



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 17 DECEMBER 2019**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the meeting held on 15 October 2019.	3 - 14
2 Official Communications	
3 Public Questions	
Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 12 December 2019. Further information and a copy of the procedure are available from Democratic Services (Committees) (Tel: 01392 265115) with details about speaking at Council to be found here: <a href="#">Speaking at a Committee</a>	

To receive minutes of the following Committees and to determine thereon:-

4 Planning Committee - 28 October 2019	15 - 28
5 Licensing Committee - 29 October 2019	29 - 32
6 Strategic Scrutiny Committee - 21 November 2019	33 - 36
7 Customer Focus Scrutiny Committee - 5 December 2019	37 - 42
8 Audit and Governance Committee - 4 December 2019	43 - 48
9 Executive - 10 December 2019 - To follow	

### Notice of Motion

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

That this Council supports the Leader of the Council in his stated intention not to sell the whole of the Clifton Hill site owned by Exeter City Council for residential development by removing from the previously agreed Clifton Hill sale site, the green space area, the Golf Driving Range and the Ski-slope.

To facilitate this change, this Council requires officers to prepare a report setting out the implication of selling such a reduced site for the consideration by the Executive to be held on 14 January 2020 and thereafter by Special Council to be held on 21 January 2020.

Office of Corporate Manager Democratic & Civic Support

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11 Questions from Members of the Council Under Standing Order No 8.

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

Date: Monday 9 December 2019

Karime Hassan  
Chief Executive &  
Growth Director

**NOTE: Members are asked to sign the Attendance Register**

Office of Corporate Manager Democratic & Civic Support			
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## COUNCIL

Tuesday 15 October 2019

### Present:-

The Right Worshipful the Lord Mayor Councillor Peter Holland  
Councillor Mrs Yolonda Henson (Deputy Lord Mayor)  
Councillors Atkinson, Begley, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Hannaford, Harvey, Leadbetter, Lyons, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Owen, Pattison, Pearson, Quance, A, Quance, I, Sheldon, Sills, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright.

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### MINUTES

The minutes of the Ordinary meeting of the Council held on 23 July 2019 were moved by the Leader, seconded by Councillor Sutton, the Deputy Leader, taken as read, approved and signed as correct.

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### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors DJ Henson, Lamb, Packham and Pierce.

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### OFFICIAL COMMUNICATIONS

The Lord Mayor passed on his condolences, and those of Council Members, to Councillors Sills and Sutton, both of whom had recently lost a parent.

The Lord Mayor advised of the following two events he had recently attended:-

- the 999 Emergency Service held at the Guildhall which recognised the work of the Blue Light Services including the Police and Fire and Ambulance Services as well as the Dartmoor and Exmoor Rescue Services; and
- the presentation of a loaf of bread from Waitrose at St. Nicholas Priory as part of the annual rent, subsequently given to St Petrocks.

The Lord Mayor received two petitions. The first, a petition of 107 signatures from Exeter Halt 5G Group, seeking to postpone the rollout of 5G in Exeter pending the outcome of an independent investigation. This was passed to the Lord Mayor by the Leader of the Council who had received notification of the petition from Devon County Council.

The second, containing 31 signatures from Alphington Allotment Holders and Residents and presented by Stephen Scaife, requesting enforcement action against a developer who had repositioned a bank including the removal of trees, which was felt to be encroaching on the allotments.

Both petitions would be presented to the relevant Scrutiny Committee.

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### PLANNING COMMITTEE - 22 JULY 2019

The minutes of the Planning Committee of 22 July 2019 were presented by the Chair, Councillor Lyons, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 22 July 2019 be received.

54

**PLANNING COMMITTEE - 29 JULY 2019**

The minutes of the Planning Committee of 29 July 2019 were presented by the Chair, Councillor Lyons, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 29 July 2019 be received.

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**PLANNING COMMITTEE - 2 SEPTEMBER 2019**

The minutes of the Planning Committee of 2 September 2019 were presented by the Chair, Councillor Lyons, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 2 September 2019 be received.

56

**PLANNING COMMITTEE - 30 SEPTEMBER 2019**

The minutes of the Planning Committee of 30 September 2019 were presented by the Chair, Councillor Lyons, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 30 September 2019 be received.

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**LICENSING COMMITTEE - 16 JULY 2019**

The minutes of the Licensing Committee of 16 July 2019 were presented by the Chair, Councillor Owen, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 16 July 2019 be received.

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**LICENSING COMMITTEE - 17 SEPTEMBER 2019**

The minutes of the Licensing Committee of 17 September 2019 were presented by the Chair, Councillor Owen, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 17 September 2019 be received.

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**PEOPLE SCRUTINY COMMITTEE - 5 SEPTEMBER 2019**

The minutes of the People Scrutiny Committee of 5 September 2019 were presented by the Chair, Councillor Vizard and taken as read.

**RESOLVED** that the minutes of People Scrutiny Committee held on 5 September 2019 be received.

60

**PLACE SCRUTINY COMMITTEE - 12 SEPTEMBER 2019**

The minutes of the Place Scrutiny Committee of 12 September 2019 were presented by the Deputy Chair, Councillor Buswell and taken as read.

In respect of **Minute No. 45 (Minutes)**, a Councillor raised issues in respect of Exeter's Energy Recovery Facility and the District Heating system. The Leader requested that these be discussed later in the meeting under Min. No. 94 of the Executive meeting of 8 October - Carbon 2030 Roadmap - and this was agreed.

**RESOLVED** that the minutes of Place Scrutiny Committee held on 12 September 2019 be received.

61            **CORPORATE SERVICES SCRUTINY COMMITTEE - 26 SEPTEMBER 2019**

The minutes of the Corporate Scrutiny Committee of 26 September 2019 were presented by the Chair, Councillor Sheldon and taken as read.

**RESOLVED** that the minutes of Corporate Scrutiny Committee held on 26 September 2019 be received.

62            **AUDIT AND GOVERNANCE COMMITTEE - 18 SEPTEMBER 2019**

The minutes of the Audit and Governance Committee of 18 September 2019 were presented by the Chair for that meeting, Councillor Hannaford, and taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 18 September 2019 be received.

63            **EXECUTIVE - 10 SEPTEMBER 2019**

The minutes of the Executive of 10 September 2019 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 86 (Corporate Property Health and Safety Compliance)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried unanimously.

In respect of **Minute No. 88 (Advertising and Ethical Framework Adoption)**, the Leader, responding to a Member who was concerned that adverts displayed across the city might not be in line with the Council's ethical advertising framework, confirmed that the new system would be kept under review with a report brought back to Members, in due course.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried.

**RESOLVED** that the minutes of Executive held on 10 September 2019 be received and, where appropriate, adopted.

64            **EXECUTIVE - 8 OCTOBER 2019**

The minutes of the Executive of 8 October 2019 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 92 (Council House Building Programme)**, a number of Members spoke in favour of the recommendations. One summarised the history of council house building over the last 100 years and how authorities under differing political control had, for much of this period, been committed to providing social housing. However, he believed that the last 30 years, which had witnessed a commitment to private sector housing rather than council housing, allied to a lack of rental control, had been a retrograde step leading to many social ills. He also criticised the inability of Councils to reinvest receipts from Right to Buy sales in the housing system. Other Members supported these views.

In respect of the interest rate rise in the public works loan board loans and in response to a Member, the Leader stated that the rate remained at an historic low and that borrowing was only one strand of potential funding for building council houses. He also referred to Exeter having submitted the biggest bid outside London for this programme and the encouragement the Council gave to other social provider partners.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 93 (Options for investment in Exeter Kerb Side Recycling Scheme)** the Chair of the former Place Scrutiny Committee welcomed the proposed investment in the Materials Reclamations Facility. He and other Members, praised the commitment and passion of the staff working there and it was hoped that the Council would witness a rise in the recycling rate.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 94 (Carbon 2030 Roadmap)**, a Member welcomed the engagement activities proposed, suggesting that these could go further to achieve greater participation in the democratic process and urged meaningful consultation, for example, through a citizens assembly. She also stated that issues around the Energy Recovery Facility, carbon emissions and the District Heating hub should also be covered within the consultation process.

Another Member believed that the Road Map was the appropriate way forward to achieve carbon neutrality and that the Council was fully engaged with other stakeholders including Exeter City Futures Community Interest Company, University, Exeter College, the Royal Devon and Exeter Trust and Oxygen House.

The Leader referred to the Council's commitment within the Roadmap to achieve carbon neutrality by 2030 and explained some of the ambitious measures the Council would be taking to address the severe challenges being faced.

The Leader moved and the Deputy Leader seconded the recommendation which was carried unanimously.

In respect of **Minute No. 96 (Overview of the General Fund Revenue Budget)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 97 (General Fund Capital Monitoring)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 98 (HRA Budget Monitoring Report)**, The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 99 (Statutory Review of Polling Districts and Places)**, the Leader, in response to a Member referring to the recent inclusion in the Queen's speech of a proposal to introduce a requirement under electoral reform to show ID photos to vote, gave an assurance that, should proposals come forward on electoral reform, the Council would make representations to make voting easier not harder.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 100 (Update on the review of the Governance Arrangements)**, the Leader, together with Councillor Hannaford as Chair of the Governance Review Working Party, presented the recommendations. The latter highlighted the change in culture the proposals would bring aimed at making the Council more accountable and transparent. Responding to the concerns of some Members that the opposition parties had not been offered the Chairs of the two Scrutiny Committees, he stated that a proactive approach was expected of both the Chairs and Deputies and that it was anticipated that Task and Finish Groups and Spotlight Reviews would be brought forward by them and the Scrutiny Members. He also welcomed the new opportunity for the public to submit questions to both the Executive and Council which would allow greater participation in the Council's decision making process. The Leader also referred to the removal of the practice of pre-scrutinising reports destined for the Executive.

