

102

MINUTES

The minutes of the meetings held on 30 October and 4 December 2017 were taken as read and signed by the Chair as correct.

103

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

104

APPLICATION NO. 17/1871/FUL - LAND AT TESCO STORES, RUSSELL WAY, EXETER

RESOLVED that consideration of the planning application for the construction of part 2, part 3 and part 4 storey building comprising an extra care (Class C2) development with associated communal lounges, restaurant, kitchen, wellness room, guest suite, laundries, care providers accommodation and office, vehicular access from Russell Way, sub-station, car parking and landscaped grounds be **DEFERRED** for further information.

105

APPLICATION NO. 17/1148/FUL - LAND AT CLYST ROAD, TOPSHAM, EXETER

The Principal Project Manager (Development) (MH) presented the application for up to 155 residential units and a 64-bedroom residential care home with means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration.

He referred to the nature of the highway improvements proposed as part of the access arrangements and explained that the detail and internal layout were indicative only. The key issues included the lack of a five year housing supply for the City, transport and sustainability for the wider area including the town of Topsham, green infrastructure and affordable housing provision.

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

Councillor Baldwin, having given notice under Standing Order No.44, spoke on the item. She raised the following points:-

- a feeling of déjà vu is apparent as Waddington Homes also applied for housing and a care home in the Topsham Gap at the land off Exeter Road

and adjacent to Topsham Rugby Ground which was rejected by this Committee, but the developer went to appeal and won their case after a public enquiry. The land was then sold with outline planning permission to another builder to be developed. As a result Waddington Homes are now confident of this new application and have not bothered with a pre-application assessment;

- the issue of Exeter's housing shortage is being used to override all other considerations and although understanding of Exeter's housing problem this Committee, in the past, has accepted the importance of the open space between the city of Exeter and the town of Topsham. It has rejected other applications in the past which have only been allowed to progress following appeals to the Planning Inspectorate where the housing shortage was cited as the overriding factor;
- however, the Heritage Homes development and the Waddington, now Burrington Homes, development next to the Rugby Ground are both on the main Topsham to Exeter Road with relatively easy access to facilities. This new application is separated from the rest of Exeter by the Exmouth to Exeter railway line with the only possible road access to this green field site via Clyst Road. There is no other way in or out of the area and no way across the railway line;
- Clyst Road joins the edge of Topsham where Denver Road meets Elm Grove Road with Junction 30 of the M5 near Sandygate. For most of its length it is a narrow country road and within the East Devon District Council area. The edge of the proposed development is the boundary between Exeter and East Devon local authorities. From this boundary northward Clyst Road is exceptionally narrow for about half a mile with steep banks on either side and no pavements. Two cars can pass with care, two 4 x 4s struggle and any commercial vehicles cause a problem. Recently a car transporter got stuck and caused gridlock. Any pedestrians or cyclists using this section are at grave risk to their safety;
- traffic queues along Topsham Road and there is congestion around Countess Wear roundabout which has been exacerbated by the new developments referred to and in the Newcourt area. Anyone living on this application site will choose to travel along Clyst Road to avoid the congestion in Topsham;
- the road travelling towards Sandygate in its present narrow condition will be unable to cope with an increase in car movements plus cyclists and pedestrians;
- the land north of the application site is in East Devon, and according to their local plan the area is designated as Green Wedge and therefore protected from settlement coalescence;
- one of the potential results of 'creeping' development could be the coalescence of adjacent or neighbouring settlements, villages or towns. To prevent such coalescence, it is important that open land between settlements to help them maintain their separate identities, their landscape settings and to avoid the creation of unrelieved development.
- the application site is part of a small area of land within Exeter's boundary that juts into the East Devon Green Wedge and is bounded on the west side by the un-crossable railway line. To the east of Clyst Road is the River Clyst flood plain which it is hoped will be kept as green open space in keeping with the adjacent Green Wedge. Because of the protected Green Wedge status of the area north of the application site it is unlikely that there are any plans to widen Clyst Road here as it would mean removing the Devon banks and mature trees forming the road side;
- the application promises improvements to the Clyst Road going south to the junction with Denver Road. Denver Road itself cannot be further widened because of the railway bridge at that point which narrows the road so it is

unclear what improvements are promised as part of the Section 106 Agreement. Clyst Road at this junction is wide enough for two way traffic for a short distance. It then narrows on a bend where the presence of existing properties, a farm wall and mature, protected trees makes it impossible to have a pavement. Pedestrians have to walk in the road at this point. How is this going to be widened to cope with increased movements of cars and pedestrians?;

- how will construction traffic reach the site. Coming south from Sandygate along Clyst Road will be impossible. Traffic coming down Topsham Road and then Exeter Road will have to turn left into Denver Road, negotiating traffic-calming road islands and speed humps, come under the narrow railway bridge and then left into Clyst Road. Traffic coming from the A376 will come past Darts Farm, across the narrow bridge by the Bridge Inn and then negotiate the tight traffic-calming road islands at the Station Road and Elm Grove Road junction. Devon highways officers may have considered traffic flows but not the difficulties of using the local road network;
- there are insufficient school places for children possibly moving in to the application site with Topsham School at bursting point and there is no way across the railway line to reach the new school at Newcourt, the only way being north along Clyst Road;
- there is no need for a further care home as Waddington Homes got permission for one on the land adjacent to the Rugby Ground. There are likely to be more service vehicles which tend to be bigger and would cause more problems in the narrow Clyst Road;
- although the report raises concerns it concludes that the housing shortage in Exeter tips the balance in favour of acceptance. Other factors should tilt the decision towards refusal. East Devon recognise the Clyst Valley as an area worth protecting. This application plot, although within the Exeter boundary, lies within this zone, is also part of what is left of the Topsham Gap and approval here will set a precedent for further development in the remaining green fields. It is separated from the rest of Exeter by the railway line and its only road link with Topsham or Junction 30 is via Clyst Road which is a narrow lane for much of its length. The local road network will make access very difficult; and.
- deferral might be appropriate for a site visit along Clyst Road to view the potential dangers and the environmental setting of the proposed development.

Councillor Leadbetter, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- support comments of Councillor Baldwin;
- residents of Topsham feel under attack with constant pressure on the Topsham Gap and the green buffer between Exeter and Topsham should be protected;
- the application should not be seen as the developer doing Exeter residents a favour by providing more housing;
- a site on a narrow country lane on the edge of Topsham is unsuitable for a development of this nature - the narrow nature of the lane with a number of bends creates dangerous traffic conditions and it is unsafe to walk along the Lane into Topsham;
- accept that the highway officers must work within their professional guidelines but non-technical arguments are also of value;
- further loss of green wedge land will contribute further to the “pack of cards” scenario and is a continuation of the thin end of the wedge

- the lack of detail for the application is unacceptable as is the lack of consultation on the proposals;
- the Committee refused an application for the West of England School site in order to protect green land and should do the same with this application.

Ms Neal spoke against the application. She raised the following points:-

- Mr. Andy Graham-Cummings' document for the Topsham Society's Planning Group dated 7 February 2018 shows clearly under the heading "Sustainability and Accessibility" that the applicant's Transport Assessment is flawed. The proposal site is not a "level walk" from facilities in Topsham';
- it is inaccurate to describe the proposed development as "sustainable". The site is at a high and far extremity of Topsham, on a dangerous road where there is no bus service and is never likely to be one, whatever "enhancements to the local sustainable transport provision by the way of a significant financial contribution" are proposed by the developer;
- also question the applicant's idea of siphoning the main road - where traffic at peak times can be high - through the development. The idea of making a short cycleway of the present stretch of road parallel with the edge of the field is questioned. The cycleway is a nonsense;
- Mr. Graham-Cummings also points out that Transport Assessment is based on modelling rather than actual measurements in Clyst Road itself and that the new junction proposed has not taken into account the blind bend just beyond it;
- there is also the matter of the mix of affordable housing and "market housing". Other recent developments in the Topsham Gap has shown that even when a provision is proposed, as it is here, for 35% of the units to be "affordable", this may never actually come to pass - at the reserved matters stage the provision may be transmuted to another site in the city. What Waddeton Park is really trying to make possible is the building of large, expensive houses on the outskirts of Topsham which will benefit from a Topsham postcode and therefore Topsham prices;
- the harm to the landscape setting of the city is the most obvious adverse impact. The report states "relatively modest", but this is based on his assumption that "the remaining open land beyond the application site to the north and the land between the appeal site and the M5" would maintain the visual separation and separate identity of Topsham;
- each permission to build in the Topsham Gap begets another: if this one is passed it will only serve as a precedent to a further application, just as the Exeter Road developments have done for this one - it is another bite out of the fields and open space which are the Gap;
- adverse impact on the community of Topsham, a great many of whose residents demonstrably care about the preservation of the Gap; and
- the proposed development would not amount to sustainable development and that its adverse impacts would significantly and demonstrably outweigh the identified benefits.

She responded to Members' queries:-

- the Great Horwood application, saw the Secretary of State rule against a similar development on the edge of a village even though Aylesbury District Council did not possess a five year housing supply;
- the average walking time to the nearest bus stop near the railway crossing in Topsham would be 20 minutes or 30 minutes for an elderly person; and

- Local Plan LS1 seeks the preservation of the Topsham Gap keeping it free of development to preserve Topsham's landscape setting and to prevent coalescence of Exeter and Topsham.

Members criticised the absence of sufficient detail within the application, the lack of consultation as well as the absence of a representative of the applicant to speak in support of the application and to respond to the many issues of concern. It was suggested that the application should be deferred for a site inspection but the consensus was that a decision should be made.

Regard was given to the precedent set at appeal in respect of applications already referred to in Topsham and to housing developments being brought forward elsewhere in the City and how these related to this area of land on the outskirts of Topsham, the absence of a five year housing supply in the City and the guidance within the National Planning Policy Framework seeking presumptions in favour of sustainable development. Reference was also made to negotiations in respect of Section 106 Agreements under the Town and Country Planning Act 1990. It was also noted that housing supply was one of the issues currently being considered by the Greater Exeter Strategic Partnership, that the emergency services were yet to comment on the development and that CIL contributions towards education placements would be a matter for further consideration.

Members expressed particular concern over the issues of access along the narrow Clyst Road and the continuing pressure on the green wedge of land around Topsham.

Some Members felt that Clyst Road lacked sufficient capacity to support this development and that it was unsuitable for construction traffic and would result in extra congestion on to Junction 30. It was not thought that the local highways network would be able to cope with the extra traffic and one Member stated that the upgrading of the road network should be undertaken prior to any development being considered. Issues of highway safety were also raised particularly existing dangers being exacerbated with lack of sight lines, absence of pavements, narrowness etc.

The Devon County Council Development Manager Highways and Transport advised that the impact on highways of new developments was assessed through the Trip Rate Information Computer System (TRICS) data base modelling used nationally on the basis of six to eight traffic movements normally expected from a residence and that the results had shown that the development would not result in a severe impact. He also stated that necessary improvements would be brought forward in conjunction with the scheme. He also advised in response to Members that the highway improvements would be achieved on land on which there were highway rights and would not involve acquisition of private land.

Regarding the impact on the Topsham Gap, a Member suggested that the circumstances around the loss of green wedge/open space were different than experienced in applications for housing development in other parts of the Topsham Gap as referred to by the objectors as well as elsewhere in the City. A different scenario was evident in that part of the application site, although wholly within the Exeter administrative boundary, demonstrably encroached into a continuous area of land in East Devon specifically identified as green space and that it could be shown to cause an unacceptable harm to this East Devon District Council designation of Green Wedge.

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

The motion to refuse the application, moved by Councillor Denham and seconded, was voted upon and carried. The motion to use the encroachment of the development site into the East Devon Green Wedge rather than highways issues as the reason for refusal was moved by Councillor Denham, seconded by Councillor Harvey, voted upon and carried

RESOLVED that planning permission for up to 155 residential units and a 64-bedroom residential care home with means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration be **REFUSED**, as:-

- (1) the proposal is contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 (the Vision, Spatial Strategy and policy CP16), Exeter Local Plan First Review 1995-2011 (saved policy LS1) and the emerging Exeter Draft Development Delivery DPD 2013 (policy DD29) because:-
 - (a) it would result in development outside the identified strategic locations for growth contrary to the Statutory Development Plan for the area; and
 - (b) development within the strategic gap between Topsham and Exeter would compromise the separate identities of both settlements and would adversely affect the attractive rural landscape which provides the essential green setting to the historic settlement of Topsham and which is an integral part of the wider rural landscape of East Devon; and
- (2) in the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policy CP7, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

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APPLICATION NO. 17/0916/FUL - LAND AT OLD VICARAGE ROAD, EXETER

The City Development Manager presented the application for the use of land for car wash and valeting service.

He outlined the history of the application, the applicant having previously operated a car wash on that part of the site fronting Cowick Street and which had closed following an application for a housing development. He referred to use of the proposed site by the St. Thomas Social Club and a Funeral Parlour for car parking and to the proposed operating hours of the car wash over the entire week. Responding to Members, he advised that only part of the former car wash site fronting Cowick Street had been within the St. Thomas Conservation Area and also stated that a drainage strategy would need to be agreed for the proposal.

Councillor Hannaford, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- the proposal will adversely affect Cowick Street, Old Vicarage Road, Old Vicarage Gardens and Powderham Road;
- the proposal has been considered at Delegation Briefing and referred to the Committee because of concerns of local residents regarding noise and pollution – it is a fast, noisy and frenetic business with teams involved in cleaning and valeting with a quick completion of jobs;

- residents are also concerned about traffic and parking. The traffic dynamic along Cowick Street in respect of the previous car wash was different in that the traffic was slow moving whereas, on the proposed new site, traffic from the residential area can be quicker and customers of the car wash may be unfamiliar with the road layout. The car parking spaces used by the Social Club and the Funeral Parlour will also be compromised;
- the siting of a portacabin next to residential properties is a concern because of noise of the operation from the portacabin, people smoking etc.;
- with a seven day operation proposed, neighbours with low garden walls will have their quiet weekends disturbed by the work and inhibit the enjoyment of their gardens;
- not only will existing residents be affected but also those moving into the new residences to be provided on the old car wash site;
- surprised at the recommendation for a two year trial period and opposed to residents being used as guinea pigs;
- the space on this site is already cramped with the Social Club and Funeral Parlour in situ;
- mindful that there will be an economic effect if the business does not proceed with associated lack of employment opportunities. Ask therefore for the Council's economic team to assist in searching for an alternative site for the car wash; and
- if permission is to be granted request no working on Sundays.

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

- the proposal will cause disturbance as it is five metres from doors and windows to residential properties in a densely populated area and will be detrimental to the people living in this area;
- it will impact on air quality and pollution control. Human health is adversely affected by exposure to air pollutants in ambient air. In response, the European Union has developed an extensive body of legislation and the UK government is also taking steps to reduce air pollution;
- the City Council has measured air quality in the local area and found, for example, that concentrations of NO₂ on Cowick St are currently only just below the legal limit of 40 µg/m³, when taken as an average over 12 months. The proposed business will have a constant queue of vehicles with their engines running, 12 hours a day, seven days per week, within one metre of back gardens and within five metres of windows and doors. It is reasonable to summarise that, during busy times, the heavy traffic in the area raises the level of pollution to above safe levels. Since the previous location of this business has closed, air quality in Cowick Street has improved;
- the previous site of the business, on Cowick Street, was granted temporary planning permission. The noise generated by the site was significant. The industrial vacuum cleaners run for 12 hours a day, seven days a week and generate 70db of noise;
- there is a problem of chemical usage - the business uses industrial solvents and cleaning products which are applied in a fine spray that travels easily in the slightest breeze and is harmful to human health. The pressure washers also generate constant noise;
- access to the site is via a small residential road. The previous site was via Cowick Street. The site is currently a car park for St Thomas Social Club. At weekends the car park is particularly busy. These customers will be forced to use neighbouring roads to park. There is already insufficient parking for residents in the area. The increased traffic along Old Vicarage Road will also be detrimental to the quality of life for residents; and

- the site is raised and will therefore cause a loss of privacy to all the houses on Powderham Road as the business staff and customers would have a clear view into rear bedrooms.

He responded to Members' queries:-

- lived in area for two years, the previous car wash having been closed for about a year, the problems of noise and pollution having reduced in this time;
- site is not acceptable at all for a business of this nature; and
- aware of poor air quality, both along Cowick Street and the Alphington Corridor.

Mrs Laska spoke in support of the application. She raised the following points:-

- the car wash on Cowick Street was started in 2006 and this application is for a different and enhanced operation with additional investment to reduce problems of noise and pollution including improved use of chemical pollutants and to ensure no contamination. Problems relating to drainage will be addressed;
- information on how noise and pollution are to be reduced were provided; and
- the intention is to run an efficient business offering a service to the community.

She responded to Members' queries:-

- will use commercial instead of domestic hoovers to reduce noise;
- previous site was open plan whereas the new operation will be under cover so there will be no water or chemical spray into neighbouring gardens;
- operation closed in April 2017 and will build up business again with six or seven employees initially; and
- weekend working is valuable when there is greater trade as people have greater freedom on weekends to bring their vehicle in. A seven day a week operation is beneficial to the public.

Members noted that the report did not refer to a covered area as part of the operation nor the introduction of newer, less noisy equipment and, given the absence of any reference to any mitigating measures the proposal was unclear. They did not feel that a trial period of two years was appropriate as the concerns relating to noise and pollution etc. were likely to disturb the peace and enjoyment of neighbours' amenities from inception. It was also noted that both existing residents and those of the new properties to be built on the previous car wash site would be affected.

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

RESOLVED that planning permission for the use of land for car wash and valeting service be **REFUSED** for the following reasons:-

- (1) the adverse impact on residential amenity of neighbouring properties from the noise and pollution caused by the car wash and the perceived reduction in air quality being possibly deleterious to the health of residents; and

- (2) the unsuitability of such premises in close proximity to residential properties.

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APPLICATION NO. 17/0308/FUL - EXETER GOLF AND COUNTRY CLUB,
TOPSHAM ROAD, EXETER

The City Development Manager presented the application for two Bays of fine mesh protective golf netting 20 metres high, lattice supports (x3) over a total length of 60 metres to provide protection from stray golf balls for nearby dwellings.

Responding to Members, he confirmed that the netting would be screened by new, semi mature trees of approximately seven metres in height which were likely to grow further. Although the Club intended initially to provide a 10 metre high netting it may, in the future, increase to 20 metres should the problem with stray balls persist. Three pillars were required for the proposed length and were of the necessary design to support the proposed height. The normal colour of the netting was black. It was noted that the idea of residents entering into an agreement with the Golf Club to accept that, if netting was not provided, the Club could not be considered responsible in the event of damage to property and/or personal injury had not been raised.

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

Councillor Leadbetter, having given notice under Standing Order No.44, spoke on the item. He raised the following points, referring to a number of photos provide by the objector:-

- the application mirrors that of an earlier request for netting when a compromise had been reached between the Club and the house builder resulting in a reduction in netting height;
- one photo showed properties within 14 metres of the fence and the access road adjacent to the 9th hole, another showed the line of good and stray shots and another showed the visual impact with the inclusion of existing trees although there had not been any reference to their replacement;
- a partial solution has been provided through the realignment of the 9th hole which has all but stopped stray balls so it would be sensible for the club to pursue further options such as only permitting the exclusive use of the tee by experienced golfers which could negate the need for netting. Moving the hole closer to the tee would be the ideal solution and this option should be pursued and monitored. It will also mean less of a financial outlay for the club;
- residents have questioned the credibility of the analysis provided by the professional consultant and whether the nets will be an adequate deterrent;
- as the applicant is seeking initially to provide only a 10 meter netting the residents are questioning why permission is also sought for 20 metres; and
- application should be turned down and the alternative solution of moving the tee put forward adopted.

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

- there will be an adverse visual impact - for one resident of Holland Park this fence would be 16 metres away from their back garden and in plain view. The top would be much higher than 45 degrees up, and you would have to crane your neck to see it. For several other residents, enjoying their gardens and looking out of west-facing windows would be utterly oppressive;
- the photos show how dominant the netting would be within the local landscape;

- the trees partly screening the netting will be gone soon - they are old trees, and the golf club haven't planted successors. These trees - together with the rest along the same boundary - will soon be felled, or fall over. When that happens, not only will this netting become exposed, but another planning application can be expected for an additional 90 metre length of golf safety netting, as there will be no protection for the left hand boundary of the 9th hole;
- the effectiveness of the proposed netting in stopping stray balls is questionable. Checking the supporting technical reports carefully, there are conclusions which are incorrectly drawn. For example, the proposed netting has an effective height of 14 metres not 20. The reason for this is that the 9th hole slopes downwards, and where the netting is proposed to be, it is six metres lower than the tee;
- the consultant's analysis assumes the ground is level. Clearly it is not. A golf ball which would normally reach 20 metres high by the time it gets to the netting, will be 6 metres higher than that, measured from the ground;
- using the consultant's own data, it means that at least two thirds of tee shots made by men will reach over 14 metres height. The netting would not stop the majority of those and, as a result, the consultant's conclusion that "the 20 metres high proposed fence is reasonable...", is wrong;
- the stray ball problem does not require the northerly arm of the netting at all, and the southern arm won't stop many balls from escaping onto the new access road anyway;
- arguably, a solution has already been found by the golf club as no balls have been seen to have escaped into Holland Park since the new tee position came into operation even if it turns out that it is not a complete solution, it is believed that there is sufficient evidence to suggest that the current proposal should be refused on the grounds that it does not solve the problem; and
- as another option, the 9th hole could be shortened, which would take the whole danger area out of the equation. This would have a lesser effect on the viability of the golf course than the club might have the Committee believe.

