



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **CORN EXCHANGE, MARKET STREET, EXETER** on **MONDAY 18 OCTOBER 2021**, at 6.00 pm, at which you are hereby summoned to attend.

If you have an enquiry regarding any items on this agenda, please contact John Street, Corporate Manager Democratic & Civic Support on 01392 265106.

Because of current social distancing restrictions brought about by the Corona Virus outbreak, this meeting is only open to those addressing the Council under item 5

For the general public the [live stream can be viewed here](#) at the meeting start time via Facebook.

The following business is proposed to be transacted:-

- | | Pages |
|--|--------|
| 1 Minutes | |
| To approve and sign the minutes of the Ordinary and Extraordinary meetings of Council held on 21 July 2021. | 7 - 24 |
| 2 Councillor Ian Quance | |
| Members will be aware that they have a statutory responsibility to attend at least one meeting of the authority every six months. If they fail to do this, they are disqualified with immediate effect, unless the Council has agreed to an extension to this period of absence. | |
| Councillor Quance last attended a meeting on 18 May 2021 - the AGM - meaning his six month period for attendance would expire on 18 November 2021. Because of his illness he had not been well enough to attend meetings since May. If he is unable to attend this meeting, the Council is asked to consider approving an extension for any further absence up to the end of the 2021/22 Municipal Year. | |
| 3 Official Communications | |
| 4 Local Government (Access to Information) Act - Exclusion of the Press and Public | |
| It is considered that the Council would be unlikely to exclude the press and public during consideration of any of the items on the agenda, but if it should wish to do so, the following resolution should be passed:- | |

“RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the particular item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1, Schedule 12A of the Act”.

Pages

5 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 Wednesday 13 October 2021. 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: [Public Speaking at Meetings](#).

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

6	Planning Committee - 28 June 2021	25 - 34
7	Planning Committee - 6 September 2021	35 - 52
8	Licensing Committee - 14 September 2021	53 - 56
9	Strategic Scrutiny Committee - 23 September 2021	57 - 64
10	Audit and Governance Committee - 28 July 2021	65 - 68
11	Audit and Governance Committee - 29 September 2021	69 - 74
12	Strata Joint Scrutiny Committee - 12 July 2021	75 - 78
13	Harbour Board - 27 September 2021	79 - 84
14	Executive - 7 September 2021	85 - 88
15	Executive - 5 October 2021	89 - 96
16	To receive nominations for the Chair of Strategic Scrutiny Committee	

Notices of Motion

17 Notice of Motion by Councillor Pearce under Standing Order No. 6

Standing Up for Responsible Tax Conduct

Full Council notes that:

1. The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.

3. Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company's ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.

Full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
5. More action is needed, however, current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.

6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Full Council resolves to:-

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
9. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

18 Notice of Motion by Councillor Wright under Standing Order No. 6

Universal Credit Uplift Removal

The Council notes that:-

1. More than 5.8 million people nationally claim universal credit and 40% are in work.
2. 8,118 people in Exeter claim Universal credit of which around 43% are in work
3. The Rountree Foundation has warned that the cut of £20 per week will plunge half a million more people into poverty, including 200,000 children.

4. Inflation jumped to 3.2% (Consumer price Index) in August this year -up from 2% in July. This raise in inflation is predicted to continue through the winter months (office for National Statistics)
5. Fuel costs are rising (currently at 12% increase) particularly affecting people on pre-payment meters. (OfGem July 2021). Most providers put pre-payment customers on the highest tariff, creating even more disadvantage for those already on the poverty line.
6. Rents have risen by 5.6% in the last 6 months -at the fastest rate since 2015.

The Council believes that:-

to withhold essential financial help to more than 5.8million Universal Credit claimants will have disastrous negative implications on health and well-being, education, community well-being and the economy. This situation will then create increased financial burden on the Treasury to mitigate against these implications.

Exeter City Council calls for:-

1. HM Government to conduct an urgent review into the payment levels of Universal Credit in relation to the rise in food costs, fuel costs, rent increases and in the light of the removal of the £87 per month uplift afforded during the first tranche of the Covid-19 pandemic.
2. A raise in payment levels in line with the ongoing inflated costs of food, fuel and rents.

19 Questions from Members of the Council under Standing Order No. 8

Date: Friday 8 October 2021

Karime Hassan
Chief Executive & Growth Director

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COUNCIL

Wednesday 21 July 2021

Present:-

The Right Worshipful the Lord Mayor Councillor Trish Oliver (Chair)

Councillors Allcock, Atkinson, Bialyk, Branston, Denning, Foale, Ghusain, Harvey, Mrs Henson, Holland, Jobson, Leadbetter, Lights, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Packham, Pearce, Sheldon, Sills, Sparkes, Sparling, Sutton, Vizard, Wardle, Warwick, Williams and Wood

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APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Buswell, Hannaford, Martin, Newby, Pearson, Quance, and Wright.

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MINUTES

The minutes of the Ordinary meeting of the Council held on 27 April 2021 and the minutes of the Annual General Meeting held on 18 May 2021 were moved by the Leader, Councillor Bialyk and seconded by Councillor Morse taken as read, approved and signed as correct.

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SIMON HILL

Councillor Harvey, the Portfolio Holder for City Management, passed on his condolences, and those of Council Members, to the family and friends of Simon Hill, the Council's Cleansing and Fleet Manager, who had passed away on the weekend.

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KATHY MCVEAGH

The Lord Mayor passed on her condolences, and those of Council Members, to the family and friends of Kathy McVeagh who had worked in the Customer Service Unit and who had passed away recently.

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DECLARATIONS OF INTEREST

Members declared the following interests:-

- Councillor J.Moore - Minute 45 - regarding Minute No. 61 - disclosable pecuniary interest;
- Councillor Morse - Minute 46 - regarding Minute No. 73 - non pecuniary interest; and
- Councillor Vizard - Minute 46 - regarding Minute No. 73 - non pecuniary interest.

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OFFICIAL COMMUNICATIONS

The Lord Mayor confirmed the receipt of a petition with 48 signatures requesting the extension of the Article 4 restrictions on Houses in Multiple Occupation (HMO's) to include the rest of Sylvan Road, Sylvan Avenue and Moorview Close. In

accordance with the City Council's Petition Scheme, this would be referred to the Planning Committee.

The Lord Mayor reported the following:-

- a letter sent to the Bad Homburg Oberbürgermeister to pass on the condolences of the City of Exeter for the loss of life in Germany following the recent extreme floods;
- the receipt of a letter from Lady Studholme, the High Sheriff of Devon, congratulating the Lord Mayor on her appointment; and
- the Lord Mayor's intention to continue to uphold the tradition and maintain the links with HMS Defender, having already been in correspondence with the Commanding Officer.

The Lord Mayor also reported that Exeter had been honoured to receive a visit on 19 July 2021 from the Duke and Duchess of Cornwall, HRH Prince Charles and HRH Camilla, who had attended a service at the Cathedral and officially opened the Exeter Bus Station.

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PETITION - PROTECT GREEN INFRASTRUCTURE IN PINHOE

The Lord Mayor referred to the Council's Petition Scheme and invited Kate Jago, the petition organiser, to present and speak on the following petition, entitled "Protect Green Infrastructure in Pinhoe which had gained more than 2,000 signatures.

"We the undersigned petition the Council to safeguard Pinhoe's natural landscape and skyline, urgently to protect our historic hedgerows and trees, and to recognise these wildlife habitats are essential to our community wellbeing and quality of life, as intrinsic features of our local distinctiveness and character.

We call for formal protection of Higher Field as open green space vital to our community and the diversity of local wildlife, and for robust protection of its critical landscape position as part of the Pinhoe Ridgeline connecting to northern Exeter's distinctive woodland skyline, visible across the city. We call for protection and funded repair of wildlife habitats across Pinhoe within Exeter City Council's strategic vision for Liveable Exeter and the corporate plan to "tackle congestion and accessibility, promoting active and healthy lifestyles and building great neighbourhoods".

Kate Jago thanked the Council for its time and attention and to the Council officers for their guidance and advice in running the petition. She also thanked all of the individual and collective contributions made and the commitment to local democracy at this time of climate emergency.

She stated that the petition highlighted the extractive models of development which have hollowed out green infrastructure in Pinhoe. The petition sought the Council's cross-party support for a transformative community-led vision for Pinhoe and for the city's northern hills, to protect wellbeing, wildlife and wild spaces not only for Pinhoe but for the whole of Exeter, connecting the vital nature recovery network across the city and beyond.

When the parish of Pinhoe joined Exeter in 1966, it embraced its new role as a city suburb. Rural farming fields gave way to development - slowly at first, but with gathering speed. Pinhoe had played an important part in the Exeter and East Devon Growth Point area: hosting the Met Office and bordering the Science Park as part of

the joint strategy for adjacent development. Substantial housing developments weave through and wrap around the village alongside all the accompanying traffic, business and educational infrastructure.

Exeter City Council's efforts to contextualise development while under sustained pressure from successive Government targets was recognised but those protections had failed and the consequences were cascading towards collapse. More than 1,500 cars an hour pass through the centre of Pinhoe during peak times. The traffic strategy for Pinhoe was already on the brink of collapse and this was a crisis, with changes needing to be made. Meanwhile, historic sunken lanes were breached; footpaths and rights of way removed and degraded; important landmark trees were vulnerable, isolated from the context of their landscape; wildlife corridors were being decimated. It was considered to be death by a thousand cuts.

In neighbouring East Devon, the ambitious Clyst Valley Regional Park has widespread public support, and having successfully achieved a bid for major funding which was woven through their East Devon District Council's strategic objectives. With well-defined networks of greenspaces, environmental sustainability, plus local and national collaboration established as core values, it was a wonderful model. Exeter City Council had challenged Government guidelines where it could and officers had sought to balance the impossible demands not only in Pinhoe, but across the city and residents were heartened by the Council's recent support for Pinhoe Ridge at Higher Field.

Kate Jago stated that the vision was to establish a natural asset network of historic lanes, public greenspaces, footpaths and bridleways to be placed at the core of a new community-led approach to create a resilient, sustainable active travel area in Pinhoe. This community asset strategy could open new avenues of funding and infrastructure investment. The Pinhoe Area Access Strategy could be revisited and revised in this context, identifying pollution hotspots, developing community-led solutions and placing the wellbeing of our community directly within Exeter's corporate strategy to tackle congestion and accessibility, promote active healthy lifestyles and great neighbourhoods. Support from Exeter City Council for this could be foundational.

This petition also marked the beginning of the campaign for the northern hills, an iconic part of the city's skyline, to be protected as the city's Ridgeline Park: A connection to the city's green circle of Valley Parks at Mincinglake and to the Clyst Valley Regional Park at Poltimore is proposed, to create an extensive, ambitious nature recovery network in line with Natural England's national project. It could also extend into Somerset via the Two Counties Way.

Underpinning the sense of place for both Pinhoe and Beacon Heath, this project would protect wildlife and wild spaces not only for these communities but for the whole of Exeter, connecting a walkable nature recovery network across the city and beyond. Building from the petition to create our community-led vision for connection across the city, this was the project of hope, founded on practical potential and demonstrating social and environmental value to all of Exeter.

The Portfolio Holder for City Development thanked Kate Jago for presenting the petition, and referred to the first part of the presentation which essentially covered the City Council's Policy LS1 Landscape Protection. The protection of the hills of Pinhoe was included within the current Local Plan and was a principle for the future Plan now being developed. The aim of the petition was at the centre of Council policies being brought forward through the Local Plan and within the Liveable Exeter Strategy. The Council had always sought to protect the Pinhoe Ridgeline having refused and defended a planning decision in respect of a Pinhoe site at

appeal and at the High Court. The Portfolio Holder encouraged the signatories to engage with the Local Plan as the impact of public consultation was of great value.

During discussion, Members made the following comments:-

- the 2,000 signatories were largely those who had been impacted by the increasing development and the driver behind the petition was the opposition to the recent planning application in respect of Higher Field. They remain greatly concerned about other green areas both in Pinhoe and across the city. The petition should be referred to the appropriate Scrutiny Committee;
- welcome the petition by local people, the second over the past year that highlighted the need to protect Exeter's nature and heritage which were valuable assets;
- involvement with the work of the Devon Local Nature Recovery Strategy in the development of the Local Plan would be particularly beneficial as protecting nature would help achieve the Net Zero 2030 target for Exeter. The network aims to protect, restore and create habitats that increase carbon sequestration;
- the value of ridgelines all around Exeter was recognised not just for their views but for enhancing and providing space for nature;
- the petition reflected the Council's declaration of the Climate Emergency in 2019 and the Ecological Emergency declaration on 27 April 2021. The Council should look to protect, create and restore green spaces in the city and ecology and nature should be at the forefront of the new Local Plan to protect areas from development. There should be a call for sites to be protected as well as for development;
- issues in respect of footways, cycleways and greenways fall within the remit of Devon County Council; and
- the Council recognised the value of green space across and around the city in terms of recreation, biodiversity and the health of citizens.

The Lord Mayor thanked Kate Jago for the presentation.

Councillor Wood moved and Councillor Foale seconded that the petition be referred to the Strategic Scrutiny Committee.

RESOLVED that the petition be referred to the Strategic Scrutiny Committee.

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PUBLIC QUESTION

The Lord Mayor reported the receipt of a question from a member of the public.

Question from Cynthia Thompson

Mrs Thompson was unable to be present and her question was read out by the Corporate Manager Democratic and Civic Support.

Could the Leader confirm if Exeter City Council's private companies are available for public scrutiny through the City Council procedures, City Council website and City Council published documents?

Response

The Council Leader responded that he was not in a position to speak for the companies who had their own management boards and he suggested contacting the Managing Directors regarding any queries.

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PLANNING COMMITTEE - 29 APRIL 2021

The minutes of the Planning Committee of 29 April 2021 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 29 April 2021 be received.

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PLANNING COMMITTEE - 27 MAY 2021

The minutes of the Planning Committee of 27 May 2021 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 27 May 2021 be received.

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PLANNING COMMITTEE - 7 JUNE 2021

The minutes of the Planning Committee of 7 June 2021 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 7 June 2021 be received.

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PLANNING COMMITTEE - 28 JUNE 2021

The minutes of the Planning Committee of 28 June 2021 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 28 June 2021 be received.

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STRATEGIC SCRUTINY COMMITTEE - 10 JUNE 2021

The minutes of the Strategic Scrutiny Committee of 10 June 2021 were presented by the Chair, Councillor Sills and taken as read.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 10 June 2021 be received.

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CUSTOMER FOCUS SCRUTINY COMMITTEE - 1 JULY 2021

The minutes of the Customer Focus Scrutiny Committee of 1 July 2021 were presented by the Chair, Councillor Vizard and taken as read.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 1 July 2021 be received.

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EXECUTIVE - 1 JUNE 2021

The minutes of the Executive of 1 June 2021 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 50 (Appointments to Outside Bodies 2021)**, the Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 51 (Honorary Aldermen)**, the Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Executive held on 1 June 2021 be received and, where appropriate, adopted.