Other Members also supported the proposals, stating that the Scrutiny process would be more flexible and focussed with specific roles that could be developed by Deputy Chairs.

Another Member felt that the new arrangements reduced the opportunity for Councillors to bring Executive to account with a limited lead in time after agenda publication. She also called for a review of the Council relationship with the various types of outside bodies including officer roles. Responding to these comments, another Member stated that the Scrutiny Committees would have the role of informing and helping direct Council policy.

The Leader recommended the proposals as appropriate for an ambitious Council looking to enhance the democratic process in the city to meet growing public expectations. He also stated that he would discuss the query raised in respect of outside bodies.

The Leader moved and the Deputy Leader seconded the recommendations 1 to 18 and they were carried.

The Leader also presented proposals for the membership of the Executive; changes to the number of Portfolio Holders and Member Champions; and membership and Chair and Deputy Chair appointments of the Customer Focus Scrutiny Committee, the Strategic Scrutiny Committee and the Scrutiny Programme Board. The Leader moved and the Deputy Leader seconded the proposals as set out in the Appendix to these minutes and they were carried.

In respect of **Minute No. 102 (Treasury Management Strategy Amendments)**, the Leader moved and the Deputy Leader seconded the recommendation which was carried unanimously.

In respect of **Minute No. 104 (RAMM Lift – Part II)**, the Leader moved and the Deputy Leader seconded the recommendation which was carried unanimously.

**RESOLVED** that the minutes of Executive held on 8 October 2019 be received and, where appropriate, adopted.

The Council adjourned for a ten minute comfort break.

**NOTICE OF MOTION BY COUNCILLORS WILLIAMS AND HARVEY UNDER  
STANDING ORDER NO. 6**

Councillor Williams, seconded by Councillor Harvey, moved a Notice of Motion in the following terms:-

*Council notes:*

- *the increasing evidence of the dangers to both human health and biodiversity of continuing use of glyphosate weed killer*
- *glyphosate is deemed “probably carcinogenic to humans” by the World Health Organisation’s International Agency for Research on Cancer (IARC). The exposure route (breathing in or by absorption through the skin) is currently unclear. Two recent high profile court cases in the United States have resulted in Monsanto which manufactures glyphosate under the trade name ‘Roundup’ being successfully sued by individuals for causing their cancers;*
- *in 2018 the GMB Union called for the UK Government to immediately ban glyphosate;*
- *glyphosate is currently used by the City Council in Exeter’s parks and green spaces and under contract from Devon County Council on highways;*
- *whilst glyphosate is a cheap and effective herbicide (sometimes inaccurately described as a pesticide), emerging evidence of health and environmental implications is driving trials of alternatives for effective alternative solutions for the treatment and control of weeds;*
- *discussions about the use of this weed killer by local authorities have, until recently, been more concerned with the financial considerations of alternatives rather than the health and safety and biodiversity implications. However, this is now changing and a number of cities and local authorities in this country and abroad have taken a variety of measures to limit or exclude the use of glyphosate herbicide for the treatment of weeds;*
- *other local authorities, notably Glastonbury and Shaftesbury, in the South West have banned the use of glyphosate, and Lyme Regis and Wadebridge have declared they are pesticide-free. Bristol City Council are actively considering the introduction of a phased reduction in glyphosate use;*
- *Exeter City Council parks and green spaces team are currently trialling alternative methods of weed control to glyphosate; Exeter City Council fully supports this course of action;*
- *Devon Wildlife Trust, who are working in partnership with Exeter City Council particularly with regard to the Valley Parks, do not use glyphosate because of the detrimental effect it has on insects (bees) and biodiversity;*

*This Council believes:-*

- *this Council has a duty of care to its citizens and staff; and*
- *the use of such glyphosate has a detrimental effect on biodiversity and the environment in general.*

*Council resolves:-*

- *to investigate and trial alternative safe and cost effective methods of weed suppression and management;*



- *to use the results of these trials to inform Council processes over the next three years; and*
- *to assess the success or otherwise of the planned reduction strategy in glyphosate use with regular progress reports to the appropriate Scrutiny Committee.*

In presenting the Notice of Motion, Councillor Williams referred to the toxic nature of glyphosate and existing evidence highlighting its potential danger to human health and damage to the biodiversity. She stated that the motion presented a structured approach to addressing concerns by gradually reducing its use and trialling and monitoring alternatives, including the costs with a view to a phased introduction. She detailed the three proposals for Council to consider.

A Member highlighted the purchase of weed-killers by the public from garden centres etc., many of whom he suggested did not follow precautionary instructions. Action by the Council could therefore bring issues into the public domain and help engender change. Members supported a structured approach to this issue without a specified time limit and noted that further discussions would take place with Devon County Council in respect of the work the City Council currently undertook on County Council land.

Other Members urged a bolder and more urgent response to the issue to safeguard the public with one referring to the existing use by South West Water of suitable alternatives all year round.

Councillor D. Moore moved, and Councillor J. Moore seconded, the addition of the following amendments:-

*To cease the widespread use of glyphosate within a year or as soon as the current contract allows.*

*In exceptional circumstances and only when no alternatives exist, use of glyphosate may be permitted on a case-by-case basis, for example to tackle invasive alien species, as defined by EU legislation.*

The amendments were put to the vote and lost.

In summarising, Councillor Williams stated that it remained unclear the extent to which the human body absorbed the harmful elements but that it was important to carefully assess alternatives and the impact of these on other Council policies.

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

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

Councillor M. Mitchell, seconded by Councillor K. Mitchell, moved a Notice of Motion in the following terms:-

*Council notes:*

*Exeter City Council urges HM Government as a part of any ongoing review of the Business Rates system to lift the exemption that currently applies to Purpose Built Student Accommodation (PBSA), thereby ensuring that local authorities and local communities benefit from a broadening of the local tax base.*

*The Council is encouraged to promote this view through its Members of Parliament and the Local Government Association.*

In presenting his motion, Councillor M. Mitchell explained that PBSA's were not deemed a business for the purpose of business rates and that, as students were exempt from Council Tax, neither Central Government nor Councils received any income. Since the introduction of the 1992 Council Tax Regulations full time student numbers had increased from approximately 984,000 to 1.87million in 2016, a very significant increase in a potential untapped revenue. It had been estimated that the student accommodation market was worth £45 billion nationally and that this sector was largely run by national and international companies. For example, in Exeter, Renslade House could generate some £200,000 per annum. It was also a misconception amongst the public that student accommodation contributed to Council income streams. Although a Government review had been conducted in December 2018, the Government Minister had advised that there were no plans to change the current regime.

Other Members spoke in support of the motion.

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

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**QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER  
NO. 8.**

In accordance with Standing Order No. 8, the following question was put by Councillor Hannaford to the Leader.

*Question – The Children's Burial Fund*

*Families grieving the loss of a child through death or stillbirth are to be given up to £2,000 to help cover funeral costs, under a new government scheme.*

*Every year an estimated 4,350 children die under the age of 18 and grieving parents can face thousands in council fees for burial or cremation costs.*

*There is also considerable variation in charges, with some councils waiving fees altogether.*

*The Children's Funeral Fund (CFF) aims to bring an end to this and provide families with the support they need.*

*The scheme aims to reduce the financial burden for families by reimbursing burial authorities, cremation authorities and funeral directors directly.*

*The fund will be available regardless of the family's income, and will also include a contribution of £300 towards the cost of a coffin.*

*Under the scheme, parents will no longer have to meet the costs of burials or cremations.*

*Fees will be waived by all local authorities and met instead by government funding.*

*The intervention brings England in line with Wales and follows a cross-party campaign by bereaved parents to remove fees for funerals for those under the age of 18.*

- 1. Can the portfolio holder please confirm how this scheme is working in Exeter?*
- 2. What work has been done to amend and alter the policies and practices of the council?*
- 3. How many local families have been helped and supported by the new scheme so far?*
- 4. What work are we doing with other key stakeholders to publicise and promote this scheme?*

The Leader replied that the Children's Funeral Fund came into effect nationwide on the 23 July 2019. This scheme allows those that provide elements of a funeral (in our case an interment plot within our cemeteries) to claim back the costs so that parents do not need to worry about managing these expenses themselves. The scheme is available regardless of a family's income, and covers costs for children under 18 and stillbirths after the 24th week of pregnancy.

- 1. When a case comes in that meets the above criteria then the arrangements will be made with the funeral director as normal but no charge will be made if they require the Exclusive Right of Burial or Memorial Rights (we have not charged a burial fee for children for a number of years). We will then contact the Funeral Fund and request funds from them to cover these costs.*
- 2. All members of the team have been made aware of these new practises when dealing with cases such as this.*
- 3. So far we have had no applications for interment that have met the criteria and no claims have yet been made to the fund.*
- 4. No advertisement of this scheme has been undertaken directly by ourselves. This is a nationwide scheme that is open to all and was well publicised in the national press when it was launched. All reputable funeral providers will be aware of this new scheme and will advise families accordingly who find themselves in these tragic circumstances.*

*Councillor Hannaford asked a supplementary question requesting that the scheme be published in the Exeter Citizen.*

The Leader agreed to ensure that this was looked into.