He responded to Members' queries:-

- believe the position of the tee was changed about six months ago; and
- there was insufficient time to obtain professional advice on behalf of the residents as they were notified too late in the process.

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

- speaking as Chairman of Exeter Golf and Country Club which fully supports the application which has been submitted on its behalf by Heritage Homes;
- the responsibility for Health & Safety in these circumstances rests solely with the Club and, on such critical issues, the Club has always sought to act upon informed professional advice. In this respect, the Club has continued to employ the services of internationally renowned Golf Architect Tom MacKenzie of MacKenzie Ebert who has been the lead advisor to the Club throughout this difficult period and he also designed and supervised the extensive alterations to our golf course. Without his help and guidance, the Club would have needed to seriously consider moving from its location in the City;
- Tom has advised the Club ever since the problem with the 9th hole arose and has specifically responded on the information submitted by the Holland Park resident's in their briefing note. His advice has remained firm in respect of the need for the safety netting and the Club has to follow his advice in

order to comply with both its Health and Safety policy and Insurer's requirements. Planning consent is therefore needed in order to phase in the erection of this relatively short length of safety netting, firstly 10 metre high and, if necessary, 20 meter high, to ensure full protection of neighbours in Holland Park. From an aesthetic viewpoint, seven metre high trees will be planted in the gap where the dead trees have been removed and this will provide an immediate visual barrier between the netting and Holland Park, with the netting to be sited entirely on golf course land; and

- the Club would have also liked to avoid erecting the netting, particularly as it has to pay for it, but this is ultimately a matter of survival for the Club.

He responded to Members' queries:-

- moving the tee has not completely eradicated the problem of stray balls;
- although the re-alignment of the tee has helped, the professional consultants advise that the netting is necessary as further protection;
- the Club has a Golf Course Manager and a Golf Manager but it is not possible to log all incidents of straying balls. Because of the problems with stray balls moving the tee was implemented to assist and this has helped the situation but some balls still go astray and the problem has not gone away;
- regarding the suggested shortening of the hole, a previous reconfiguration of the course resulted in a reduction in its length which is now considered to be at a minimum beyond which people may no longer wish to play. Any further changes will be the thin end of the wedge and members and the general public will seek to use other courses;
- it is not considered that the proposed netting will be particularly obtrusive and there will not be overarching cross bars linking the three posts as shown on the circulated photograph;
- the standard netting colour is black which is not considered to be particularly visually intrusive and the towers are galvanised to prevent rusting - these could be painted green;
- this is the only part of the course that is at risk;
- at least seven of the 10 metres will be covered by trees. The total cost of a 20 metre fence will be approximately £60,000 which can be fitted in two sections, the second 10 metre section to be affixed on top of the first 10 metres if required. A 20 metre fence is recommended by the consultants but the Club have opted not to implement this immediately but to wait and see the effect of the 10 metre fence;
- confirm that change to the tee occurred about six months ago;
- the golf course is at 20% capacity at the moment and wishes to implement any consent in time for the busier period from April on;
- strongly refute claim that the consultant did not take into account the change in ground level on the 9th hole as he is an expert;
- the Club takes its responsibilities seriously and is properly insured but it is necessary to show that all necessary precautions have been taken should any claims for personal injury or property damage be received;
- the Club will do everything to avoid incidents and will continue to monitor the situation; and
- the new tee is all weather and in operation all year round and requires maintenance.

Members referred to the difficulty in determining a threshold for a netting, noting that an initially suggested height of 30 metres for the previous application for a netting had been deemed too high. They recognised that there was a need for the club to protect itself from potential claims and that a protective netting along with the other

measures taken would help limit the number of stray balls straying into neighbouring residential property.

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

RESOLVED that planning permission for two Bays of fine mesh protective golf netting on 20 metre high; lattice supports (x3) over a total length of 60 metres to provide protection from stray golf balls for nearby dwellings 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. Approved drawings.
- (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 21st February and 27th March 20 (dwg. nos EGCC - Nets Loc Plan, 9th Hole Netting Survey Site Plan, 9th Hole Netting Survey Elevation, tower base foundation details, and tower elevation) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Prior to the installation of the protective netting hereby approved a landscaping scheme shall be submitted to and be approved in writing by, the Local Planning Authority. The landscaping scheme shall include details of a timeframe for its implementation and on-going maintenance arrangements. Thereafter the development shall be implemented in accordance with the approved landscaping scheme.
Reason: In the interests of the visual amenities of the area.

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APPLICATION NO. 17/1126/FUL - 16A MONMOUTH STREET, TOPSHAM, EXETER

The Principal Project Manager (Development) (MH) presented the application for a replacement ground floor extensions on north east, north west and south west elevations and glazed porch on south east elevation.

He referred to the two key issues of impact on neighbouring properties and impact of design on the Topsham Conservation Area and in response to a Member's query he confirmed that the total length of the extension proposed in combination with a previous extension was seven metres. Members were also advised that there was some divergence from household guidance but that each application should be considered on its merit.

Councillor Baldwin, having given notice under Standing Order No.44, spoke on the item. She raised the following points:-

- sympathetic to applicant's wish to enhance their home in part with view to ensuring its suitability in later years in order to remain in the area but feel that the proposal would be unsuitable for the Topsham Conservation Area;

- the proposal will be a large extension in a garden that is not very long or wide and will impact adversely on the neighbouring properties;
- existing extension is 3.5 metres from the rear wall of the house and, with a further three metres, will exceed seven metres which is not permissible under planning regulations;
- it will set an unacceptable precedent for the infill of other gardens and make it difficult to preserve existing open land left in the area;
- accept it is a semi-detached and not a terraced property but the Monmouth Street area is one of historical and architectural importance and the principle of resisting infill should be maintained;
- neighbours have a right to privacy and walls and roofs with windows are of such a size and proximity to cause overbearing, become oppressive and impact adversely on neighbouring amenity;
- housing shortage is not an issue but question of infill is; and
- cannot support the application as the property will have a detrimental impact on the Conservation Area and adversely affect the amenity of neighbours.

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

- in 30 years of living on Monmouth Street never has an application failed on so many counts in terms of policy compliance, detrimental effect to neighbours and impact on the historic character of this conservation area. The neighbours' amenity will be harmed. To say that there is no greater threat to privacy than standing in the garden of the property is absurd. As with other applications, the view from the garden is irrelevant;
- there are many policy non-compliances of the Householder Guide to Extensions adopted by Exeter City Council:
- natural light and outlook will be significantly affected for neighbours. Almost 50% of the garden of 16 will be subsumed by the structure, towering over the garden wall on the only side that receives direct sunlight, its black slate roof overshadowing the outlook. From inside 16B, and from the garden, the side extension will be overbearing and overshadowing;
- privacy will be affected by new direct sight lines created into the main bedroom, bathroom and garden of 16B;
- the scale and massing is not subservient to the original property but increases the footprint by 120% - that is unambiguously not subservient;
- the roofs should match the main roof in terms of shape and pitch - the roof forms for porch and extension do not;
- the maximum depth permitted is 3.5 metres from the rear of the existing property. This is not an application for a three metre extension, but for seven metres, as a four metre extension was built recently. It is non-compliant;
- the maximum width permitted is two thirds of the original rear elevation but the extension will cover the entire rear elevation;
- to approve this proposal would be against the specific guidance of the Exeter City Council Core Strategy. Of the seven key principles defined, six have been objectively demonstrated to be breached;
- policies are designed to protect the community from rogue applications. Ignoring them cannot be justified;
- it does not increase affordable housing but creates an entirely unaffordable home close to £1 million in value;
- to pass an application with such an overwhelming number of objections and so many clear breaches of policy, will render the planning process, local community feelings, and the designation of this street as part of a Conservation Area, irrelevant;

- this is not a modest extension. It wraps around three sides of the house and builds right to the boundary with neighbours on both sides, where it is overbearing and overshadowing; and
- the first application for a massive 10 metre extension was designed to provide leverage for a reduced extension in a revised application and the Committee should not be swayed by it.

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

- acting as agent for the applicant and refute concerns regarding loss of amenity, overbearing and loss of light;
- planning officers have been provided with detailed proposals and models including a comparative sun shadow study showing impact of sun over a twelve month period. The latter shows that there will be no impact on loss of light;
- design is acceptable with a hipped roof reducing the eave heights;
- proposal is to ensure a sustainable use in later years for the applicants and will provide a ground floor bedroom with shower room in order to maintain independent living;
- the rebuilt garage will be of the same footprint;
- reference to the previous extension by a Member relates in fact to 16B and not this property; and
- confirm that the applicants are of retirement age.

Members who had attended the site visit did not feel that the proposal was excessive or overbearing and considered it would not have a significant impact on neighbouring properties. It was noted that a precedent for infill had already been set in respect of 16B.

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

RESOLVED that planning permission for replacement ground floor extensions on north east, north west and south west elevations and glazed porch on south east elevation 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 5 July 2017 (including revised Design and Access Statement received 5 January 2018; dwg. nos 7528-01; 7528-14 Rev C; 7528-15 Rev C) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Informatives

- 1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.
- 2) This site is not located within a Smoke Control Area and so there is no requirement on the type of appliance that can be installed or the type of fuel that can be burnt. The applicant should be advised however of the potential for solid fuel fires and stoves to cause a nuisance to neighbours by means of smoke, fumes or odour if they do not burn cleanly or dispersion from the chimney is poor.

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

The report of the City Development Manager submitted.

RESOLVED that the report be noted.

110 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

111 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 19 March 2018 at 9.30 a.m. The Councillors attending will be Councillors Denham, Gottschalk and Newby.

(The meeting commenced at 5.30 pm and closed at 9.43 pm)

Chair

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PLANNING COMMITTEE

Monday 19 March 2018

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Harvey, Mrs Henson, Morse, Prowse and Vizard M

Apologies:

Councillors Gottschalk and Newby

Also Present:

Chief Executive & Growth Director, City Development Manager, Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (MH) and Democratic Services Officer

112

MINUTES

The minutes of the meeting held on 12 February 2018 were approved and signed by the Chair as correct.

113

DECLARATIONS OF INTEREST

Councillor Denham declared disclosable pecuniary interests in respect of Min. Nos. 115 and 117 below and left the meeting during consideration of these items.

114

PLANNING APPLICATION NO. 17/1871/FUL - LAND AT TESCO STORES, RUSSELL WAY

The Chair reported that notification had been received from the County Council Highways Engineer on the afternoon of this meeting that the applicant had not been able to overcome concerns regarding the safety and suitability of the access and was not therefore in a position to make recommendations until further information had been supplied by the applicant's traffic consultant.

RESOLVED that consideration of the planning application for the construction of part 2, part 3 and part 4 storey building comprising an extra care (Class C2) development with associated communal lounges, restaurant, kitchen, wellness room, guest suite, laundries, care providers accommodation and office, vehicular access from Russell Way, sub-station, car parking and landscaped grounds be **DEFERRED** for further information.

115

PLANNING APPLICATION NO. 17/1640/FUL - EXETER ROYAL ACADEMY FOR DEAF EDUCATION, 50 TOPSHAM ROAD

Councillor Denham declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) MH) presented the application for the redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works.

The Principal Project Manager stated that the proposal conformed with the development plan and the application offered a sustainable solution to the site in the absence of a demonstrable five-year land supply for housing. He also explained how vacant building credit could offset the usual policy requirement for affordable housing. Members also noted that the trees to be provided as part of the landscaping scheme would be semi mature and not saplings and that maintenance of the landscaped area would be undertaken by the development company. A Member felt that the County Council should not be seeking contribution towards education provision from the City Council Community Infrastructure Levy (CIL) allocation and the County Council should utilise its own budgets for this purpose.

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

Councillor Sills, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- residents generally welcome additional housing especially affordable housing in light of the national housing crisis;
- welcome the provision of a pre-school;
- concern over loss of trees and lack of sufficient affordable housing within the development site;
- concerns regarding the access onto and additional traffic along Weirfield Road as well as impact on Topsham Road where additional cars will increase likelihood of standing traffic on this main road. Alternative options for access should be investigated;
- there will be safety issues regarding access into the site from Weirfield Road as accidents could result from delivery vehicles, bin lorries etc. Introducing a pedestrian and cycle way will encourage residents of the new development to adopt an active lifestyle, for example, visiting local amenities such as walking down to the Quay;
- loss of four residential parking spaces in Weirfield Road is unwelcome with no alternative offered;
- a full topographical study is required to determine whether a road through the site can be provided which can provide access to the Care Home and assisted living units off Topsham Road and which would mitigate the need for access off Weirfield Road;
- there will be a negative impact on air quality in the neighbourhood;
- the landscape plan should secure provision of mature trees and there is a concern regarding the habitat generally;
- notwithstanding a public consultation event on 20 September 2017, further consultation should have been undertaken. Plans were only published the day after the meeting;
- the 35% target for affordable housing should be enforced and this has been a missed opportunity to provide affordable housing. A failure to provide 35% breaches City Council policy;
- in summary, welcome development proposal in general but further assessment of the access, the affordable housing provision, future of the trees and the potential for an internal through road to negate impact of additional traffic on Weirfield Road is required;

- application should be deferred until additional information has been received.

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

- as a large sustainable brownfield near the city centre this site is ideal for residential development, and will deliver much needed housing across a number of sectors - but there is a responsibility to do so whilst respecting the impact on existing properties;
- significant objections can be easily addressed, and enhance a development that the city can be proud of;
- Weirfield Road highway issues have objections regarding loss of parking spaces, the width of the road, traffic generation, vehicular access and the safety of the junction with Topsham Road. The Highway Authority has highlighted the need for a Traffic Regulation Order and it would be desirable if Condition 3 is completed before a planning decision is reached;
- the efficacy of the landscaping plan - the officer's report states that there are a significant number of mature trees across the site. Many of these would provide effective screening but the plans call for their removal to be replaced by new planting, taking many years to mature. In Condition 19, "five years" could be increased to "seven years" to match the application and a monitoring plan could be implemented for the seven years;
- Southern boundary plots – 139-144 – there are challenges in the levels of the site. These proposed three storey houses could be built substantially on the steep escarpment at the southern boundary of the site. Their ridge height will tower by some 10 metres over the Old Mill Close townhouses which they would look directly down on. Their proposed rear walls are just 24 metres from the rear walls of the townhouses. The issues are exacerbated by the challenges in levelling the site. This will result in the escarpment to the south being raised by approximately one meter at the eastern end and seven metres moving westwards;
- their scale, height and massing will dominate the landscape, create light pollution and have a major visual impact on the cityscape when viewed by walkers, runners and cyclists, along the River Exe and canal paths. They will tower above the Trewsweir area, including the Grade II listed Trewsweir Mill and parts of Trewsweir Court, between the river and the southern boundary of the site;
- there will be a substantial loss of daylight and overshadowing to the Old Mill Close townhouses;
- the design is also out of character with the surrounding buildings of the Trewsweir neighbourhood;
- without these plots the new development would sit well with the southern neighbourhood;
- withdrawing the application for these plots would remove these significant challenges, whilst also further increasing the percentage of affordable housing;
- with just a few simple changes to the plans, Exeter can have a development it can be proud of rather than one dominated by million pound houses scarring the cityscape and their occupants literally looking down on their neighbours.

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

- this application involves the Exeter Royal Academy for Deaf Education's site which has become available due to the current premises being unsuitable and heavily criticised by OFSTED. Unlike a lot of greenfield sites, where the council's five-year housing land supply is the focus, this is a brownfield site that provides a highly sustainable mix of elderly accommodation, market and affordable housing, and a pre-school nursery. This has been carefully balanced with the extensive costs of demolition, asbestos removal, site remediation, cut and fill and piled foundations;
- given the rare opportunity to regenerate a high profile site with over 18 months spent discussing the scheme with officers and attending two Planning Member Working Group meetings. Several design changes have been made to address concerns raised by local residents;
- the Highway Authority are in support of the proposals;
- the development provides a viable, sustainable and mixed community orientated re-use of a previously developed site in a sustainable location;
- it also provides the critically needed funding of the Deaf Academy's relocation to its already approved new premises without which there is a serious risk of the school closing;
- it enables the provision of new premises with nominal rent for the St Leonards pre-school which was seen as essential to local people, the National Planning Policy Framework identifying that great weight should be attributed to the provision of new and/or improved schools;
- it provides an attractive place for people to live. Unlike most volume housebuilders, Acorn has worked with a local architect to produce a bespoke high quality design which will improve the appearance of the site and provide a place that is aesthetically pleasing and interesting. The design responds to the terraced character of the area and the route along Topsham Road toward the city;
- the provision of market and affordable housing helps meet the needs of the District and also provides a range of one bed to four bedroom homes for people wanting both affordable and market housing;
- the proposal removes an unattractive footbridge on Topsham Road and provides a new, publicly accessible, public open space;
- the proposal provides much needed elderly accommodation in the form of a new care home and extra care units. At least 363 additional care beds will be needed by 2026 - this equates to approximately six new care homes being needed in less than a decade and at least 296 additional Assisted Living units will be needed by 2019;
- the assisted living units will allow people to downsize from their existing properties thus freeing up larger family sized homes elsewhere in the city; and
- it will create approximately 100 full and part time jobs with the care home and adds construction jobs.

He responded to Members' queries:-

- a range of access options had been seriously considered into the Care Home and assisted living units and the general consensus from both the Highway Authority and the applicant's transport consultant was that Weirfield Road offered the appropriate solution. An alternative access off Topsham Road had been considered but would have significant ramifications on the design which in turn, compromised the overall viability of the project. Topsham Road already possessed visibility splays which would be of value

to the residents of the Care Home and assisted living units and enable them to access the site on foot. Similarly, an access on the eastern boundary of the site would also have design implications;

- with regard to the suggestion for an internal access through the site, the site levels would compromise such provision and any solution would significantly increase costs and impact adversely on the number of units being sought;
- the proposed access solution, which will include visibility splays, offers the necessary technical solution to enable the requisite number of units to be provided for the Care Home and enable the inclusion of assisted living units in the scheme;
- the loss of trees will be mitigated through the provision of planting elsewhere in the scheme. Trees between 4.8 and 5.3 metres will be planted, with the management company to maintain the landscaped area. Occupants of affordable homes would not be required to pay the management company; and
- 51 car parking spaces will serve the Care Home and assisted living units.

Members welcomed the design of the scheme and particularly the provision of a pre-school facility, although some were concerned over the loss of trees and sought reassurance that the replacement trees would be semi mature, others noting that the landscaping scheme was acceptable. There was concern over the loss of four on street parking spaces and that, because of revised Government policy, the applicant was able to offer a lower percentage of affordable housing. Because of these issues some Members felt that the application should be deferred. It was noted however, that an additional care home for the elderly was a welcome addition to such provision in the City. Comparing traffic flow at the junction of St Leonards Road with Topsham Road, a Member remarked that it was only the proposed location of the Care Home which would exacerbate traffic conditions on Weirfield Road and that this issue could be resolved if the Care Home could be located elsewhere in the site.

A vote was taken on a motion to defer and carried, but the Chair ruled that further debate was necessary for all Members to contribute their views.

Further consideration was given to the issue of the loss of four on street residents' parking spaces and it was suggested that the provision of these spaces within the development should be added as a condition to enable the scheme to proceed and ensure that the necessary traffic regulation order in respect of Weirfield Road could be implemented. This was supported by Members.

The recommendation was for approval, subject to the conditions as set out in the report. The Committee voted on this recommendation which was carried.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 covering:-

- an affordable housing provision;
- a Travel Plan Contribution of £500 per dwelling;
- a contribution of £10,000 towards the costs of relevant Traffic Regulation Orders, including one relating to loss of existing street parking on Weirfield Road in connection with formation of the access to serve the development; and
- open space provision including public access and maintenance arrangements.

planning permission for the redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works,

provision of landscaping and open space and other associated works be **APPROVED**, subject also to a condition requiring the provision of four residents' parking spaces within the development site and 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 and 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 and 23rd October 2017 14th February and 16th March 2018 20 (including dwg. nos specified on drawing registers by Carless & Adam Partnership CAP:10 Issue 1 Rev 2 and Clifton Emery Design revised 16th March 2018) as modified by other conditions of this consent.

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

- 3) Pre-commencement condition: The development hereby approved (planning application no. 17/1640/FUL) shall not be implemented until a Traffic Regulation Order (TRO) in respect of the formation of the access from Weirfield Road to serve the care home/assisted living elements of the scheme and associated removal of existing on-street parking spaces has been approved and implemented by Devon County Council as the relevant Highway Authority, and all works necessary to implement the Order have been completed to the Highway Authority's satisfaction and the Order brought into force.

Reason for Pre-commencement condition: To ensure that the proposed access to serve this part of the development is capable of being delivered in accordance with the approved plans and thereby safe and suitable access to serve the development is provided.