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EXECUTIVE - 6 JULY 2021

The minutes of the Executive of 6 July 2021 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 55 (General Fund Capital Monitoring 2020/21 and Revised Capital Programme for 2021/22 and Future Years)** the Leader moved and Councillor Williams seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 56 (Overview of General Fund Revenue Budget 2020/21)**, the Leader, in response to a question from a Member, advised that the sum of £380,000 awarded to the Council and its partners by the Government had been set aside as an earmarked reserve to help achieve key objectives for the city with a focus on physical regeneration projects such as, but not exclusive to, Liveable Exeter.

The Leader moved and Councillor Williams seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 57 (2020/21 HRA Budget Monitoring Report – Out-turn)**, the Leader moved and Councillor Williams seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 58 (Treasury Management 2020/21)**, the Leader moved and Councillor Williams seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 59 (Depot Relocation)** the Leader, in response to questions from Members, stated that the £3.5 million set aside for the relocation of the Belle Isle Depot to Exton Road was an indicative budget and that the Belle Isle site would be available for disposal. He advised that he could not provide a definitive statement on the future of the site but that it was the intention to provide housing for people in Exeter and that the public would be consulted in line with the Consultation Charter.

The Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 60 (Liveable Exeter – Garden Communities and One Public Estate Funding Awards)** and during discussion the following points were made:-

- priority should be given to marketing and one way communication in line with Garden City principles and that early consideration be given as to what stage the community, both existing neighbours and new, would be invited to contribute to formulating plans for the sites;

- welcome the Garden Communities concept which would help protect the green ridgeline around the city and the city's valuable green spaces and that by meeting Exeter's need for more houses it would be important to build up to protect the green spaces; and
- it would be appropriate for consultation to take place in line with the processes set out in the Council's Consultation Charter and there had been previous consultations on major Council schemes which had led to changes to original proposals.

The Leader moved and Councillor Williams seconded the recommendations and following a vote, the recommendations were carried unanimously.

Councillor J. Moore declared a disclosable pecuniary interest and left the meeting during consideration of the following item.

In respect of **Minute No. 61 (Wellbeing Exeter Strategy 2021-2024)** and during discussion the following points were made:-

- welcome the valuable work already undertaken through Wellbeing Exeter, particularly the work of the Community Connectors and Community Builders who enrich the lives of communities and individuals. The project in particular having made Exeter "Covid Ready" prior to the outbreak of the Pandemic;
- the great value the project would bring, particularly to the city's children;
- welcome the proposal to significantly uplift Heavitree Park and look forward to similar investment to other parks and play areas in the city including the Adventure Playground in the St Loyes Ward; and
- concerns regarding the role and reporting arrangements of the Liveable Exeter Place Board in the overall structure.

The Leader referred to the following:-

- funding of £729,000 from Devon County Council, £1.4 million from Sport England and £410,000 from Local Exeter Primary Care Networks towards a total budget of £3.3 million;
- the creation of four Primary Care networks covering 17 GP practices in the city;
- 16 Community Connectors supporting individual residents to improve their wellbeing;
- 13 Community Builders covering every ward in the city; and
- four Community Physical Activity Organisers supporting individuals and communities to be more active in their everyday life.

The Leader thanked the County Council for its contribution to the project which was acknowledged by Councillor Leadbetter as an opposition Leader, who also welcomed the re-organisation and strengthening of the Wellbeing governance structure which brought proper accountability. He also referred to the scheme being a good example of collaboration between various agencies and strategic partners across the city.

The Leader undertook to seek clarification on the issue raised in respect of the Liveable Exeter Place Board in relation to governance arrangements.

The Leader moved and Councillor Williams seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 63 (Improvements to the Re-cycling Collection Service)** and during discussion the following points were made:-

- welcoming the undertaking in 2016, to review kerbside collections, but the delay in implementation had been considerable;
- because of the proposals within the Environment Bill, as well as a Government commitment to support local authorities to carry out their duties proposed under the Bill, the recommendations should not be supported;
- the Bill sought to require all local authorities to arrange for the collection of glass, metal, plastic, paper and cardboard and require waste collection authorities to arrange for the collection of food waste separately at least once a week as well as free minimal collection of garden waste;
- the proposal to implement food waste collection as a pilot in at least one area was insufficient and a clear timetable was required for a roll out across the city as Exeter residents expect an improved re-cycling rate;
- to support the need for a review of the Materials Re-cycling Facility (MRF) and for a strategic long term plan for this facility. Instead of proposing only to explore options, a detailed timetable was required;
- Exeter residents produced more waste than many other areas but only a small proportion was re-cycled;
- welcome measures to improve re-cycling, introduce kerbside collection and to roll out food waste collection but information was required on dates for the rollout and on the steps that might be needed to address any barriers encountered to ensure delivery was on time;
- the MRF was an award winning facility with neighbouring authorities also sending material to be effectively sorted;
- concern that there had been a delay in implementation and that a pilot in one area only, would not provide a true picture across the city because of the differing makeups of streets and communities - student areas, for example, differed significantly to the West Garth Road area; and
- concern that the eventual city wide programme would be uneven with different standards of collections emerging.

The Portfolio Holder for City Management explained that the pilot area in Alphington involved the food collection vehicle following on and mirroring the rounds of the main refuse vehicle on Monday's to Friday's. He further responded to the issues raised as follows:-

- the Council remained committed to providing a dedicated kerbside waste collection and kerbside glass collection service for all residents equitably across the city;
- given the operational and financial difficulties experienced by neighbouring authorities in using the kerbside sort system, it had been prudent to carefully consider the options available in devising a suitable collection methodology. It was vital to ensure that the final scheme would be fit for purpose;
- the Pandemic had been a significant element in the timing of the scheme and the pause had led to a re-evaluation of the service. A change would involve considerable investment in new vehicles including electric and, in this regard, larger authorities had procurement advantages over the City Council; and
- the intention was to ensure that all new vehicles would be as environmentally friendly as possible. They would receive power from the solar farm near to the re-cycling centre in Marsh Barton, reducing diesel costs as well as benefiting from the energy from the waste plant.

The Portfolio Holder commended the workforce for their hard work, commitment and involvement in the assessment process as a result of the Pandemic. He looked

forward to the pilot rollout to be followed by a full rollout across the city with a similar rollout of glass collection once Government plans became clearer.

The Leader also referred to the slow process of the Bill through Parliament and that, once greater clarity was obtained on legal requirements, local authorities would be in a better position to implement schemes.

The Leader moved and Councillor Williams seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 64 (Delivery of Net Zero Exeter)**, and during discussion the following points were made:-

- welcome the proposals to help deliver Net Zero Exeter and hope that the budget of £1 million identified would be sufficient and available;
- whether net zero champions were necessary; and
- would the Council publish its carbon budget and set out the trajectory to reach Carbon Zero by 2030?

The Portfolio Holder for Net Zero made the following points:-

- thanked all Councillors for their support;
- in spite of a number of years of austerity, the delivery of Net Zero Exeter remained a key Council policy as Climate Change was a global emergency that could not be ignored;
- support for the solar energy plant at Marsh Barton had been provided by European Union funding;
- HRH Prince Charles, during his recent visit, had been particularly impressed by the Council's Net Zero initiatives;
- Exeter City Futures was an important partner, for example, in helping deliver Co-Cars and Co-Bikes;
- the budget would facilitate the appointment of additional staff and a number of champions had already been identified within the Council and its partners such as the University of Exeter, Exeter College and the RD&E Hospital. All were very enthusiastic in helping to deliver the ambitions and many worked at ground level with day to day experiences of challenges and opportunities;
- the importance of involving the wider community and the general public; and
- the provision of updated information and reports at the appropriate time.

The Leader thanked the Director Finance and the Deputy Chief Finance Officer for identifying necessary funds for Net Zero as part of the Emergency Budget.

The Leaders of the opposition groups welcomed the report.

The Leader moved and Councillor Williams seconded the recommendations and following a vote, the recommendations were carried unanimously.

RESOLVED that the minutes of the Executive held on 6 July 2021 be received and, where appropriate, adopted.

The meeting adjourned at 19.21 and re-convened at 19.29.

The minutes of the Executive of 8 July 2021 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 68 (East Devon, Exeter, Mid Devon and Teignbridge Joint Strategy : Scope, Resourcing Timetable and Governance)** and during discussion the following points were made:-

- the proposal to co-ordinate action across the authorities was sensible;
- the timetable for the consultation should be lengthened as a short period across the summer holidays on key matters was insufficient. A minimum period of eight weeks should be implemented with the timing of the consultation period reviewed;
- welcome the explanation of the carbon footprint implications and the consultations proposed within the joint strategy will contribute to the emerging Devon Carbon Plan; and
- need to clarify which target year the joint strategy is working towards given that each authority have different net zero climate dates.

The Leader advised that the City Council continued to work to its Net Zero target date of 2030 and with its three partners in bringing forward the joint strategy and that the City Council would also seek to learn from any lessons gained from Teignbridge District Council whose target date was 2025.

The Leader moved and Councillor Sutton seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 71 (Exeter Civic University Agreement)** and during discussion the following points were made:-

- whilst supporting the strategic objectives, the report was premature as the public consultation survey would not close until 14 August. As the survey would help shape the Agreement, the results of the consultation should be analysed first;
- practical actions should be identified, for example the University should underline its commitment to net zero by preventing students from bringing cars within the next couple of years unless required for mobility or academic reasons; and
- request deferral of the report.

The Leader responded that any amendments to the Agreement were to be delegated to the Chief Executive & Growth Director in consultation with himself and that he would liaise with the Group Leaders on any changes should they wish to discuss them with him. He welcomed and valued the active engagement of the University in the life of the city and looked forward to further improved connectivity. He also referred to the five world leading climate scientists currently working at the University.

The Leader moved and Councillor Sutton seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 72 (Consultation Charter)** the Leader moved and Councillor Sutton seconded the recommendation and following a vote, the recommendation was carried.

Councillors Morse and Vizard declared non-pecuniary interests and left the meeting during consideration of the following item.

In respect of **Minute No. 73 (Parliamentary Constituency Boundary Review)**, the Leader moved and Councillor Sutton seconded the following motion to amend the minute to read as follows:-

- (1) the Pinhoe Council ward should be suggested for inclusion in the revised Parliamentary Constituency to the east of the City, instead of Priory Council ward, as contained within the Boundary Commission's initial proposals;
- (2) the name of any new Parliamentary Constituency to the east of the city include a reference to the fact that it included a significant proportion of the city within its boundary, with the suggested name of Exmouth and East Exeter; and
- (3) instructs officers to inform the Boundary Commission for England of its views on the proposals.

The Boundary Commission had recommended in its latest review, that each constituency must have an electorate as at 2 March 2020, that was no smaller than 69,724 and no larger than 77,062. Legislation was intended to put into place by late 2023. The Exeter Constituency had a current electorate of 80,676 and was therefore deemed too large in the latest comparator figures. The current East Devon Constituency had an electorate of 75,387. The Boundary Commission had reviewed the current boundaries of both these parliamentary constituencies and had proposed that the existing arrangement be extended to include all of the Priory, St Loyes and Topsham city wards, thereby ensuring that the new Exeter Parliamentary Constituency electorate falls within the range set by the Boundary Commission, and does not continue the current practice of splitting City Council wards.

The Leader set out the wider historical and geographic background to the Boundary Commission proposal and stated that it would be more appropriate for the existing Pinhoe ward to be included in the new parliamentary constituency instead of the Priory ward. This would ensure that all three of the most easterly City Council wards, which border the East Devon administrative area, would be included in the new constituency, allowing for there to be a contiguous boundary between the two authorities. Furthermore, Pinhoe retained some of its rurality which would sit better with the more rural constituency of Exmouth. The Leader stated that Pinhoe was a vital and integral part of Exeter, the parish having been brought into the city in 1966 and emphasised that it would not be moving Pinhoe into East Devon but that it would remain as part of the city of Exeter.

The Leader stated that Priory and Pinhoe had exactly the same numbers of electorate of 6,399 but Pinhoe, with a boundary with East Devon, had room to expand, was expanding and was likely to continue to do so, whereas Priory was reasonably static and part of urban Exeter. The Priory ward was important historically with no connection or boundary to the East Devon constituency. The Boundary Commission proposal would mean the parliamentary boundary stretching too far into the urban heart of the City and, as a result, the following would be included in the new boundary - the RD&E Hospital, Wyvern Barracks, Exeter and Devon Crematorium, St Loyes Chapel, Wonford House, Wynstream Primary, Countess Wear Village, ISCA Academy and the West of England School for the Partially Sighted. Wonford, within the urban Priory ward, had its own history with housing built for the working class in the 1930's and 1940's and also included the Ludwell Valley Park.

The Leader asked Members to support the proposition of including the Pinhoe ward, and not Priory ward, in the new Parliamentary Constituency.

Councillor Leadbetter, speaking as an opposition leader, supported the proposition and stated that, whilst the whole of the St Loyes and Topsham wards would move into the new constituency, they too were still very much part of Exeter.

Councillor Wood, speaking as a Pinhoe ward Councillor, and as a Pinhoe resident stated that Pinhoe was part of the Exeter City Council area as well as the city of Exeter with its residents feeling a strong allegiance to the city itself and that, as such, he could not support its inclusion in the new constituency.

Councillor Sparling supported the retention of the Priory ward within Exeter, with the Pinhoe ward moved to the new parliamentary constituency which she believed should be known as Exmouth and East Exeter, emphasising that Pinhoe would remain a part of the city. Pinhoe had a separate identity from the city and residents already had links to East Devon such as the village of Broadclyst and would be suitable for a mixed urban and rural constituency. Moreover, the inclusion of Priory would result in the boundary extending too far into Exeter.

Councillor Mrs Henson felt that, given Exeter's history, its name should receive prominence in the name of the new constituency.

Councillor M. Mitchell stated that the Boundary Commission sought to have regard to geographic factors in identifying and naming constituencies and that, even with adding the whole of the Boundary Commission's suggested three wards, Exeter would not possess the majority population. Members noted that representations were sought from other interested parties and the general public and that there was unlikely to be wide support in East Devon for a minority area being the first name of a constituency.

Councillor Mrs Henson moved and Councillor Holland seconded an amendment to the motion that the name of the new parliamentary constituency should read Exeter East and Exmouth. The amendment was put to the vote and LOST.

Councillor Wardle, speaking as a Priory Ward Councillor, stated that the Boundary Commission had largely undertaken the consultation as a paper exercise and had not taken into account the history of the area and the nature of the communities within the Priory ward. Wonford, an integral part of the Priory ward, possessed long standing links with the city of Exeter going as far back as the 10th Century and the Domesday Book. Furthermore, Priory residents felt that the ward was an integral part of the city of Exeter and considered linkage to East Devon as absurd.

Councillor Harvey, speaking as a Pinhoe ward Councillor, supported the retention of Pinhoe within the Exeter constituency. Pinhoe, as well as the East Devon boundary area, were experiencing considerable growth which was likely to continue. Ultimately, the statistics of the new constituency would not match the comparator figures of other constituencies across the country and, as a result, a further review would be necessary. He also referred to the confusion much of the electorate were likely to experience as a result of the proposals.