In accordance with Standing Order No. 8, the following question was put by Councillor K. Mitchell to the Leader.

*Neighbouring Teignbridge District Council has announced a top to toe review of its existing planning policies to ensure they have enough weight to facilitate the Councils aim of being carbon neutral by 2025. How confident are we that our existing policies will facilitate our aim of being carbon neutral by 2030 and will we be undertaking a similar review?*

The Leader responded that Teignbridge District Council commenced work to update the Teignbridge Local Plan two years ago and will consult on a draft plan in Spring 2020. Subject to public consultation, the plan will include policies that enable Teignbridge District Council to achieve its target of 'zero carbon emissions by 2025'.

In order to introduce new planning policies that enable us to achieve our zero carbon target, we first need to adopt a new Exeter Local Plan (or the Greater Exeter

Strategic Plan). The process for adopting a new Local Plan is time consuming and involves several statutorily required stages, including public consultation, i.e.

- Issues consultation
- Draft Plan consultation
- Publication (Proposed Submission)
- Submission to the Secretary of State
- Hearings
- Adoption following receipt of Inspector's report

Due to the process involved, it is unlikely that a new Exeter Local Plan can be in place until towards the end of 2023 at the earliest.

In the meantime, the adopted Core Strategy contains a number of policies that are conducive to achieving the Council's environmental/zero carbon ambitions, e.g.

- Policy CP11: requires development to be located and designed so as to minimise and if necessary mitigate against environmental impacts.
- Policy CP13 sets out the Council's ambitions regarding Decentralised Energy Networks, including requiring new development of 1000+sqms to connect to an existing or proposed DEN.
- Policy CP14 requires new development of 1000+sq ms/10+ homes to use decentralised and renewable or low carbon energy sources.
- Policy CP15 requires new development to incorporate sustainable design and construction methods, be resilient to climate change and to optimise energy and water efficiency. As part of this, the policy requires all new homes built from 2016 onwards to be zero carbon (i.e. Code for Sustainable Homes Level 5), but the Council is currently unable to implement this due to a 2014 Government statement that limits carbon reduction targets in Local Plans to Code Level 4.

The Planning and Energy Act 2008 allowed Local Planning Authorities to set standards for energy performance of buildings.

In 2012 Exeter City Council adopted the Core Strategy including Policy CP15 which staircased Carbon Emissions down to "zero carbon" by 2016. This definition of zero carbon is equivalent to Code For Sustainable homes Level 5.

In 2015 Ministerial Statements which are a material consideration in decision making, limited by Local Planning Policy no more than CSH4 (equivalent to a 19% additional abatement above B' Regs 2013), even where those policies were already in place.

The Deregulation Act 2015 included provisions to legislate to this effect, however these were not been implemented.

The Government's stated intention at that time was that a zero carbon policy would be introduced through the Building Regulations 'later in 2016'.

Exeter City Council have been mindful of those Ministerial Statements and have since 2015 only required new dwellings to achieve CSH4.

No tightening of Building Regs part L beyond 2013 levels or a National Zero Carbon homes standard has been introduced as was stated would be the case in 2015 Ministerial Statements.

Following announcements in April 2019 a consultation on a proposed 'Future homes Standard 2025' was launched in October 2019. This consultation draft would reduce emissions by 20-30% from current position by 2020 and by 80% by 2025. This consultation includes provisions to formally remove the ability of Local Planning Authorities to require standards higher than those in the Building Regulations.

*Councillor K. Mitchell asked a supplementary question – can an assurance be given that all schemes within the Liveable Exeter programme will be Carbon Neutral developments.*

The Leader reiterated the Council's declaration on 23 July 2019 to achieve carbon neutrality by 2030 and to be energy independent by 2022 which also applied to Liveable Exeter, referring also to the Council's ambitious house building programme. His vision was for Exeter to be an exemplar in these areas.

In accordance with Standing Order No. 8, the following questions were put by Councillor D. Moore to the Leader.

*1. In light of the Government's recent decision to raise the public works loan board interest rate by 1%, what impact will that have on the viability and affordability of projects that are in the Councils pipeline that require borrowing that has not yet been taken out?*

The Leader responded that the Council will have to take into account the rates in the market when assessing future business cases. However it important to remember:

- Rates are close to a historic low, so the increase merely reverts rates to the level they were at in 2018;
- The decision of the Government to increase their margin, will likely attract new lenders back into the market, for example the private sector and the Municipal Bonds Agency, so the loan rates available may still be lower than the PWLB rates on offer.

*Councillor D. Moore asked a supplementary question that, in light of the increase in the business rate, would the Council agree to no longer supporting free car parking on Thursday evenings.*

The Leader responded No.

*2. Council approved a budget of £52.8m for the bus station and leisure centre in 2018. In light of the interest rate rise for public works loan board loans how will this affect the project budget and by how much will annual loan repayments be increased by?*

The Leader responded

- To explain the budget for both the Bus Station and Leisure Complex was £51.8m of which £18.15m is the borrowing requirement, not £52.8m which the question could lead people to think.
- The original business case for the Leisure Complex provided for an interest rate of 4.5% and was updated in November 2018 using a rate of 2.8% (which is broadly the same as the rate today). At no point has the business case used a rate as low as they were before the PWLB increase;
- Regardless, the Council borrowed £49.45m from the PWLB a week before the increase was announced. This tied in loans at the following:
  - £36m – 1.8%
  - £8.8m – 1.71%

- £4.65m – 1.61%
- The amount borrowed, whilst not directly attributed to the Leisure Complex, will ensure the Council has sufficient cash available to deliver the project without needing to take out any further long term borrowing. This has had a positive impact on the medium term financial plan by reducing costs by about £350,000 a year.

*3. I am pleased to hear the amazing archaeological finds under the new bus station will not delay the progress of the project. However, please can you provide an undated on if and by how much these works will add to the project budget and if these are archaeological works are covered by insurance.*

The Leader responded that the budget for the bus station and leisure complex included sums for anticipated archaeological works and the build plan included assumptions for archaeological works. At present there are no concerns regarding the critical path or the budget.

(The meeting commenced at 6.00 pm and closed at 9.18 pm)

Chair

## PLANNING COMMITTEE

Monday 28 October 2019

### Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon and Sutton

### Also Present

Service Lead City Development, Principal Project Manager (Development) (MH), Principal Project Manager (Strategic Policy) (JD), Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (HS), Assistant Highways Development Management Officer (Exeter) and Democratic Services Officer (Committees)

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### MINUTES

The minutes of the meeting held on 30 September 2019 were taken as read, approved and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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### PLANNING APPLICATION NO. 19/0770/FUL - POLICE HQ DEVON AND CORNWALL CONSTABULARY POLICE TRAINING COLLEGE

The Principal Project Manager (Development) (MH) presented the application for the formation of a temporary car park comprising a total of 287 spaces on 1.35 hectares in the middle of the site for a period of three years, the land comprising a stoned finish.

The Principal Project Manager (Development) advised that the County Council, as Lead Local Flood Authority, sought the submission of details in respect of a surface water drainage management plan.

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

- Middlemoor is the Devon and Cornwall Police command and control centre with around 2,000 officers. Increased parking is required during specialist operations, especially for strategic co-ordination with partner agencies during a crisis. Staff are drawn from four Counties;
- the new Police Station will see an increase of around 250 officers working at Middlemoor and the remodelling of the campus will impact on parking spaces;
- the application is to cope with existing demand and not additional officers from the Heavitree Road site;
- to mitigate flooding concerns, the type of stone to be used has been changed and a survey carried out to ensure the soil has a good contaminant attenuation potential;
- the ground has very low permeability which will prevent contaminants entering the watercourse and spill kits will be inserted in case of a fuel spillage.

Consideration will be given to providing a textile membrane to soak up any contaminants;

- this is a temporary application as reliance on vehicles will be reduced. By 2021, officers will be issued with better mobile devices and staff may work remotely. The timeframe for the car park has been reduced from five to three years; and
- the Force is committed to a green agenda and promoting sustainability.

During discussion the following points were raised:-

- urge early consultation on Green Travel Plan to secure support of officers and unions, accepting that a nine month period is necessary to consult;
- seek to encourage sustainable transport choices amongst staff/officers and to reduce overall parking demand through Green Travel Plan initiatives; and
- other Green Travel Plans in the city should be studied to embrace best practice with consideration to be given to introducing car parking charges.

The recommendation was for approval once satisfactory clarification of drainage matters had been received, subject to the conditions as set out in the report.

The recommendation was moved and seconded.