- 4) Pre-commencement condition: Prior to the commencement of the development a further bat survey as recommended in the submitted Ecological and Further Bat Survey Report dated October 2017 prepared by Clarkson & Woods Ecological Consultants shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with any recommendations/mitigation works identified as necessary based on the results of the additional survey work.

Reason for Pre-commencement condition: To ensure that the development proceeds based on up to date information in relation to potential bat habitats and is implemented in a manner that minimises and ameliorates any identified impact on protected species.

- 5) Samples/further details of all the materials it is intended to use externally in the construction of the development (including all hard surface and road materials) 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/details in all respects.

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

- 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) 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.
- 8) Pre-commencement condition: The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all dwellings and the Care home/assisted living units, and the final levels of all roads forming part of the development, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. The information submitted pursuant to this condition will be expected to confirm any finished floor levels/overall building heights already indicated on the approved plans referred to in condition 2. Thereafter the development shall be implemented in accordance with the approved details.
Reason for Pre-commencement condition: In the interests of the visual amenities of the area and the residential amenities of future occupants of the development and the occupants of existing neighbouring properties.
- 9) Pre-commencement condition: A Construction Environmental Management Plan 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.

- 10) Prior to the commencement of the development hereby approved a Biodiversity Mitigation and Enhancement Plan for the site incorporating the recommendations set out in the submitted Ecological and Further Bat Survey report by Clarkson and Woods dated October 2017 shall be submitted to and approved by the Local Planning Authority. The Plan shall incorporate the provision of integral bat and bird bricks in line with the advice set out in the Council's adopted Residential Design SPD. The Biodiversity Mitigation and Enhancement Plan should also incorporate a Habitat Management Plan. Thereafter the development shall be implemented and maintained in accordance with the approved details.
Reason: To enhance the biodiversity of the site and clarify how newly planted areas of the site will be managed so as to maximise their biodiversity value and achieve objectives of ecological mitigation and compensation/enhancement.
- 11) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 12) Prior to commencement of the development details of any proposed CHP plant shall be submitted to and approved in writing by the LPA. The submitted details shall include as a minimum: fuel type, appliance size (net rated thermal input), maximum fuel consumption rate, flue gas abatement equipment if fitted, maintenance scheme, chimney height and a chimney height calculation to demonstrate adequate dispersal of the products of combustion. CHP plant shall only be installed in accordance with the agreed details, and operated as agreed thereafter.
Reason: In the interests of residential amenity.
- 13) **Pre-Commencement Condition** - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system 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. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (report Ref. Exeter Royal Academy for

Deaf Education; dated September 2017), Outline Drainage and Finished Floor Levels (drawing No. 162290-GA-010; Rev. C; dated 16th March 2018) and Micro Drainage Model Outputs for the site (Ref. File 162290_SWS_V2.MDX; dated March 2018). The details submitted pursuant to this condition shall also include full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system.

Reason for pre-commencement condition: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

- 14) **Pre-Commencement Condition:** No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason for pre-commencement condition: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- 15) **Pre-Commencement Condition:** 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 for pre-commencement condition: 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.

- 16) No part of the development hereby approved shall be brought into its intended use until a 3.5m shared footway/cycleway along the frontage of the scheme/vehicular access (on Topsham Road) as indicated by Drawing Number "162290_G_01 Rev B" and ped/cycle access points onto Topsham Rd as indicated by Drawing Number "160601 L 02 01 Rev AD" have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be retained for that purpose at all times.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

- 17) No part of the development hereby approved shall be brought into its intended use until the access point for the care home/assisted living units as indicated by Drawing Number "160601 L 02 01 Rev AD", with a facility to prevent uncontrolled discharge of water over the highway, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter it shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework.

- 18) Unless otherwise agreed in writing by the Local Planning Authority (LPA), the buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating, including appropriate space for plant and machinery, are capable of being connected to the proposed low temperature hot water district heating network. Prior to commencement of development routes for the connection of those systems to the network at points at the application site boundaries shall be agreed in writing by the LPA.
Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 19) Before commencement of construction of the superstructure of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% 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 any dwelling the developer 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.
- 20) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme and no planting included within the scheme shall be subsequently felled, lopped or removed without the prior written consent of the Local Planning Authority. The details submitted pursuant to this condition will be expected to be in accordance with the details set out in the submitted Landscape Strategy report dated 16/10/2017 and drawing nos. MWA-16.13-900_04 (Tree Planting Strategy) and MWA-16.13-100_05 (Landscape Plan) prepared by Matthew Wigan Associates.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 21) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 22) No part of the development hereby approved shall be brought into its intended use until the vehicular parking facilities for the care home/assisted

living units and pedestrian crossing on Weirfield Road as indicated by Drawing Number "160601 L 02 04 Rev C" have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter they shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework.

- 23) Prior to its construction details of the proposed pedestrian/cycle connection of a minimum 3 metre width between the care home site and the residential site (adjacent to plot 126) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

Reason: In the interests of permeability and the use of sustainable modes of transport.

- 24) Prior to its construction details of the proposed pedestrian connection between the residential site to Trews Weir Reach shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

Reason: In the interests of permeability and the use of sustainable modes of transport.

- 25) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any of the dwellings/plots comprised in this development without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class D porch

Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse

Part 1, Class F hard surfaces

Reason: In order to protect residential amenity and to prevent overdevelopment given the density of this development, relative juxtaposition of buildings and the relationship to surrounding properties bordering the site.

- 26) The level of noise emitted from the plant on the site shall not exceed the levels in the table below (measured as a rating noise level using the methodology in BS4142:2014). The developer shall demonstrate by measurement compliance with the levels prior to occupation of the development and as requested by the LPA thereafter.

Plant rating noise levels at nearest sensitive receptors

Daytime (07:00-23:00) Night (23:00-07:00)

37 dB 30 dB

Reason: In the interests of residential amenity

- 27) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched

from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

- 28) Prior to construction commencing on any of the buildings comprised in this development, details shall be submitted to the Local Planning Authority of secure cycle parking provision/staff changing facilities for the development. Construction of the buildings 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 sustainable transport.
- 29) A comprehensive Framework Travel Plan/Parking Management Plan for the Care Home and assisted living site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. Thereafter the development shall be implemented in accordance with the approved travel plan measures. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.
Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.
- 30) Prior to the use of the pre-school facility commencing a Travel Plan to promote the use of sustainable means of transport shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the pre-school shall be operated in accordance with the approved Travel Plan.
Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car.

In the event that the Section 106 agreement is not completed within 6 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 the matters which were intended to be dealt with in the section 106 agreement.

Informatives

- (1) 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 negotiated amendments to the application to enable the grant of planning permission.
- (2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a

surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

- (3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- (4) Your attention is drawn to the need to obtain an appropriate European Protected Species Licence from Natural England prior to the demolition/destruction of buildings and identified bat roosts on the site.

116

PLANNING APPLICATION NO. 17/1658/VOC - HONITON INN, 74 PARIS STREET

The Principal Project Manager (Development) (PJ) presented the application for the variation of condition 2 of planning application 16/1210/03 granted permission on 12 April 2017 to allow for the reduction/removal of areas of communal space to be replaced with 12 additional bed spaces.

The applicant was seeking the removal of a gym and cinema previously approved to provide additional units of accommodation. The need for student accommodation was supported by Development Plan Policy and Supplementary Planning Guidance and student accommodation was an appropriate use of this former pub site which was not in a residential area and was close to the city centre. The University Guild had been consulted on the proposal and, whilst recognising that the gym and cinemas elements were largely superfluous, did express concerns regarding amenity provision and unit size for students in general.

The Principal Project Manager explained the changed configurations sought for the revised unit numbers and the City Development Manager commented on the reduction in the communal areas and advised that there was no policy guidance on student unit designs and general amenity provision for purpose built student accommodation.

The City Development Manager tabled the latest statistics on student numbers provided by the University of Exeter's Estates department and from Council Tax exemption records. These were referenced against the nine principles set out in supplementary planning guidance produced in 2007, two of which are set out below:-

- supports the intention of the University to expand. The City Council, where appropriate, will impose planning conditions or seek a planning obligation to ensure that expansion in the University's teaching, research and general facilities is accompanied by the provision of significant increases in purpose-built student residential accommodation, such that 75% or more of the additional student numbers are accommodated; and
- seeks the provision of as much purpose built student housing as possible to reduce the impact on the private sector housing market.

The City Development Manager explained that, whilst the target of 75% of all new accommodation to be provided in purpose built accommodation since the 2007 policy had been introduced would be met, he pointed out that overall student numbers in purpose built student accommodation would still be deficient.

The City Development Manager responded to Member's queries on the statistics, referring to a previous assessment of student numbers collected in relation to assessing the City's housing supply needs and advised that a consultant had been engaged to report back for a review of policy on student numbers to be undertaken.

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

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

- had been the architect for the original scheme on behalf of the then pub owner but there was no student accommodation provider at that time;
- have analysed scheme on behalf of the current owner - a student accommodation provider - concluding that the communal areas were oversized and, consequently, the overall space was re-designed;
- the scheme is of a high standard to compete in the local market for students, the applicant understanding the workings of this market;
- kitchens in the cluster flats have sufficient storage and seating space for dining and therefore the kitchens work;
- some communal space has been replaced by studio flats with communal space within them; and
- there was some criticism of the gym and cinema provision within the original design as these facilities are available in the city centre.

He responded to Members' queries:-

- the original application had been excessive in terms of the proposed cinema and gym which were subsequently deemed unnecessary;
- a communal area remained on the ground floor, available for occupants of the whole block;
- on the lowest level, the gym and cinema were both to be replaced with four bed sit flats each with their own kitchens; and
- there are no flats provided for disabled students as the University require these to be provided on campus.

Whilst one Member who had not supported the original scheme felt that she could also not support the amended proposal, other Members were in support. One Member referred to the increase in student mental health issues and suggested that consultation with the University of Exeter, the University Guild and student accommodation providers should be carried out to seek views on good quality rental provision for students for policy guidelines to be developed. The suggestion that a report be brought to the Planning Member Working Group on this was supported.

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 to secure a Student Management Plan, a financial contribution of £19,429 towards the delivery of District Heating in the area and a Traffic Regulation Order, planning permission for the variation of condition 2 of planning application 16/1210/03 granted permission on 12 April 2017 to allow for the reduction/removal of areas of communal space to be replaced with 12 additional bed spaces be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun before 12 April 2020.

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 20 October 2017 (dwg. nos 1188 PL05 rev D; PL06 rev C; PL07 rev B; PL09 rev B; PL10 rev *; PL11 rev *; PL12 rev C; PL13 rev *; PL14 rev A and PL15 rev C) 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 and the development shall not be started before their approval is obtained in writing and 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) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

- (5) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by this planning permission and satisfactory evidence to that effect has been produced to the Local Planning Authority.

Reason: In the interests of the appearance of the Conservation Area.

- (6) 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.

- (7) No part of the development hereby approved shall be brought into its intended use until the loading bay as indicated on Drawing Number 1188/PL05 Rev B (of at least 2.5m in width) on Paris Street, and raised pedestrian crossing at the vehicular access 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.

- (8) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities as indicated on Drawing Number 1188/PL05 Rev B and an external door into the cycle store, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site,
- (9) No development shall commence until a noise assessment report, including noise from the any plant machinery 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.
- (10) No development shall take place, including any works of demolition, until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a) the parking of vehicles of site operative and visitors
 - b) loading and unloading of plant and material;
 - c) storage of plant and materials used in the constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h) construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
- Reason:** In the interests of the occupants of nearby buildings.
- (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 cafe/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 manufacturers instructions.
Reason: To protect the amenity of nearby occupants.
- (12) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local

Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

- (13) 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.

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

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

- (15) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system 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. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy Statement (Report Ref. -, Rev. P01, dated November 2016) and the Strategic SW Drainage Layout Drawing (Drawing No. 1004, Rev. P01, dated 28th November 2016).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

- (16) No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- (17) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the cafe/bar refuse area have been provided has been submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of amenity.
- (18) No development shall commence until an air quality assessment report, has been submitted to and approved in writing by the Local Planning Authority providing details of any 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.

Informatives

- (1) 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 negotiated amendments to the application to enable the grant of planning permission.
- (2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this decision notice.
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

117 **PLANNING APPLICATION NO. 17/1617/VOC - ST JAMES PARK, STADIUM WAY**

Councillor Denham declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) (PJ) presented the application for the variation of Condition 2 of planning application 17/0188/37 granted permission on 1 March 2017 to allow an additional 24 bed spaces/studio flats within an extended lower ground floor level; relocation of common room and bin stores; provision of outside cycle parking and re-arrangement of internal stair cores.

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

Councillor Owen, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- request deferral of the application as another application for student accommodation originally set to be presented at this Committee had been deferred, the argument for deferring the application because it was a new application being irrelevant;
- a deferral was also necessary because of errors in the report as the statistics provided date from 2016/17, yet the latest figures on the University

website covered the 2017/18 period. Moreover, all statistics included accommodation on the Cornwall campus and therefore did not accurately depict the Exeter situation;

- the update sheet provided details of the public objections but these were received prior to the publication of the original agenda and should have been included in that agenda which is another reason why the application should be deferred;
- if not deferred, the application should be refused as it impacts adversely on the community balance in the St. James ward, the need to retain balance specifically referred to in both the Exeter Local Plan and the St. James Neighbourhood Plan. The original report to Committee seeking permission for 312 units conceded that there was an impact on community balance but approval had been given because of other factors notably the need to ensure that the re-development of the adjoining St. James Park football ground could proceed - this reason is no longer relevant as the re-development will proceed regardless and the requirement for 24 more units has nothing to do with the Football Club. The reason for the application is to increase the developer's profit;
- the student population of the ward at the time of the original application was 55% and this imbalance will now be increased; and
- the application should also be refused as the quality of the amenity space and facilities was inadequate. There is a darker outlook for the additional units which can impact adversely on students' mental health. Government guidance requires adequate communal space as essential for student accommodations.

Councillor Mitchell, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- accept that lower standards of accommodation apply for students but the quality of these additional units is not acceptable – the additional units look out onto cycle racks and the Big Bank of St James' Park. The level of amenity is unacceptable;
- the application does not take into account the aims of the St James Neighbourhood Plan;
- the additional student accommodation leads to further community imbalance in the St James Ward. The Committee cannot judge the true impact as information is required on the number of purpose built units in the St James ward, the occupancy rate of the current purpose built units, how many units have received consent in St James and the percentage of student numbers compared with the number of other residents;
- there is inconsistency between the student number figures provided. The 2007 supplementary planning guidance, in particular, is out of date and therefore misleading as it fails to show the changes over the past 11 years especially when compared with the St. James Neighbourhood Plan of 2013;
- the positive impact of the University on the City in financial, social and cultural terms as well as raising Exeter's profile is welcomed but a review is needed of the impact of purpose built student accommodation on the City and local communities. The growth of this type of accommodation needs to be managed;
- a review of Council policy on student accommodation is necessary first before considering applications for purpose built student accommodation;
- question justification for the additional accommodation sought. During negotiations with the original developer and the Football Club there had been some reduction in the number of units but there had also been an insistence on provision of student units without which the Club's re-

development proposals could not proceed. This enabling argument for the Football Club is now irrelevant as the additional units will have no impact on the football club plans; and

- the application should be refused or deferred for clarification on all issues raised.

The City Development Manager, in response to the queries, stated that the figures on student numbers had been provided by the University Estates' team and that officers had been aware that the objections had been omitted from the original report. He advised that the policy on student numbers would be reviewed. He also stated that, although it was not possible to disaggregate student numbers in houses in multiple occupation and that there was some increase in purpose built accommodation, there was sufficient information provided on student numbers to determine the application.

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

- approval has already been given for 312 student flats and rejection of the new site owners' application to increase this number is requested. It may only be 24 additional units but it will be a further nail in the coffin of the over-riding objective of the St James Neighbourhood Plan to create better community balance;
- there remains doubt as to whether additional numbers of student flats will be required and this building could not, as currently designed, be put to alternative use;
- there is no evidence in St James, where it is understood that the figures will show that Council Tax exemptions continue to rise, that purpose built student accommodation's are reducing the demand for residential houses;
- 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. The settled residents of St. James are fast becoming a shrinking minority. The residents should be supported as they have spent many hours creating a plan they believed would deliver the long term goal of a balanced and vibrant neighbourhood. They have been repeatedly let down by this Council. Show the residents of St. James that the importance of the Plan is acknowledged;
- the new site owners knew the number of units when they purchased the site from Yelverton – presumably they undertook due diligence on what they were acquiring and balanced cost with profit before paying the price. These plans can therefore safely be rejected without jeopardising the development;
- the residents of St. James are not opposed to students and do not wish to see them living in a basement that overlooks nothing more attractive than cycle lockers and a blank space. It should be seen as an unacceptable proposal contrary to any notion of good design contrary to Neighbourhood Plan Policy D1;
- the six storey block is one storey higher than the listed buildings on Old Tiverton Road;
- a further 24 students means a further 24 drop-offs at the start and end of each term. Most of these take place during the football season and all have to use Stadium Way already congested with football traffic and pedestrians. This is unacceptable, particularly for the residents of Lucombe Court;
- if approval is granted, the Section 106 Agreement should contain a requirement for at least a monthly clean of the gap between the new wall and the listed walls of Old Tiverton Road;
- only approve the building of a wall not a wall/hybrid wood panelled structure. It should be made clear in the Section 106 that any member of the student

housing company on site 24/7 is a properly paid employee or employees;
and

- please reject this application and support the settled residents of St James.

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

- the proposed amendments enable the reinvestment of the added value back into the development, provide increased common room facilities, and also increase green space. The amendments do not result in any increase in height to the approved building, or negative visual impact from the surrounding properties;
- the additional fit out works can be finished within the current construction period, so there will be no increase in time on site;
- GSA purchased this development after the current consent was obtained and, since this point, the scheme has been enhanced and key features added such as a full sprinkler system, card access control, increased management facilities and a BREEAM rating will be sought;
- the building will be managed by the company's operations team, who have been awarded student operator of the year for three years running. In addition, a student wellbeing programme will be applied at this building. GSA is proud to be leading the way with this programme and have been commended by Universities. Literature has been provided on the programme and the additional common spaces proposed with this amendment will help further enhance the wellbeing activities provided;
- GSA are excited about joining the local community and helping to keep it a balanced and vibrant place;
- there is still headroom and need for further well managed student beds in the City. The proposed additional 24 beds are in the form of cluster bedrooms; and
- the amendment will allow the provision of more amenity space and support a wellbeing programme. It will make better use of the site, with no negative visual impact, and help meet the current demand for student beds.

He responded to Members' queries:-

- the scheme was reviewed with view to both a better use of the value asset of the land and to re-invest back into the scheme by providing more communal facilities;
- the lower ground floor will, in fact, be at ground floor level with an outlook onto softer landscaping than previously proposed - the occupants will look out on to a cycle block not the cycle racks themselves and the block itself will be softened in appearance. Light to these units will be in excess of legislative requirements and there is no issue regarding the quality of the scheme;
- the amended proposal improves the investment potential, whilst providing more amenity space overall, improving the quality of the customer with no impact on neighbouring properties; and
- negotiations will be entered into with neighbours regarding the party wall to achieve consistency of design and the company will maintain landscaping and the appearance of the overall site to a high quality.

Members felt that there would be an unacceptable impact on the community balance of the neighbourhood, noting that the original application had been approved because of the implications on a wider development proposals for the

area, specifically the desire to provide for the community through improving the existing community facility of the football club.

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

RESOLVED that the application for the variation of Condition 2 of planning application 17/0188/37 granted permission on 1 March 2017 to allow an additional 24 bed spaces/studio flats within an extended lower ground floor level; relocation of common room and bin stores; provision of outside cycle parking and re-arrangement of internal stair cores be **REFUSED** as the application is contrary to the aims of the St James Neighbourhood plan leading to a further imbalance in the community because of the increase in student numbers.

118 **PLANNING APPLICATION NO. 17/1824/FUL - PINHOE LODGE, GIPSY HILL LANE**

The City Development Manager presented the application for two storey extension and detached garage.

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

RESOLVED that planning permission for two storey extension and detached garage 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 and 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 22 November 2017 (including dwg. nos 002; 003; 004; 005; 006; 007; 008; 009; 010; 011A; 012A; 013; 014; and email received 2 February 2018 from applicant detailing proposed brick) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) The walls and roof of the extension hereby approved shall have an external finish to match the existing building unless otherwise agreed and approved in writing by the Local Planning Authority.
Reason: To protect the character and appearance of the existing building and the wider street scene.

Informatives

- (1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

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

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

120 **APPEAL REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

121 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 10 April 2018 at 9.30 a.m. The Councillors attending will be Councilors Mrs Henson, Edwards and one other.

Additional Information Circulated after Agenda Dispatched - attached as an appendix

(The meeting commenced at 5.30 pm and closed at 8.45 pm)

Chair

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**PLANNING COMMITTEE
19 MARCH 2018**

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

**Agenda item 5 - application ref: 17/1871/FUL
Land at Tesco Stores
Russell Way**

No further information.