The Leader, in concluding, re-iterated that Pinhoe would remain as part of the city's family of wards and estimated that, if Pinhoe would become part of the new constituency, the electorate split could be approximately 73,000 in Exeter and 75/76,000 in the new constituency.

The Leader moved and Councillor Sutton seconded the substantive motion and it was **RESOLVED** that:-

- (1) the Pinhoe Council ward should be included in the revised Parliamentary Constituency to the east of the City;
- (2) the name of any new parliamentary constituency to the east of the city to include a reference to the fact that a significant proportion of the city lies within its boundary, with the suggested name to be Exmouth and East Exeter; and
- (3) officers be instructed to inform the Boundary Commission for England of its views on the proposals.

In respect of **Minute No. 74 (Food Law and Health and Safety Enforcement Service Plan 2021-2022)**, the Leader moved and Councillor Sutton seconded the recommendations and following a vote, the recommendations were carried unanimously

In respect of **Minute No. 75 (Funeral Service Provision Review 2021)**, a Member referred to future land use and space requirements for whole body burials especially on religious grounds where cremation might not be considered suitable.

The Leader undertook for a response to be provided to Members on this issue.

The Leader moved and Councillor Sutton seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 77 (Members' Training)**, a Member raised issues around on-line training and difficulties that had occurred during the Pandemic and to any implications if sessions could not be attended by Members. The Leader explained the importance of training and that all training sessions were recorded and archived. Any concerns or anxieties could be examined by the Councillor Development Steering Group.

RESOLVED that the minutes of the Executive held on 8 July 2021 be received and, where appropriate, adopted.

47

CHANGE IN MEMBERSHIPS

The Leader reported that Councillor Pearson had stepped down as an Executive Member and Portfolio Holder and thanked him for the work he had undertaken in this role. The responsibilities previously covered within his Portfolio Holder would be split between himself and the Deputy Leader.

The Leader also reported the following changes to the Harbour Board:-

Councillors Allcock and Pearce to replace Councillors Sills and Pearson.

48

FIRST HOMES PLANNING POLICY STATEMENT

The Portfolio Holder for City Development presented the report seeking formal agreement of the content and publication on the Council's website of a First Homes Planning Policy Statement, setting out how the Council's existing planning policies on affordable housing would be interpreted in the light of the First Homes Written Ministerial Statement and Planning Practice Guidance.

It was important that the Council published a First Homes Statement as soon as possible as the Government had introduced the policy in June and it was now in practice. Due to this urgency and the timing of the Government's First Homes announcement, it had not been possible to take this report to Executive before bringing it to Council.

The Portfolio Holder explained that, instead of the shared principle of affordable housing, a First House Policy would be introduced to allow sale with a 30% discount of the market value. This was to be applied in perpetuity. The Council would not bind itself to the policy as it would be reviewed as part of the Local Plan process.

In response to a Member's question, the Portfolio Holder confirmed that the following issues along with all other issues would be addressed as part of the Local Plan Review:-

- the ability to set either a 40% or 50% discount if local evidence demonstrated that need and viability, the evidence to be tested through the Local Housing Needs Assessment being prepared to inform the emerging Local Plan; and
- in respect of concerns regarding house prices and affordability especially for one or two bed flats, the ability to set a lower price cap if a need can be demonstrated.

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

RESOLVED that:-

- (1) the content of the First Homes Planning Policy Statement attached as an appendix to the report, which included a revised version of Exeter Core Strategy Policy CP7 that took account of the Government's Written Ministerial Statement and Planning Policy Guidance on First Homes, for use as a material consideration in determining relevant planning applications be agreed; and
- (2) the First Homes Planning Policy Statement be published on Exeter City Council's website.

49

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 Jobson to the Portfolio Holder for City Management.

Can the Portfolio Holder confirm that the glass re-cycling vehicle is back and working at full capacity and when residents might expect the backlog to be cleared and all glass re-cycling containers, including those at supermarkets, to be fully operational?

The Portfolio Holder for City Management responded that the glass collection vehicle is now back on the road, we are up to date with all glass igloo collections from around the city, and the backlog has been cleared. Guidance was awaited from the Government on the operation of the proposed Deposit Return Scheme included within the Environment Bill currently going through Parliament. Only when further information was known could changes be made to the Council's bottle bank policy.

Councillor Jobson asked a supplementary question as to whether there was a contingency plan going to be put in place to prevent problems recurring?

The Portfolio Holder responded that there were no plans to change the Council's approach until it was clear what was required under the Deposit Return Scheme.

In accordance with Standing Order No. 8, the following question was put by Councillor D. Moore to the Portfolio Holder for City Development.

Please can the Portfolio Holder detail the issues for consideration in reviewing Exeter's CIL Charging Schedule?

The Portfolio Holder responded that the key issues currently being considered were:-

- proposed changes to planning policy via the Planning White Paper and the Planning Bill which identify revisions to the system for securing funding from development;
- the impact of Covid-19 on development viability and therefore the level of charge which can be levied on different types of development; and
- the need for further, coordinated viability work for the CIL review, the Local Plan and the Liveable Exeter programme.

Councillor D. Moore asked a supplementary question that, given the Council was going to great lengths to de-risk and secure investment for difficult Liveable Exeter sites, whether it should recoup its investment by ensuring developers of Liveable Exeter sites fully contribute to the CIL to the infrastructure necessary for sustainable communities?

The Portfolio Holder responded that an answer would be provided by the appropriate Portfolio Holder.

(The meeting commenced at 6.00 pm and closed at 8.30 pm)

Chair

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EXTRAORDINARY MEETING OF THE COUNCIL

Wednesday 21 July 2021

Present:-

The Right Worshipful the Lord Mayor Councillor Trish Oliver (Chair)

Councillors Allcock, Atkinson, Bialyk, Branston, Denning, Foale, Ghusain, Harvey, Mrs Henson, Holland, Jobson, Leadbetter, Lights, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Packham, Pearce, Sheldon, Sills, Sparkes, Sparling, Sutton, Vizard, Wardle, Warwick, Williams and Wood

4

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Buswell, Hannaford, Martin, Newby, Pearson, Quance, and Wright.

5

HONORARY ALDERMEN

The Leader moved the recommendation that Mrs Olwen Foggin, Mrs Rachel Lyons and Mrs Lesley Robson be conferred the title of Honorary Alderman, in recognition of their eminent services to Exeter City Council during the period they were Members of the Council.

Councillor Leadbetter seconded the recommendation.

RESOLVED that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council do confer on the following the title of Honorary Alderman, in recognition of their eminent services to Exeter City Council during the period they were Members of the Council.

- Mrs Olwen Foggin;
- Mrs Rachel Lyons; and
- Mrs Lesley Robson

[Section 249 of the Local Government Act 1972 provides that the foregoing honour may be conferred by resolution of the Council passed by not less than $\frac{2}{3}$ of the Members voting thereon at a meeting specially convened for the purpose.]

(The foregoing resolution was passed unanimously)

(The meeting commenced at 8.31 pm and closed at 8.33 pm)

Chair

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PLANNING COMMITTEE

Monday 28 June 2021

Present:-

Councillor Emma Morse (Chair)
Councillors Williams, Bialyk, Denning, Hannaford, Mrs Henson, Lights, Mitchell, M, Moore, D and Sparkes

Apologies

Councillors Branston, Buswell, Martin and Sutton

Also Present

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development lead, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MH), Democratic Services Officer (MD) and Democratic Services Officer (HB)

38

MINUTES

The minutes of the meetings held on 29 May and 7 June 2021 were taken as read, approved and signed by the Chair as correct.

39

COUNCILLOR ALYS MARTIN

Councillor Martin had submitted her apologies due to her need to meet Government's requirements to self-isolate in respect of Covid-19.

40

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

41

PLANNING APPLICATION NO. 21/0223/OUT - LAND AT HOME FARM, PINHOE, EXETER

The Principal Project Manager (Development) (MH) presented the application for outline planning permission for the construction of up to 61 dwellings and associated infrastructure

With reference to photographs, illustrative plans and the relationship to the surrounding rural and urban areas and adjacent properties the Principal Project Manager referred to the following key issues:-

- the principle of development;
- affordable housing;
- impact on access, local highways, landscape, heritage assets;
- scale, design, impact on character and appearance; ecological issues/habitats mitigation;
- flood risk and surface water management;
- Sustainable Construction and Energy Conservation;

- Economic benefits and C/Section 106; and
- visual impact on landscape setting – relevance of conclusions on importance of this site remaining undeveloped when previous development was considered on appeal.

The Principal Project Manager (Development) provided the following additional detail:-

- the relationship of the development to the neighbouring development currently under construction on land to the south. A singular access would be provided on the southern boundary of the site via this neighbouring development which would connect via the road network of that development onto Church Hill;
- the receipt of a series of slides provided by an objector showing the views of the site and the impact of the development from various vantage points from the neighbourhood, within the city and outside the city boundaries;
- the receipt of 93 objections;
- the submission of an e petition of over 2,000 signatures entitled – “Protect Green Infrastructure in Pinhoe” to be considered at the Council meeting on 21 July 2021;
- the impact the built development would have on the overall landscape character of the area both locally and a wider landscape setting, was a fundamental consideration as to whether the scheme was acceptable whilst also taking into account material planning considerations and the Council’s lack of a five year housing supply; and
- it was considered that the landscape quality of this valued site and the harmful intrusive visual impact created by the proposed housing development should be afforded greater weight, in this instance.

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

- welcome the recommendation for refusal;
- very strong opposition to the development in Pinhoe including the 93 objections;
- whilst issues of concern such as impact on the landscape and biodiversity and highway matters are important, of greater significance is the need to protect the Green Circle around Exeter for future generations;
- with no bus service proposed and with a considerable distance from retail outlets such as Sainsbury’s and a Spar shop it is not a sustainable development. Residents will need cars to access the shops as the distance to the development is too great to walk; and
- the development would not meet the Council’s ambitions to become a Carbon Free city.

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

- the proposed site, known locally as ‘Higher Field’, forms the beginning of Exeter’s Northern Hills, and as such is an important part of the City’s landscape setting;
- the ancient Pinhoe Church, an important city landscape feature, lies on the mid contour of Higher Field;
- the view is far reaching and to lose this amenity would be devastating to the Pinhoe community which has already lost so much green space to development;
- it is visible from many recreation points including Woodbury Common, Ludwell and Barley Valley Parks and points along the Green Circle;
- Higher Field offers a valuable habitat for many species. Mitigation measures cannot replace the balanced ecosystem this field supports;

- this application has galvanised a petition to Exeter City Council to provide formal protection of Pinhoe's remaining green infrastructure which has registered over two thousand signatures;
- the recently adopted Exeter Transport Strategy outlines the ambition for 50% of trips to be made by walking or cycling but the applicant's Transport Statement estimates only a 20% active travel split and expects the majority of journeys to be made by car. Residents are concerned that the sheer gradient of the location will deter even 20% from walking or cycling. There are also concerns regarding the traffic impact of further development in Pinhoe;
- flooding is a reality in Lower Pinhoe and the loss of another natural water management system will compound the problem. It is difficult to see how 61 new homes would outweigh the adverse impact on the local and wider community, when, in May 2021, the Council was able to demonstrate a housing supply of four years and seven months; and
- once this green fringe is lost, the impact on the city's visual, ecological and human landscape is irreversible.

Members made the following comments:-

- the absence of an air quality assessment;
- unclear if the proposed mitigation measures would address possible problems of flooding;
- the Council's current housing supply of four years and seven months is close to the five year housing supply guideline and there is therefore a better position than was the case in respect of the adjacent development to resist an appeal; and
- the impact on the ridge line on this northern area of the city is significant.

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

The recommendation was moved and seconded and carried unanimously.

RESOLVED that outline planning permission for the construction of up to 61 dwellings and associated infrastructure be **REFUSED** for the following reasons:-

- 1) The development would have a significant impact on the rural character of the area and landscape setting of the city by developing and urbanising a prominent ridgeline that will be visible from surrounding parts of the city and beyond. It will have a significant impact on the rural character of the Beacon Hill ridge and open undeveloped land forming part of the slopes above Pinhoe, which will detract from the landscape setting of this part of the city especially viewed from the south and south-west. The development is therefore contrary to the adopted development plan policies CP16 of the Exeter Core Strategy and saved Policy LS1 of the Exeter Local Plan First Review, and paragraphs 127(c) and 170 of the NPPF (2019). In regard to the presumption of sustainable development in the NPPF, it's considered that the adverse impacts of the development on the rural character and distinctiveness of the area and landscape setting of the city would significantly and demonstrably outweigh the benefits of housing delivery on this site when assessed against the policies in the NPPF taken as a whole.
- 2) In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters:

- Affordable Housing
- Open space provision, maintenance and public access in perpetuity
- Education contributions
- GP provision contribution
- Highway/transportation related contributions

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

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PLANNING APPLICATION NO. 20/1446/FUL - 102 MAIN ROAD, PINHOE, EXETER

The Assistant Service Lead Planning presented the application for a new dwelling with parking, landscaping and new works.

With reference to photographs, plans and the relationship to the surrounding rural and urban areas and to the presentation made at the previous Committee meeting, the Assistant Service Lead provided the following additional detail in respect of this site which formed part of an established residential plot and side garden of a Grade II Listed end-of-terrace thatched roof cottage and was primarily composed of the private garden area of 102 Main Road but also contained the vehicular access point that currently serves two occupied dwellings, 100 and 102 Main Road:-

- an updated visibility splay drawing;
- a shadow analysis report showing the development's impact compared to the existing at the summer solstice, equinox and winter solstice. Although there was some additional overshadowing in the afternoon around the equinox the impact on internal daylight levels would be minimal;
- the existing mature boundary hedge would be retained and maintained providing protection from headlights as would the parking area proposed being below the lawn area to the north with a retaining wall further shielding disturbance from headlights; and
- the receipt of 11 objections and one letter of support.

The Assistant Service Lead advised of the following responses:-

- no objection from Devon County Council, subject to the implementation of conditions prior to occupation including improved access, the provision of a visibility splay and removal of a lamppost;
- no response from East Devon District Council;
- conditions on construction hours recommend by Environmental Health; and
- no objections raised from Exeter City Council Heritage.

The following responses were made by the Assistant Service Lead to Members' queries:-

- a condition for the lamppost to be retained but removed to a different location at the cost of the applicant would be added. This would aid visibility;
- to improve visibility the vegetation and existing wall would be removed and a new wall provided;

- the reference to replacement vegetation of similar size and species was standard wording;
- permission to build an uncovered swimming pool is usually allowed under domestic permitted development rights; in this instance, it is proposed to remove the rights to do so by a condition to enable the local planning authority to retain control;
- an anticipated six vehicles a day, three in each direction could be expected normally; and
- the improvement to the access onto the driveway would offset the disadvantage of additional vehicles resulting from an additional dwelling.