**RESOLVED** that, subject to the receipt of a surface water drainage management plan to the satisfaction of Devon County Council as Lead Local Flood Authority, planning permission for the formation of a temporary car park comprising a total of 287 spaces on 1.53 hectares in the middle of the site, for a period of three years, be **APPROVED**, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of one year beginning with the date on which this permission is granted and the applicant shall notify the Local Planning Authority of the intended date of the commencement of works to implement the permission prior to work commencing.  
**Reason:** To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to monitor the period of the temporary consent hereby approved;
- 2) The use hereby approved shall cease on or before the date three years post the date of the commencement of works to implement this temporary consent as referred to in condition 1.  
**Reason:** The use is considered unsuitable on a permanent basis in this locality in the context of its potential impacts on the local highway network and the desirability of promoting less reliance on the motor vehicle in favour of more sustainable modes of transport which have less adverse environmental impacts; and
- 3) Within nine months of the date of commencement of works to implement this temporary consent, a bespoke Green Travel Plan relating to the Middlemoor complex and all activities carried out therein shall be submitted to, and be approved in writing by, the Local Planning Authority. The Green Travel Plan shall specifically address the measures to be implemented to ensure that the temporary car park is no longer required beyond the temporary three year period hereby approved.  
**Reason** – To encourage and promote the use of sustainable modes of transport in preference to the use of the private motor vehicles, and working practices that minimise the demand for parking at the site in the interests of sustainable development.



**PLANNING APPLICATION NO. 19/1047/FUL - LAND OFF ST LEONARDS ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for seven new build dwellings, associated landscaping, amenity and vehicular access. The application sought to change the use of the existing playing field, owned by the Exeter Royal Academy for Deaf Education (ERADE), for housing and public open space.

The Principal Project Manager (Development) reported the following:-

- the receipt of a statement objecting to the proposal from Councillor D. Moore;
- a proposed amendment to the first reason for refusal to include reference to the adverse impact on the St Leonards Conservation Area; and
- the distance from the proposed properties from those on Barnardo Road being 25 metres not 35 metres as set out in the report, requiring an additional reason for refusal on the grounds of the overbearing impact on Barnardo Road.

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

- local community object strongly to the loss of an historic open green space;
- because of the strength of local opposition, signs originally displayed by the applicant were quickly removed;
- this green space should be saved from development and used instead for the benefit of the community. A well-resourced local community is committed to an alternative vision for community use;
- ERADE and the developers are seeking to maximise planning gain and profits. The former should have sought instead to work with the Neighbourhood Association to bring forward a sustainable solution for the community; and
- it is an unsuitable, low density development.

Councillor J. Moore put forward the following points raised by Councillor D. Moore:-

- valuable playing field historically used by school, community and sporting groups, not affiliated with ERADE, for recreational activity for many years;
- private owners more than the wider public likely to use the open space;
- Sport England object and the proposed open space does not suit the Council's own playing field strategy;
- proposal lacks a sustainable transport plan and the already high pollution levels in the area will increase; and
- loss of biodiversity.

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

- very high number of objections to an inappropriate development;
- a low density development of large houses does not reflect the mixed nature of the St Leonards community and house types;
- the St Leonards Neighbourhood Association have devised an alternative solution to protect the green open space;
- ERADE failed to adequately consult the local community;
- the proposed open space will not be particularly accessible to the community;
- insufficient information on highway issues and there are concerns regarding the

impact on the school dropping off point. 23 car parking spaces are excessive for only seven properties;

- negligible contribution to housing need in the city;
- objections from Sport England, the Football Foundation, Devon County Council, the City Council's Heritage Officer and 225 residents and the application is recommended for refusal; and
- important green buffer between the community and Topsham Road and with a future potential for community and sporting uses and a community centre.

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

- the Council's own Playing Field Appraisal points out the shortage of accessible community use provision and Sport England are opposed;
- the community has put forward its own vision, that is, to purchase the playing field and run it more commercially. A second phase would be an indoor community space;
- the intention is to set up a separate charitable trust to buy the field and run it for the community. This much needed access to playing fields can be provided without a cost to the Council in running such a facility;
- the applicant's provision for "public access land" is unacceptable in size;
- if this playing field is removed it will be lost forever; and
- the proposed open space within the development is too small for sporting and recreational activities.

During discussion the following points were raised:-

- detrimental impact on neighbouring properties;
- loss of a valuable local amenity; and
- highway objections and additional traffic would create dangerous conditions close to a very busy school.

The recommendation was for refusal for the reasons as set out in the report.

The recommendation was moved and seconded.

**RESOLVED** that planning permission for seven new build dwellings, associated landscaping, amenity and vehicular access be **REFUSED** for the following reasons:-

- 1) The proposal is contrary to Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to Section 16 of the National Planning Policy Framework Policy and to Policies C1, C2 and C5 of the Exeter Local Plan First Review 1995 to 2011 because by reason of the development of this space and the unacceptable density, layout, siting, height and design of the proposed dwellings the development would cause a degree of harm to the area's heritage assets (notably the listed buildings of 1 St Leonards Place, St Leonards Church, potential buried archaeological remains and the St Leonards Conservation Area) that is not balanced by sufficient public benefit and would not preserve the setting of these listed buildings nor preserve or enhance the character or appearance of the area;
- 2) The proposal is contrary to the Section 8 of the National Planning Policy Framework, Policy CP10 of the Exeter Local Development Framework Core Strategy, Policies L5 of the Exeter Local Plan First Review 1995 to 2011

and Sports England's Planning Field Policy because the development result in the loss of an existing playing fields which would harm recreational opportunities in the area.

- 3) The proposal would be contrary to Section 12 of the National Planning Policy Framework, Policy CP17 of the Exeter Local Development Framework Core Strategy Policies DG1 and DG4 of the Exeter Local Plan First Review and the Council's Supplementary Planning Document 'Residential Design' because the location of the three areas of public open space would be inappropriately sited in relation to the proposed dwellings resulting in a poor level of natural surveillance and preventing the usability of the area by nearby residents and the wider community.
- 4) In the absence of sufficient highway information, particularly in respect of a Road Safety Audit regarding parking spaces, the Local Planning Authority as advised by the Local Highway Authority is unable to confirm that the scheme meets necessary highway safety standards onto the existing highway network and therefore is contrary to Policy DG1 of the Exeter Local Plan First Review.
- 5) the proposal would be contrary to Policy DG1 of the Exeter Local Plan First Review because its siting, scale and height would be overbearing and dominant and therefore detrimental to the visual and residential amenities of the occupiers of adjacent properties in Barnardo Road.

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**PLANNING APPLICATION NO. 19/0360/FUL - LAND ADJACENT TO 17 NEW NORTH ROAD, EXETER**

The Principal Project Manager (Development) (JD) presented the application for the demolition of existing garages and construction of one building to form five new apartments and associated landscaping. The proposed development would be car free and retains the two beech trees along the site frontage. The development would be five storeys high, with the lowest floor level being situated below the current ground level.

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

- welcome long term residential provision on this brown field site;
- design unsuitable as set between two 19<sup>th</sup> century listed terraces;
- the St James Forum, whilst welcoming some changes, are concerned that a five apartment block is over development with associated loss of amenity and hope that plans can be examined further;
- the Bury Meadow Residents' Association object as the massing does not respect the scale and character of the surrounding area and is monolithic in form, changing the nature of the street scene;
- the height of the building will cause significant harm to neighbouring private residential gardens;
- guidance within the SPD on communal open space has not been followed impacting on the privacy of 16, 17 and 18 New North Road;
- no provision for disabled drivers;
- floodwater problems on New North Road will be exacerbated; and
- request deferral for submission of revised details.

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

- objecting on behalf of the Bury Meadows Residents' Association;
- the proposal is surrounded by listed buildings and the aesthetics of this proposed building are poorly judged and will jar with the surrounding listed terraces and harm designated heritage assets;
- the building will overlook the rear aspects of neighbouring gardens and the higher rear elevation, greater set back and large glass windows of the development will compound the impact on privacy;
- excessive mass amplifies issues of aesthetics, privacy and light. The mass is out of line with the existing listed terraces; and
- the listed terraces are three story buildings but the proposal is five storeys high. The existing listed terrace is just 9 metres deep and this proposal will stick out an additional 6.5 metres.

The Principal Project Manager (Development) confirmed that:-

- the Council was not aware of any proposals for development to the rear of the site;
- disabled parking was not considered necessary as any disabled resident could apply for a blue badge and there is a disabled parking bay along New North Road;
- parking on the frontage would look unattractive in the Conservation Area; and
- although there would be some loss of light for neighbouring properties it was not considered that this would be so great as to warrant refusal.

During discussion the following points were raised:-

- good infill development and not unsympathetic to the surrounding area;
- a modern development can be more suitable in a street scene of older design rather than seeking to emulate the existing properties;
- efficient use of infill site;
- cycle parking provision should be greater than seven;
- although a car free development, visitors by car will seek to park in the area and, ultimately, the County Council could provide permits; and
- mass is too great and oppose development on grounds of aesthetics, privacy, size and loss of light.

A motion to defer the application for a revised proposal to be put forward was moved and seconded, put to the vote and lost.

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

The recommendation was moved and seconded.