**Agenda item 6 - application ref: 17/1640/FUL
Exeter Royal Academy for Deaf Education
50 Topsham Road**

Affordable housing

Following further negotiations relating to the provision of affordable housing an increased level of provision is now proposed equating to 28%, and increase of 4% on the original proposals. This equates to an additional 6 affordable dwellings. The provision of affordable housing now proposed therefore comprises a total of 41 dwellings, of which 23 would be social rented units comprising a mix of 1, 2 and 3 bed apartments and 3 and 4 bed houses, together with 18 shared ownership units.

Taking into consideration the substantial abnormal developments costs associated with this development (relating to demolition, asbestos removal, site remediation and significant cut and fill requirements across the site), and the genuine fall-back position with regard to Vacant Building Credit (VBC) (which applied in full would result in significantly less affordable housing provision on the site amounting to 16%), the level of provision now proposed following the further discussions with the applicant is considered acceptable and recommended to Members by officers.

An updated consultation response has been received from DCC (Lead Local Flood Authority). This now comprises a response of no objection subject to the following conditions which replace condition 13 as listed in the main report (other conditions will need to be renumbered accordingly) –

An updated Acoustic Assessment relating to the Nursery has been submitted which confirms the building will incorporate appropriate glazing to ensure a satisfactory environment will be created to allow the building to function as a pre-school nursery.

Since the main report was prepared 3 further representations have been received, one in support and two objections. The points raised in these representations are similar to those already summarised in the main report. One of the objections refers to the fact the formal consultation response of the Highway Authority was not available until after the deadline for representations had passed. Whilst this objection disputes conclusions reached by the Highway Authority in respect of the transportation/highway impacts of the scheme the concerns it raises have already been expressed in other representations and are considered to be covered by the summary of representations set out in the main report. This objection also refers to the public speaking arrangements for Committee being unfair where there are distinctly separate issues raised by different groups of people adjoining different parts of the

development. It contends that only allowing one speaker doesn't facilitate equal opportunity for the varying interests to be raised through a single public speaker slot.

Agenda item 7 - application ref: 17/1658/VOC

Honiton Inn

Paris Street

For the purposes of clarification the figure referred to on Page 50 as the total number of students at the university includes both the Exeter campuses and the Penryn campus. The "Exeter only" figure for 2015/16 is 17,399. For 2016/17 it is 18,246.

Agenda item 8 - application ref: 17/1617/VOC

St James Park

Stadium Way

Representations

St James Neighbourhood Forum objected on the following grounds:-

1. The proposal to increase the No of students by 24 is unacceptable and contrary to the ESJF Neighbourhood Plan.
2. The loss of the amenity space that will be caused by moving the cycle lockers into that space is unacceptable and will leave little or no amenity space in this crowded development
3. It is unclear what the new proposals are with respect to the boundary walls with Old Tiverton Road, and will apparently leave a gap between the existing boundary wall and a new part timber wall - it is not clear who will be responsible for cleaning that gap. The original plan was for a planting scheme along the existing boundary walls and it is wholly unclear as to why it is necessary to change the plan as originally granted.
4. There is a lack of clarity as to why the road arrangement needs to be altered to permit fire tender and vehicle turning as shown on the plan on Page 23 D & A Statement.
5. It is not clear why the angle of the parking bays for disabled users has been altered (plan on Page 23) it appears from the drawing that these reconfigured spaces will be less convenient for disabled users.
6. There is insufficient consideration given to the access and egress via the main entrance on Stadium Way, particularly in the event of emergencies at either the flats or the football stadium on match days requiring an evacuation of both
7. It is unclear as to what is meant on Page 23 (Point 5) where it states that the retaining wall will be relocated to the boundary with the Big Bank Stand
8. A significant factor in the original scheme being approved was the benefit to the Football Club and this scheme will provide no further financial benefit from the new development - this is no more than a naked attempt to maximise profit at a loss of amenity to the students and further increasing the community imbalance that is already endemic with the scheme as approved.
9. If the Developer is stating that the football club will gain benefit from this then that should be properly set out so that it can be properly considered by the full Planning Committee.
10. It is accepted that student housing does not require the same level of consideration as to room size, amenity space etc as residential housing, but that is not a reason for failing to consider the impact upon the 24 students who will be looking out onto cycle lockers and into what will be, as a result, a somewhat dark space, being bordered by the flats on 3 sides and the Big Bank Stand on the 4th. Have the Student Guild been consulted at all as to what the students feel about these developments?
11. The Council is already aware that having approved so much student accommodation within the St James Ward in spite of the overriding objective of the Neighbourhood Plan this unnecessary increase in numbers will further increase that imbalance and the Planning Committee and Council should on this occasion at least recognise the importance of the Plan

as a Planning Document of the Council

12. From recollection the original scheme was for about this number of students. The then Developer made great play of the fact that the numbers had been reduced and the height of the buildings had been marginally reduced as a "concession" to the ESJF. Whilst the height of the building is not been proposed to be reversed students are now being expected to live at lower floor level in order to increase numbers again. If the number of flats as approved was right in the eyes of the Planning Committee then that it the number that should be retained.

13. There are no particular comments as to whether the rooms should be individual or arranged as cluster flats, provided that the overall number of students does not increase.

18 Letters/emails of objections including Prospect Park Residents Association and Exeter Civic Society regarding:-

1. Height, scale, bulk and massing of building out of keeping/ unsympathetic/inappropriate/overbearing to the surrounding residential area;
2. Contrary/disregards the principles of the St James Neighbourhood Plan (Policy SD1, C2 and C3) particularly in regard to the need for a balanced community;
3. Undermines overall aims of the St James Neighbourhood Plan;
4. Site should be used for alternative residential uses eg affordable housing/ a more varied housing stock/properties to buy rent for families/first time buyers
5. Already too many students already living in the city;
6. Increased traffic and pedestrian movement in the area;
7. Insufficient parking available leading to pressure on already existing congested St James streets;
8. Increased late night noise/litter/unsociable behaviour from students;
9. Concern about management of emergency services serving the football club or the student accommodation
10. Little consideration given to student wellbeing;
11. Student accommodation looking out onto cycle locker representing a poor level of amenity for students;
12. Loss of amenity space with the introduction of the cycle lockers into an area previously identified as amenity space;
13. Increased size of electricity sub-station.

For the purposes of clarification the figure referred to on Page 65 as the total number of students at the university includes both the Exeter campuses and the Penryn campus. The "Exeter only" figure for 2015/16 is 17,399. For 2016/17 it is 18,246.

Agenda item 9 - application ref: 17/1824/FUL

**Pinhoe Lodge
Gipsy Hill Lane**

No further information

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LICENSING COMMITTEE

27 March 2018

Present:

Councillor Keith Owen (Chair)

Councillors Sheldon, Branston, Hannan, Holland, Mitchell, Newby, Pearson, Sills and Vizard M

Apologies:

Councillors Brimble, Foale, D Henson and Keen

Also present:

Environmental Health and Licensing Manager, Litigation Solicitor, Solicitor, Principal Licensing Officer and Democratic Services Officer

1 Minutes

The minutes of the meeting held on 6 February 2018 were taken as read and signed by the Chair as a correct record.

2 Declarations of Interest

No declarations of interest were made by Members.

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

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

4 Application for Street Trading Consent

The Chair introduced the Committee and set out the procedure. The Litigation Solicitor set out the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer presented the report advising the Committee that, Mr B was seeking approval to engage in street trading with a roving consent. The applicant proposed to sell vape items, such as e-cigarettes and e-liquid from a converted Ford Transit van and had applied to trade for a 12 month period.

The Principal Licensing Officer advised that Mr B had an established vape business in Exeter, which operated a challenge 25 age verification policy in the existing shop, which would also apply to the mobile shop and no representations had been received.

Mr B was in attendance and spoke in support of their application, notifying Members that there was an established vape shop in Pinhoe, which used the van to make deliveries to elderly and disabled customers and had operated at markets and car boot sales. The licence would allow more accessibility for customers to sell items other than making deliveries.

In response to questions from Members, Mr B responded:-

- The van would spend about 15 minutes in each area and would develop a customer base for repeat business;
- Existing disabled customers order deliveries from the store, which the van would park at the customers' homes. The shop had a website and Facebook page which would provide details of when the van would be operating in a particular area;
- The planned trading locations would be Sowton Village, Sowton Industrial Estate and Marsh Barton, but would trial difference areas;
- The roving licence would provide a service for customers who could not get to a shop;
- Vaping was supported by Cancer UK and NHS to assist people to quit smoking. The Government public health website stated that vaping was 95% better than cigarettes and had supported people in stopping smoking;
- There would be a fire extinguisher in the van;
- Would welcome a condition on no trading within a distance from schools;
- There were no plans to have chimes or bells, similar to those on an ice-cream van but could look into it if it were allowed;
- The business does not encourage people to start vaping, focussing on existing smokers to help them stay off cigarettes and work with them;
- All employees in both the shop and van would be fully trained.

The Environmental Health and Licensing Manager notified the applicant that Sowton Village was under East Devon District Councils administrative boundary.

RESOLVED that the application be approved for 12 months with the following conditions:

- (a) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- (b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (c) The use of A boards and flags is prohibited;
- (d) The consent holder will not conduct fly posting;
- (e) In the event that issues do arise from this consent, then they should be referred back to the Licensing Committee at the first available opportunity;
- (f) No trading within 400m of a school, between Monday and Friday;
- (g) No audible advertising to be installed on the van.

5 **Application for Street Trading Consent**

The Chair introduced the Committee and set out the procedure. The Litigation Solicitor set out the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer presented the report that advised the Committee that Mr B and Mr S were seeking approval to engage in street trading at a number of locations within the city, selling artisan coffee and individually wrapped pre-packaged cakes and biscuits from a converted Smart Car, measuring 240cm x 120cm.

Mr B and Mr S had applied for a roving consent to trade for a 12 month period specifically at Pynes Hill, Sowton Industrial Estate and the Marsh Barton Industrial Estate areas. The proposed trading days and times would be Monday to Friday, from 08.00 to 14.00. No representations had been received and the applicants business had received a 5 star rating from Environmental Health Department in October 2017.

Mr B and Mr S were in attendance and spoke in support of their application. They had started the business in September 2017 selling coffee. They operated a quirky and unique business operating Monday to Friday selling locally sourced products at affordable prices. They commented that they had operated at events in the city including the food festival.

In response to questions from Members, Mr B and Mr S responded:-

- The coffee cups would be 100% recyclable and bio-degradable. They would also provide a further incentive of discounted coffee for customers who brought their own mugs;
- Refuse would mainly consist of coffee stirrers, but everything would 100% recyclable and rubbish would be taken away when the car moved on;
- There was a support car available if required to cater for larger events;
- The coffee grounded and locally sourced for freshness. The car was a convertible with an attached steel compartment to trade from. The passenger seat would be fitted with a fridge but the car would remain road worthy;
- The Pynes Hill and Marsh Barton areas had a demand for the services and would be ideal locations to trade at. The car would park, allowing customers to come and buy tea, coffee and cakes;
- The discount for customers providing their own mugs would be displayed on the menu, through social media and word of mouth;
- The cakes were locally made by Devon Foods in Honiton;
- There were no specific locations or confines for the roving licence, the option to trade anywhere would be ideal.

RESOLVED that the application be approved for 12 months with the following conditions:

- (a) In the event that issues do arise from this consent, then they should be referred back to the Licensing Committee at the first available opportunity;
- (b) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- (c) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (d) The use of A boards and flags is prohibited;
- (e) The consent holder will not conduct fly posting.

6 Applications for Consent to Street Trade in Castle Street

The following two applications for consent to street trade had been received for the vacant pitch on Castle Street.

Both of the applicants, Mr G (Min. No. 7) and Mr B (Min. No. 8) were in attendance.

Both were informed by the Chair on the proposed procedure for considering each application in turn and to determine which, if any, would be the most appropriate for the pitch in question. The Solicitor set out the statutory provisions and the Council's street trading policy as set out below.

The Solicitor advised that the Committee was convened under the Local Government (Miscellaneous Provisions) Act 1982 ('the Act') to hear applications for Street Trading Consents. Schedule 4, Section 7 of the Act states under section 7(2) that the Council may grant a street trading consent if they think fit and section 7(4) when granting or renewing a street trading consent, the Council may attach such conditions to it as they consider reasonably necessary. The Council was under no duty to grant a street trading consent and does not have to specify grounds for refusal.

Under section 7(10) a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time. The Council's Street Trading Policy and Conditions section 1.1 stated Exeter City Council's street trading policy's aim was to create a street trading environment which complements premises based trading, was sensitive to the needs and amenities of residents, provided diversity of customer choice and sought to enhance the character and ambiance of local environments. Section 1.2 states the policy recognised the importance of street trading in the city and that it could add to the vibrancy and vitality whilst not necessarily adding to nuisance and crime and disorder.

7 Application for Street Trading Consent

The Principal Licensing Officer presented the report advising the Committee that, Mr G was seeking approval to engage in street trading at Castle Street, Exeter selling Vietnamese 'Bahn Mi' Fast Food. The applicant had proposed to use a mobile hand cart made from galvanised steel and timber, which would be mobile and towable. The applicant had applied to trade on Monday to Saturday from 08.30 to 16.30.

He explained that no representations had been received and the applicants business had been registered with the Environmental Health department and awaiting inspection. All food would be prepared in the applicant's home kitchen and put together on site on the hand cart. All food on the cart would be stored in refrigerated or heated compartments and all packaging would be bio degradable.

Mr G was in attendance and spoke in support of his application, explaining that he had noted that there was a gap in the market for quality, filling and freshly made food for people on the go. This would be the first 'Bahn Mi' retailer in the South West and one of a few within the UK and was expected it would grow in demand. He explained he was currently unemployed and this would be a good opportunity for Exeter.

In response to questions from Members, Mr G responded

- A sandwich would cost £5 at a set price for all available options including a vegetarian option;
- Ingredients would be bought locally ;
- The cart was not currently built, but be constructed should approval be given by the Licensing Committee. It would take up to ten days to build and get the food hygiene certificate. He hoped to commence trading within two weeks;
- The cart would not weigh more than 150kg, which could be reduced if installed solar panels, however the weight would not be an issue;

- Although he lived in Okehampton, there wasn't a market for 'Bahn Mi' food, compared to Exeter;
- He would be operating from 8:30 to 16:30, six days a week;
- Waste and refuse could be collected by a commercial trade waste collector.

The Environmental Health and Licensing Manager notified Members and Mr G that Exeter City Council provided trade waste and recycling service for a set fee, which was collected in the morning, six days a week. Mr G advised he would hold refuse overnight in his car and put out for collection each morning or arrange collection from his home address.

In response to a question from the Solicitor, the Principal Licensing Officer stated that if approved, the application would be subject to a site inspection and submission of the food hygiene certificate.

8 **Application for Street Trading Consent**

The Principal Licensing Officer presented the report advising the Committee that, Mr B was seeking approval to engage in street trading at Castle Street, for six months (season), selling ice cream and sorbets in individual pots from a purpose built ice cream tricycle. The tricycle would use a purpose built freezer on the front and have a parasol and trade between Mondays to Saturday from 08.30 to 16.30.

He explained that no representations had been received and the applicants business had been registered with the Environmental Health department and awaiting inspection. The applicant would also use a thermal water tank and use a Milton solution to sterilise any utensils used.

Mr B was in attendance and spoke in support of their application, explaining they had purchased the tricycle in January 2018, with the intention of trading in Exmouth. However the market was too big in the seaside town, and demographics showed Exeter as a viable option. The tri-cycle would be environmentally friendly, with no gas cylinders and minimal waste. He considered there was a good market for ice-cream in Exeter which the majority of outlets selling hot food.

In response to questions from Members, Mr B responded:-

- The six month season ran between April and October;
- The ice-cream would be made locally in Taunton, using only 100% natural ingredients and no artificial flavourings. All nutrient information would be detailed on the tubs;
- During the tourism season, ice cream was a big seller and he wouldn't expect there to be any issues with selling;
- The pots were bio-degradable, however the lids were made of plastic, which he would request this be changed;
- Although there would be alcohol in the ice-cream, it would be a minimal amount and within legal limits;
- He confirmed he was currently a delivery cyclist, on a zero hour contract and was looking to establish his own business;
- The ice-cream would cost between £2- £2.50 with a three for £5 offer available;
- He was unaware of the facility to rove on his bike, but would prefer to stay in a central location. He had looked at other locations in the city including the quay, but would be unable to trade there;
- If granted the licence he confirmed he would be able to commence trading within two weeks.

9 Resolutions for Applications for Street Trading Consent at Castle Street

The Committee retired to make its decision on the applications for street trading consent at Castle Street in the presence of the Litigation Solicitor, Solicitor and the Democratic Services Officer only.

RESOLVED that the application for street trading consent to sell ice cream and sorbets, be refused on the grounds that the pitch should be occupied for trading all year round.

RESOLVED that the application for street trading consent to sell Vietnamese 'Bahn Mi' sandwiches be approved with the following conditions:

- (a) That the consent should not exceed 2.5 meters by 2.5 meters;
- (b) That the pitch should be located to allow sufficient space for vehicular access should it be required. The exact location would be agreed by the Environmental Health and Licensing Manager;
- (c) In the event that issues do arise from this consent, then they should be referred back to the Licensing Committee at the first available opportunity;
- (d) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- (e) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (f) The use of A boards and flags is prohibited;
- (g) The consent holder will not conduct fly posting;
- (h) That the use of diesel or petrol powered generators is prohibited;
- (i) That the business be operational on-site, by 28 April 2018.

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

PEOPLE SCRUTINY COMMITTEE

Monday 12 March 2018

Present:

Councillor Wardle (Chair)

Councillors Foale, Branston, Foggin, Hannan, Hannaford, Holland, Thompson and Vizard N

Apologies:

Councillor Morris

Also Present:

Director (BA), Principal Accountant Corporate, Programme Manager - Communities, Technical Accounting Manager, Housing Enabling Officer and Democratic Services Officer

In attendance:

Councillor Hannah Packham
Councillor Phil Bialyk

Portfolio Holder for the Housing Revenue Account
Portfolio Holder for Health and Wellbeing, Communities
And Sport

9

MINUTES

The minutes of the meeting held on 4 January 2018 were taken as read and signed by the Chair as a correct record.

10

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

11

QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER

20

In accordance with Standing Order No 20, Councillor Hannaford had submitted questions on LGBTQ issues and the Transgender Day of Remembrance.

A copy of the questions had been previously circulated to Members and these, together with the responses from Councillor Bialyk, Portfolio Holder for Health and Wellbeing, Communities and Sport is appended to the minutes.

12

QUESTION FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order No 19, Diana Jones submitted a question on the Advisory Service. Responding to a Member, she advised that she had been prompted to ask the question as there had been insufficient commentary in the Committee papers for a lay person to fully understand the report detail.

A copy of the question had been previously circulated to Members, and this, together with the response from Councillor Packham, Portfolio Holder for the HRA is appended to the minutes.

ITEMS FOR DISCUSSION

13

HRA BUDGET MONITORING TO DECEMBER 2017

The Technical Accounting Manager advised Members of any major differences, by management unit between the approved budget and the outturn forecast for the first nine months of the financial year up to 31 December 2017 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 indicated that there would be a net surplus of £1,180,101 in 2017/18. This represented a significant movement of £3,667,716 compared to the 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. This meant that the HRA was forecast to transfer over £1 million into its Working Balance, rather than taking £2.5 million out of its Working Balance, at the end of the financial year.

The current HRA Capital Programme showed a total forecast spend of £7,414,521 compared the £10,497,645 revised programme, a decrease of £3,083,124.

The Chair reported that the Financial Reporting Working Group had met and reviewed the financial reports ahead of their presentation to Scrutiny Committees and that he had subsequently put a number of questions to officers for reporting to this meeting. In respect of these, the following responses were provided:-

- certain vacant posts in Housing Assets and Council Own Build had been covered using temporary arrangements, as recruitment to the vacant posts was pending the outcomes of the Housing Quality Network review of the Assets team which completed in December 2017 and the completion of the stock condition survey. These posts had now been filled and there were no longer multiple vacancies. The posts were necessary as an extensive level of capital works were planned, to the value of £12 million in 2018/19 and £37 million over the next 5 years; and
- an employers' liability insurance claim had been settled by the Council and related to a former council employee. Both the Portfolio Holder for Health and Wellbeing, Communities and Sport and the Planned Repairs Lead enlarged on health and safety precautions that would be in place for the re-development of the Bus Station site in order to manage exposure to asbestos.

The Planned Repairs Lead updated Members on progress with an extensive procurement programme still taking place and the Director (BA), in response to a Member's query, advised that any identified risks within the housing service were included on the Housing Risk Register, which fed into the Corporate Risk Register. In respect of the filling of posts, she also confirmed that agency staff were only used in extremis and that the Council had been successful in recruiting to the permanent posts.

Responding to a Member, the Portfolio Holder for the HRA agreed that the lack of sufficient Central Government funding and the imposition of various controls was a significant contributory factor to the nation's housing crises and that this Council continued to make representations to Government on this issue, emphasising that it had serious ambitions to provide more homes, including social housing. She also highlighted the inequitable restriction on the use of Right to Buy receipts in

accordance with the One-for-One Replacement agreement, which sets out the strict criteria for retaining and spending the receipts. A detailed report would be submitted to a future meeting of this Committee and Executive in respect of the St Loyes Extra Care Scheme, which included the use of retained right-to-buy receipts towards the financing of the project.