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

- safety of pedestrians is a concern as there is only a pavement on one side of the road and it is necessary to cross the road from the front of these properties to access the bus stop;
- the recent site visit at 9:30 am clearly showed the danger to pedestrians, cyclists and motorists of this busy B3181 road;
- surprised by the views of the highway authority that the access will be improved even though there would only be a 12 metre visibility splay;
- the previously expressed concerns that the development is unsustainable remains;
- the scale, size and massing of the proposed dwelling dwarfs the neighbouring property of St Helena; and
- the development would not go towards the City's ambition of becoming carbon neutral.

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

- the proposal will have a severe impact on family safety particularly when walking with son to school;
- the road is unsafe to cross;
- even with proposed improvements to the driveway there would remain a considerable drop on to the main road with the poor visibility remaining an issue - the access road is 10 feet above the main road;
- cars approaching from the south will be unable to see vehicles coming out of the driveway;
- on a 30 mph road, visibility to the driveway junction should be 23 metres not 11 metres;
- three vehicles from existing properties already use the driveway with an anticipated three or four more likely if the development proceeds; and
- no footpath is proposed for the driveway.

Responding to Members' queries, Mr Lawrence reiterated that the three parking spaces identified would create problems to the residents using the driveway and that other neighbours along this stretch of the road benefitted from purpose built laybys.

Members expressed diverging views on the value of an improved access, some feeling that the proposal remained of insufficient standard. Members also welcomed the relocation of the lamppost.

The County Development Manager - Highways and Transport advised that the existing access was severely substandard, offering only a few metres of visibility to the right in particular. The proposal significantly improved visibility to the right and

also to the left due to the slight widening of the access and the ability for a driver to position their vehicle differently. Normally, six vehicle movements a day for a single dwelling, three in, three out could be expected in respect of the proposed dwelling. He confirmed that he was of the view that the significant improvement offsets the disbenefit of additional movements to visibility at the access. The improvements would make it safer for emerging drivers as well as drivers on the B3181 heading south-west towards Exeter. The conspicuity of the access would also be increased. It was noted that three allocated parking spaces serve existing dwellings, but this did not change his view.

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

The recommendation was moved and seconded and carried.

RESOLVED that the Service Lead City Development be authorised to **APPROVE** the application for a new dwelling with parking, landscaping and new works, subject to the following conditions:-

- 1) The development to which this permission relates must begin no later than the expiration of three years, starting 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 30 October 2020 and 01 December 2020 (including all drawings listed below), as modified by other conditions of this consent.

<i>Proposed Site and Roof Plan</i>	<i>0348_PIN_PL_1.1</i>
<i>Proposed Ground Floor Plan</i>	<i>0348_PIN_PL_2.0</i>
<i>Proposed First Floor Plan</i>	<i>0348_PIN_PL_2.1</i>
<i>Proposed West Elevation</i>	<i>0348_PIN_PL_3.0</i>
<i>Proposed South Elevation</i>	<i>0348_PIN_PL_3.1</i>
<i>Proposed East Elevation</i>	<i>0348_PIN_PL_3.2</i>
<i>Proposed North Elevation</i>	<i>0348_PIN_PL_3.3</i>
<i>Proposed Section AA</i>	<i>0348_PIN_PL_4.0</i>
<i>Proposed Section BB</i>	<i>0348_PIN_PL_4.1</i>
<i>Proposed Section CC</i>	<i>0348_PIN_PL_4.2</i>
<i>Proposed Street Elevations</i>	<i>0348_PIN_PL_3.4</i>

Reason: To ensure compliance with the approved details.

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority, either as physical samples or in a detailed Materials Schedule document including the title, image and colour of each material finish. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. The materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: In the interests of good design and to ensure the materials comply with the visual amenity requirements of the site and surrounding area.
- 4) Before the first occupation or use of the dwelling now permitted, a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall

specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved before the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable. Any trees or plants which within five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Reason: In the interests of good design in accordance with Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.

- 5) Visibility splays shall be provided, laid out and maintained for that purpose following a plan to be agreed in writing in advance by the Local Planning Authority in consultation with the Highway Authority, with no obstructions above a height of 0.6 meters above the adjacent carriageway level. This will necessitate the relocation of a lamp post under terms to be agreed with the Highway Authority.
Reason: To provide safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
- 6) No part of the development now approved shall be brought into its intended use until the vehicular turning head and cycle store as indicated on Drawing Number "0348_PIN_PL_1.1" are fully implemented and operational.
Reason: To provide safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
- 7) Before commencement of construction of the superstructure of the development now 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 required to achieve this CO2 saving shall be implemented on-site. Within three months of practical completion, 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.
- 8) Before the occupation of any dwelling now approved, details of provision for nesting swifts shall be submitted to and agreed upon in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained after that.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 9) Pre-commencement condition: No part of the development now approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason for the pre-commencement condition: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site. This information is required before development commences to ensure that the impacts of the development works are correctly considered and addressed at the earliest possible stage.

- 10) No site machinery or plant shall be operated, no process shall be carried out, and no demolition or construction-related deliveries received or dispatched from the site except between the hours of 8 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday, and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and or working nearby.
- 11) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken within the dwelling plot as shown on drawing no. 0348_PIN_PL_1.1 without the express consent in writing of the Local Planning Authority, other than those works expressly authorised by this planning permission:-
Part 1, Class A extensions and alterations
Part 1, Classes B and C roof addition or alteration
Part 1, Class D porches
Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house
Part 1 Class F hard surfaces
Reason: To protect residential amenity and to prevent overdevelopment.

Informatives

- 1) Following Paragraph 38 of the National Planning Policy Framework, the Council has worked positively and proactively and has imposed planning conditions to enable planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following the commencement of development. Accordingly, your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged), the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information, please see www.exeter.gov.uk/cil.
- 3) Following the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an Appropriate Assessment (AA). Given the nature and scale of the development, the proposal does not require an AA.
- 4) The applicant should be aware that this development is within a Smoke Control Area, which controls smoke emissions from domestic fires and solid fuel boilers. Advice on controlling the emissions from and health impacts of wood burning is available from https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Ready_to_Burn_Web.pdf. It is recommended that all new stoves meet the EcoDesign Ready standard.
In addition, careful design of the flue may be required to prevent the appliance from causing a nuisance by fume or odours.

For further advice, please contact the Environmental Protection Unit on 01392 265148.

- 5) Following consultation with the Council's Heritage Officer, the development does not require Listed Building Consent to be considered lawful.

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

The report of the Liveable Exeter Programme Director and Interim City Development Lead was submitted.

RESOLVED that the report be noted.

44 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

45 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party is scheduled for will be held on Tuesday 13 July 2021 at 9.30 a.m. The Councillors attending will be Councillors Denning, Hannaford and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 6.37 pm)

Chair

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PLANNING COMMITTEE

Monday 6 September 2021

Present:-

Councillor Emma Morse (Chair)
Councillors Williams, Bialyk, Branston, Denning, Hannaford, Mrs Henson, Lights,
Mitchell, M, Moore, D and Sutton

Apologies for Absence

Councillors Buswell, Martin and Sparkes

Also Present

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development Lead, Assistant Service Lead City Development, Interim Service Lead City Development, Principal Project Manager (Development) (MD), Service Lead Legal Services, Planning Solicitor, Project Manager (Planning) and Democratic Services Officer (HB)

46

MINUTES

The minutes of the meeting held on 28 June 2021 were taken as read, approved and signed by the Chair as correct.

47

DECLARATIONS OF INTEREST

Members declared the following interests:-

COUNCILLOR	MINUTE
Councillor Branston	Min. No. 49 non pecuniary interest
Councillor Mrs Henson	Min. No. 49 non pecuniary interest
Councillor D. Moore	Min. No. 50 non pecuniary interest

48

PLANNING APPLICATION NO. 20/0538/OUT - LAND OFF SPRUCE CLOSE AND CELIA CRESCENT, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).

The Principal Project Manager set out a detailed description of the site and surrounding area, including site photographs and an aerial view, panoramic views from the site and adjoining fields and referred to the Zone of Theoretical Visibility as set out in the Landscape and Visual Impact Assessment showing viewpoints from surrounding residential areas and surrounding hills. Photomontages of viewpoints had also been provided by the applicant from Cumberland Way, Tithebarn Way, Birchy Barton and Hillyfield Road. He reported the following main aspects of the proposal:-

- 35% affordable housing in accordance with CS Policy CP7;
- three fields to the north to be secured as public open space as a 'New Valley Park' in perpetuity of approximately 9.13 hectares as provided by the landowner;
- the developable area of the two fields would be restricted to approximately 2.58 hectares with the remaining site area used as habitat corridor and informal open spaces. The fields were designated as Landscape Setting on the Core Strategy Key Diagram and the Exeter Local Plan First Review 1995-2011 Proposals Map. The public open space accessed from Spruce Close and Juniper Close was designated as Open Space on the latter, but was not designated as Landscape Setting. A Site of Nature Conservation Importance covered the vegetation along the northeast boundary of the lower field and the bottom right corner of the upper field;
- access would be provided from the short access road leading from Celia Crescent to the site boundary and an access road across the public open space linking to Spruce Close. The access had been designed to facilitate an extension of the F1 bus route along Pinwood Meadow Drive/Spruce Close through the site and back along Celia Crescent/Chancellor's Way;
- new bus stops would be provided for the route approximately half way along Pinwood Meadow Drive, at the public open space adjacent to Spruce Close/Juniper Close and at the entrance to the site off Celia Crescent. The bus loop would be anti-clockwise;
- contributions of £90,000 towards bus services, £1,000 per dwelling towards walking/cycling measures in area, £500 per dwelling towards travel planning, £3,558.74 per dwelling towards secondary education, £584 per dwelling towards patient space at GP surgeries and £13,000 towards upgrading local youth facilities;
- there was a CIL liability of £118.93 per square metre of floorspace;
- parameter plans had been provided covering land use, density, scale, access and movement and open space including a Local Area of Play in the middle of the site and a Locally Equipped Area for Play on the green space at the top of the upper field;
- mood boards had been provided in respect of the higher and lower density area of housing and the new valley park;
- the receipt of 463 objections and four neutral comments; and
- objections from the Campaign to Protect Rural England Devon, Devon Wildlife Trust and the Exeter Cycling Campaign and support from Stagecoach.

The Principal Project Manager also referred to the 2007 Fringes Study which detailed the landscape sensitivity of the area and housing use capacity at that time and then detailed the following constraints:-

- trees protected by Tree Preservation Orders along south west boundary;
- the inclusion of part of the north east boundary within Flood Zones 2 and 3; and
- Savoy Hill County Wildlife Site to north west.

The Principal Project Manager also referred to a representation received referencing a petition submitted to Council on 21 July 2021 on "Protect Green Infrastructure in Pinhoe". The representation asked the Planning Committee to take into account issues of land management modelling, rights of community access and use, and the proposal to connect areas as part of the national nature recovery network scheme (through Natural England). As the petition covered matters of policy, it had been referred by Council to the Strategic Scrutiny Committee which may make recommendations to Executive.

The Planning Committee report included a planning assessment of the revised application, taking into account all relevant development plan policies, national policies and material considerations. In summary, the proposal was not considered to harm the character and local distinctiveness of the hills to the north of the city to an extent that would justify refusal in accordance with Policy C16. Furthermore, it would secure the adjoining fields further up the slope as public open space in perpetuity. This will ensure the landscape setting of the city in this location is preserved and protected. In terms of Policy L3, the three adjacent fields will act as compensatory open space. This land will be enhanced in terms of its accessibility, amenity and biodiversity value. It will be available for the local community to enjoy for recreational purposes permanently, benefiting existing and future generations. There will be no risk of it being developed in the future.

The Principal Project Manager responded as follows to Members' queries:-

- the mood boards were purely illustrative at outline stage, the final proposed design to be considered at reserved matters stage;
- the design of the bus shelters would be determined through the County Council's Traffic Regulation Order at reserved matters at a later stage;
- the applicant had been asked to ensure that the dwellings would be no higher than those of Celia Crescent and would be below the 115 metre contour line and this would also be determined at reserved matters stage;
- the commitment to provide compensatory public open space for a new valley park was offered as a mitigation measure in line with Policy L3 and the National Planning Policy Framework;
- the site was not an allocated site within the Core Strategy;
- the development area was not included in the A5 tree area on the north east boundary which was a wildlife corridor and would be preserved as a "dark area" as a navigation route for bats; and
- the photos of the planning officer had been taken during the summer although the timing of those by the applicant was not clear.

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

- speaking on behalf of residents to convey serious concerns about the negative impact of this development with 467 representations of which 463 were against;
- the proposal for public open space in adjoining fields and a contribution to extend the F1 bus route are insufficient to mitigate the harmful effects of this development
- the site was part of a Site of Nature Conservation Importance, providing a distinctive backdrop to the local area and was an area of Landscape Setting within the Core Strategy Key Diagram and the Exeter Local Plan First Review. The application was contrary to Policy LS1, which prohibits housing in a landscape setting;
- the fields are both described as having a high landscape sensitivity and a low to medium-low capacity for housing in the Exeter Fringes study of 2007;
- imperative to protect green space in line with the Council's declaration of a climate and ecological crises and commitment to being net zero by 2030;
- re-routing and creating an access road through existing green space would be visually intrusive and make the green unsafe for children;
- unclear how the three adjoining fields to the northwest offered to compensate for the loss of open space would be managed;
- the development would generate additional traffic and parked cars in an area suffering from a serious parking crisis. Adding more cars into the mix and

converting Juniper Close from a quiet cul de sac to a busy access road will have serious implications for road safety;

- the proposed yellow lines to accommodate bus stops would compound parking challenges and potentially push road safety issues downstream. New parking places could be used by residents of the new developments whose parking needs are likely to overspill and create tensions in the neighbourhood;
- the bus service will still not be accessible and reliable and does not stop at the supermarket or go right to the city centre and will not reduce additional car use;
- it is not a sustainable development and, although there is provision for health and education services to benefit the city at large, there will be little difference for children who cannot attend local schools or for new residents unable to get a GP appointment. The local Co-Op is a small convenience store with the nearest supermarket a 30 minute walk away. Further investment in infrastructure is necessary;
- any development should involve:-
 - a prior commitment for ownership of the new valley park to be transferred either to the Council or the Devon Wildlife Trust;
 - the redirecting of the financial contribution to restore a bus service to stop at the Morrison's supermarket and the city centre;
 - no net loss of parking spaces; and
 - provision of one-way restrictions up Pinwood Meadow Drive; and
- the Liveable Exeter Vision is a viable, more sustainable solution involving urban renewal and delivering 12,000 homes by 2040 and there is no need to build on green fields any more to deliver the city's land supply. This application, building new houses on ancient agricultural land, increasing car use and congestion, creating community tensions, pushing infrastructure and amenities to the limit is the antithesis of this vision and should be rejected;

In response to a Member, Councillor Allcock confirmed that it was a car led development and that, although provisions were to be made for cyclists and walkers, access to shops etc. for this cohort was made difficult by the steepness of the hill.