**RESOLVED** that, subject to an amended condition 10) requiring the provision of at least 10 cycle parking spaces, planning permission for the demolition of existing garages and construction of one building to form five new apartments and associated landscaping 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 Section 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, 8 March, 18 September, 19 September, 8 October, 10 October and 16 October 2019 (including dwg. nos. 17NR Cladding Colour, J-0260-SLP-01-C, J-0260-EL-01-D, J-0260-EL-02-C, J-0260-EL-03-D, J-0260-EL-04-C, J-0260-EL-05-D, J-0260-GA-01-D, J-0260-GA-02-D and J-0260-DET-01) and the Energy Assessment, Bat and Protected Species Survey, and Arboricultural Impact Assessment and Tree Protection Statement and Plan as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 4) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.
  - c) The areas for loading and unloading plant and materials.
  - d) Storage areas of plant and materials used in construction.
  - e) The erection and maintenance of securing hoarding, if appropriate.
  - f) Wheel washing facilities.
  - g) Measures to control the emission of dust and dirt during construction.
  - h) No burning on site during construction or site preparation works.
  - i) Measures to minimise noise nuisance to neighbours from plant and machinery.
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
  - k) No driven piling without prior consent from the LPA.
- The approved Statement shall be strictly adhered to throughout the construction period of the development.  
**Reason:** In the interests of residential amenity.
- 5) Pre-commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The 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 buildings hereby approved.

- 6) Pre-commencement condition: Before commencement of construction 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.
- 7) Pre-commencement condition: Prior to the commencement of the development full construction details of any retaining walls shall have been submitted to and approved in writing by the Local Planning Authority. The development/works shall be implemented in accordance with the approved details.  
**Reason:** To protect and preserve the setting of the listed buildings and in the interests of residential amenity.
- 8) Pre-commencement condition: The development shall not be carried out otherwise than in accordance with a surface water drainage scheme, which shall include details of the means of attenuation and disposal of surface water from the site, including through the use of sustainable drainage systems. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. Details of the scheme, a timetable for its implementation and details of its future management, shall be submitted to and approved in writing by the LPA prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.  
**Reason:** To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and to ensure the discharge of drainage from the development shall not be prejudicial to the public sewerage system.
- 9) Samples of the materials it is intended to use in the construction of the development (including in the structure of the exoskeleton, its exterior cladding and all other external materials) shall be submitted to the Local Planning Authority. No materials shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 10) No part of the development hereby approved shall be brought into its intended use until at least 10 secure sheltered cycle spaces 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 adequate facilities for sustainable transport.

- 11) No part of the development hereby approved shall be occupied until the redundant access on New North Road is reinstated to a full height kerb 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 a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework.

- 12) Prior to the first occupation of the development hereby permitted, a Management Scheme, to cover management and maintenance of communal areas, including communal landscaped gardens, car and cycle parking and bin storage, shall be submitted to and approved in writing by the Local Planning Authority. The content of the Management Scheme shall include:

- a) details of areas to be managed
- b) aims and objectives of the Scheme
- c) management actions
- d) delivery mechanism
- e) the body responsible for implementation of Scheme

The Management Plan shall also include details of the legal and funding mechanism to ensure long-term implementation. All post-construction site management shall be undertaken in accordance with the Scheme.

**Reason:** In the interests of the amenity of residents and the character and appearance of the area.

- 13) A detailed scheme for landscaping that accords with the Landscape Strategy submitted on 11 October 2019 shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have the detailed scheme. The detailed scheme shall cover the planting of trees and or shrubs (including species, tree and plant sizes, numbers and planting densities), details of the living wall system, the use of surface materials, boundary screen walls and fences and any and earthworks or retaining walls required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

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

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

- 15) Before the development hereby approved is brought into use the proposed windows in the east and west elevations of the property shall be permanently fixed and glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the east or west elevations.

**Reason:** To protect the amenities of the adjoining property.

## Informatives

- (1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. 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](http://www.exeter.gov.uk/cil).
- 3) In accordance with Paragraph 38 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
- 4) The applicant's attention is drawn to the requirements of South West Water set out in their emailed communication dated 23 May 2019.

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**PLANNING APPLICATION NO. 19/0458/ECC - GREEN LANE SOLAR FARM**

The Principal Project Manager (Development) (HS) presented the application for solar panel array and battery storage, relocation of green waste facility and ground levelling with associated access, fencing, hardstandings and ancillary works.

During discussion the following points were raised:-

- a suitable location for a facility of this nature supplying cheap electricity to fuel electric vehicles and contributing to the goal of carbon neutrality and reducing air pollution;
- ecological survey confirms that the species to be removed are of low quality; and
- facility will be fenced and covered by Close Circuit Television.



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

The recommendation was moved and seconded.

**RESOLVED** that planning permission for a solar panel array and battery storage, relocation of green waste facility, and ground levelling with associated access, fencing, hard-standings and ancillary works be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of five 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 9th and 10th September 2019 and the revised planning statement received 9th October 2019 as modified by other conditions of this consent.  
**Reason** In order to ensure compliance with the approved drawings.
- 3) Prior to the installation of any solar panels, supporting structures, batteries or associated apparatus a detailed levels survey of the site shall be undertaken and plans showing the existing and proposed levels of the land on the site shall be submitted to and approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
  - a) Fencing
  - b) Supporting Structures for Solar Panels
  - c) Water Lane vehicular access details**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) 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.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity..
- 6) 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.

- 7) No development (including ground works or demolition) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.
  - c) The areas for loading and unloading plant and materials.
  - d) Storage areas of plant and materials used in constructing the development.
  - e) The erection and maintenance of securing hoarding, if appropriate.
  - f) Wheel washing facilities.
  - g) Measures to control the emission of dust and dirt during construction.
  - h) No burning on site during construction or site preparation works.
  - i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason:** In the interests of protecting the environment and amenity of the area.

- 8) Vehicular access to the site to access the uses hereby approved shall be from Water Lane only.  
**Reason:** In the interests of highway safety
- 9) Prior to commencement of construction the applicant shall submit a noise impact assessment, including recommendations for the mitigation of any significant adverse noise impact. The agreed measures shall subsequently be implemented on site.  
**Reason:** In the interests of protecting the amenity of the area.
- 10) 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 human health and environmental protection.

- 11) Prior to the development hereby permitted being brought into use, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the submitted Ecological Appraisal and specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

**Reason:** In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

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

The report of the Service Lead City Development was submitted.

**RESOLVED** that the report be noted.

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#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 19

November 2019 at 9.30 a.m. The Councillors attending will be Councillors  
Branston, Bialyk and Foale.

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

Chair

DRAFT

## LICENSING COMMITTEE

29 October 2019

### Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Begley, Branston, Henson, D, Oliver, Quance, I, Vizard, Warwick, Wood and Wright

### Apologies:

Councillors Mitchell, K and Newby

### Also present:

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

## 21 **Minutes**

The minutes of the meeting held on 17 September 2019 were taken as read, approved and signed by the Chair as correct, subject to the following amendment:-

Minute 20 - The Chair also reiterated that if any complaints should be received from members of the public that the matter could come back for consideration in the intervening period to be considered by the Environmental Health and Licensing Manager in consultation with the Chair and Licensing Committee.

## 22 **Declarations of Interest**

No declarations of interest were made by Members.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

## 23 **Proposal To Amend the Sex Establishment Licensing Policy**

The Licensing Committee received the report to amend the licensing policy for sex establishments in the city, which was adopted in 2013 which prohibited sex establishments from having window displays. In June 2019, ABS Holdings on behalf of 'Simply Pleasure', submitted a formal request to display their clothing range as part of their window display. There were no existing means within the policy to vary the licence and the suggested alternative was to amend the policy with conditions to control the suitability of the window displays.

Particular reference was made to the request to delegate power to the Environmental Health and Licensing Manager to control and inspect window displays before they are revealed. The amendment to the wording in the policy, would bring Exeter City Council in-line with other Council's in the country and provide a suitable balance between the commercial requirements of the licence holder, and maintaining appropriate window displays in licenced sex establishments.

During the discussion, the following points were raised:-

- The content of the window displays and what was considered to be appropriate was a concern, however leaving the windows blacked out could be controversial. What was considered acceptable should be comparable to other high street clothing store displays;
- It was considered appropriate that the Chair of the Licensing Committee and another member of the Licensing Committee should be consulted by the Environmental Health and Licensing Manager when considering displays;
- Any extra time spent for inspecting the displays before they are put up, would be charged to the premises as part of their licensing fee;
- The premises' window displays would operate to the rules set by the Advertising Standards Authority.

A motion was made to amend Condition 17 of the policy, to providing delegated power to the Environmental Health and Licensing Manager in consultation with the Chair of the Licensing Committee and one additional Member of the Licensing Committee, to approve window display content as required. The motion was seconded and passed unanimously.

**RECOMMENDED:** that the amended Sex Establishment Licensing Policy be approved and that Council be requested to adopt the policy.

#### 24 **Proposal to introduce an updated Statement of Licensing Policy**

The Licensing Committee received the report, to introduce an updated Statement of Licensing Policy, which would establish the general principles for regulating and enforcing the Licensing Act 2003. Following a 12 week public consultation, as approved by the Licensing Committee on 16 July 2019, the Licensing Authority received no comments or representations. The Devon and Cornwall Constabulary had been involved in discussions, which contributed to the creation of the draft policy.

**RECOMMENDED:** that the updated Statement of Licensing Policy be approved and that Council be requested to formally adopt the Policy.