People Scrutiny Committee noted the report.

14

PEOPLE BUDGET MONITORING TO DECEMBER 2017

The Principal Accountant advised Members of any material differences, by management unit between the approved budget and the outturn forecast for the first nine months of the financial year up to 31 December 2017 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 £305,840 after transfers from reserves and revenue contributions to capital. This represented a variation of 10.17% from the revised budget and included a supplementary budget of £372,160.

The System Lead Finance responded to questions from the Chair on Housing Benefits which is attached to the minutes.

People Scrutiny Committee noted the report.

ITEMS FOR CONSIDERATION BY THE EXECUTIVE

15

HOUSING STOCK CONDITION SURVEY

The Director (BA) introduced the report indicating that the Stock Condition Survey was critical to the Business Planning for the Council's Housing Stock. The survey allowed for work on the viability of the stock and the development of an Asset Management Plan to identify future investment needs. Traditionally, only 10% of stock had been surveyed but the Survey undertaken last year had surveyed 40% of the stock and the service was working towards 100% completion.

The Director (BA) welcomed Adrian Pengelly to the meeting who was new in post as the Planned Repairs Lead within the Housing Assets Service.

The Planned Repairs Lead presented the report informing Members of the condition of the Council's Housing Revenue Account (HRA) properties and setting out the plan for the continuation of stock surveys until 100% of properties have been surveyed. The Council in February 2017, had commissioned a stock condition validation exercise via external consultants Michael Dyson Associates (MDA). MDA had been commissioned to undertake 3,528 surveys - 2,991 dwellings (60%) and 537 blocks (100% of blocks - in line with industry best practice). The survey data had subsequently been combined with the existing data held to inform the overall stock investment programme.

The Planned Repairs Lead presentation covered the need for the survey, the historic and current position, the criteria for decent homes standard, the investment requirements for each ward and, in summary, he advised that the survey information of 64% provided a robust platform for investment planning purposes, offered medium (5-year) and long (30-year) term assurance and would help deliver

the Government's energy efficiency targets. He also reported that the stock viability assessment would complement stock condition data analysis, inform the Asset Management Strategy and ensure that active asset management principles are applied to investment.

Responding to Members' queries, he advised that there was strong competition between potential contractors and that Council contracts were attractive logistically because of the City's compact nature which, in turn, also helped the Council achieve economies of scale. The elements of each contract were tightly drawn up and included requirements for a living wage etc. He would be available to discuss in further detail the individual ward investment requirements with ward councillors as required.

Another Member referred to the previous tenant liaison arrangements and the Director confirmed that future minutes of the performance scrutiny partnership meetings could be made available to the Committee.

Scrutiny Committee - People noted the stock condition survey data and the plans for continual assessment of investment requirements.

16

COMMUNITY GRANTS AND COMMUNITY UPDATES

The Programme Manager Communities presented the report providing the following updates on community issues:-

Community Grants

The City Council had an extensive Community Grants Programme with around £1.5 million awarded annually to community organisations through a range of grant processes. A breakdown of the grants was provided and Members were advised of the intention in 2018 to review the city council policy, system and process in order to consolidate the programmes and revise criteria to link to council priorities. One Member queried how information on the grant process was filtered through to the community and it was generally recognised that a simplification of the grants process would be beneficial because of the varying grant application processes.

A further report on process and recommendations would be submitted at a later date.

Community builders

Council on 25 July 2017 had agreed £610,000 over five years (£300k New Homes Bonus (£300k) and £310k from neighbourhood portion of Community Infra-Structure Levy: CIL) to fund Community Builders across the City. This would build on the existing community builder roles funded through the Integrated Care Exeter (ICE) Wellbeing Exeter programme until March 2018. Because of the expansion of Wellbeing Exeter and the Sport England Local Delivery Pilot status, it was proposed to expand community building so that all wards would have access to a community connector and community builder. It was proposed that funding be front-loaded in light of the Wellbeing Exeter and Sport England programmes for a three year period in the first instance: 2018/2020. Anecdotal feedback indicated that the community builders could have a real impact on improving people's lives and supporting the local community.

Responding to a Member, the Programme Manager advised that documentation such as evaluation reports on the community builders could be made available to Members on request and the Community builders could also be requested to provide feedback on their work at a ward level. Members were encouraged to have good contact with their local community builder.

Delegated powers had been given to the Portfolio Holder for Health and Wellbeing, Communities and Sport and the Programme Manager to agree adjustments to the original plans for the deployment of Community Builders and for them to do this in consultation with the Chair of the Exeter Community Forum.

Grass Roots Grants/Neighbourhood Community Infrastructure Levy

The Council received recommendations from the Exeter Community Forum (ECF) Grass Roots Grants Panel on expenditure for the neighbourhood portion of the Community Infra-Structure Levy (CIL) (£3.75 million over 10 years ring-fenced for community led initiatives) The Grass Roots Grants criteria included a number of programmes contributing towards the goals of the ECF Community Strategy endorsed by the Council.

To date, eight organisations had been awarded a grant through the Grass Roots Grants process totaling £167,913. It was noted that the Portfolio Holder for Health, Wellbeing, Communities and Sports represented the Council on the grants panel.

Exeter : A young people friendly city - Exeter Youth Voice.

The City Council was taking the lead co-ordination role for this next stage of developing a Youth Strategy for the city and had recently contracted Young Devon to facilitate the 'Exeter Youth Voice' initiative with young people across the city over the next 12 months. This work would build on the consultation that had taken place with young people during 2016/17 resulting in the launch of the Youth Strategy in March 2017. The project would be delivered through a steering group including Exeter City Council Communications and Marketing Team who would be supporting the process and helping to profile the views of young people. Members were reassured that the project had and would continue to engage with Black and Minority Ethnic young people through the process of the project.

Members queried the level of Member involvement in the work of the Exeter Community Forum notably the grant making process where a significant level of funding had been made available. Some concern was expressed at the level of democratic accountability and transparency in the operation of the Grass Roots Grants Panel and it was suggested that a cross party, Member led body would be more appropriate to provide greater accountability and community leadership. Because of the significant level of funding, a Member felt that greater scrutinisation of the decisions was required and he and another Member referred to play equipment in particular as one area where funds could be better directed.

The Portfolio Holder for Health and Wellbeing, Communities and Sport acknowledged the complexity of the grant making process and advised that the rationale behind this community work was greater synergy and extended community involvement and that reviewing the grant making process which Executive would now be asked to support was a logical step in this process. He also felt that a further briefing session for Members would be appropriate following the review of grants.

Scrutiny Committee - People supported the report and asked Executive to request Council to:-

- (1) approve the recommendation to review the grant allocation policy and process in 2018 to consider modernisation and consolidation of the grant programmes and revised criteria linked to council priorities;
- (2) approve the recommendation that the Neighbourhood CIL and New Homes Bonus funding agreed for community building in the city should be front-loaded in light of the Wellbeing Exeter and Sports England Local Delivery Pilot programmes for an initial 3 year period 2018 / 2020;
- (3) notes the progress of the Grass Roots Grants/Neighbourhood CIL spend over the first year of this funding being available and recognizes the contribution of the Exeter Community Forum Grass Roots Panel in supporting this process;
- (4) note the 2nd stage of the Exeter Youth Strategy work in terms of the launch of the Exeter Youth Voice project; and
- (5) review the role of the Exeter Community Forum Grants Panel and to consider whether there was a need for greater accountability and scrutinisation of its processes and to examine if a change of approach through increasing the involvement of Members was desirable.

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

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

18 **RENNES HOUSE OPTIONS**

The Director (BA) and Housing Development Officer presented the report outlining the history behind Rennes House, past decisions made and setting out costed options for the refurbishment works required to the building. Rennes House was a 10 storey tower block used as older persons accommodation (over 60's) located in the Whipton Barton Area of Exeter providing 61 homes to Council tenants on a social rent.

The four options presented were:-

- (1) full refurbishment;
- (2) minimal refurbishment;
- (3) demolition; and
- (4) wider regeneration.

Refurbishment would necessitate the relocation of tenants either internally or externally as work progresses. This would be a complex process to ensure that internal moves and decants are undertaken in the most efficient way to ensure both minimal disruption to the residents and not to disrupt the build programme.

The Portfolio Holder for the HRA enlarged on the advantages and disadvantages of each option and explained the reasons behind her preference for the first option of full refurbishment. It would provide a high quality refurbishment which would guarantee the lifespan of the building going forward for a minimum of 40 years, would be in keeping with Chester Long House another new development in the immediate area, it provided significant savings in heating costs and would improve thermal comfort and indoor air quality and it was the preferred option of tenants.

It was noted that the report recommended the following work which did not form part of the options:-

- (1) carry out fire engineering recommendations including Automatic Opening Vent installation and new dry riser; and
- (2) replace service risers including water and electrical distribution and remove asbestos from the risers.

Decant costs would also need to be included and final costs would depend on whether a partial or full decant was required.

Members discussed the options, one Member referring to three earlier schemes for re-development which he felt should also have been put forward as options at this stage. It was noted however that these were conceptual rather than detailed plans.

A Member supported the re-modelling of the ground floor which would make the laundry and scooter storage more accessible for all and create additional communal space, whilst other Members welcomed the proposal as the one supported by the residents themselves.

There was unanimous support for the option of full refurbishment and Members were presented with, and supported, a series of sub options within the main proposal, costs of which were circulated.

Scrutiny Committee - People noted:-

- (a) the report setting out the refurbishment works required to Rennes House, alongside the costs of refurbishment in relation to the value of the building; and
- (b) the responses to the consultation undertaken with Rennes House residents as detailed in the report; and

requested Executive to support the option for proceeding with a full refurbishment of Rennes House, with sub options as circulated.

(The meeting commenced at 5.30 pm and closed at 7.55 pm)

Chair

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MEMBER QUESTION TO PORTFOLIO HOLDER FOR HEALTH AND WELLBEING, COMMUNITIES AND SPORT at People Scrutiny Committee - 1 March 2018

Questions from Councillor Hannaford.

- Exeter City Council has a long term commitment to promoting and supporting LGBTQ issues , both as an organisation , and working with other key agencies in the city , can the Portfolio Holder please briefly outline some of these for the committee ? Such as LGBTQ staff network and sponsorship of Exeter Pride.
- Is the Portfolio Holder aware that at last year's Transgender Day of Remembrance (TDoR) , Plymouth City Council held a commemorative ceremony at their Civic Centre, with a special flag to commemorate the event?
- Would he support a similar initiative by Exeter City Council to mark this occasion starting this November to show solidarity and support?

Response

- *ECC has supported Pride for several years in kind by providing Rougemont Gardens and Northernhay Gardens as locations for the event. In 2017 Exeter Board also awarded a grant of £9,590 to Pride;*
- *Each year the Lord Mayor leads the parade and for the last two years a rainbow flag has been raised at the Guildhall*
- *As a relatively small organisation it has been difficult for ECC to set up an LGBTQ staff network (there are no staff networks for any other protected characteristic) however the DCC LGBTQ staff network invited our staff to join two years ago. So far however we are not aware that any of our staff have taken up the offer*
- *Many of the council's forms now include the titles Mx and as we work towards putting all forms on line this will be improved and updated and any request for a customer to provide a title will be made optional rather than mandatory.*
- *The council has a good relationship with the Intercom Trust and works with them on relevant issues for example they were invited to take part in the BME Forum workshop on hate crime.*
- *If an external organisation wished to organise such an event and approached the council for support, it would be considered in the context of all events that the council supports across the year. Any request should go to the Director of Communications and Marketing.*
- *In principle provided no other event is happening that day a flag could be raised at the Guildhall.*

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PUBLIC QUESTION TO PEOPLE SCRUTINY COMMITTEE

UNDER STANDING ORDER 19

PEOPLE SCRUTINY COMMITTEE - 12 March 2018

Questions from Diana Jones.

The budget for Advisory Services (budget line 81C2) has been reduced by £466,950, or 30%, for the financial year 2018/19. Will the Council please explain the specific impacts of this budget reduction on actual services to people and organisations?

Response

The total budget reduction shown in the 'Other Adjustments' column is due to two main reasons:

£351,860 Reduction in Support Services

£115,090 Increase in grant income retained by Advisory
Services

£466,950

These are described in more detail below:

Support Services

Changes in accounting guidance has ended the requirement to spread support service costs as overheads. The change allows local authorities to report its financial performance in the same way that the authority operates and manages its services.

Support services are managed as separate functions within the Council (legal, finance, HR etc.), their costs are now budgeted as discrete functions rather than spread across Council services as overheads. The impact of this change for Advisory Services on the 2018/19 budgets is a saving of £351,860 due to the removal of support service overhead costs. Support Service budgets (legal, finance, HR etc.) are showing increased expenditure due to the retention of their costs when compared to the 2017/18 budgets, therefore, across the Council the impact is cost neutral.

Grant Income

MHCLG introduced a 'Flexible Homelessness Support Grant' this year, this grant replaced the £60 per week temporary accommodation management fee that we were able to charge until 31 March 2017. In the current year we have transferred some of this grant into GF Housing – Property (81E1) to replace the management fee income lost from the PSL rental income. Rather than continuing to move money from one unit to another it was decided in 2018/19 to show a reduction of income within GF Housing - Property and to keep the grant within Advisory Services, therefore the impact of this is also cost neutral across the Council

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RESPONSE TO CHAIR OF PEOPLE SCRUTINY COMMITTEE ON HOUSING BENEFIT ISSUES FROM THE SYSTEM LEAD FINANCE

PEOPLE SCRUTINY COMMITTEE - 12 MARCH 2018

Responding to a Member in respect of the forecast variance of £400,000 of revenue collection and benefits, the System Lead Finance advised that three areas had contributed to the variance:

1. Less Housing Benefit overpayments raised than the original forecast of £1.8m. Overpayments occur when the Council is advised of a retrospective increase in income or change that means that too much Housing Benefit has been paid out for a past period on a claim. At the end of January, £1.2m had been raised in overpayments with an end of year forecast now being projected to be £1.5m. The majority of overpayments are raised by processing RTI's (Real Time Information). These are notifications sent through to the Council monthly by the Department for Work & Pensions (DWP) following data matching against records held by HM Revenue & Customs to highlight discrepancies. When RTI's were introduced two years ago they created large value overpayments as the retrospective increases in income regularly covered several years. Now, with more up to date information, it is harder to create a large overpayment. The start of year forecast for overpayments is created using a formula which is the sum of the previous 12 months overpayments raised multiplied by a percentage figure given to the Council by the DWP. That percentage figure can be a plus or minus depending on what the DWP predict to happen to the Council's caseload, and this year it was a minus percentage as the DWP were predicting that the Council would be raising less overpayments than last year. It is very hard to actually predict how many overpayments will be raised in a year. Exeter City Council has been consistently the highest achiever in Devon at finding and processing changes, so there is no room for improvement there and the Benefit Team has a dedicated resource for processing the RTI's, and process both the mandatory and optional RTI's on a regular monthly basis. Housing Benefit overpayments account for approx. £300k of the forecast variance.
2. Write-offs for the year were forecasted to be £152k, however they were £172k at the end of January. There was a backlog of write-offs in December that the Collection team have recently processed. There are various reasons why overpayments of Housing Benefit cannot be recovered and are put for write-off including where the claimant has died and there is no money in the estate to claim from, the claimant has moved away and cannot be traced, the debt is included in an insolvency order and cannot legally be recovered, or there are issues of vulnerability (personal and/or financial) and it would not be in the interest of the claimant's welfare to pursue the debt. Write-offs are subject to close scrutiny before being authorised.
3. More unfunded expenditure than forecast. This is where Housing Benefit has been paid out but the Council does not get fully reimbursed through subsidy for what has been paid out. The three areas of subsidy loss are temporary accommodation, supported exempt accommodation and local scheme (local disregards for war pensions).

Temporary accommodation includes spot purchases and Bed and Breakfast, and rents for temporary accommodation can be very high, which is why the Council strives to keep the use of temporary accommodation to a minimum. As Housing will have received full income from Benefits for their temporary accommodation, it is the Housing Benefit budget that bears the cost of the shortfall.

Supported exempt accommodation is provided by a charity, housing association or voluntary organisation and the landlord is responsible for providing care, support or supervision that is more than minimal. If the landlord is a housing association the Council gets full subsidy, but if they are private or voluntary then the subsidy reimbursement is limited to the rent officer (RO) valuation. Rent is far higher in these schemes so there is a large unsubsidised cost to the Council. Where the resident is vulnerable, the Council gets 60% of the expenditure over RO valuation back in subsidy, but zero if they are not. The Council has approximately £500k over threshold subsidised at 60% and £75k of zero subsidy. The most expensive schemes can cost up to £300pw per tenant, and increasing costs are being seen in this area.

Responding to a Member with regard to the risks posed by Universal Credit, the System Lead Finance advised that a report and background paper on Universal Credit Full Service rollout, was presented to People Scrutiny Committee on 4 January 2018. The financial risks are highlighted in the Section 151 Officer comments in the report and also detailed in paragraph 4.1. As there are significant financial risks, an entry has been included in the Corporate Risk Register.

With regard to the Member's enquiry if Housing Benefit Overpayment recovery is at risk, the System Lead Finance can advise that there are no current concerns with recovery levels. Recovery of old year debt is better this year with 74% being achieved compared to 71% last year. Recovery of old and new debt was 72.1% as at the end of January 2018. This indicates improved performance as levels of old and new debt recovery were 70.4% in 2016/17 and 67.3% in 2015/16.

PLACE SCRUTINY COMMITTEE

8 March 2018

Present:

Councillor Sills (Chair)

Councillors Lyons, Foggin, Keen, Owen, Mitchell, Prowse, Wardle and Wood

Apologies:

Councillor D Henson

Also present:

Director (DB), Cleansing & Fleet Manager, Principal Accountant (PM), Principal Accountant (MH), Programme Manager - Communities and Democratic Services Officer (SLS)

In attendance:

Councillor Peter Edwards	- Leader and Portfolio Holder for City Development
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
Councillor Rob Hannaford	- Member attending under Standing Order 20
Councillor Chris Musgrave	- Member attending under Standing Order 20 and 44

12 Minutes

The minutes of the meeting held on 11 January 2018 were taken as read and signed by the Chair as a correct record, subject to the last bullet point in Minute 5 relating to a trial of a Quayside bus during the summer period including a reference to being "on Sundays".

A Member commented on the current procedure of signing the minutes as a correct record when the minutes were not before Members. The Democratic Services Officer undertook to pass on the comment to the Corporate Manager Democratic and Civic Support.

13 Declaration of Interests

No declarations of disclosable pecuniary interest were made.

14 Questions from the Public under Standing Order 19

In accordance with Standing Order No 19, two members of the public, Mr Cleasby and Mr Poltawski, submitted questions on issues relating to the consultation timeframe of the Greater Exeter Strategic Plan and a request for making the litter bins more seagull proof particularly on Cathedral Green, but also widespread throughout the city centre and residential areas.

A copy of the questions had been previously circulated to Members, and these, together with the appropriate responses from Councillor Edwards as Leader and Portfolio Holder City Development and Councillor Brimble, Portfolio Holder Place is appended to the minutes.

15 Questions from Members of the Council under Standing Order 20

In accordance with Standing Order No 20, Councillors Hannaford and Musgrave had submitted their respective questions on the City Council's overall strategy for support of business and in relation to the District Centre in St Thomas and also on food waste recycling in Exeter.

A copy of the questions had been previously circulated to Members, and these, together with the appropriate responses from Councillor Brimble, Portfolio Holder Place is appended to the minutes.

16 Exeter Community Partnership - Heavitree Pilot Project

The Portfolio Holder City Transformation, Energy & Transport introduced the final report of a pilot of a community partnership project for Heavitree. This was a yearlong collaboration between the University of Exeter, Exeter City Council and Exeter City Futures to connect partners, create opportunities and drive impact, focusing on the themes central to Exeter City Future's goals of making Exeter congestion free and energy independent by 2025. Support was given to the community in Heavitree to collect existing and new data to help understand the cause of the traffic challenges faced by them. Councillor Denham introduced Kerry Deacon, Education and Engagement from Exeter City Futures and also the City Council's Programme Manager Communities. The project was managed by Lindsey Anderson, Impact and Partnership Development Manager, based at the University of Exeter.

The project included six weeks of local listening and engagement activities using sites on Fore Street, the Heavitree Friendly Library based in the Parish Church, and at Ladysmith and St Michael's schools in Heavitree. Over 200 people completed a travel and energy survey, and many more had engaged with the project and talked about what they loved about Heavitree, as well as providing comments relating to traffic and congestion in their ward. The majority of comments focused on traffic and congestion and after a series of workshops, the partnership, working with members of the community, formulated the following two questions:

- How can we motivate and incentivise parents and staff who currently drive to school to use alternative mixes of travel?
- How can we enable and encourage the use of sustainable and attractive alternative mixes of transport to reduce the number of cars driving through Heavitree?

Two community-led working groups (a School Working Group and a Congestion Working Group) collected data to evidence the problems and create practical solutions. The School Working Group are also engaging with Sustrans and Devon County Council's transport team, and are monitoring air quality at a number of hotspots and comparing air quality data in locations outside their school gates, Higher Cemetery, Heavitree Park and on Heavitree Road.