Steven Hanna spoke against the application. He raised the following points:-

- through all the different versions, none of the 450 objections have been withdrawn, the proposal having resulted in a demonstration outside the Guildhall;
- the proposal brings pain for little gain with 450 opposing 90 houses and much is being sacrificed for so little and community cohesion will be adversely affected;
- given the approval of the Liveable Exeter Strategy the proposal is unnecessary;
- it is an historic green space and LS1 land. The northern hills are the lungs of the city and building will suffocate the city. It is not worthy of a garden city;
- the development will have traffic, parking and access problems. Because of the steepness of the hill, cars will be needed and the proposed yellow lines will not alleviate traffic problems with conflict between cars and buses likely. There is insufficient car parking or replacement car parking;
- whilst some regard has been made to visual impact there has been no consideration of the impact on the community. Many are opposed to extending the bus service to serve the development because of extra pollution and traffic, which similarly applies to school buses for the children of the new homes who will need to access schools some distance from the area; and
- it is an unsustainable development and should be rejected;

Peter Salter spoke in support of the application. He raised the following points:-

- the application delivers much needed housing towards Exeter's five year land supply and, along with being fully policy compliant, it secured significant additional ecological and wider community benefit;
- the landowner offers to give 22 acres of his remaining land to the Council as a new valley park, to connect into the adjacent Mincinglake Valley Park securing access for the wider community. This offer guarantees future public access, which addresses local concerns about a loss of recreational land;
- the development land is private and the current public use unauthorised. Farming the land with public access had become difficult;
- the application would remove the conflict and secure long term public access;
- a further community benefit is the opening of a new bus route. Instead of the current situation where the bus goes up Chancellors Way does a three point turn and then straight back down, it would loop through the site and Pinwood Meadow Drive, taking in two large areas not currently serviced by a bus;
- to deliver the new bus route in Pinwood Meadow Drive, there is a need to improve its functionality by placing parking restrictions in some of the tighter areas;
- to address residents' concerns about the loss of on street parking, the latest access plan provides for additional parking bays; and
- have worked constructively to secure the land for a new valley park, and, to produce a sustainable housing site.

He responded as follows to Members' queries:-

- the bus route through the site was requested by the County Council in order to extend the F1 route; and
- provision has been made for walkers and cyclists with connection to the footpath in Mincinglake Valley Park and there would be a two way cycle/car flow route incorporated through the site.

Members expressed the following views:-

- the proposal does not accord with the Council's future ambitions for development as set out in the Liveable Exeter strategy;
- the site is an integral part of the hills north of the city and is of major landscape importance containing the urban extent of Exeter providing a setting for the city as well as a rural backdrop to the existing residential areas to the south west and the south east;
- the proposal would result in extending residential development beyond the built up area, potentially resulting in a harmful effect on the character and appearance of this part of the city;
- the Exeter Landscape Sensitivity Capacity Study of 2007 and the 2015 strategic housing land availability assessment states that this site is unsuitable for housing;
- given that the views set out in the report from some consultees relate only to the original proposal and not the current one, further comments should be obtained to be fed into the report back to Committee after a site visit;
- concern that it is a car led development;
- concerns regarding both the principle of development and issues within the development;
- this site plays a significant part in the wider landscape beyond, as set out in the Devon Wetlands Study;
- welcome a bus route through the site but oppose a car led development and it should be noted that car sharing is not, technically, best practice;

- improvements are required to off-site junctions to improve cycle safety and, although car parking laybys are provided, further improvements for cyclist are required as there remain conflict zones between cars, cyclists and walkers;
- there is no reference to achieving air quality objectives; and
- overall, the proposal fails to meet the policies of the Local Transport Plan.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

Councillor Sutton moved and Councillor Hannaford seconded an amendment to defer the application for a site inspection party by the Committee. The amendment was moved, seconded and carried.

RESOLVED that the application be deferred for a site visit by the Planning Committee for report back to a future meeting.

49

**PLANNING APPLICATION NO. 18/0598/FUL - HURST ALMSHOUSES, 2-24
FAIRPARK ROAD, EXETER**

Councillors Branston and Mrs Henson declared non-pecuniary interests and left the meeting during consideration of this item.

The Assistant Service Lead Planning presented the application for the demolition of the existing dwellings and re-development of the site to create 31 nos. one and two-bedroom almshouse flats together with landscape enhancement to the adjacent Bull Meadow Park. The current three buildings were built in 1928, consisting of 12 one-bedroom almshouse flats.

The Assistant Service Lead referred to the following matters:-

- the development was proposed as “car-free” with no on-site parking;
- the building would be four storeys high facing Bull Meadow and two storeys high facing Fairpark Road;
- the existing buildings were deemed to have a positive impact on the St. Leonards Conservation Area, and the site was just outside the Area Of Archaeological Importance in the Local Plan;
- an archaeological investigation had shown significant archaeological remains;
- private amenity space was to be provided for residents in the form of balconies, and a landscaped communal garden was also proposed to the rear of the building. There was also access to the adjacent Bull Meadow Park; and
- the design of the proposed building was contemporary; however, it was heavily influenced by the traditional characteristics of the conservation area and the Almshouses.

The Assistant Service Lead also referred to the receipt of 129 initial objections and three neutral and two supportive comments with almost all objections relating to the loss of Bull Meadow and the receipt of a 415 petition primarily concerned with the loss of land caused by the turning head and increased traffic on Temple Road. On re-consultation, 32 representations had been received, including 30 objections. Other issues raised in objections included:-

- traffic, specifically on Temple Road, during the construction phase;
- character and the impact of the surrounding area, including St. Leonards Conservation Area;

- level access;
- scale, massing and height;
- sewage and drainage matters; and
- overlooking and outlook.

The Assistant Service Lead further reported the following:-

- English Heritage had identified the proposal as causing “less than substantial” harm to the Conservation Area because the existing buildings contribute to local character, and the proposed buildings would unacceptably alter this character. The National Planning Policy Framework stated that where there was less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal;
- the optimum viable use of this site was for affordable residential units;
- public benefits of this application included the provision of an increased number of affordable residential units on the site, better accessibility to the residential units from Fairpark Road and into Bull Meadow Park and homes fit for purpose in the 21st century in terms of sustainability and internal layout; and
- it was considered on balance that the public benefits of the development outweighed the harm to designated and non-designated heritage assets arising from the loss of the existing buildings or their replacement with a more extensive built development.

Responding to Members, the Assistant Service Lead advised that modification of the existing buildings would cause harm to their external appearance and impact adversely on the character of the area and confirmed that there was a gated entrance to the park at the bottom of the path to the side of the development which was likely to minimise any potential conflict resulting from the use of this steep path and the proximity of a lamppost.

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

- thanked the Council on its decision not to sell any portion of Bull Meadow Park for the development and re-opening public consultation, additional concerns having been received which were more expansive than the threat to Bull Meadow Park;
- concerns about the extra delivery and service traffic on Temple Road;
- no additional residents parking spaces or permits should be provided;
- disappointing that there had been no further engagement with the community by the applicant, especially on landscaping to the park;
- residents are not opposed to re-development but in a sensitive manner;
- Bull Meadow is an area of predominantly modest terraced houses with postage stamp courtyards, not gardens. The park is precious, and the proposed development would dominate the homes on Temple Road, and there would be a significant impact on the amenity of the Grade 2 Listed Ernsborough Court on the opposite side of Fairpark Road;
- the Council’s Principal Project Manager for Heritage had stated that there was insufficient justification for demolition and re-development as opposed to retention, upgrading and extension and that weight should be given to the protection of the historic environment;

- increasing the number of units from 12 to 31 is a fundamental problem here as the site is not appropriate for a 158% increase in units;
- the development would not meet Local Plan guidance to improve the area, both by proposed use and quality and not having a detrimental effect on the character of adjacent listed buildings;
- it will undermine this area's history, character and positive contribution to the city and fails to meet one of the Council's key objectives for housing within the Core Strategy of protecting and enhancing the city's character;
- it is a dominant, contemporary development of four-storey blocks permanently altering the area's character, overlooking and overbearing a public park. It would change for good the landscape and cause significant harm to the amenity of residents and park users within a conservation area. Objections have been received from Historic England, the Devon Buildings Group as well as the Council's Principal Project Manager for Heritage; and
- the development should be refused, and the applicant encouraged to return to the table with a more appropriate plan similar to the nearby Magdalen Road Cottages.

Responding to a Member, he welcomed the levelling of the access from Fairpark Road. Still, he confirmed concerns remained about the access from the buildings to the park.

Juliette Stephenson spoke against the application. She raised the following points:-

- have lived on Temple Road for 34 years and spoken with many residents who are overwhelmingly opposed;
- will harm regular users of the park who live in houses and flats in streets adjacent. Many have small backyards or balconies and no gardens, so Bull Meadow is vital in providing valuable space. It is more than a municipal park and provides heart to the community;
- the plan is out of proportion, too dominating and would harm the park's character, environment, and surrounding streets. The proposal is of an overbearing size, scale and height. The planned four-storey building would overwhelm the park and would tower above neighbouring houses. It is against the St. Leonards Conservation plan, both in spirit and detail;
- it is almost twice as high as the adjacent and nearest residential houses on Temple Road, which are only two stories high;
- the view from the park is just as important as the view to the park. The suggested planting is in the middle of an area used daily for sports;
- the current buildings are shielded from view by a three-metre hedgerow and trees, which provide a secluded and peaceful oasis in the park, so crucial to many;
- adverse impact on wildlife where there are good foraging and commuting routes within the context of the urban landscape; and
- the expressed preference of the community is for the refurbishment of the existing Almshouses who support the views of the Council Heritage Officer that the cumulative harms outweigh the benefits. The second-best option would be a new development at a maximum of three stories, still providing a very significant increase in social housing and a 100% increase in flat numbers.

Steve Sitch spoke in support of the application. He raised the following points:-

- Exeter Homes Trust, regulated by the Charity Commission, Homes England and the Regulator for Social Housing, was a Housing Association established in 1976, owning and managing 143 Almshouses across eight estates in the city providing accommodation for people aged 55 or over;
- the charity continually re-evaluates buildings to identify improvements to future proof the accommodation and in the last eight years had brought 43% of housing stock up to a contemporary standard;
- the development will help meet local housing needs by utilising a previously developed site not making the most efficient use of land with an extra 19 affordable homes provided;
- the 31 new larger homes would meet modern building regulations and, although contemporary, would be influenced by the traditional characteristics of the conservation areas;
- usable amenity space for residents would be provided, residents to benefit from private balconies and semi-private landscaped communal gardens;
- it would be a car-free development, with no on-site parking;
- a balancing exercise has been carried out, and it is considered the public benefits of the scheme can outweigh harm; and
- it represents a sustainable form of development. Furthermore, the proposal would secure the optimum viable use of the site and deliver 31 much-needed affordable homes against the backdrop of housing under-delivery in the city and provide social housing.

He responded as follows to Members' queries:-

- public consultation started in 2015 with an event held in the Barnfield Theatre with public comments reducing over time;
- the Turning Head was proposed at the request of the County's Highway Officer;
- charging points for mobility scooters would be provided;
- the site is set on a slope that descends from east to west by approximately 6 metres, between Fairpark Road and Bull Meadow Park; the scheme is designed to avoid creating a conflict between an existing lamp post and the use of the path by walkers and cyclists. In this respect, the officers confirmed that the landscaping for the scheme would accommodate the lamp post without causing conflict for path uses.

Members expressed the following views:-

- the re-development offers improved living conditions and much needed social housing given the current housing emergency in the city. Many existing residences are poor in quality, damp etc.;
- the interface with the park offers a continued valuable amenity for the existing and new residents and the £20,000 offer to enhance the park is a welcome bonus;
- welcome car-free element;
- whilst recognising the sustainability of the site, the car-free element and the increase in units, it was felt by a member that the scale and massing of the design is inappropriate; and
- it is important to retain historical aspects of the city if possible, but balanced against this is affordable housing.

The recommendation was for approval, subject to the completion of a Section 106 Agreement to secure affordable housing and financial contributions towards enhancing Bull Meadow Park and habitats mitigation and conditions set out in the report. An open space contribution was not deemed necessary given the proximity

of the park. The development was liable for Habitats Mitigation Contribution but not CIL as it was 100% social housing exempt.

The recommendation was moved, seconded and carried.

RESOLVED that:-

- 1) subject to a Section 106 Agreement under the Town and County Planning Act 1990 (as amended) to secure the following:-
 - 100% affordable housing of 31 dwellings;
 - £20,000 as a contribution to the enhancement of Bull Meadow Park; and
 - Habitats Mitigation contribution of £22,629.

All Section 106 contributions should be index-linked from the date of resolution.

The Deputy Chief Executive be authorised to **GRANT** planning permission for the demolition of the existing dwellings and redevelopment of the site to create 31 nos. one and two-bedroom almshouse flats together with landscape enhancement to the adjacent Bull Meadow Park, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 31 March 2021 including following drawings numbers, as modified by other conditions of this consent:
 - 150161 AL(0)104-G Proposed Ground Floor
 - 150161 AL(0)105-G Proposed First Floor
 - 150161 AL(0)106-G Proposed Second Floor
 - 150161 AL(0)107-G Proposed Third Floor
 - 150161 AL(0)108-G Proposed Roof Plan
 - 150161 AL(0)109-E Proposed Sections 1
 - 150161 AL(0)110-F Proposed Sections 2
 - 150161 AL(0)110-F Proposed Sections 2
 - 150161 AL(0)111-E Context Sectional Elevations 1
 - 150161 AL(0)112-E Context Sectional Elevations 2
 - 150161 AL(0)113-F Proposed Elevations 1
 - 150161 AL(0)114-E Proposed Elevations 2
 - 150161 AL(0)115-E Proposed Elevations 3
 - 150161 AL(0)116-B Proposed Section A-A
 - 150161 AL(0)101-G Proposed Site Plan

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

- 3) 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.

- 4) Pre-commencement condition: No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction and Environment Management Plan CEMP has been submitted to and approved in writing by, the Local Planning Authority. The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works.

- a) The Statement shall provide for:
- 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 monitor and control the emission of dust and dirt during construction.
- h) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.

Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- a) There shall be no burning on site during demolition, construction or site preparation works; Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- b) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
- c) No driven piling without prior consent from the LPA

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

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings, highway safety and public amenity. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 5) Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the

dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

- 6) Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.
- Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.
- 7) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design, network model outputs, based upon the approved Flood Risk Assessment and Drainage Strategy dated March 2018, (including revised drawings submitted March 2021 to conform to amended scheme).
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
 - (e) Evidence there is agreement in principle from SWW to connect into their system
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.
- Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
- 8) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been

submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

- 9) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 10) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 11) No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.
Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife.
- 12) The sound insulation provided by the façade elements shall meet or exceed the standards specified in paragraphs 3.2.3 and 3.2.4 of the submitted Clarke Saunders report 20-24 Fairpark Road ProPG Risk Assessment and Acoustic Design Statement (ref.: AS10159.180316.R1.1.docx, date: 17 July 2018) and supported by Clarke Saunders Technical Advice Note on the subject Revised Site Layout and Implications on Noise Assessment (ref.:10159.210331.TN, date: 31 March 2021).
Reason: To protect future residents from excessive traffic noise.
- 13) A detailed scheme for landscaping in accordance with submitted details (Landscape Plan 1714-01-P8 and Planting strategy and Maintenance responsibility 1714-02-P8), 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.