#### 25 **Revision of the Taxi Forum Terms of Reference**

The Licensing Committee received the report which sought to review the Taxi Forum Terms of Reference, to ensure that there was clear membership representation from the Licensing Committee, Taxi Trade and Licensing Authority. Particular reference was made to the two main changes in the terms of reference:-

- The Deputy Chair of the Licensing Committee would also serve as the Deputy Chair of the Taxi Forum; and
- The limitation to the number of Licensing Committee members, attending the Taxi Forum meetings would be removed.

Specific reference was made to representation from the Hackney Carriage Trade to ensure that their representatives were elected at a constituted Annual General Meeting (AGM) and the minutes of the meeting with a confirmation letter confirming the elected positions were submitted to the Licensing Authority prior to the first meeting of the calendar year. Private Hire Trade representatives would need to provide a letter from the owner of the company prior to the first meeting of the calendar year, stating that they are authorised and delegated to act on behalf of the company at the taxi forum.

The meeting commenced at 5.30 pm and closed at 6.21 pm

Chair

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## STRATEGIC SCRUTINY COMMITTEE

Thursday 21 November 2019

### Present:

Councillor Sills (Chair)

Councillors Newby, Buswell, Lamb, Lyons, Moore, D, Moore, J, Owen and Pattison

### Apologies:

Councillors Atkinson and Hannaford

### Also present:

Director (BA), Director (DB), City Solicitor & Head of HR, Corporate Manager Democratic and Civic Support and Democratic Services Officer (SLS)

### In Attendance:

Councillor Bob Foale - Portfolio Holder for City Development & Planning

1

### MINUTES

The minutes of the meeting of the former Place Scrutiny Committee held on 12 September 2019 were taken as read, approved and signed by the Chair as correct, subject to the following amendment:-

In Minute 47 (Public Questions) and the correction of the name of a member of the public asking a question to read Tere Wells and not Williams.

The minutes of the meeting of the former Corporate Services Scrutiny Committee held on 26 September 2019 were taken as read, approved and signed by the Chair as correct.

Councillor D Moore sought some further information relating to the following which officers would respond to: -

- Minute 32 - budgets relating to the public conveniences, and the income changes derived from the offer of free car parking on Thursday nights;
- Minute 34 - update on Zebcat and
- Minute 35 - update on health and safety information.

2

### DECLARATIONS OF INTEREST

No declarations of interest were made.

3

### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order 19, a member of the public, Mr J Burns submitted the following question on the potential roll out of 5G in the city:-

5G represents untested, uninsurable, exponential escalation of wireless communications technology already considered a fundamental threat to the health of all living organisms.

Will Exeter City Council please interrogate the independent research with impartiality and integrity, resisting the introduction of 5G and proliferation of other frequencies for the sake of citizens and eco-systems?

Councillor Foale, Portfolio Holder City Development & Planning, made the following points:-

- no requirement for planning permission for multi-national companies who may erect the necessary poles,
- the varying medical opinion on the safety of 5G,
- Planning Member Working Group on behalf of the Council had responded to a Government consultation,
- he was aware of the strength of feeling by a large group of local residents and suggested that Members convene a task and finish working group.

Mr Burns on putting a supplementary question hoped that Councillor Foale would continue to be involved in this regard. Councillor Foale confirmed that he would be available as appropriate.

4

#### **NEW SCRUTINY PROGRESS**

The Corporate Manager Democratic and Civic Support referred to the recent review of the Governance arrangements resulting in the establishment of two new Scrutiny Committees. The Strategic Scrutiny Committee cuts across the corporate priorities of the Council. He identified the changes in the scope, and although there was no longer the role of pre-scrutiny, there were other enhancements such as a greater opportunity to hold Executive to task, and for Members to initiate a call-in of decisions. Members would also be asked to suggest a study of specific areas of interest through the setting up of task and finish working groups. The Scrutiny Programme Board would provide a sounding board for the business of Scrutiny Committee, as well as promote an understanding of how scrutiny would continue to operate. A further meeting of the Scrutiny Programme Board would be held on the 16 December to pick up on the discussions and business identified at this meeting. A Member's comment on the inclusion of a proposed draft framework in relation to consultation and engagement was noted and would be progressed.

Members noted the presentation.

5

#### **PRESENTATION OF HALT 5G PETITION**

The Chair welcomed the public to the meeting and referred to the receipt of a petition referred from Devon County Council from the Exeter Halt 5G Group, as the City Council had responsibility for planning permission in the city. The petition contained 107 signatures, with 47 signatories identified with an Exeter address. It was noted that there was an ongoing petition on Change.Org from the Halt 5G in Exeter with over 1,000 signatures. The petition had been initiated to show the Group's concerns regarding the installation of 5G transmitters in Exeter, with an appeal to postpone the rollout of 5G in Exeter pending the outcome of an independent investigation. A briefing note circulated to Members set out the main issues.

Members were supportive of the formation of a Task and Finish Group to discuss this matter further and during discussion raised the following points:-

- experts in the field with a good level of scientific and technical knowledge should be invited, including those with a medical and planning background.
- technical corporations should also be invited to be held account.

- whether Exeter could follow Brighton and Hove City Council who had recently banned the installation of 5G masts, due to perceived public health concerns. The Director (BA) referred to the briefing note which set out some of the context in terms of health grounds and the limited role as a planning authority.
- whether lampposts owned by Devon County Council were 5G enabled. The Director (DB) advised that Devon County Council had discussed the enablement of lampposts. Many local authorities had street lighting systems that were low powered, wireless and remotely controlled, but he could obtain further information from the County Council if required.

Following the debate, Councillor Lyons formally proposed the formation of a Task and Finish Group to discuss 5G, which was seconded by Councillor Pattison. The nomination was unanimously agreed by Members.

The Chair welcomed the establishment of a Task and Finish Group, and advised that any such requests would be taken to the Scrutiny Programme Board to be assessed against Council priorities, and any resource implications. It would be necessary to identify a scoping document, the number of meetings, membership, and invitations to experts in the field. A group of five members, with Councillor Newby from the Conservative Group and Councillor J Moore from the Progressive Group, together with Councillors Buswell, Owen and Pattison from the Labour Group were identified. It was noted that other Members with an interest in this subject could be invited to contribute.

The Corporate Manager Democratic and Civic Support responded to a Member's enquiry about the opportunity for recommendations to be made to Executive. He also reminded Members of the timeline of the forthcoming Programme Board, meaning that the first meeting of the task and finish group would not be convened until at least the New Year. Three or four meetings were likely to be held over a period of two or three months before coming back to a future meeting of this Scrutiny Committee. The Director (BA) responded to a Member's concerns about any future rollout of 5G before the discussions were completed, and reiterated that there was currently no roll out of 5G planned, but any such requests would be dealt with through the normal planning process.

Strategic Scrutiny Committee noted the petition and supported the formation of a Task and Finish Group, with the above membership, which would be discussed at the forthcoming Scrutiny Programme Board on the 16 December with the results of that meeting being reported to the next Strategic Scrutiny Committee.

6

### **ITEMS FOR CONSIDERATION FOR FUTURE MEETINGS**

The Chair referred to a number of items for future consideration by the Scrutiny Committee which included:-

- Exeter City Futures an update on Progress and
- Climate Change Neutral agenda

A Member also requested an update on Implementation of the Air Quality Improvement Plan.

Strategic Scrutiny Committee noted the items.

(The meeting commenced at 5.40 pm and closed at 6.15 pm)

Chair

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## CUSTOMER FOCUS SCRUTINY COMMITTEE

5 December 2019

### Present:

Councillor Matthew Vizard (Chair)

Councillors Mitchell, M, Begley, Foggin, Mrs Henson, Mitchell, K, Oliver, Pattison, Quance, A, Sheldon, Wardle and Warwick

### Apologies:

Councillor Quance, I

### Also present:

Director (BA), Director (DB), Corporate Manager Democratic and Civic Support, Service Lead Housing Tenancy Services and Democratic Services Officer (HB)

### In attendance:

Councillor Amal Ghusain	- Portfolio Holder for Equalities, Diversity and Communities
Councillor Rachel Sutton	- Portfolio Holder for Climate and Culture
Councillor Laura Wright	- Portfolio Holder for Council Housing Development and Services

## 1 **Minutes**

The minutes of the meeting of People Scrutiny Committee held on 5 September 2019 were taken as read, approved and signed by the Chair as correct.

## 2 **Declarations of Interest**

No declarations of interest were made.

## 3 **New Scrutiny Progress**

The Corporate Manager Democratic and Civic Support referred to the recent review of the Governance arrangements resulting in the establishment of two new Scrutiny Committees. He made the following points:-

- although there was no longer the role of pre-scrutiny with reports going direct to Executive, Scrutiny Committees would have an increased level of involvement such as a greater opportunity to hold Executive to task and to initiate a call-in of decisions;
- Scrutiny Committees would be encouraged to review the Forward Plan with a view to requesting information on programmed issues for consideration;
- Members would be able to suggest specific areas of study through the setting up of Task and Finish working groups for report to the relevant Committee which could then make recommendations to Executive; and

- the Scrutiny Programme Board, which was politically balanced, would consider requests from Scrutiny Committees for creating Task and Finish working groups in order to set priorities for the annual scrutiny work programme.

Members noted the presentation.

#### 4 **Questions from the Public Under Standing Order 19**

No questions from members of the public were received.

#### 5 **Questions from Members of the Council Under Standing Order 20**

No questions from Members were received.