The Portfolio Holder City Transformation, Energy & Transport welcomed what had been a very positive experience which had kept the community engaged and

energised. The pilot methodology offered a good example to roll out in other communities with the right approach early on, support and understanding of both anecdotal and qualitative data. It was now important to talk to other communities in Exeter and engage Members and broaden the topics to the issues of interest. A Member commented on schools in his ward, where walking to schools was already phenomenally high, the result of air quality monitoring both by those schools and on Cowley Bridge Road in his ward. He also commented on the need to resolve transport attenuation issues, and made reference to the budget for Exeter City Futures. Kerry Deacon responded and stated that she did not have the latest results of the schools' survey but the School Working Group had a series of questions and would have that detail. There had been a continuous engagement taken outside of the school environment to create a better understanding of air quality around the school.

The Portfolio Holder City Transformation, Energy & Transport stated that the transport monitoring referred to ongoing work with Greenpeace to acquire a more sophisticated level of air quality monitor. The working groups were also considering a number of solutions including implementing a school walking bus. The data had given ideas to the community and it was important to understand how data could give more power and also influence others. She referred to the Congestion Working Group which had looked at the capacity of nearby Park and Ride sites and whilst it was appreciated that the community could not solve such issues alone, data could address a lack of information such as car park usage which could be useful to both Devon County Council and Stagecoach.

Members embraced the process, and considered that the pilot was the way forward and consider how best this could be developed. Kerry Deacon explained that, although the project had finished in December, Kerry and Lindsey Anderson would continue to work with the community until July. The Programme Manager Communities also spoke of the involvement of Exeter City Council and welcomed the pilot as an excellent example of community building, and through her work she would continue to help promote community planning work.

Members thanked Lindsey Anderson and Kerry Deacon for the report.

17 **Food Waste Collection**

The Cleansing and Fleet Manager presented a report and outlined Eunomia Research and Consulting's business case for a separated collection and recycling of food waste in the city. The report included five different recycling and rubbish collection scenarios, with a comparison of cost and performance against that of the current service (the 'baseline') provided by Exeter City Council. There would be a requirement for additional recycling and customer support staff, with the option of food waste collection costing more than the baseline service, as well as coming with a degree of uncertainty and therefore financial risk to the Council. Members were presented with a proposed recommendation that the current recycling service, without a food waste collection, should continue as the service option with the lowest modelled costs and financial risk. The Cleansing and Fleet Manager explained that the business case for food waste collection would be reviewed every year as part of the Recycling Plan. The review would also take account of any developments in technology for waste collection and treatment and changes in the markets for recyclable materials, and the evolving financial case for food waste collection.

Councillor Musgrave attended the meeting and spoke under Standing Order 44 and expressed his disappointment that the recommendation was not to proceed with the collection of food waste at this time. Exeter was the only local authority in Devon not

to offer this service. He referred to a recent petition, which over 600 individuals had signed in favour of such a collection. He was concerned that an expensive report had been commissioned, which could have provided an opportunity for additional revenue generation.

The Member Champion for Communities and Food Recycling referred to the consultant's report, and he did not feel that the City Council should be asked to be burdened with such a significant expenditure when set against the current financial constraints and future uncertainty of such a commitment. The Cleansing and Fleet Manager stated that the cost of the final consultant's report was £16,240. Eunomia had been able to provide an informed report, with the costs, likely environment and performance of food waste collection. He reiterated that the collection of food waste remained an aspiration of this Council.

The Cleansing and Fleet Manager welcomed Members' positive comments on the Cleansing and Recycling service and responded to the following points:-

- Exeter City Council's support on waste reduction through its dry recycling scheme, exceeded the rates achieved in most cases by the Devon and also the nationwide scheme.
- Exeter had been able to meet the stricter regulations from the implementation of China's 'Operation National Sword', having the foresight to have an established Materials Reclamation Facility, (MRF) and offer high quality recyclables ensuring that export to China remained cost effective. There was also a reduced environmental impact with the container ships returning with a return load of recycled materials from the U.K. The streamed and separated material allowed the Council to continue to enjoy a market in the UK and Europe, despite the general decrease in the value of recycled materials.
- the over purchasing of food was noted as being an obvious factor in the increase in excessive food waste.

The Director also thanked Members and agreed that the service did represent value for money. He referred to the Association for Public Service Excellence 2016/17 (APSE) performance indicators, which confirmed that Exeter City Council's recycling rate of household waste in terms of refuse collection was the fourth most effective authority in the UK and cost efficient service for its council tax payers.

A Member commented on previous recycling performance and considered that Exeter City Council should still be prioritising a food waste collection service. The Cleansing and Fleet Manager stated that he was aware that the recycling rate had reduced over the past two years and he agreed with the Member that a fall in recycling rates across the country could be attributed to changes in behaviour. He advised that the level of packaging processed through the MRF was the same, but the volume of material was lighter. He added that the inclusion of street sweepings in the recycling rate, with any increase in street cleansing effectiveness could have the effect of increasing our non-recycled waste.

The Portfolio Holder for Place shared the regret, but appreciated that food waste collection would be a cost to the Council, when financial consideration was vital in such times of austerity and cuts. However, this did remain a long term ambition as well as taking any opportunity for revenue generation through the MRF. He commented on the options and possible further consideration in the future and he acknowledged that the cheapest option was not necessarily what was best for the residents of Exeter. The Member Champion for Communities and Food Recycling also referred to his role as Chair of Devon Authorities Strategic Waste Committee and it should be acknowledged that Exeter's recycling culture was quite significant

even to the extent of taking in recycling from other Devon authorities. He echoed the Portfolio Holder Place's view, that whilst it remained a key aspiration to introduce a food waste collection, this could put the broader service at risk and effect the recycling and residual waste collections. This was not what Exeter deserved, hence the commitment to look at an annual review to identify the best time for introduction of any system for Exeter's residents. He invited the Cleansing and Fleet Manager to describe how the MRF made a difference with its infra-red technology and opportunities to bolster the existing recycling service in Exeter.

Place Scrutiny Committee noted the current and planned measures to improve the recycling rate achieved by the current service; and supported approval by the Executive of the following:-

- (1) Exeter City Council should continue to provide the current recycling service (described as the 'baseline' in the circulated report); and
- (2) that officers provide an annual update on the food waste business case in the Recycling Plan, presented to Place Scrutiny Committee.

18 **Budget Monitoring (3rd Quarter)**

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 decrease from the approved budget by a total of £101,620 after transfers from reserves and revenue contributions to capital. This represented a variation of 2.12% from the revised budget and included a supplementary budget of £621,297, 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 £1,871,990 in 2017/18 with £931,970 of the programme potentially deferred until 2018/19.

The Chair introduced Councillor Owen, on the Financial Working Group, convened to provide a focus of the financial reports presented to the three Scrutiny Committees. One of the aims of the working group was to ensure that Members made the most of the opportunity to challenge and comment on the financial reporting. The Member was grateful to the Finance team who did an excellent job providing both information and support at the Scrutiny Committee meetings and elsewhere, and he hoped that future reporting would include more explanatory narrative to allow Members to offer a clearer challenge. He also sought further clarification on the significant variations by management unit for Place Scrutiny Committee, for the March report as follows:-

- 81A4 – Public Safety - The Director confirmed that the Home Call Alarm Service had made a net profit for the authority. The operating profit had increased substantially and in 2015/16 there was a healthy 19% profit, which increased to 21% profit in 2016/17. There had been a steady growth which had exceeded income expectations, however demand was expected to plateau.
- 818A6 - Parks and Green Spaces - The Director referred to the overspend and explained that the Public Realm service were working smarter and more efficiently with greater mechanisation. He also explained that the Parks and Green Spaces and street cleaning had separate budgets, but were managed as a whole with an overspend of £60,000, out of £3.8 million budget.

- 81D4 – Street Cleaning - The Director stated that an underspend was due to less vehicle repairs but they were in the process of acquiring more modern vehicles.
- 83B5 – Planning Services - The Principal Accountant (PM) stated that the underspend on the pay budget was attributed to a budget which had not been removed.
- 83B8 - Major Projects - The Principal Accountant (PM) stated that the compensation payment was in respect of the Bus Station and was due to the tenant under the Landlords and Tenants Act 1954. The City Surveyor had to end the tenancy earlier than anticipated in order to secure the site for redevelopment. He also explained that no further compensation would be due when the Bus Station is closed.

Place Scrutiny Committee noted the report.

19 **Exeter Highways and Traffic Orders Committee Minutes**

The minutes of the Exeter Highways and Traffic Orders Committee (Devon County Council) held on 16 January 2018 were circulated for information.

The meeting commenced at 5.30 pm and closed at 7.10 pm

Chair

**PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 8 March 2018
from Mr Peter Cleasby**

To Councillor Edwards as Leader and Portfolio Holder City Development

Question

The Draft Statement of Community Involvement for the Greater Exeter Strategic Plan envisages that 6 weeks will be allowed for public consultation on the first draft of the Plan. The 6-week limit was defended by the project manager for the Plan, Simon Thornley, at a public meeting on 19 January 2018. The Chief Executive of East Devon District Council subsequently indicated that a 12-week period would be preferable.

Unlike developers and the large house builders who can afford to pay expert consultants to study the draft and the volumes of supporting evidence, many individuals and small organisations cannot make serious responses to the draft within 6 weeks. Some will need to consult their members. Planning is intended to shape the communities in which we all live, so their input is every bit as important as those with professional skills and commercial interests.

Since the final version of the Statement of Community Involvement has not yet been published, despite the closing date for comments being 11 months ago, will the City Council make it clear to the partner authorities that it considers a 12-week consultation period must be adopted?

Response - Councillor Edwards, Leader and Portfolio Holder City Development thanked Mr Cleasby for his question. Of course, this was a matter for agreement between the four Councils preparing the Greater Exeter Strategic Plan, and not one for just one Council acting alone. Any decision on this would need to make sure that it struck a proper balance between the need to consult and engage communities, and the increasing imperative that there was a good, long term Plan in place. For Exeter, the need for a Plan was particularly important as we do not have a five year supply of housing and were therefore particularly vulnerable to ad-hoc development by appeal, with the loss of strategic oversight and local decision making this implied. Having said that, he agreed that 6 weeks was quite a short period, and he would certainly support some increase as long as it did not have a significant impact on the timetable. He said that he did not think it would be sensible to give a more definitive answer at this stage, since the matter would come before the Cabinets of the four Councils for decision in the near future.

Mr Cleasby was invited to respond and he said that he was grateful for the response from the Leader. He understood that meetings would have to be held at the other Councils. Nevertheless he still considered that a longer period of consultation would be more appropriate, as it was important to ensure a robust Plan and the local population would be all the better for being informed.

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**PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 8 March 2018
from Mr Leon Poltawski**

To Councillor Stephen Brimble as Portfolio Holder, Place

Question

Having seen the litter havoc wrought by growing numbers of seagulls around the city, I wonder when the council are going to do something about making the litter bins around town gull-proof? Cathedral Green, a major tourist attraction in Exeter, is blighted by litter scattered by gulls, but the problem is widespread through the city centre and residential areas.

I appreciate that cost is an issue but the solution does not have to be expensive, perhaps a matter of fitting swinging doors to the bins. And remember the cost saved by not needing as much time spent on clearing up.

Response - Councillor Brimble, Portfolio Holder Place made a response and advised that the Cathedral Green area was owned and managed by Cathedral management staff. The litter bins on this green area were a different design to that of the public litter bins around the rest of the city. During the summer of 2017, Exeter City Council in partnership with the Cathedral management conducted a trial of Big Belly Bins. These bins have a battery powered by solar energy and have a compactor inside the bin, which increased the volume of litter that could be placed inside. It also had a flap style opening which meant that gulls (or anyone else) did not have access to litter once in the bin. The 6 week 'Big Belly Bin' trial, took into account the summer tourist season and when the students returned to the city in numbers, coped with the waste very well. Unfortunately the decision to implement changes to the existing litter bin provision on the Green, was not one that Exeter City Council could take as this land was privately owned by the Cathedral. The trial was undertaken to prove or disprove the concept. It was agreed at the time of the trial that the Big Belly Bins would be a solution to the problem described on the green area at times. However, it did not take into account litter left behind on the grass by picnickers. The Big Belly Bins were also considerably more expensive (more than 8 times) that of a standard litter bin and this would no doubt be a factor to consider for the Cathedral staff.

With regard to the other litter bins across the city. Most of the City Council's litter bins had fairly small apertures because of the reason stated in the question, although it was important to accommodate a pizza box size of litter. Last week there was a demonstration of a different style of litter bin with even smaller apertures available. It is planned to purchase some of these new style litter bins to trial in the new financial year, albeit within the constraints of the Council's existing budgets, which currently sit at around £15,000 p.a. Councillor Brimble, Portfolio Holder Place also put this into context, and advised that the City Council had approximately 1,200 litter and dog bins across the city which needed to be maintained as they become broken or vandalised.

The City Council's street cleaners were out on the streets from 06:00 – 18:00, 7 days a week, 364 days per year and do their very best to keep any over flowing litter bins to a minimum. On the odd occasion this occurred they responded quickly and efficiently to return the place to an acceptable standard.

Bags of waste presented for collection also attract seagulls. The Council encouraged residents to use seagull—deterrent sacks to contain their rubbish. For commercial waste collections the pricing policy encouraged the use of wheelie bins rather than rubbish sacks for those customers who could store a bin. The Council was also

investigating the potential to install larger on-street bins in parts of the city centre where rubbish sacks could be contained as a deterrent to seagulls.

MEMBER QUESTIONS TO PORTFOLIO HOLDER at Place Scrutiny Committee – 8 March 2018 - Questions from Councillor Hannaford

Response to be made by Councillor Sutton Portfolio Holder Economy & Culture

Question 1

Could the Portfolio Holder please briefly outline the City Councils overall strategy to promote and support small and medium sized businesses, including independent traders?

Response - Councillor Sutton, the Portfolio Holder, Economy and Culture confirmed that the Growth and Enterprise team supported a wide range of businesses from across the city in terms of size and sectors. Small businesses and independent traders made up the majority of businesses within the city and were a very important part of economy. The team oversees The Exeter Key Employer Programme, a wide range of businesses were included within the programme from 1 or 2 man bands to international companies such as the Met Office. Different sectors were also included, such as retail and hospitality to professional services and advanced manufacturing and tech companies. The team meet these businesses once a year to gather data on business performance and to find out if they were encountering any challenges and to ensure the business remains open and located in Exeter. One area of work where valuable business information had been gained was on broadband, as a result a bid to the Local Full Fibre Network to improve superfast broadband to ultrafast in Exeter and Greater Exeter had been submitted.

The team were currently working across departments to promote City Council services that businesses access, and they were due to attend the South West Business Expo at WestPoint on 15 March. Services that are attending include, Invest in Exeter, Business Rates, Environmental Health, Licensing, City Development, Exeter Business against Crime (EBAC), Recycling, Trade Waste and Exeter Business Centre to highlight the good work that is being done. It was not just about being a regulatory body, but supportive advice to businesses was also offered. The team are due to undertake a business consultation exercise at the show to develop a Business First Charter – and are keen to articulate that they are very much pro-business. This topic will be the subject of a future report to Committee.

The City Council also manage the Exeter Commercial Property Register, and website allows any type and size of business to search for vacant property and offices within Exeter. The team supports and guide businesses on suitable vacant properties.

A new area of work will be around supporting businesses around skills, and a new post of Skills Officer is currently being recruited, which will support small and independent businesses within Exeter to recruit and retain the right talent. This new post will also work with schools, Exeter College and the University in ensuring that there are the right skills for the right type of vacant jobs in the city – not just now but for 5 – 10 years' time.

The City Council also manage Visit Exeter, which promotes Exeter to attract new and repeat visitors to the city. A major part of their work is to promote the variety and quality of small retail, hospitality and cultural businesses that were in Exeter.

The City Council supports and promotes areas across the city that face adversity, such as the fire that occurred in the Royal Clarence Hotel and the current flood alleviation works on the Quay. Visits are made to businesses on a regular basis to discuss progress and to address challenges and issues they face as a business.

Councillor Hannaford asked a supplementary question as to whether the City Council had set out their stall as a local council to dispel the myth that they were anti-business and anti-enterprise.

Councillor Sutton, the Portfolio Holder, Economy and Culture, referred to the interesting work taking place, and stated that she was proud of the business support in the city and as a key element that support would carry on.

Question 2

Is the Portfolio Holder aware that there are plans to reboot and reform the St Thomas Traders & Business Association?

Response - Councillor Sutton, the Portfolio Holder, Economy and Culture said that she was aware of the aspirations, both as a Portfolio Holder and as a Councillor for Westex.

Question 3

What guidance and support could the City Council give to this process? And he also qualified that was in relation to the potential BID and any guidance and support the City Council would give.

Response - Councillor Sutton, the Portfolio Holder, Economy and Culture confirmed that a member of the Growth & Enterprise team would be available to support the St Thomas Traders & Business Association in their efforts to reboot and reform. She also referred to the potential for a BID and certainly would facilitate any proposed meeting with the City Centre BID and it was hoped that a decision would be made on that in due course.

Question 4

Should it be the wish of local traders, could the Portfolio Holder, please consider facilitating a meeting to look at progressing a St Thomas Business Improvement District, with local members, council officers and businesses?

Response - Councillor Sutton, the Portfolio Holder, Economy and Culture reiterated her delight at facilitating a meeting with St Thomas businesses and members, as well as a number of City Council officers to discuss progressing a Business Improvement District for the area. We could also include the Exeter City Centre Business Improvement District within the discussions to learn from their journey.

Councillor Hannaford asked a supplementary question and any plans to expand St Thomas and Cowick as a major district shopping centre as they will benefit from a robust business and trading association.

Councillor Sutton stated that she welcomed the opportunity to share best practice for such a thriving part of the city.

MEMBER QUESTIONS TO PORTFOLIO HOLDER at Place Scrutiny Committee –

8 March 2018 - Questions from Councillor Musgrave

Response to be made by Councillor Brimble Portfolio Holder Place

Question 1

Does the Portfolio Holder agree with me, that breaking a manifesto commitment to introduce food waste recycling is a pretty rubbish deal for Exeter?

Response – Councillor Brimble the Portfolio Holder Place advised that the Exeter Labour Party manifesto promised to complete the business case into food waste doorstep collection and to introduce it at the earliest opportunity. The key phrase there was the "earliest opportunity". Increasing the recycling rate and introducing a food waste collection remained a long term ambition. Like many local authorities, Exeter City Council had a budget and all the options for introducing a food waste collection were either a cost to the Council or a financial risk. The cheaper options according to the Eunomia report involved moving to a three weekly black bin collection and in one case kerbside recycling collection. He said that he was of the view that the current co-mingled recycling collection every two weeks with being processed through the MRF is the most efficient way to improve recycling rates. He had asked the Environment Secretary, Michael Gove for help to deliver the governments targets on recycling and cleaner environments. Mr Gove had responded stating that there was no money available for councils. He represented everything the Government had done to starve local government of funds to improve recycling rates, improving cleansing services and support the work of council staff.

Councillor Musgrave asked a supplementary question about the cost of the consultancy report. The Portfolio Holder Place would ensure the final figure was provided.

Question 2

How does the Portfolio Holder intend to improve the city's poor recycling rates without the introduction of food waste recycling?

Response - Councillor Brimble the Portfolio Holder Place advised that Paragraphs 9.2 – 9.5 of the Food Waste Collection report presented to the Place Scrutiny Committee on 8 March described some of the measures being taken to increase our recycling from materials other than food waste. Further details of the City Council's Recycling Plan could be found in the report to Place Scrutiny Committee in September 2017

<http://committees.exeter.gov.uk/documents/g4839/Public%20reports%20pack%2014th-Sep-2017%2017.30%20Place%20Scrutiny%20Committee.pdf?T=10>.

Paragraph 9.6 of the food waste report also noted that Exeter had the fourth lowest amount of total waste collected per head in the country, and lowest outside London. Therefore the City Council's policies would concentrate on maintaining the Council's good record on waste reduction, improving the capture of the materials that was currently collected, and adding new materials to our recycling service where it was cost effective to do so.

Councillor Musgrave asked a supplementary question about the cost sharing arrangement with Devon County Council for the disposal of food waste in respect of Exeter's Energy from Waste plant. Councillor Brimble, the Portfolio Holder Place explained he would obtain more detail on the Energy from Waste plant for Councillor Musgrave.

Question 3

Does the Portfolio Holder agree with me, that food waste recycling is now a basic expectation of most ratepayers?

Response - Councillor Brimble, the Portfolio Holder Place advised that the most recent available figures from www.parliament.uk (2014/15) indicate that fewer than 45% of English local authorities offered a food waste collection and the percentage was unlikely to have increased substantially since then. Our neighbouring authorities all offer food waste collection, which may contribute to the perception that it is a widespread expectation.

Question 4

Does the Portfolio Holder agree with me, that the decision not to proceed with food waste recycling in the city is based on the addition revenue budget being allocated for the loan to the council to deliver the bus station project?