- 14) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15) The dwellings hereby approved shall be designed and built to meet M4 2 (if not M4 3 - Wheel chair accessible dwelling) of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 16) Pre commencement condition: No individual dwelling hereby approved shall be brought into its intended use sufficient refuse and bin facilities for residents have been provided in accordance with details that shall prior to commencement have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said refuse and bin facilities shall be retained for that purpose at all times.
Reason: To ensure sufficient refuse and bin is provided in suitable collection points.
- 17) No part of the development hereby approved shall be brought into its intended use until pedestrian access points as indicated on the Proposed Site Plan Drawing Number 150161 AL(0)104 Rev G 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.
- 18) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable transport.
- 19) Before the development hereby approved is brought into use the proposed windows at 2nd and 3rd floor in the South Elevation of the property shall be glazed with obscure glass (as shown in drawing 150161 AL(0)113F) 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 2nd and 3rd floor of this elevation.
Reason: To protect the amenities of the adjoining property.

and further **RESOLVED** that:-

- 1) the City Development Lead or Deputies be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed by 6 March 2022 or such extended time as agreed by the City Development Lead or Deputies for the reasons set out below:-:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- Affordable housing, as set out in the report.
- £20,000 as a contribution to the enhancement of Bull Meadow Park.
- Habitats Mitigation contribution as set out in the report.
- All S106 contributions should be index-linked from the date of resolution

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 CP1, C3, CP4, CP5, C7, C10, C11, CP12, C15, CP17 in the Core Strategy, and policies AP1, AP2, H1, H2, H5, H7, T1, T2, T3, C1, EN4, DG1, DG4 in the Local Plan, Exeter City Council Affordable Housing Supplementary Planning Document 2014, and Exeter City Council Public Open Space Supplementary Planning Document 2005.

50

PLANNING APPLICATION NO. 15/0641/OUT - ALDENS FARM WEST LAND BETWEEN SHILLINGFORD AND CHUDLEIGH ROAD, ALPHINGTON.

Councillor D. Moore declared a non-pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager and Acting Major Projects Team Leader presented the application for residential development including new access onto Shillingford Road and associated infrastructure (All matters reserved for future consideration).

The Principal Project Manager explained that it was necessary to amend two conditions listed in the original Planning Committee decision on this matter at the meeting held on 16 November 2020. At that meeting it had been resolved to approve subject to conditions and completion of a Section 106 Agreement. Following the approval, the applicants had raised concerns in respect of the proposed conditions 4 and 6 and had requested that they be amended. As they were highway related conditions the reasons provided by the County Highway officer together with the revised conditions were detailed in the report.

In light of the revised comments made by the County Highway officer and the legal opinion provided, revised conditions 4 and 6 were proposed. In addition, further contributions were required for inclusion within the Section 106 Agreement in respect of carrying out improvements to Markham Lane and pedestrian movements to the north of the site. These had been costed in the sums of £12,000 and £11,000 respectively to be payable on commencement of the development.

Juliet Meadowcroft spoke against the application. She raised the following points:-

- the Alphington Village Forum objects to the development having only one access for 75 dwellings which exits on the narrow, steep Shillingford Road;
- the developers will only extend the internal road to the eastern boundary and are not obliged to negotiate with the two landowners to create an access on to

- Chudleigh Road. This will exacerbate the problem of heavy traffic on this country road leading to Shillingford Abbot and Shillingford St George;
- Vistry Homes also have an access from a much larger development comprising 280 dwellings with another 750 dwellings planned for on Markham Farm;
 - the obligations listed in the original Planning Committee report (16 November 2020);
 - £11,000 to Devon County Council as Local Highway Authority to complete pedestrian improvements to the north of the site;
 - and £12,000 to Devon County Council as Local Highway Authority to carry out improvements to Markham Lane.
 - Alphington Village is already seriously congested on a regular basis, yet the Highways officers state that this development is unlikely to result in a severe impact on the safe and efficient operation of the strategic road network;
 - the school and surgery are full and a new surgery is required;
 - the developer has ignored previous comments, including style and size of the houses overlooking Royal Crescent and Shillingford Road, which will block out the light and remove residents' privacy; and
 - this development is only part of a development of 2,500 houses, half of which will be between the A379 and Alphington resulting in 1,000's more cars.

Members recognised the need to regularise the legality of the conditions.

The recommendation was for approval, subject to the completion of a Section 106 Agreement securing:-

- the obligations listed in the original Planning Committee report for the application (16 November 2020);
- £11,000 to Devon County Council as Local Highway Authority to complete pedestrian improvements to the north of the site; and
- £12,000 to Devon County Council as Local Highway Authority to carry out highway improvements to Markham Lane.

All Section 106 contributions should be index linked from the date of the resolution.

and the conditions listed in the original Planning Committee report for the application (16 November 2020) except conditions 4 and 6, which are amended to:-

4. No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road and Markham Lane to existing highways have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied until a pedestrian/cycle link is constructed to the northern boundary of the application site at a point to be agreed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 110 of the National Planning Policy Framework (NPPF) (2021).
6. No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to the eastern boundary of the site capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority, in consultation with the Local Highway Authority.
Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe

and suitable access to the site is provided for all users, in accordance with Paragraph 110 of the NPPF (2021).

The recommendation was moved, seconded and carried unanimously.

51

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Liveable Exeter Programme Director and City Development Strategic Lead was received

RESOLVED that the report be noted.

52

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that, subject to the addition of the words “and that the appeal should be dismissed” at the end of the last paragraph in 3.2 - 22 The Ridgeway, Exeter, the report be noted.

(The meeting commenced at 5.30 pm and closed at 8.13 pm)

Chair

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LICENSING COMMITTEE

14 September 2021

Present:

Councillor Chris Buswell (Chair)

Councillors Branston, Begley, Foale, Holland, Moore, J, Vizard, Warwick, Wood and Wright

Apologies:

Councillors Mitchell, K, Newby and Quance

Also present:

Service Lead - Environmental Health & Community Safety, Legal Advisor, Principal Licensing Officer (LS), Principal Licensing Officer and Democratic Services Officer (MD)

4 **MINUTES**

The minutes of the meeting held on 2 February 2021 were taken as read, approved and signed by the Chair as correct.

5 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

6 **PRINCIPAL LICENSING OFFICER - LEE STAPLES**

The Service Lead - Environmental Health & Community Safety, requested an addendum to the minutes to note that the Principal Licensing Officer - Lee Staples, would be leaving the Council employment at the end of September. He expressed his thanks for all the good work that had been undertaken by the officer during his time in the role. He paid particular tribute to the legislative changes made to policies and practices, that Lee had managed, and most notably to the work that had been done to the Taxi Licensing Policy.

The Chair expressed her thanks on behalf of the Licensing Committee to the Principal Licensing Officer for all his work and support.

7 **DRAFT STATEMENT OF GAMBLING POLICY 2021-2023**

The Licensing Committee received the report to review the Council's Statement of Gambling Policy, which previously came into effect in January 2019. The Council had a statutory responsibility to review the policy every three years and the updated policy would need to be approved by 31 January 2022.

There had been a small number of minor amendments made to the policy and it was proposed that the draft statement be shared with the statutory consultees listed in Section 349 (3) of The Gambling Act 2005 to attain their views on the draft policy, rather than undertake a public consultation.

Particular reference was made to:-

- The Policy had been developed in conjunction with the Gambling Commission to ensure it was still fit for purpose;
- The minor amendments included changes to profiles and job titles; and
- The statutory consultees would have the opportunity to comment on any changes.

Member's commented on the good work that had previously been undertaken, and supported the minor changes to the Policy.

RESOLVED that the Licensing Committee approve for the draft Policy to be shared with the statutory consultees, having given due consideration of the document.

8 REVISION OF THE TAXI FORUM TERMS OF REFERENCE

The Licensing Committee received the report which sought to review the Terms of Reference for the Taxi Forum. The Terms of Reference required amendment to ensure that there was appropriate representation and that the forum had a clear purpose in the work it performed. Though the Licensing Authority had no mandatory duty to hold Taxi Forum meetings, it was considered as more suitable means to engage with taxi representation and maintain a constructive dialogue.

The proposed amendments had been agreed with taxi trade representatives at the Taxi Forum meeting held on 28 July 2021, following suggestions made from a Licensing Working Group, to improve the function of the Taxi Forum. There were also key issues that needed engagement with the Taxi Trades, which included changes to the vehicle emission standards, legislative changes and the introduction of a points based disciplinary system.

Particular reference was made to:-

- the Splitting of the meetings between the Hackney Carriage and Private Hire Trades, would address conflicting opinions between the trades and allow them a dedicated forum for their requirements;
- Meetings would be held every six months, with the option for the Chair of Licensing to convene a meeting where required;
- the separate meetings would be held on the same day with set time constraints;
- Meetings would continue to be held on Zoom, which had proven to be more productive and improved engagement with the taxi trades;
- the proposed changes would be continuously reviewed, to ensure they are suitable; and
- no objections had been received at the Taxi Forum meeting held on 28 July, with attendees being supportive of the amendments. Since the meeting one issue on the frequency of the meetings had been made from the Chair of the Exeter St David's Taxi Association.

In response to questions from Members, the Service Lead - Environmental Health & Community Safety stated:-

- There were two Hackney Carriage Associations, represented by a Chair and Deputy Chair from each association and up to three Private Hire company representatives. The Chair of Licensing had the power to allow additional representatives as required; and
- There had been no issues for the representatives using Zoom, which had significantly improved the administration of the Taxi Forum meetings.

Members supported the changes to the Terms of Reference, and noted that the Membership would also include Police and Taxi Marshalls, as well as the means to include additional representation as required.

RESOLVED that the Licensing Committee approve terms of reference as detailed in Appendix A of the report presented at the meeting.

The meeting commenced at 5.30 pm and closed at 5.52 pm

Chair

DRAFT

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STRATEGIC SCRUTINY COMMITTEE

23 September 2021

Present:

Councillor Luke Sills (Chair)

Councillors Allcock, Atkinson, Branston, Hannaford, Jobson, Mitchell, K, Pearce and Vizard

Apologies:

Councillors Buswell, Denning, Moore, J, Newby and Sheldon

Also present:

Deputy Chief Executive, Assistant Service Lead – Local Plan, Operations Manager (Public and Green Space) and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor David Harvey	- Portfolio Holder for City Management
Councillor Duncan Wood	- Portfolio Holder for Leisure & Physical Activity
Councillor Rachel Sutton	- Portfolio Holder for Net Zero Exeter 2030

18 **Minutes**

The minutes of the meeting held on 10 June 2021 were taken as read, approved and signed by the Chair as correct.

19 **Declaration of Interest**

No declarations of pecuniary interest were made by Members.

20 **Questions from the Public Under Standing Order 19**

In accordance with Standing Order 19, two members of the public, Mr Cleasby and Mrs Hyde submitted the following questions:-

1. Mr Cleasby asked - Will the relevant Portfolio Holder please state the constituent elements of the Council's current plans for the redevelopment of the area bounded by Sidwell Street, Paris Street and Cheeke Street, and provide a report of progress to date in achieving those plans?

The Leader, Councillor Bialyk attended the meeting and gave the following response stating that officer time had previously gone into providing an update on this topic. He referred Mr Cleasby to that statement, which was as follows - *"The Memorandum of Agreement with the principal landholders has been provisionally agreed which provides for both a long term ownership structure of the site and for the joint promotion of opportunities as they arise. This will enable the Council and/or the principal landowners to select development partners or deliver elements of the scheme themselves. We are currently in talks with both the Government Property Agency and the University regarding their joining with us to deliver the first phase of development, this being the Exeter Civic Hub, where the City*

Council and public sector partners can create a vibrant city core, anchoring activity in the city centre and contributing to its continued resilience.

Mr Cleasby appreciated the confirmation that there had been no change since that earlier statement. He asked a supplementary question and referred to a comment by the Portfolio Holder for Communities and Culture relating to a Council grant for the Positive Light Projects to occupy a vacant shop unit in Sidwell Street. He suggested this would play an important role in reinvigorating Sidwell Street and could be the spark for other artistic and cultural initiatives to follow.

The Leader confirmed that discussions with the relevant parties were continuing and officers were committed to putting partners together to find a reuse of this site. The redevelopment of the whole of the City Point site was some years away, but he was confident that a plan would come to fruition.

2. Mrs Hyde asked - Does the Council propose increasing the removal of Graffiti which has proliferated throughout the City, are they in liaison with those responsible for the Bridges affected, road signs, and junction boxes graffitied, and are the Police trying to identify the culprits?

The Portfolio Holder City Management, Councillor Harvey, attended the meeting and gave the following response stating that whilst very effort was made to solve the problem, graffiti remained a significant problem for the city. There was no additional funding for the Council's graffiti service and with further central government budgets cuts forecast for the next few years, it was unlikely that we would be able to do so. He referred to the importance of graffiti removal, which is why a free service has been maintained for residents, even though it was not part of the Council's statutory responsibilities. The team is always busy and since 1 April 2021 they have removed over 700 instances of graffiti.

Exeter City Council are not the land owners for a large proportion of the structures that are vandalised city wide, with many owned by private residents or by other large organisations such as Network Rail, Devon County Council as Highway Authority or the Environment Agency. To enable us to offer a free service to residents for graffiti removal, we try to get other organisations to take responsibility for their own assets and remove it themselves, or fund us to undertake the removal with our in-house team. These, often much larger organisations, have their own funding streams and this approach maximises the amount of graffiti we are able to remove in the City. We are in contact with them regularly. The City Council works closely with the local neighbourhood policing team and the Community Safety Partnership over this and other associated anti-social behaviour. We also retain a database of tags which when combined with evidence from the community and our own CCTV system has led to a number of arrests. Evidence from the local community lead to three arrests recently following a spate of racist graffiti in the City. The problem is taken very seriously and we use our resources as best we can to tackle the problem.

Mrs Hyde appreciated that the City Council were doing as much as they possibly could but she sought clarification about the process for reporting when the lack of identifying marks on the structures made identification difficult.

Councillor Harvey appreciated that identification was a problem and reassured Mrs Hyde that officers were looking into a process to request those organisations to identify their assets so that any such requests for graffiti removal could be treated properly.

21 **Questions from Members of the Council Under Standing Order 20**

In accordance with Standing Order 20, the following questions were submitted by Councillors D Moore and Jobson respectively.

Councillor Moore asked the following two questions –

1. Can the Portfolio Holder provide details of the Devon Devolution proposals that the local paper says were sent to Government by local authority leaders in Devon?