#### 6 **Petition regarding a request for repositioning a bank that has encroached on Alphington Allotments**

The Chair reported the receipt of the following petition of 31 signatories from the Alphington Allotment Holders and Residents:-

“We the allotment holders and residents are concerned about the loss of the trees on the bank between the allotments and the new development and the erection of a fence. Trees removed by a developer included a significant 100 year old oak tree along with other trees and a hedge. The developer has also levelled the old bank and repositioned the bank encroaching on allotment land owned by Exeter City Council as the Allotment boundary as shown on all relevant maps, The hedge was not maintained by the Council because “Rule 3 of the Allotment Rules states that if a tenant’s plot abuts a hedge then the tenant is responsible for the hedge”. Allotment holders for the last 50 years confirm this has been the practice.

We therefore request that Exeter City Council takes enforcement action regarding what the developer has done with the fence and hedge to get the owner to return the hedge and ditch to the position and state it was and plant trees of the same species native to Britain that were removed.”

Councillor Atkinson attended the meeting and spoke on this item having given notice under Standing Order No 44. Councillor Atkinson read from a detailed paper she had prepared referring to a further statement from one of the petitioners and to supporting photographs and plans. Her statement included:-

- a timeline of events;
- a series of concerns arising from the petition which she and her fellow ward Councillor had researched; and
- eight recommendations to address the issues she had highlighted in her paper.

The concerns raised by the petitioners included:-

- the loss of trees on the boundary between the allotments and a development of two self-build houses;
- a failure to protect trees by means of a Tree Preservation Order;
- a belief that the erection of the close boarded fence had encroached onto City Council land;
- need for the City Council to take appropriate enforcement; and
- no clear agreement on the boundary ownership with an inaccuracy in the conveyancing relating to the transfer of land to the initial developer in 1972.

The Portfolio Holder for Environment and City Management advised that, following a visit to the site and inspection of the relevant documentation, he was satisfied that there had been no encroachment onto City Council land, there were no trees protected by a Tree Preservation Order and that the documentation was correct.

In responding to Councillor Atkinson's comments, the Director made the following points:-

- it was an historic complaint on which a large number of questions had been answered by officers since 2013;
- there had been no encroachment onto council land as the land in question had been sold in 1972 including the boundary on which the trees were situated. There was no ambiguity in the conveyancing and no dispute between the Council (the seller) and the purchaser. The location of the boundary had also been agreed on site with the City Council allotments manager and the new owner. The replacement of this boundary with a fence had not therefore encroached on any City Council land;
- the diseased trees removed had been within the private residential garden and, as they had been removed by the homeowner, there had therefore been no breach of planning conditions. The trees had not been protected by a Tree Protection Order and therefore the homeowner had not required prior approval to do work to them and no offence had been committed;
- the City Council recognised the loss of screening to the allotment holders and would investigate options to plant a new hedge or trees along the allotment boundary; and
- the homeowner had planted new semi mature trees along the boundary in an effort to replace some of those lost. In addition, they had offered to plant more native trees to offer greater screening.

Councillor Atkinson responded that she remained of the view that the conveyancing issue was unclear.

In discussion, Members suggested that future housing developments should be subject to greater scrutiny to help avoid similar boundary disputes but also that local communities were better able to understand what issues the Council could take within its powers and which they might seek to influence but could not compel third parties to take a particular course of action. The Director (BA) advised that this was best addressed via the Council's communication and information to residents and that as part of the Liveable Exeter Garden City Vision, it was the intention to develop a variety of approaches for engaging with communities on new housing developments. She also stated that, once in post in the New Year, the new Project Director of Liveable Exeter Garden City would be asked to deliver a Members' Briefing on the Programme.

Customer Focus Scrutiny Committee noted the petition.

## **7 Petition regarding Hamlin Gardens Bin Store**

The Chair reported the receipt of the following petition of 35 signatories from the residents of Hamlin Gardens:-

"We the undersigned residents of Hamlin Gardens oppose the locations and appearance of the new proposed waste storage facilities and insist that alternative solutions to both are sought."

The Director (BA) explained that, following the adoption of the Council's Fire Safety Management Policy in 2017, work had been carried out on the requirement for all shared areas and escape routes within flats to be kept free of any items that might impede residents leaving their properties in the event of a fire. Following Fire Risk Assessments for the bins in their current location they had been identified by independent experts as being a high/medium risk. The Housing Lead Tenancy Services spoke on a series of slides showing existing bin locations at Hamlin Gardens and images of the suggested new bin stores and their proposed locations.

The following responses were given to Members' queries:-

- an equality impact assessment had been carried out as part of the consultation and officers would continue to work to find reasonable solutions to support residents with mobility issues;
- all enquires had been responded to directly and no concerns had been raised from a similar type of bin and re-siting introduced at Lancelot Road; and
- the bin stores would be fire resistant, cleansing to be consulted on a suitable supplier with the selected stores to be future proofed.

Members requested that future consultation with residents be as wide as possible to ensure that the occupants of all possible neighbouring properties were advised alongside the Council's tenants.

Customer Focus Scrutiny Committee noted the petition.

#### **8 Petition regarding a site adjacent to Faraday House, Exeter**

The Chair reported the receipt of the following petition of 36 signatories from the residents of properties adjacent to Faraday House.

"Request the Council to implement legal action to enforce the landlord to completely clear the site. In addition we are concerned with the wellbeing and safety of the young children amongst all this rubbish."

The Chair stated that the Council was taking legal action in relation to this property and it would not be appropriate to discuss the petition. The outcome of the legal action would be reported back to the Committee when available.

Customer Focus Scrutiny Committee noted the petition.

#### **9 Climate Emergency - Design of Citizens' Assembly**

Scrutiny Committee considered a request for the City Council to comment on the University of Exeter's proposed design of a Citizens Assembly in respect of the Climate Emergency, comments to be reported to a meeting of the Devon Climate Emergency Response Group on 18 December. The City Council was represented on the Response Group by the Chief Executive & Growth Director.

Customer Focus Scrutiny Committee asked that the Response Group be requested to consider the following:-

- rather than one group of 100 citizens, an alternative number of citizens or more than one group could be considered;



- instead of meeting on four separate days on the weekend, Assembly meetings be held on fewer dates to include a midweek option and rather than four different locations, meetings be held in a minimum of two locations of greater accessibility to the participants;
- participants to be drawn from a random sample of Devon citizens to ensure representation from as wide a cross section of the community as possible rather than from existing groups, organisations etc.
- notwithstanding the proposal to live stream meetings, review the suggestion to hold the Assembly meetings in private; and
- look to review and reduce the estimated cost of the process.

## 10 **Items for Consideration for Future Meetings**

The Chair referred to the following possible topics for future consideration by the Scrutiny Committee:-

- Community Safety Partnership;
- Procurement - Update; and
- Re-cycling.

With regard to a suggestion for consideration to be given to the Local Council Tax Support Scheme, the Director (BA) advised that a report on this matter was to be considered at Executive on 10 December 2019. In addition to recommending to Members that the Scheme for 2020/21 remains the same as the existing Scheme, the report asked Members to note that officers would be developing proposals for a revised Scheme for 2021/22 at the earliest. Members would be involved at the early stages of developing the proposals as well as in consideration of the draft proposals.

Responding to a Member, the Corporate Manager Democratic and Civic Support, advised that it was the intention for the Scrutiny Programme Board to meet more frequently than the original two meetings scheduled to guide the scrutiny process going forward.

The following topics were proposed for future consideration:-

- Community Safety - specifically anti-social behaviour and drug related issues and their impact on communities; and
- Re-cycling – specifically waste reduction and the monitoring of the new kerbside re-cycling service.

Customer Focus Scrutiny Committee noted the items.

The meeting commenced at 5.30 pm and closed at 7.25 pm

Chair

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## AUDIT AND GOVERNANCE COMMITTEE

Wednesday 4 December 2019

### Present:-

Councillor Tony Wardle (Chair)  
Councillors Atkinson, Foggin, Henson, D, Mrs Henson, Mitchell, M, Sheldon and Warwick

### Also Present

Chief Finance Officer, Corporate Manager – Executive Support, Audit Manager (HK), Policy Officer and Democratic Services Officer

29

### APOLOGIES

Apologies were received from Councillors Hannaford and Pattison.

30

### MINUTES

The minutes of the meeting held on 18 September 2019 were taken as read, approved and signed by the Chair as correct.

31

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

32

### AUDIT FINDINGS REPORT (ISA 260)

The Chief Finance Officer reported that Grant Thornton, who had been contracted to carry out the audit of the City Council's Final Statement of Accounts and associated work had been unable to complete their work in time for consideration at this meeting. It was noted that the final Audit Findings report, Final Statement of Accounts 2018/19 and the Management Representation Letter would be presented for Members' consideration and approval at an additional meeting of the Audit and Governance Committee to be held in January. The reasons for the delay were due to an external resourcing issue and was outside the control of the City Council. The Chief Finance Officer had just had sight of a further draft of the Audit Findings report which ostensibly contained the same detail as the report received in September, and he was able to forward a copy of that report to Members if required. He added that the delay had impacted on the work programme of the City Council's finance team, who now needed to focus on preparations for the budget framework for next year.