Response - Councillor Brimble, the Portfolio Holder Place stated that the Bus Station and Leisure Centre project was a completely different budget to cleansing and recycling services. As Portfolio Holder, he said that his aim had been to protect the budgets of front line services in cleansing and recycling. This was in the context of revenue support grant disappearing by 2020. The City Council had continued to protect the recycling budget and supported continued improvements to the Materials Reclamation Facility (MRF) which generates income from recycled material. The staff have been working hard recently with councils, charities and volunteers all over the South West to process Ocean plastic collection through Exeter MRF. He believed that we should place our limited budgets towards recycled material that is a revenue generator for the council such as plastic, aluminium, glass, paper, cardboard and cans. For this reason he said that he had worked alongside organisations like Row for the Ocean to ensure that all plastic is recycled in Exeter. He believed that we should aim to eliminate single use plastics in Exeter through recycling. One step that should be taken too achieve this is to introduce recycle on the go bins in the city centre to improve recycling rates.

Exeter has had the highest reduction in CO2 emissions of any city in the UK for the last decade. According to centre for cities. A reduction of 44% from 2005-2025. The Council has pursued a low carbon agenda for many years and has demonstrated a commitment to district heating, renewable energy and passivhaus construction setting excellent standards for environmental performance through the development plan. The City Council was recognised as Environment Council of the Year in 2016 and the environmental agenda needs to be seen in a far more enlightened way than simply a question of food waste.

CORPORATE SERVICES SCRUTINY COMMITTEE

22 March 2018

Present:

Councillor Greg Sheldon (Chair)

Councillors Warwick, Harvey, Holland and Owen

Apologies:

Councillors Baldwin, Lamb, Morris and Musgrave

Also present:

Chief Finance Officer, Corporate Manager Democratic and Civic Support and Democratic Services Officer

In attendance:

Councillor Pearson
Councillor Edwards

- Portfolio Holder for Support Services
- Leader and Portfolio Holder for City Development

10 **Minutes**

The minutes of the meeting held on 25 January 2018 were taken as read and signed by the Chairs as a correct record.

11 **Declarations of Interests**

No declarations of disclosable interest were made.

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

One member of the public, Mr Cleasby, submitted a question under Standing Order 19, in relation to the budget.

Councillor Pearson, as Portfolio Holder for Support Services, responded and a copy of the question and response is appended to the minutes.

13 **Questions from Members of the Council under Standing Order 20**

In accordance with Standing Order No 20, three questions were submitted by Councillor Musgrave.

A copy of the questions had been previously circulated to Members, and together with the responses from Councillor Pearson, the Portfolio Holder for Support Services are appended to the minutes.

14 **Overview of Revenue Budget 2017/18**

The Chief Finance Officer presented the report on the Revenue Budget for 2017/18, advising Members of the overall projected financial position of the HRA & General

Fund Revenue Budgets and for Members to note the Council's projected financial position and approve any additional expenditure required during the financial year.

He provided Members with the budget variance over and under spends for the general fund, HRA and Council own build houses. Members were referred to the key variances of the report, which highlighted the net interest underspend. Advice has been received recommending to avoid longer term borrowing to reduce the interest spend. The repayment of debt was lower than forecasted.

In response to questions from Members, the Chief Finance Office responded:-

- The £110,000 expenditure for major projects for Place Scrutiny Committee, covered the compensation payment to Stagecoach as a result of the termination of their lease;
- There were challenges with spending this year, which if property fund underspend money were to go into the general fund balance, would need approval by full council;
- During quarter one, there was an over spend on services, which the Leader had asked the Directors to address Quarter two spending had broken even;
- There was a typo in the outstanding sundry debt text of the report, which would be amended;
- A detailed explanation would be requested from the Customer Access team about the housing rent debt write off and would be provided to all Members;
- The underlying issues for the corporate property assets had been discussed which highlighted the resource challenges resulting in a significant underspend of £156,000. Although the amount insignificant, it was lower than in previous years;
- Treasury management fees of £31,000 were paid to the CCLA to manage investment. Property fund investment was £5,000,000, which was invested to provide for a better return on the investment.

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

- (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 December 2017;
- (4) The creditors' payments performance.

15 **Capital Monitoring Statement to December**

The Chief Finance Officer presented the report on the Capital Monitoring Statement which local authorities were required to produce to monitor progress against the amounts estimated when setting the prudential indicators for capital expenditure. . The annual capital programme was updated every three months to reflect cost variations, slippage or acceleration of projects.

He referred Members to the report, highlighting the current position of the Council's revisions to the capital programme since the last meeting and performance which showed the revised capital programme for the current financial year was £17m, with £6.6m spent in the first nine months, equating to 38.37% of the revised programme. The main expenditure variances for 2017/18, deferred schemes to 2018/19 and beyond, and the achievements from the third quarter were discussed.

In response to a question from a Member, the Chief Finance Officer explained that the budget bidding process for 2018/19 had required a timeline for the delivery of each project and phasing across a three year period to enable Scrutiny Committee monitor progress and require attendance by Project Managers to explain delays or deferred schemes to Members.

Corporate Services Scrutiny Committee supported the report and requested Executive to recommend to Council to approve the revision of the annual capital programme to reflect the reported variations detailed in 8.4 and 8.5 of the report.

16 **Budget Monitoring (Quarter 3)**

The Chief Finance Officer presented the quarterly report which advised Members of the differences to the revised budget for the Corporate Services Scrutiny Committee. He advised that local authorities had a statutory duty to set and monitor budgets during the year and to action potential overspends or income losses.

He discussed the key variations from the budget, which suggested that the net expenditure for the Corporate Services Scrutiny committee would decrease from the revised budget by a total of £294,280, representing a variation of 3.73%, which included the previously agreed supplementary budgets. He explained there was a revaluation of superannuation every three years. However, Devon County Council's projections of the increase, were higher than the final amount leading to a saving for Exeter City Council. Members were provided with an overview the significant variations from the various management units.

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

- The two elements in unapportionable overhead were the past service cost of pensions and unused portions of buildings. The term unapportionable overhead will be changed to identify them as pension related in the future;
- Budget figures would be split to clearly identify where there was an over or underspend.

The Corporate Services Scrutiny Committee noted the content of the report and were satisfied that prudent steps were being taken to address the key areas of budgetary pressure highlighted in this report.

The meeting commenced at 5.30 pm and closed at 6.10 pm

Chair

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PUBLIC QUESTIONS RECEIVED for Corporate Services Scrutiny Committee – 22 March 2018, from Mr Peter Cleasby

To Councillor Pearson (Portfolio Holder for Support Services).

Question 1

In view of the confusion in the 2018/19 budget as to what are and what are not changes in real spending, caused by the reallocation of overheads since the previous year, will this Committee decide, or formally recommend to the Executive (and if necessary to full Council) to decide, that it should be a requirement for all future budgets and in-year changes to budgets be accompanied by a detailed commentary explaining for each budget line:-

- (a) What is the real change in spending;
- (b) What will be the impact of the change on the service provided?

Response 1

Councillor Pearson responded to the question stating that the 2018-19 budget followed the same process as previous budgets. The medium term financial plan and strategy were reported to the Executive in December 2017. The detailed budgets for each Scrutiny Committee were considered during January and the overall budget considered by Executive and Full Council during February.

He explained that all Councillors were invited to an informal presentation of the budget in December 2017, which set out the changes to the budget including the new proposals being added to the budget and the savings being made. The Covering reports to the three Scrutiny Committees also set out the changes to budgets that were being made including the changes to the allocations of support services, changes to superannuation and changes to communications and marketing budgets in addition to the additional proposals and savings for each Committee.

Councillor Pearson stated that the budget book breaks down, for each line of the budget, the changes as a result of new recurring and non-recurring proposals (additions and savings) and other adjustments. At every Committee, as well as at the informal briefing, there was an opportunity for questions to be asked by Members relating to the budget and the changes that have been made, so there was no confusion by the time the budget was set in February.

The Finance team were currently working with Members to review the financial information presented to Councillors and to support them in carrying out the proper scrutiny of the financial position of the Council, which may result in changes to the papers produced.

Debate

Members discussed the reports and presentation of financial information received from officers, who they considered were explained in a clear and understandable way. Where more clarity was required, the officers were available to provide additional clarification, which could be explained to constituents. Members had met with accountancy officers who were continually addressing ways of making reports more clear and suggested improvements were always welcome.

Supplementary Response from Mr Cleasby

Mr Cleasby thanked Members for their responses and recognised that Councillors had the means to speak with Council officers, who could provide them with explanations to reports,

but there still needed to be a wider transparency to the public. He accepted that members of the public could ask their Ward Councillor to provide explanations to financial reports, but more public clarity would be welcome.

(It was noted that the question and response would be attached to the minutes).

MEMBER QUESTIONS TO PORTFOLIO HOLDER at Corporate Services Scrutiny Committee – 22 March 2018

From Councillor Musgrave

Response made by Councillor Pearson, as Portfolio Holder for Support Services

Question 1

Can the Leader explain the sudden departure of the Deputy Chief Executive?

Response 1

Councillor Pearson explained that the reasons for the departure of the Deputy Chief Executive were set out in the confidential Committee report presented by the Chief Executive & Growth Director to the Executive on 13 February 2018. All members had the opportunity to read this report.

Question 2

Can the Leader confirm any financial cost to the Council associated with departure of the Deputy Chief Executive?

Response 2

Councillor Pearson stated that the financial implications for the Council were set out in the confidential Committee report presented by the Chief Executive & Growth Director to the Executive on 13 February 2018, which all members had the opportunity to read.

Question 3

Can the Leader confirm which officer is currently leading on the bus station project?

Response 3

Councillor Pearson explained that it had been set out in all communications to staff, Members and the public, that the core team remained the same and the project lead role was being undertaken by the Chief Executive & Growth Director.

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AUDIT AND GOVERNANCE COMMITTEE

Wednesday 14 March 2018

Present:-

Councillor Natalie Vizard (Chair)
Councillors Wood, Harvey, Mrs Henson, Lamb, Musgrave, Sheldon, Thompson and Warwick

Also Present

Chief Finance Officer, Corporate Manager Democratic and Civic Support, Audit Manager (HP), Policy Officer and Democratic Services Officer

1

APOLOGIES

Apologies were received from Councillor Keen.

2

MINUTES

The minutes of the meeting held on the 06 December 2017 were taken and signed by the Chair as correct, subject to the following amendment:-

- Minute 33 – the Chief Finance Officer would seek legal advice to determine if the Council Officer, serving as Director of the Monkerton Heating Company at the request of the Council, would constitute a conflict of interest, giving rise to a challenge against the Council or officer.

3

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

4

MEMBER QUESTION

A Member raised a query regarding the admissibility of a number of questions he had submitted.

The Corporate Manager Democratic & Civic Support stated that, as the Committee was not a Scrutiny Committee, it could not receive questions in the same way as Scrutiny and that Member questions must relate to items on the agenda. In regards to the specific question raised on finance, it was recommended that this be submitted to the Corporate Services Scrutiny Committee.

It was also suggested that the information requested by the Member in relation to the finances concerned, was contained in the confidential report of the Chief Executive and Growth Director, presented to the Executive on 13 February 2018.

5

TECHNICAL UPDATE - EXTERNAL AUDIT PROGRESS REPORT AND REPORT ON GRANTS AND RETURNS

Rob Andrews, Audit Manager from KPMG presented the progress report which provided Members with an updated position with regards to the delivery of their

responsibility as the Council's external auditor. The report highlighted the main technical issues which were currently impacting local government.

He also provided a summary of the work undertaken by KPMG on the Council's 2016/17 grant claims and returns, explaining that the report included work completed under the Public Sector Audit Appointment certification arrangements and work completed on other grants/returns under separate engagement terms. Members were advised that there were no recommendations to the Council.

The Audit and Governance Committee noted the report.

6

EXTERNAL AUDITORS AUDIT PLAN 2017/18

Rob Andrews, Audit Manager from KPMG presented the report which supplemented the Audit Fee Letter 2017/18, which was presented to the Audit and Governance Committee in April 2017, detailed KPMG's appointment by the Public Sector Audit Appointments Ltd (PSAA).

He provided a summary of the financial statements explaining that there had been no change to the Code of Practice on Local Authority Accounting. He discussed the materiality for planning purposes which had been set at £1.9 million, and the uncorrected omissions or misstatements set at £0.095 million. The delivery of budgets and procurement under the value for money at the Council highlighted that in the last two years work had been undertaken to address procurement arrangements at Exeter City Council and the need to strengthen them in the Annual Governance Statement. Significant risks were also discussed which included the valuation of PPE, pension liabilities, faster close and management override controls.

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

- There has always been one in-house procurement officer in post and currently there is an interim procurement officer in housing, despite the full team not being appointed. Further interim arrangements were coming into place, whilst a recruitment of the rest of the team takes place. A full team was expected to be in place within six months;

The Audit and Governance Committee noted the External Audit Plan.

7

PROCEDURE FOR MINUTES

The Corporate Manager Democratic & Civic Support, provided an overview of the procedures for minutes following recently received concerns with the procedure for committee minutes, including the process for challenging their accuracy and presentation to full Council.

He explained that minutes were a draft record of decisions taken at the various committee meetings until they were signed as a correct record at the next meeting of that committee. It was the responsibility of the committee Members to challenge the accuracy of the minutes and the committee as a whole to amend them as required. Amendments would be recorded in the minutes of the meeting which they were amended, which he referred to the amendments made at this meeting.

Exeter City Council presented all committee minutes to full Council for information, allowing Members the opportunity to see what the committees were dealing with and to ask questions to the Chairs or Portfolio Holder on matters raised at the meeting for transparency. He highlighted that full Council did not approve the

minutes, only to receive them and this practice was not followed by all other councils, such as Plymouth City Council who only received recommendations for Council approval.

Members debated the procedures for minutes at council and procedures discussing:-

- The status of minutes when they go to Council and should they only go to Council after the next committee meeting, which would mean Council would not see committee minutes for up to four months;
- Accuracy and clarity of minutes at Council needed to be established to ensure full transparency and public understanding;
- The minutes at Council needed to clearly show that they were still in draft form;
- Undertaking a governance review, to highlight recommendations other than reading out minute numbers;
- Committee reports to be more understandable and less jargon;
- Adding additional Member and Scrutiny training to the governance review;

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

- Full Council noted all minutes of committees with the exception of any recommendations of the Executive which were open for discussions and decision by Council;
- The process had existed in Exeter City Council for a number of years, although this practice was not universally followed;
- The process followed the "pre Scrutiny", with the subsequent presentation of all minutes to full Council. This allowed transparency in the decision making process, allowing readers to easily follow the decision making route.
- Terminology of the minutes could be addressed to add suitable wording to show them as in draft form when shown at Council, except for recommendations to Council;
- A cross party governance review board to address changes could be established and include more scrutiny training resources.

The Audit and Governance Committee agreed to form a governance review board to address the roles and responsibilities of the various committees, ensuring they continue to meet the Council's priorities and objectives, the standing orders and procedure rules that support the committee and decision making structure to and allow for maximum transparency in decision making. The Corporate Manager Democratic & Civic Support would provide an update at the December meeting.

ANNUAL INTERNAL AUDIT PLAN 2018/19

The Audit Manager (HP) presented the report which required approval from Members for the 2018/19 Internal Audit Plan, which met the terms of reference of the Audit and Governance committee. She stated that the report provided information on the processes used by the Audit Managers to create the plan.

Members were informed that all systems were assessed using an audit risk assessment matrix, with high risk areas audited annually, medium risks every other year and low risks every four years on a rolling plan cycle. The plan was continuously reviewed, ensuring all risks were monitored, and with any amendments presented to the Audit and Governance Committee and that the audit plan was linked to the Corporate Risk Register.

The Audit Managers had received feedback from Strategic Directors and Corporate Managers about their priorities and responsibilities on the corporate risk register and from Audit and Governance Chair and Deputy Chair, which had also been incorporated into the 2018/19 Internal Audit plan.

The areas with the highest audit coverage were creditors, housing and contract management. The creditors had the potential for fraud and cost errors to the Council, but contract management had the potential to save the Council money if done correctly and was area identified for improvement by Internal Audit, based on previous year's work.

In response to questions from Members the Audit Manager (HP) explained that the level of fraud in Exeter was low compared to other authorities and that any fraud was investigated and appropriate action taken included prosecution.

RESOLVED that the Audit and Governance Committee approve the 2018/19 Internal Audit Plan.

9

INTERNAL AUDIT PROGRESS REPORT

The Audit Manager (HP) presented the report which provided a review of the internal audit work carried out during the period 1st October to 21st December 2017 and provided a progress update to the Members. She explained that the internal audit provided an independent review of the Councils effectiveness for internal control, risk management and governance.

She discussed the work undertaken, examining the financial internal control systems in place to prevent loss due to frauds, errors and inefficiency, and to corporate governance and risk management. The progress against the annual audit plan was considered good, despite the impact of losing a staff member, who was on long term sick leave and not having the finance apprentice to support. However as previously agreed, staff had been working additional hours since January to ensure the plan was completed by the end of the last quarter. She referred Members to the overspend outcomes of time against contract management in Appendix B.

The Audit Manager (HP) explained that there were no instances to report where recommendations had not been accepted by management during this quarter or of management accepting a recommendation which was not subsequently implemented within a reasonable timescale. She referred to the annual governance statement (AGS) which had included areas to improve governance arrangements

A summary of the emerging issues included cyber security which was defined as the defence of any physical or information assets, had been rated among the top four risks to national security. She explained the possible attacks to local authorities included malware, phishing, botnet attacks and specific individual attacks. She stated that the report highlighted the potential risks to our own systems and data.

In response to Members' questions the Audit Manager (HP) and the Chief Finance Officer responded that:-

- The CIL and Section 106 improvements related to the previous quarter for issues related to affordable housing. The Chief Finance Officer would issue a copy of the audit report to Members;
- The Chief Finance Officer would ascertain as to whether there were any requirements to repay section 106 funds in respect of Pinhoe Quarry;

- S106 was dependent on who was involved in the agreement, e.g. if Devon County Council were a party to the agreement, then they would receive money directly for services that they were responsible and would also be responsible for refunds if required.

The Audit and Governance Committee noted the Internal Audit Report for the third quarter of 2017/18.

10

CODE OF CORPORATE GOVERNANCE

The Chief Finance Officer presented the report which provided an overview of the proposed Code of Corporate Governance which reflected the updated principles of Delivering Good Governance in Local Government (CIPFA/Solace 2016). He explained that the Council was required to prepare and publish an Annual Governance Statement which reported on the Council's performance against the Code of Corporate Governance, which was reviewed and updated annually.

RECOMMENDED that the Audit and Governance Committee support and Council approve the Code of Corporate Governance for 2018/19.

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

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

11

CORPORATE GOVERNANCE RISK REGISTER (QUARTERLY REVIEW)

The Policy Officer presented the report which advised Members of the Council's risk management progress and the updated Corporate Risk Register, which the Audit and Governance committee monitored the Council's corporate risks to ensure Council business was conducted correctly. The report advised Members of the council's risk management progress and presented the updated Corporate Risk Register.

She highlighted the updated Corporate Risk Register detailed risks that could have a major impact on the city and were now managed by Directors and Corporate Managers. The register had also been expanded to include all of the council's corporate health and safety risks, which were listed health and safety risks register and would be presented quarterly to the Audit and Governance Committee.

Members were advised that four new risks had been added to the register, which included the introduction of the Homelessness Reduction Act, Universal Credit, Monkerton Heating Company and the District Heating Scheme. There were six existing high risks on the register, which she confirmed work was underway to complete them and confirmed that there were seven risks that had been removed.

In response to Members questions, the Policy Officer, Chief Finance Officer and Corporate Manager Democratic & Civic Support explained:-

- The Corporate Health and Safety risks would be the responsibility of the Chief Executive and Growth Director, with Directors, the Principal Health and Safety Officer, City Solicitor and Head of HR, Chief Finance Officer, Environmental Health and Licensing Manager, all sitting on the Health & Safety Committee along with Union involvement;

- The Operational Health and Safety board meet with the various service leads and Union representatives, and was separate from the Health and Safety Committee;
- The inadequate five year housing supply risk was reliant on delivery of the GESp targets. The council needed to consider what would happen if one of the GESp partners withdrew from the partnership.
- The register highlights the biggest risks to the Council, requiring Members attention, rather than detail every potential risk;
- Migration of data between two registers, resulted in some duplication, but will be amended when the Health and Safety group provides their updates;
- The registers would be amended to ensure they both have the same layout to ensure clarity;
- The contaminated land at Valley Park was still on the risk register, however was considered to be a low risk, but the Policy Officer would provide the Member with additional information;
- Responses to the detailed questions relating to the Monkerton Heat scheme would be provided to the Member as appropriate;
- The Corporate Manager Democratic & Civic Support would provide a response concerning whether the Director appointed by Exeter City Council at Monkerton should be listed as an outside body;
- The Legionella report had completed the high and medium risk assessments, which had revised the risks to incorporated monitoring, with work progressing, and considered to be a high priority.

The Audit and Governance Committee noted the updated Corporate Risk Register.