The Leader, Councillor Bialyk responded and referred to correspondence on this matter between John Hart, Leader of Devon County Council from the Rt Hon Robert Jenrick, MP, Secretary of State for Housing, Communities and Local Government. Copies would be circulated to Members for information.

John Hart's letter outlined a broad indication of Devon's ambition for a county deal. Robert Jenrick's reply relayed a further change of the position of Government with regard to local devolution. Councillor Bialyk said that Devon's Leaders had already indicated their aspiration to create an economic county deal as opposed to a political county deal and a Memorandum of Understanding had been drawn up to that effect. Exeter City Council, along with the other Districts, wished to retain their political autonomy but could come together to share and benefit from funding opportunities rather than the prevailing method of local authorities effectively bidding against each other. Exeter, has been successful in a number of Government funding bids, but were now looking to establish more of a collective economic powerhouse for Devon with all of the benefits that might bring. He anticipated that a Members' presentation would be made at the appropriate time.

Councillor Moore thanked the Leader and referred to the level of unsustainable growth, and whether addressing climate change and dealing with the Ecological Climate Emergency would be considered as a top priority as part of any economic deal, and to clarify that an Elected Mayor was not included in the economic proposals.

Councillor Bialyk stated that climate change was at the heart of everything. He hoped to make an announcement very soon on the intention to lead on this matter with other partners, as it was clear that action was needed. He also confirmed that there were no plans for seeking an Elected Mayor, but rather that Devon's District Authorities would continue in a more collective and collaborative way.

2. In May 21 the 'Review of population estimates and projections produced by the Office for National Statistics' (ONS) was published by the statistics regulator in response to perceived inaccuracies for household projections in cities with large student populations.

As the ONS figures inform subsequent housing needs projections, please can the portfolio holder explain?

- a) If they have or will approach the ONS on this matter, and
- b) What actions they intend to take to ensure the housing needs data for Exeter is accurate.

Councillor Bialyk offered a prepared response on behalf of the Portfolio Holder City Development, Councillor Morse as she was unable to attend the meeting.

- a) The Council was aware of the review of the ONS population projections. Such reviews of methodology are not uncommon and are drawn to the attention of the ONS. On this basis, the Council does not intend to specifically raise this matter direct with ONS.
- b) In order to ensure that future housing needs for Exeter are assessed robustly, the Council has commissioned a Local Housing Needs Assessment alongside other Local Authorities in the area. This will provide the necessary evidence to support the preparation of the Local Plan in terms of housing provision required in the city. It should be noted that this will have to apply the standard method for calculating housing needs which is prescribed by Government. This takes account of the ONS projections but also factors in other variables such as housing affordability.

Councillor Moore advised that the ONS were looking for cities to come forward for review or to look at their data, and she was aware that Coventry City Council had taken that opportunity. She asked if Exeter would consider that opportunity.

Councillor Bialyk agreed to discuss the matter with the Portfolio Holder for City Development and the officers responsible to see if it was appropriate to do that.

Councillor Jobson asked the following two questions –

3. What plans are being put in place to consult Exeter's residents about Build to Rent to enable a policy to be put in place to assist planning decisions?.

Councillor Bialyk responded on behalf of the Portfolio Holder City Development and stated that the City Council was currently consulting on an initial 'Issues' consultation document for the new Exeter Local Plan. This is the first consultation for the new Local Plan and identifies a series of issues which the Local Plan should address and seeks views on them. This provides a good opportunity for the public and stakeholders to shape the content of the new Local Plan at an early stage, including in relation to housing matters such as Build to Rent accommodation. This is important because it is the policies in the new Local Plan which, when adopted, will provide the starting point for making decisions on planning applications.

Councillor Jobson referred to the Government guidelines relating to the need for a Local Housing Needs Assessment to enable evidence based planning judgment to be made for build to rent housing. She asked if the Local Plan consultation would enable that evidence based assessment to be made for what is needed.

Councillor Bialyk stated that the Housing Revenue Account building programme would offer homes for people who either could not, or did not wish to buy or who might not otherwise qualify for affordable housing. The City Council was minded to hear the views of such matters from local citizens and the Local Plan consultation would help contribute to that.

4. Have the results of the public consultation on the Exeter Civic University Agreement that closed on 14 August been analysed and if so when will they be made public and if not when can that analysis be expected.

Councillor Bialyk said that overwhelmingly, the vast majority of stakeholders consulted welcomed the development of a Civic University Agreement and are positive about its potential to build on existing activity, develop new activities to tackle the challenges that the City faces (especially as it recovers from COVID-19), and to transform the role that the University plays in civic life in Exeter and beyond. The general view is that the CUA is timely and would provide a huge opportunity to do more together for the benefit of the City. The concept has been met with an enthusiastic response tempered by realism over the difficulties of genuine civic collaboration and co-production.

A summary of the consultation response on the University agreement is available and would be circulated to all Members. The consultation had only finished in August and the University needed time to finish their work and bring forward a full report which would be made available to all.

Councillor Jobson looked forward to seeing a copy of the report.

22 **Petition - received in relation to the Protection of Green Infrastructure in Pinhoe**

Councillors Harvey and Wood attended the meeting as local Members to speak on this matter having given notice under Standing Order 44.

The Assistant Service Lead - Local Plan presented a report which reminded Members of the petition containing more than 2,000 signatures regarding the protection of green infrastructure in Pinhoe, which was submitted to Council in July and referred to this Scrutiny Committee.

The Chair invited the petition organiser, Kate Jago to speak on this matter. She thanked the Scrutiny Committee for the opportunity to speak and referred to the environment and biodiversity in Pinhoe which had been deteriorating over time. The community had been watching this happen with increasing anxiety. The petition had found support from people across Exeter, with contact made by other groups concerned at the scale of loss in their areas. She suggested a Ridgeline Park project would protect the distinctive landscape of the northern hills and connect across the city and beyond, to the city's valley parks and an extension to the Green Circle walk, to reach to the Greater Exeter areas of Poltimore and Cranbrook. This was an opportunity to safeguard these green spaces for local people and whilst there was already an amazing network of green spaces across Exeter, this would further develop the narrative of the City status and enhance the Council's reputation of being ambitious for growth, development quality and environmental enhancement.

Ms Jago suggested new policy frameworks should be explored for carbon offsetting and other nature recovery investment models. Natural England has already begun this process. Local Plan consultations needed new models of mapping and protecting green infrastructure to recharge the sense of civic participation. Councils could develop a new model for community housing, with local housing for local people alongside the Liveable Exeter and Exeter Net Zero plans. Exeter City Council had the opportunity to lead on this as it builds a new Local Plan and a Ridgeline Park would achieve these objectives. She asked Members to help create change to begin the process of priority that could uniquely shape this city in a new direction.

The Assistant Service Lead - Local Plan referred to the opportunity to discuss this matter and inform the early discourse on the Local Plan, currently out for consultation. The circulated report referred to the Council's existing planning policy, acknowledging the importance of our green infrastructure including in the areas north

of Pinhoe. This was already set out in our core strategy and our local plan review. Early work on the Local Plan will help to create a strong framework for the Liveable Exeter programme, and bring forward strategic brown field sites in order to create liveable neighbourhoods and avoid environmental losses such as areas like the north of Pinhoe. It was also relevant to bring in the work of the County Council and links to the city's Transport Strategy. The report also made reference to neighbourhood planning and neighbourhood activity which can also help inform local policy. He was keen to understand the views of the community and Members on this matter.

Councillor Harvey spoke under Standing Order 44 and made reference to Higher Field Pinhoe, and the Council's efforts to address climate change and green activity and biodiversity in its widest sense. Whilst the Council was bound by national legislation and guidance, it was important for as many residents and individuals to take full advantage of the opportunity to contribute with comments on the Local Plan.

Councillor Wood also spoke under Standing Order 44. He referred to the more recent timeline of the Monkerton and Hill Barton Masterplan, and the increase in development and traffic, leaving the community less opportunity to adapt. He was also aware that the application to build on Higher Fields, Pinhoe was the catalyst for the petition. The principle of the Local Plan would help shape the future pattern of development of brownfield land, higher density development in the city centre and smaller developments on the edge of the city which could be shaped more sympathetically to the green environment and the nature of local communities. The Local Plan consultation was due to end on 15 November and he also encouraged comments to be made via various links including the City Council's website.

Members made the following comments -

- thanks to Kate Jago for her excellent speech which was thought provoking and would enable an important contribution to the debate to the Local Plan discussion.
- the local plan consultation would address climate change and biodiversity as a priority.
- although there was protection of hills to the north and north west of the city in our current Local Plan, there would be review going forward. The Council was required to provide over 12,000 homes over the next 20 years, and to subject it to an imposition of development in the city would be the worst possible outcome. The Liveable Exeter Plan was a good approach and whilst it would mean a higher density in the city centre, it would be mitigated by limited car use and green space in garden city style developments.
- working within the existing planning legislation and framework, the sheer scale and pace of development in Pinhoe was noticeable. Efforts should be made to monitor incremental infrastructure and adhere to best practice to create the best possible environment for all.
- the Localism Act had enabled local communities like St James to have a say in the future of their local community and that opportunity should not be ignored.
- there was long standing priority of responding to the climate emergency and Exeter was a very green city. It had been voted the ninth green city in England, so Exeter's planners should continue to improve on this, notwithstanding the pressures to build new homes.

The Assistant Service Lead - Local Plan thanked Members for their comments and he encouraged everyone to view the Local Plan consultation document. Although the process was at very early stage, they were already at the point where many of the broad topics such as Net Zero 2030, landscape concerns, ecology, biodiversity, and

transport, health and quality of homes had been highlighted. It was also important to continue to address some of these issues with our partners such as Devon County Council as Transport Authority, Natural England and Devon Wildlife Trust. Local planning was a lengthy process and there would be the opportunity to engage over the next two or three years to also look at more specific local areas. He made a final plea for stakeholders and members of the community to take part in any future opportunity for consultation.

The Chair thanked Kate Jago and the ward Members for their contribution.

The Strategic Scrutiny Committee noted the report.

23 **Graffiti Service**

The Chair invited Councillor Vizard to make a brief introduction as he had submitted a proforma request to the Scrutiny Programme Board for a review to be undertaken on the graffiti service. The Board referred the request to this Committee.

Councillor Vizard spoke and advised that Councillor Oliver, had made the original suggestion at Customer Focus Scrutiny Committee but it was also thought appropriate to discuss the matter here. He welcomed the detailed report.

The Operations Manager (Parks and Green Spaces) referred to the challenging financial constraints faced by the Council, following Covid -19, which had resulted in the Graffiti Service being paused for nine months to enable budgetary savings to be made. The removal of the service, barring the cleaning of offensive material, quickly showed that the level of graffiti and tagging extended beyond the contained levels seen prior to the suspension, and had a particular impact on neighbourhoods. Complaints went up significantly in line with the increasing graffiti levels. The service was reinstated in April 2021 and demand for graffiti removal has remained high, with an excess of over 1,130 reports made via the Council's on line reporting portal. This discretionary service only had the capacity within the available budget for one full time graffiti operative.

Exeter City Council has looked to support the continuation of the free service to residents by working with other organisations and landlords and securing external grant funding. In terms of looking to the future, the community element of the 'Save the Streets Project' will look at prevention measures within the city and include further opportunities for mural art, and engagement with external organisations including utilities companies, and the community to identify where such measures would be the most effective.

A Member suggested there must be good examples of quality public art around the city and that could include graffiti, the 'quirky bird' art which appeared during lockdown was a good example of sponsored public art. Whilst, initiatives such as graffiti walls were unlikely to offer an outlet for the greater nuisance of tagging, which fostered an unacceptable downgrading of neighbourhoods and created negative anti-social consequences, he did appreciate that some opportunity to enable these perpetrators to release their creative energy might have an effect.

The Operations Manager (Public and Green Spaces) made the following responses –

- Exeter City Council does not routinely keep a profile or database of those who carry out graffiti or tagging. However, a database and photographic record of all tags that are removed is kept. This information on the Council's Firmstep reporting

system can be shared with the Police, and used towards any investigation and subsequent prosecution. A request would be made to Exeter Community Partnership to enquire if they maintained a similar database or could establish a database.

- grant funding was part of Devon County Council's ward funding and there was scope for further funding throughout the city whenever necessary.
- residents could still telephone and report graffiti on utility boxes or structures that had no identifying marks.
- a suggestion to work with schools, the College or University to explore the detrimental effects of graffiti on the community was noted, as was an exhibition of graffiti art to foster a better attitude from people seeking some recognition. The service was at the early stages of liaising with partner agencies, and whilst there was always scope for doing such activity in the future, currently the service was primarily focusing on removal processes.

Councillor Atkinson proposed that a request be made to the Exeter Community Partnership for any information held by the Police on taggers, and if a profile or database could be created. This was seconded by Councillor Vizard, put to the vote and was agreed unanimously.

Councillor Vizard thanked officers for the report and suggested the introduction of direct reporting to other agencies, at any time in the future, might take some of the onus off the City Council. He welcomed the Member's suggestion of a 'tagging database', to show a pattern or network of the individuals who were responsible for this.

The Strategic Scrutiny Committee noted the report and request to be made to the Exeter Community Partnership for the collation of a database of any information held by the Police on taggers.

24 **Forward Plan of Business**

Members noted the Forward Plan.

25 **Chair of Strategic Scrutiny Committee**

The Chair, Councillor Sills announced that whilst he would remain on the Scrutiny Committee he would be stepping down from the role of Chair due to his growing work commitments. He had welcomed the opportunity that the last four years had given him and thanked Members and officers for their support.

The Committee thanked Councillor Sills for his enthusiasm and focus.

The meeting commenced at 5.30 pm and closed at 7.05 pm

Chair

Wednesday 28 July 2021

Present:-

Councillor Tony Wardle (Chair)
Councillors Atkinson, Jobson, Mitchell, M, Martin, A, Pearce, Sparkes and Warwick

Apologies:-

Councillors Begley, Hannaford, Moore, D, and Quance

Also Present:-

Director Finance, Audit Manager (HK) and Democratic Services Officer (SLS)

49

MINUTES

The minutes of the meeting held on 10 March 2021 were taken as read, approved and signed by the Chair as correct.

50

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

51

EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE

The Director Finance presented the progress report on behalf of Grant Thornton, as the Senior Manager, Audit was unable to attend the meeting having been required to self-isolate due to coronavirus. The report from Grant Thornton provided Members with detail of the External Auditor's work as at July 2021, which included their audit approach following the introduction of the new Code of Audit Practice, and requirement for a more detailed value for money assessment.

The Director Finance responded to the following Members' questions:-

- as well as an overall value for money assessment for the Council, the detail of specific projects and how they had been managed may also be included as part of the overall conclusion, if they were considered material;
- Members had the opportunity to request information on any of the companies owned by the Council in their entirety; and
- the auditors had access to business transacted with private commercial companies, where that business was part of a Council contract. This ensured that the business conducted was appropriately and accurately reflected, rather than the wider aspects of that company's business.