The Chief Finance Officer also acknowledged Members' concerns and responded to the following Members' comments:

- unfortunately the Devon Audit Partnership were not qualified to deliver an external audit.
- the contract for the Council's external audit was managed by the Public Sector Audit Appointments (PSAA), with Grant Thornton being in effect sub-contracted to carry out the work. This was the first year of a five year

contract and it was noted that the City Council would take up the matter of the delay with the PSAA, and would offer the appropriate level of feedback to reflect the disappointment. The delay was mirrored in a number of local authorities, in part, due to a change to the timetable in a number of national audits which had effected firms such as Grant Thornton who had been unable to meet the newly imposed deadlines. He added that this had also impacted on the finalisation of Central Government's accounts and the NNDR3 and business rates return.

- the contract was between Grant Thornton and the PSAA and so Exeter City Council had no leverage to impose any additional charge, but we would nevertheless be taking up this concern with the PSAA as an additional charge. This situation had impacted on virtually every Council in Devon.
- the Redman Review, a review of local authority financial reporting and external audit was ongoing, and the City Council would ensure that they made the appropriate representations.

Members were concerned that the new Audit arrangements were not working effectively compared with the arrangements under the former Audit Commission. The Chief Finance Officer reminded Members that the accounts had previously been audited by private firms since 2008 and Grant Thornton had offered an excellent service. Members were unanimous in expressing that the current external audit arrangements needed some review. A Member also enquired about the likely impact the delay would have on next year's audit and it was agreed that every effort would be made to ensure that a plan was in place, along with a more coordinated approach by the PSAA.

The Audit and Governance Committee noted the position.

33

### **FINAL STATEMENT OF ACCOUNTS 2018/19**

The Chief Finance Officer referred to the explanation given in Minute 32 that the report would be presented to an additional meeting to be held in January.

The Audit and Governance Committee noted the position.

34

### **MANAGEMENT REPRESENTATION LETTER**

The Chief Finance Officer referred to the explanation given in Minute 32 that the report would be presented to an additional meeting to be held in January.

The Audit and Governance Committee noted the position.

35

### **INTERNAL AUDIT PROGRESS REPORT**

The Audit Manager (HK) presented the report which detailed the internal audit work carried out during the period 1 July to 30 September 2019 and the overall progress on the Audit Plan. She referred to the previous reports on the agenda and stated that the delay in the approval of the audit would ultimately have an impact on the Audit Plan. The Audit Managers would continue to monitor and work on the Plan and a report would be made to the Audit and Governance Committee meeting in March 2020.

Members were referred to Appendix A, which detailed the progress of the 2019/20 Audit Plan to date. The Audit Manager commented on the progress of outstanding actions completed and noted that there was only one area that had been identified

as high risk. Following further advice from the City Council's legal and finance teams, the required returns for the Lord Mayoralty's civic functions were now submitted to the Charity Commission and the matter was now resolved. It was also reported that there had been no instances where remedial action was not agreed by management this quarter. There were no significant amendments that were required to be reported to this Committee.

The Audit Manager also referred Members to the Action Plan, presented in Appendix B, which highlighted the proposed measures to monitor and improve governance arrangements at the City Council. Although two outstanding issues were identified these were not deemed significant in nature.

In response to Members' questions, the Audit Manager explained that following an audit, reasons were always given for any action to be taken and a follow up was always coordinated as well as an agreement of target dates with management.

The Audit Manager invited Members to suggest further areas for inclusion in the forthcoming Action Plan. Any requests would be consulted upon with the Strategic Management Board in January.

Members made the following suggestions:-

- following a complaint and petition regarding a ward boundary issue, an audit to explore the accuracy of the digitised boundary register as well as consideration of the procedure for dealing with boundary disputes.
- monitoring of the local authority carbon footprint common carbon metric. The Chief Finance Officer stated that it may be appropriate to set out when the road map was in place. Exeter University and neighbouring district authorities would then have an understanding of what was needed to deliver and then put the process in place.
- an audit of the kitchen and bathroom replacement programme, to include how tenants were appraised of the programme. The Audit Manager updated Members and stated that the newly formed Procurement Team were in the process of retendering the contract, and so the Audit Action Plan would also look at the way that contracts were managed.

A Member suggested that such matters could also be considered by the Customer Focus Scrutiny Committee. The Chief Finance Officer stated that he would pass on any areas of interest for further report to colleagues. Certainly, the request for an audit on the replacement kitchen and bathroom programme would ensure there was a test of the procurement to ensure that adequate controls were in place.

The Audit and Governance Committee noted the Internal Audit report for the second quarter of 2019.

36

## **LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW OF COMPLAINTS 2018-19**

The Corporate Manager (Executive Support) presented the report, which explained the role of the Local Government Ombudsman (LGO) in investigating and resolving complaints about councils and included the LGO's 2018/19 annual review of complaints about Exeter City Council. There was a legal duty to communicate the LGO's annual review and details of complaints to Members.

The Corporate Manager (Executive Support) discussed the complaints received by Exeter City Council and the decisions made by the LGO for the year ending 31

March 2019, highlighting that, of ten complaints investigated, the Ombudsman had only upheld one complaint. There were no other significant issues to report to the Audit and Governance Committee. He confirmed in response to a Member's questions that Members are not currently involved in the Council's complaints process. He responded to a Member's comment on the reporting process for those investigations that resulted in LGO recommendations and/or findings of maladministration and confirmed that all complaints submitted to the LGO were reported to Members irrespective of their outcome.

The Audit and Governance Committee noted the report for the Local Government Ombudsman's Annual Review of Complaints 2018/19.

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### **REPORT OF THE CORPORATE GOVERNANCE RISK REGISTER UPDATE**

The Policy Officer presented the report, and reminded Members about the full review of the Council's Corporate Risk Register, which was now a Part 1 item on the agenda to ensure openness and transparency. The Register now focussed on strategic rather than those operational risks which could be managed at a service level. The updated Corporate Risk Register sets out the Council's risk management progress, which the Audit and Governance Committee were responsible for monitoring and reviewing.

The Chief Finance Officer referred Members to the summary paper, to note the strategic risks identified from the progress work undertaken by the Strategic Management Board and the Council's insurer – Zurich.

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

- the Bus Station project was on plan and on budget, and whilst there was an awareness that the whole construction industry was facing a challenge, any significant implications or issues would be reported to Members.
- the Sport England Pilot was proceeding as planned, and a watching brief was being maintained.
- in terms of the risk identified in respect of a lack of leadership, the Strategic Management Board properly acknowledged the multitude of challenges that face Councils and of their support for the understanding of Members as a whole. As a District Council, we are ambitious and instigated many strategic projects in the city such as delivering the Sport England pilot and Liveable Exeter. There was an understanding with Members of the challenges and capacity to deliver.

A Member commented on the removal of the risks and enquired about the definition of risk management and what size of operational risk would trigger a response to the Chief Executive, Internal Audit or the Audit and Governance Committee. She commented on the apparent downgrading of the Register and did not see any opportunity for future review or expansion. The Policy Officer responded that every service had an Operational Risk Register and a review of this was made on a quarterly basis and included the involvement of the Senior Management Team and service leads who also worked to identify the human resource requirement. In addition a Health and Safety Committee also met on a quarterly basis and discussed the Risk Register and would be able to identify any significant issue. The Chief Finance Officer confirmed that there was a robust system in place, with the correct personnel which included a health and safety officer and union representation involved. Health and safety was part of a fundamental approach and the appropriate responsibility was in place to help protect the Council.

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

(The meeting commenced at 5.30 pm and closed at 6.30 pm)

Chair

DRAFT

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**SEATING IN THE GUILDHALL**

# Agenda Annex

		Deputy Lord Mayor Councillor Mrs Henson (C)	Chief Executive & Growth Director	Lord Mayor Councillor Holland (C)	Corporate Manager Democratic/Civic Support	City Solicitor & Head of HR	
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Democratic Services Officer				Director	Chief Finance Officer	Director
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Councillors	Councillors	Councillors		Councillors	Councillors
Warwick (L)	Sheldon (L)	Bialyk (L)	TABLE	Leadbetter (C)	Mitchell, K.J. (LD)*
Vizard (L)	Hannaford (L)	Sutton (L)		Newby (C)	Mitchell, M.N.(LD)*
Oliver (L)	Foggin (L)	Pearson (L)		Henson, D. (C)	Moore, D.F. (G)*
Atkinson (L)	Owen (L)	Morse (L)			Moore, J.M. (I)*
Pattison (L)	Packham (L)	Foale (L)			
Branston (L)	Sills (L)	Wright (L)			
Lyons (L)	Lamb (L)				

Cllr Quance, I (L)	Cllr Quance, A.A. (L)	Cllr Begley (L)	Cllr Buswell (L)	Cllr Harvey	Cllr Wood (L)	Cllr Ghusain (L)	Cllr Williams (L)	Cllr Wardle (L)
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**L: Labour: 29**  
**C: Conservative: 5**  
**LD: Liberal Democrat: 2\***  
**G: Green 1\***  
**I: Independent 1\***  
 \* Known as the  
**Progressive Group**

**Portfolio Holders**

Bialyk: Leader,  
 Sutton: Deputy Leader and Climate & Culture  
 Morse: Supporting People  
 Wright: Council Housing Development and Services  
 Harvey: Environment and City Management  
 Foale: City Development and Planning  
 Pearson: Leisure and Physical Activity  
 Ghusain: Equalities, Diversity and Communities

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