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair

EXECUTIVE

Tuesday 13 March 2018

Present:

Councillor

Councillors Bialyk, Brimble, Denham, Leadbetter, Morse, Pearson and Sutton

Apologies:

Councillors Edwards and Packham

Also present:

Chief Executive & Growth Director, Director (BA), Director of Communications and Marketing, Director (JY), Corporate Manager Democratic and Civic Support, Service Lead Housing Customers, Cleansing & Fleet Manager and Democratic Services Manager

30

CHAIR

In the absence of the Leader, the Deputy Leader, Councillor Sutton, took the Chair.

31

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

32

MINUTES

The minutes of the meeting held on 13 February 2018 were taken as read and signed by the Deputy Chair as correct.

33

MAJOR GRANTS PANEL MINUTES 22 FEBRUARY 2018

The minutes of the Major Grants Panel meeting held on 22 February 2018 were submitted.

The Deputy Leader advised of an amendment to these minutes to the effect that Double Elephant is not a National Portfolio Organisation (NPO), but an annual grant.

RESOLVED that subject to the amendment the Double Elephant is not an NPO, but an annual grant, the minutes of the Major Grants Panel meeting held on 22 February 2018 be received and, where appropriate, adopted.

34

LEISURE COMPLEX AND BUS STATION PROGRAMME BOARD MINUTES 5 MARCH 2018

The minutes of the Leisure Complex and Bus Station Programme Board meeting held on 5 March 2018 were submitted.

Councillor Mrs Henson, having given notice under Standing Order no.44, spoke on this item. She raised the issue of the absence of representation from the opposition

parties on the working groups which she felt was inequitable given the enormity of the project. In line with the Constitution officers should serve all Councillors and that exclusion of opposition parties from these groups was undemocratic.

The Deputy Leader clarified that Councillor Mrs Henson issue related to the inequity of the composition of the proposed workings groups of the Leisure Centre and Bus Station Complex Centre Boards given that they excluded non Labour councillors.

The Deputy Leader continued that, in accordance with the Council's Constitution, the Programme Board itself was politically balanced and accorded with the necessary proportionality requirements.

The current terms of reference for the Programme Board made it clear that "The Client Leads (Build, Estates, Operator) carry responsibility for leading and managing the project teams and ensuring the Senior Responsible Officer was accountable to the Board for managing and supporting the Client Leads and ensuring their performance, quality, risk management, cost control, timescale and overall project control for their specific Client Lead areas".

The proposal to create working groups aligned to each of the work streams was in keeping with the terms of reference. These working groups would have no decision making powers as these were the responsibility of the Programme Board.

The Portfolio Holder for City Transformation, Energy and Transport stated that, because of the importance and size of the project, it was not unreasonable that the Portfolio Holder for Health and Wellbeing, Communities and Sport was supported on the working groups by his Group Members.

The Portfolio Holder for Health and Wellbeing, Communities and Sport clarified that the Individual Project Working Groups would enable the increasingly heavy workload to be more appropriately shared and also to bring an objective point of view. Action points recorded at the meetings, together with documents produced for the working groups, all of which were, confidential would be made available to Members on request. He emphasised that, if there was a need to go outside the authorisation parameters of the working groups, a meeting of the Programme Board would be called. The Project Manager was available for Members to talk to with regards to all aspects of the project.

RESOLVED that the minutes of the Leisure Complex and Bus Station Programme Board meeting held on 5 March 2018 be received and, where appropriate, adopted.

35

CORPORATE PEER CHALLENGE

The Chief Executive & Growth Director presented the Corporate Peer Challenge (CPC) Feedback Report and recommendations arising from on-site visit by the peer team from 4 to 7 December 2017.

The Chief Executive & Growth Director highlighted the Executive Summary in particular the following:-

"Exeter City Council can justifiably take pride in its leadership role, over the last 15 years, in promoting economic growth. The council's mission has been to "enhance Exeter as the regional capital ..." and the level of growth, development and inward investment has transformed the city into one of the leading economies in the South West."

“The council has managed a period of change since 2010 in response to austerity. These include: setting aside unitary government proposals; reducing staff numbers (by 100) to 685 over the last five years; delivering the spending cuts needed without detrimental impact on services and, more recently, restructuring to establish a strategic management board (SMB) to move away from a ‘silo’ structure and style of working. This backdrop of reduced resources and managing significant change makes the achievements of economic growth even more impressive.”

He brought attention to the areas of work that required attention and the recommendations, in particular to the consideration of the splitting the Growth Director from the Chief Executive role. In light of this, the Chief Executive & Growth Director proposed a change to the recommendation that the feedback report and the peer team’s recommendations be noted. A subsequent report would be brought back with an action plan which would address capacity issues.

Members welcomed the review and positive comments with regards to the City Council’s partnership working, management of resources in these times of austerity, the approach to communications and its community engagement. They noted the areas of work that the report had highlighted and supported the proposed change to the recommendation with regards to noting the peer’s team’s recommendation and that the Chief Executive & Growth Director would bring forward a detailed report in due course.

RESOLVED that the Feedback Report and peer team’s key recommendations be noted.

36

HOUSING STOCK CONDITION SURVEY

The Director (BA) presented the report providing information on the condition of the Council’s Housing Revenue Account (HRA) properties. The report also sets out the plan for the continuation of stock surveys until 100% of properties had been surveyed.

The Director advised that the stock condition survey which provided significant information on the Councils Housing Stock would be used to inform future investment requirements for the next 30 years of the HRA Business Plan and, ultimately, improve the quality of life for the tenants. To date, 60% of dwellings and 100% of blocks had been surveyed and the service was working towards 100% completion. The survey data had subsequently been combined with the existing data held to inform the overall stock investment programme.

People Scrutiny Committee considered the report at its meeting on 12 March 2018 and its comments were reported.

RESOLVED that the stock condition survey data and the plans for continual assessment of investment requirements be noted.

37

COMMUNITY GRANTS AND COMMUNITY BUILDERS UPDATE

The Director (JY) presented the report providing an update on the following:-

- Community grants
- Community builders
- Grass Roots Grants/Neighbourhood Community Infrastructure Levy
- Exeter: A young people friendly city – Exeter Youth Voice

The Director advised that the City Council had an extensive Community Grants Programme with around £1.5 million awarded annually to community organisations through a range of grant processes. It was the intention in 2018 to review the city council policy, system and process in order to consolidate the programmes and revise the criteria to link to council priorities. A further report on processes and recommendations would be submitted at a later date.

The Council had agreed to the funding for Community Builders across the city to support the Community builder roles funded through the Integrated Care Exeter (ICE) Wellbeing Exeter programme. Because of the expansion of Wellbeing Exeter and the Sport England Local Delivery Pilot status, it was proposed to expand community building so that all wards would have access to a community connector and community builder. It was proposed that funding be front-loaded in light of the Wellbeing Exeter and Sport England programmes for a three year period in the first instance: 2018/2020.

The Portfolio Holder for Health and Wellbeing, Communities and Sport commented that it was important that a review of all the grants was undertaken to ensure that there was greater synergy and extended community involvement. In response to a Member, he acknowledged that the majority of funding for the Exeter Board Grants came from Devon County Council, consultation on the review would be undertaken and any proposed change brought back to People Scrutiny and Executive.

The Deputy Leader recognised the work that the City Council was undertaking across the city on developing a Youth Strategy. She advised of the additional recommendation proposed by People Scrutiny Committee with regards to the role of the Exeter Community Forum Grants Panel. This additional recommendation was agreed by Executive.

People Scrutiny Committee considered the report at its meeting on 12 March 2018 and its comments were reported and its additional recommendation was supported by Executive.

RECOMMENDED that Council;-

- (1) approves the recommendation to review the grant allocation policy and process in 2018 to consider modernisation and consolidation of the grant programmes and revised criteria linked to council priorities be approved;
- (2) approves the recommendation that the Neighbourhood Community Infrastructure Levy (CIL) and New Homes Bonus funding agreed for community building in the city should be front-loaded in light of the Wellbeing Exeter and Sports England Local Delivery Pilot programmes for an initial 3 year period 2018 / 2020;
- (3) notes the progress of the Grass Roots Grants / Neighbourhood CIL spend over the first year of this funding being available and recognises the contribution of the Exeter Community Forum Grass Roots Panel in supporting this process; and
- (4) notes the second stage of the Exeter Youth Strategy work in terms of the launch of the Exeter Youth Voice project; and
- (5) reviews the role of the Exeter Community Forum Grants Panel and to consider whether there was a need for greater accountability and

scrutiny of its processes and to examine if a change of approach through increasing the involvement of Members was desirable.

38

FOOD WASTE COLLECTION

The Cleansing and Fleet Manager presented the report on the outcomes of the business case undertaken by Eunomia Research and Consulting for the separate collection and recycling of food waste. Members were presented with a proposal that the current recycling service, without a food waste collection, should continue as the service option with the lowest modelled costs and lowest financial risk. The Cleansing and Fleet Manager explained that the business case for food waste collection would be reviewed every year as part of the Recycling Plan. The review would also take account of any developments in the technology for waste collection and treatment and changes in the markets for recyclable materials, and the evolving financial case for food waste collection.

The Portfolio Holder for Place stated that it was important that the Council remained ambitious in its long term plans to recycle food and expand the materials it recycled and it would review the situation on an annual basis.

A Member expressed his disappointment that the Council was not introducing a food waste collection.

The majority of Members acknowledged that the City Council did have good recycling rates and that the business case for a food waste collection would be reviewed annually.

Place Scrutiny Committee considered the report at its meeting on 8 March 2018 and its comments were reported.

RESOLVED that:-

- (1) the continuation to provide the current recycling service (described as the 'baseline' of the circulated report) be approved;
- (2) officers provide an annual update on the food waste business case in the Recycling Place; and
- (3) the current and planned measures to improve the recycling rate achieved by the current service be noted.

(Councillor Leadbetter in accordance with Standing Order no.43 requested that his abstention from voting on this recommendation be recorded)

39

FREEDOM OF THE CITY PROCEDURES

The Corporate Manager, Democratic & Civic Support presented the report which sought approval to introduce a more rigid assessment process for the consideration of any nominations made for Freedom of the City.

Members were advised that, following the Council's recent consideration of a number of nominations for Freedom of the City, it was suggested that a more transparent approach to the consideration of these nominations be made, before submission to an Extraordinary Council meeting. The procedure put forward was based upon the nomination process for a UK national honour. The proposal suggested that a panel be established comprising of a representative of each

political group, the Chief Executive & Growth Director or a member of the Strategic Management Board, the Corporate Manager Democratic and Civic Support and an independent representative. This independent representative position would be advertised and interviewed by the panel following the submission of an application form.

The Council's decision on the nominations would be final and it was noted, that this would be the only way that the Council would accept nominations for Freedom of the City.

Members had concerns with regards to the potential release of information regarding nominees under Freedom of Information Regulations and agreed that the report should be deferred to allow clarification to be sought.

RESOLVED that the report be deferred to enable clarification with regards to potential disclosures under Freedom of Information regulations on nominees.

40

LORD MAYORALTY

Councillor Hannaford was nominated as Lord Mayor Elect for the 2018/19 Municipal and Council, at its meeting on 24 April 2018, be asked to agree the nomination of the Deputy Lord Mayor Elect for the 2018/19 Municipal Year.

RECOMMENDED to Council that Councillor Hannaford be nominated as Lord Mayor Elect for the 2018/19 Municipal Year and that a nomination be made for the Deputy Lord Mayor Elect for the 2018/19 Municipal Year.

41

REPRESENTATION AT MAGISTRATES COURTS AND COURT

RESOLVED that, in accordance with section 223 of the Local Government Act 1972, the following officer be authorised to represent the Council at the County and Magistrates Courts:-

Jayne Hanson – Service Improvement Lead (Payments)

RESOLVED that, in accordance with section 223 of the Local Government Act 1972, the following officers be authorised to represent the Council at the County and Magistrates Courts in Council Tax and Business Rates cases :-

Jayne Hanson – Service Improvement Lead (Payments)

Karen Holmes – Council Tax Collection Team Leader

Kevin Hughes – Service Improvement Lead (Local Taxation)

Guy Burnley – Business Rates Manager

42

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 paragraph 3 of Part 1, Schedule 12A of the Act.

RENNES HOUSE OPTIONS

The Service Lead Housing Customers presented the report outlining the history behind Rennes House, past decisions made and which set out costed options for the refurbishment works required to the building.

Members were circulated with details of the option for the full refurbishment of Rennes which People Scrutiny Committee had considered at its meeting on 12 March 2018 and had unanimously supported.

Members supported the proposal for the full refurbishment of Rennes House, it would provide significant savings in heating costs and would improve thermal comfort and indoor air quality. Members agreed that should alternative options need to be considered within the agreed budgets these should be in consultation with the relevant Portfolio Holder and Local Ward Members.

RECOMMENDED to Council that:-

- (1) the refurbishment works required to Rennes House, alongside the costs of refurbishment in relation to the value of the building be noted ;
- (2) the responses to the consultation undertaken with Rennes House residents as detailed in section 8.7 of the report be noted;
- (3) the option for full refurbishment of Rennes House, as circulated at the meeting, be approved, with consideration of any alternative options to be taken in consultation with the relevant Portfolio Holder and Local Ward Members.

(The meeting commenced at 5.33 pm and closed at 7.04 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 24 April 2018.

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EXECUTIVE

Tuesday 10 April 2018

Present:

Councillor Edwards (Chair)

Councillors Bialyk, Brimble, Denham, Leadbetter, Morse, Packham, Pearson and Sutton

Also present:

Chief Executive & Growth Director, Director of Communications and Marketing, Chief Finance Officer, Corporate Manager Democratic and Civic Support, Museums Manager and Cultural Lead, Programme Manager - Communities and Democratic Services Manager

44

MINUTES

The minutes of the meeting held on 13 March 2018 were taken as read and signed by the Chair as correct.

45

DECLARATIONS OF INTEREST

Councillor Denham declared a pecuniary interest in respect of item 49.

46

FREEDOM OF THE CITY PROCEDURES

The Corporate Manager Democratic & Civic Support presented the report which sought approval to introduce a more rigid assessment process for the consideration of any nominations made for Freedom of the City. This report was previously presented to, and deferred by the Executive on 13 March 2018, pending further information relating to data protection. Members were advised that should information be requested under Freedom of Information legislation as to the names of any nominations which had been unsuccessful, it would be withheld due to it being classified as personal data.

In response to a Member, the Corporate Manager Democratic & Civic Support clarified that the procedure put forward was based upon the UK national honour nomination process.

Members supported the proposed procedure.

RESOLVED that:-

- (1) A Freedom of the City Assessment Panel be established, to consider all nominations received for Freedom of the City, with its membership being as follows:-

- The Leader of the Council (or nominee)
- The Leader(s) of other political groups on the Council (or nominee(s))

- The Chief Executive & Growth Director (or nominee from the Strategic Management Board)
 - The Corporate Manager, Democratic & Civic Support
 - An external representative; and
- (2) only written nominations on the council's approved application form will be accepted for consideration by the panel. No other method be accepted for the submission of nominations for Freedom of the City.

47

OVERVIEW OF REVENUE BUDGET 2017/18

The Chief Finance Officer presented the report advising Members of the overall projected financial position of the Housing Revenue Account (HRA) and General Fund Revenue Budgets for the 2017/18 financial year after nine months.

Members were advised that the General Fund had an underspend of £345,219, the Housing Revenue Account (HRA) an underspend of £3,667,716 and the Council own Build Houses an underspend of £7,000. The high underspend on the HRA was due to the delay in a number of significant projects and the General Fund which was showing overspend in the first quarter now showed an underspend.

Corporate Services Scrutiny Committee considered the report at its meeting on 22 March 2018 and its comments were reported.

RECOMMENDED that Council notes and approves the;-

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

48

CAPITAL MONITORING STATEMENT TO 31 DECEMBER 2017

The Chief Finance Officer presented the report on the current position in respect of the Council's revised annual capital programme and to advise Members of the anticipated level of deferred expenditure into future years. The report also sought Member approval to amend the annual capital programme in order to reflect the reported variations.

The Chief Finance Officer advised that during the first nine months of the year the Council had spent £6.597million on the programme, this was compared to £5.956 million being spent in the first nine months of 2016/17. He referred Members to the completion of the repairs and extension to Alphington Village Hall.

The Leader congratulated officers for keeping the budgets under control.

Corporate Services Scrutiny Committee considered the report at its meeting on 22 March 2018 and its comments were reported.

RECOMMENDED Council to approve the revision of the annual capital programme to reflect the reported variations detailed in 8.4 and 8.5 of the circulated report.

**NEIGHBOURHOOD PORTION OF COMMUNITY INFRA-STRUCTURE LEVY/
GRANTS ROOTS GRANTS RECOMMENDATIONS MARCH 2018**

Councillor Denham declared a pecuniary interest in respect of one of the grants. She left the meeting during consideration of the item.

The Programme Manager – Communities presented the report recommending awards to be made to six community organisations in this fourth round of the Neighbourhood Community Infra-Structure Levy (CIL) /Grass Roots Grants funding. Members were advised that nine applications were received in this latest round and the recommendation of the panel was to support six of those applications.

The Portfolio Holder for Health and Wellbeing, Communities and Sport commented that it was important to support local community organisations.

The Portfolio Holder for Economy and Culture welcomed the recommendations to support Alphington Community Association and Parklife Heavitree being in principle subject to further funding being achieved.

RECOMMENDED that Council approves the recommendation made by the Grass Roots Grants Panel which met on the 8 March 2018, to support the following applications;-

	Agency	Project	Cost
1	Countess Wear Village Hall	Activities for children and families	£1,200
2	Alphington Community Association Recommendation to agree in principle subject to further funding being achieved.	Refurbishment of the Shed Theatre at Alphington Village Hall	£50,000
3	Exeter Division Girl Guiding	Refurbishment of Trefoil Lodge	£20,000
4	Exeter Community Initiatives	Exwick Tots	£2,040
5	Parklife Heavitree Recommendation to agree in principle subject to further funding being achieved.	Café and Community Facility	£50,000
6	St Sidwell's Centre	Community compost, commerce and history project	£33,618
	Total		£156,858

PHYSICAL ACTIVITY STRATEGY AND SPORT ENGLAND LOCAL DELIVERY PILOT STAFFING

The Director (JY) presented the report asking for Executive approval to add one full time Corporate Manager level post to the Councils staffing structure using existing revenue funding.

Members were advised that there was two aspects to the proposal:-

- The creation of an additional permanent post to be funded from existing funding - Active and Healthy People Programme Lead – to lead the Sport England Local Delivery Programme and to develop strategies to make best use of the council's assets and facilities to deliver on the emerging Physical Activity Strategy;
- Delegation for the creation of the Sports England Local Delivery Pilot Team providing there is agreement from Unison to do so.

The Leader supported the proposal to ensure that that would be no negative impact on the delivery of the Sport England programme.

RESOLVED that;-

- (1) in line with section 2.1 of the Council's Management of Change/Redundancy Policy (April 2015) the creation of this additional permanent post from existing funding be approved; and
- (2) the creation of the Sport England Local Delivery Pilot team be delegated to the Director (Jo Yelland) providing there is agreement from Unison to do so, in order to meet the Sports England timescales. The delivery team posts will be fully funded by the Sports England bid. There is no impact on existing staff in the Council.

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 paragraphs 1, 2, 3 and 4 of Part 1, Schedule 12A of the Act.

COMMUNICATIONS, VISIT EXETER AND EVENTS RESTRUCTURE

The Director of Communications and Marketing presented the report providing a cost neutral business case for the review and restructure of the teams working under Communications and Marketing, Visit Exeter and Events.

Introducing a centralised marketing function had led to 316 requests in 10 months for the temporary team, from city wide marketing and consultation plans through to rebrands, whilst producing savings. Savings and extra revenue were achieved despite taking on one off 'big ticket' items such as identifying a brand for the city, design architecture, and licences.

This report identified the 'resilience and capacity' as acknowledged in the peer review, at no additional cost to the council, to build on initial successes, release further cost savings whilst growing award winning communications, events and tourism promotion.

Members welcomed the restructure and supported the way forward.

RESOLVED that:-

- (1) the business case for the structure as set out in the circulated report be approved; and
- (2) the Director of Communications and Marketing be authorised to proceed to the first consultation stage in accordance with Organisational Change Policy.

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RAMM STAFF TEAM RESTRUCTURE

The Museums Manager & Cultural Lead presented the report on the proposed restructuring of the RAMM staff team. The proposed changes were to improve operational efficiency and ensure staffing roles and capacity align with RAMM's Business Plan 2018-22. The Business Plan built on on-going work, which had seen in 2017/18, a 12.6% increase in visitor figures to 260,750. This follow up report sought approval for the restructure following a consultation exercise. The proposed establishment changes would be in accordance with the Organisational Change Policy. Members were advised of the minor revisions and additional comments resulting from the consultation, also some further small amendments incorporated from staff feedback, received post report issue.

Members supported the way forward.

RESOLVED that following consultation in accordance with the Organisational Change Policy, the restructure of RAMM's staff team incorporation of resulting minor revisions as described in this report be approved.

(The meeting commenced at 5.30 pm and closed at 6.00 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 24 April 2018.

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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)	Hannaford (L)	Edwards (L)		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)	TABLE	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 N. Vizard (L)	Cllr M. Vizard (L)
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L: Labour: 29
C: Conservative: 8
LD: Liberal Democrat: 1
G: Green: 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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