A Member referred to the value for money assessment and considered there was a duty when procuring services to include social value as well as the economic, social and environmental wellbeing of Exeter's citizens. She welcomed further guidance on how that could be achieved. The Director Finance confirmed that Grant Thornton followed the prescribed process as set out in the Code of Auditing standards, and he would pass the Member's comments to them. However it would be for the National Audit Office to consider any changes or widening of the scope of value for money.

The Audit and Governance Committee noted the External Audit Progress Report and Sector Update.

52

EXTERNAL AUDIT PLAN 2020/21

The Director Finance presented the proposed External Audit Plan from Grant Thornton for the year ending 31 March 2021, which detailed an overview of the planned scope of the statutory audit, the significant risks identified and a number of key changes. It was notable that identified risks were not unique to Exeter as an authority and were likely to be identified as significant for many Councils.

The cost of the audit was a key issue highlighted every year and the proposed fee was £70,523, which was substantially higher than the original estimate of £44,573. The Public Sector Audit Appointments Ltd (PSAA) had overseen the contract and had agreed to fund additional audit costs. They had provided the Council with extra funding, but there remained a shortfall in the budget. The final outcome of the Redmond Review would offer a useful starting point of what value for money represented as part of the negotiations for the next contract.

In response to a Member's question the Director Finance stated that each Council should include a note of the audit cost in their published accounts which offered the opportunity to determine whether value for money was achieved. Exeter City Council's external audit fees were likely to be slightly higher compared to other Devon District Councils, due in part to including group accounts and other work included the need to produce (and audit) a separate set of accounts for the city's Harbour Authority.

The Audit and Governance Committee noted the External Audit Plan for the year ending 31 March 2021.

53

INFORMING THE AUDIT RISK ASSESSMENT REPORT

The Director Finance presented the report to Grant Thornton, which set out responses from the City Council to help inform the risk assessment of Exeter City Council as part of the planned audit process. Colleagues from the finance teams, the internal audit team and legal services had compiled responses to over 30 questions to gain an understanding of the Council's management processes and oversight in the following areas –

- General Enquiries of Management
- Fraud
- Fraud Risk Assessment
- Impact of Laws and Regulations
- Related parties and
- Accounting Estimates

The Director Finance responded to a Member's question and offered further reassurance regarding the potential for misreporting. He confirmed there was nothing identified that offered cause for any concern at this stage. He also agreed to send the partially obscured detail of a response made on impairments to Members.

The Audit and Governance Committee noted the responses given to the Risk Assessment report.

54

ANNUAL INTERNAL AUDIT PROGRESS REPORT

The Audit Manager (HK) presented the Annual Internal Audit report for the year ending 31 March 2021, which conformed to the Public Sector Internal Audit Standards and was timed to inform the Council's Annual Governance Statement.

She drew Members' attention to key points within the report and advised on the overall opinion and assurance. The overall opinion was included at paragraph 2.5 of the circulated report, with confirmation that key systems were operating satisfactorily with no fundamental breakdown of control resulting in material discrepancy.

A summary of the audit reports undertaken throughout the year was included and the following points were highlighted from within the report:-

- Section 2 - offered the overall opinion on the assurance statement which was required on an annual basis and also fed into the Annual Governance Statement. It was noted that the work undertaken throughout the year showed that key systems were operating satisfactorily and there had been no fundamental breakdown of control.
- Section 3 - identified the key issues and themes and listed five areas which were included in the Annual Governance Statement, and reported quarterly to this Committee along with a statement of the action that had been taken to date.
- Section 4 - a summary of the audits throughout the year was set out as the delivery of the 2020/21 Council's Audit Plan.

The Audit Manager responded to Members' questions regarding an audit of the carbon neutral policy. She confirmed that time was included within the 2021/22 Audit Plan and a new Net Zero team would also shortly be in place. Once in place, the scope of the audit will then be agreed with the team. Responding to a question regarding the reported incidences of fraud, the Audit Manager confirmed that in all cases, the money was recovered following the fraud investigations.

The Audit and Governance Committee noted the Annual Audit Report for the year ended 31 March 2021.

55

ANNUAL GOVERNANCE STATEMENT 2020/21

The Director Finance presented the Annual Governance Statement that would accompany the Council's Statement of Accounts for 2020/21. The Council was required to prepare and publish the Annual Governance Statement by Regulation 4 of the Accounts and Audit (England) Regulations 2011. The Governance Statement was a statutory requirement and reported on the Council's performance against the Code Corporate Governance which was last approved on 10 March 2021. The report set out key issues, the responses and a summary of action.

In response to questions from a Member, the Director of Finance stated that there was effective accountability by ensuring good systems to those who could be impacted by the services provided by the Council. He added that driving good governance was not necessarily referenced in the reporting process but it was considered as part of the work of Internal Audit and the Audit and Governance Committee to ensure that the governance of the Council was appropriate and working effectively.

RESOLVED that the Audit and Governance Committee approve the Annual Governance Statement of Accounts for 2020/21 and be signed (at the earliest possible convenience) by the Chief Finance Officer and the Chair of the Audit and Governance Committee and included within the Council's Annual Statement of Accounts for 2020/21; and

RECOMMENDED to Council to note and approve the Annual Governance Statement included within the Council's Annual Statement of Accounts for 2020/21.

56

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Audit Manager (HK) presented the report and referred to their coordinating role in drawing the updated Corporate Risk Register together to advise the Audit and Governance Committee of the Council's risk management process. She had met with members of the Council's Strategic Management Board to review and it was updated on a quarterly basis. An update on each risk was included in the notes column of the Corporate Risk Register which had been circulated as an appendix to the report presented at the meeting.

The report included the following changes which included -

- *Risk 3* –related to the lack of leadership capacity to effectively deliver additional Council objectives and priorities, had been placed onto the operational risk register and judged to be a low risk; and
- *Risk 8* –the inability to deliver carbon neutral operations for Exeter City Council by 2022, the focus on the Council's own carbon footprint and the challenging earlier Net Zero 2030 target date. Additional resources would support a more focused programme but this was now judged to be a high risk.

The four risks rated as high on the register were :-

- the inability to meet the carbon neutral aspirations for Exeter by 2030 (*Risk 4*);
- maintaining the financial stability of the Council (*Risk 7*);
- the inability to deliver the carbon neutral operations for the Council by 2022 (*Risk 8*); and
- the increased cost of St Sidwell's Point and Bus & Coach Station (*Risk 9*)

The Director Finance responded to a Member's reference to the carbon neutral risk matter which had been raised at the last meeting and reiterated that the Risk Register was a governance report to the Audit and Governance Committee, and was independent of the Executive. If there were any issues that the Member wished to highlight for debate they could be raised directly at Council. Officers had highlighted the challenges of delivering the carbon neutral aspiration in terms of the target set and it was noted that a team had been established to help address the aspiration, but this risk would nevertheless remain high for some time.

A Member also referred to the lack of government grants to insulate or retrofit Council houses to reduced carbon emissions and considered there must be a raft of opportunities to improve the carbon neutral achievements that were outside of the Council's control. The Director of Finance stated that the Council was working on a significant plan to deliver a retrofit solution for council housing stock to help meet the challenges. However it was a problem that every occupier would face and of whatever tenure of housing they lived in.

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

(The meeting commenced at 5.30 pm and closed at 6.15 pm)

Chair

AUDIT AND GOVERNANCE COMMITTEE

Wednesday 29 September 2021

Present:-

Councillor Tony Wardle (Chair)
Councillors Jobson, Mitchell, M, Martin, A, Moore, D, Sparkes and Warwick

Apologies:-

Councillors Atkinson, Begley, Hannaford, Pearce and Quance

Also Present:-

Director Finance, Audit Manager (HP) Corporate Manager (Executive Support) and Democratic Services Officer (SLS)

Julie Masci, Key Audit Partner , Grant Thornton

57

MINUTES

The minutes of the meeting held on 28 July 2021 were taken as read, approved and signed by the Chair as correct.

58

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

59

EXTERNAL AUDIT PROGRESS REPORT

The Key Audit Partner, Grant Thornton presented the progress report and provided Members with detail of their work as the Council's External Auditor as at September 2021, which included an update in relation to the audit in respect of the Council's 2020/21 financial statement, which was anticipated would be completed in two weeks. The continued remote working, new reporting standards and additional procedures in relation to value for money had all impacted on the delay.

The Key Audit Partner made the following responses to Members' questions:-

- there were specific regulators in respect of local government public sector auditing who effectively, audited the auditor, including the Financial Reporting Council (FRC) for local authorities.
- not every audit was subject to a separate independent check as the auditing regulators would not have that volume of staff available, but specific audits based on certain risk factors or high levels of concern would be prioritised with recurring spot checks for other audits of less concern. The public could be assured that the regulators issued an annual report on the quality of the reviews of the individual contractors.
- the general occurrence of fraud in the public sector was not high, but the context for determining the approach taken for management override controls testing was very much linked to specific circumstances in any public body and

driven on a risk based approach on certain factors. This was not a specific risk identified for Exeter.

- a revaluation of investment properties was made at the end of each accounting period, whereas other property as part of the Council's normal operations to deliver services was valued on a rolling evaluation basis. Market intelligence had helped form a view on the judgements and the assumptions made by the Council's valuer in conducting reviews of the Council's commercial properties this year. The Director Finance also commented on the Exeter context and the valuation of investment properties based on the rental income received or receivable. The Council had an interest in hospitality and retail which had been effected by Covid, whilst the valuation of the Council's industrial property had increased. Overall, there was a slight reduction from the previous year in the value of the total commercial portfolio, but this did not negatively impact on the Council's financial position due to a statutory override which protected the Council's General Fund Balance against fluctuations in market value of property.
- the accounts of other companies the Council was involved with, may not be consolidated specifically into the accounts because of materiality or the nature of control. Factors included the level of influence in terms of representation on those company boards, the decision making and direction of the company. Any company consolidated into the Council's group accounts would be subject to audit in accordance with the Companies Act. The Director Finance stated that the Council's accounts identified which companies were local authority controlled and their level of influence.

The Audit and Governance Committee noted the External Audit Progress Report.

60

INTERNAL AUDIT PROGRESS REPORT

The Audit Manager (HP) presented the Internal Audit progress report for the first quarter, which conformed to the Public Sector Internal Audit Standards. She drew Members' attention to the key points and advised that there were no instances where remedial action was not agreed by management during that quarter. Progress against the annual plan was on target and the work programme had returned to normal following some adjustments made during the pandemic.

A summary of the audit reports undertaken throughout the year was attached as Appendix A to the report, and the detail of significant governance issues as Appendix B.

The Audit Manager responded to the following Members' questions:-

- copies of the full Internal Audit reports on Sundry Debtors and Commercialisation would be circulated as requested.
- the Internal Audit used a scoring method, with 10 different criteria as part of a risk based analysis to identify the higher risk areas. Every effort was made to coordinate audit work with the priorities of the relevant service team to keep disruption to a minimum. Following a request, the detail of the criteria would be circulated to Members for information.
- the audit on car parks was nearly completed and would cover the significant areas at risk to audit during that time.
- an audit of the Leisure Service would be carried out, once the service was fully operational.

- a draft report on partnerships was issued in March 2020 just prior to the Covid pandemic, and an initial meeting held with the officer responsible for partnerships. The report had been put on hold but had now been reviewed. The scope of the audit included selecting a sample of existing partnerships from the Central Register of Partnerships to check for compliance with the Council's approved partnership guidance. A meeting had been arranged with the relevant service lead to discuss future progress with time allocated in this year's audit plan.

The Audit and Governance Committee noted the Internal Audit Progress report.

61

INTERNAL AUDIT CHARTER

The Audit Manager (HP) presented the Internal Audit Charter which defined the scope of the internal audit, its purpose and responsibility. The Charter was required to be reviewed and updated every two years or following a change in the service. There had been few changes since the Audit Charter was last approved by Members.

In response to a Member's question, the Audit Manager explained that there was no requirement to visit an individual staff member's home in the normal course of events. Specific arrangements would be made following any request for a staff member to use the Whistleblowing Policy. The Director Finance added that it would not be normal practice to visit an individual staff member's home, unless such as individual had made a request and in such cases, two members of the Internal Audit team would attend. The Member suggested consideration might be given to updating the Whistleblowing Policy to reflect that, in exceptional circumstances, so that staff understand they have other opportunities to pursue that. The Audit Manager agreed to look into that consideration.

The Director Finance referred to a Member's enquiry on the scope of Internal Audit's work in relation to scrutiny of the Council's progress on meeting the Council's commitment to be carbon neutral by 2030. He advised that Internal Audit were independent of management and their role was not as part of the monitoring and management of the Council's priorities, but rather to assess the system of internal control and ensure the Council was operating effectively. The Member stated she would welcome the opportunity for further discussion on an internal audit approach to understand the risk on this matter as every activity will have an implication for achieving Net Zero 2030.

RESOLVED that the Audit and Governance Committee approved the updated Internal Audit Charter.

62

LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW OF COMPLAINTS 2020-21

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. There was a legal duty to communicate the LGO's annual review and details of complaints to Members. The report presented to the meeting included details of the complaints received by Exeter City Council and the decisions made by the LGO for the year ending 31 March 2021. Details of the complaints received by the LGO about Exeter City Council, and the decisions made by the LGO on those complaints, were set out in Annex A of the report presented to the Committee. Members noted that complaints were upheld in two cases. A copy of the LGO's final reports on each complaint relating to Environmental Health and Planning were attached at Annex B to the report.

The Corporate Manager (Executive Support) responded to Members' questions and confirmed he would in future also include previous year's statistics, in his report to enable Members to see the areas of service, any trends and comparisons with other similar councils in terms of the numbers of complaints.

The Audit and Governance Committee noted the report for the Local Government Ombudsman's Annual Review of Complaints 2020/21.

63

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Audit Manager (HP) presented the report and referred to the coordinating role in drawing the updated Corporate Risk Register together, to advise the Audit and Governance Committee of the Council's risk management process. Following the quarterly review by the Strategic Management Board, (SMB) a proposed update on each risk was included in the appendix to the report.

The Director Finance advised that following the quarterly review of the Risk Register by the SMB, any action was reported at the subsequent Audit and Governance Committee. He offered further context to the following proposed changes which included:-

- *Lack of leadership capacity to effectively deliver additional Council objectives and priorities (Risk ref 3)* - for the risk to be removed, following a number of interventions, including early engagement with the challenges of the Medium Term Financial Plan resulting in the risk mitigation set to low.
- *Inability to deliver carbon neutral operations for Exeter City Council by 2022 (Risk ref 8)* for the risk to be removed, as this was unachievable. It was noted that it had been established that there was no Council resolution to this specific commitment in relation to operations ahead of the 2030 Net Zero date. Should the Council pass any further resolution to set a target for the Council's own operations, then SMB would reassess the risk.
- *Increased cost of all capital building projects (Risk ref 9)* the risk to be expanded to cover all Council building projects. The global market for materials, and particularly in construction was challenging with prices having increased significantly. Although the impact on St Sidwell's Point was now less, the £37 million budget for the Condition Survey Capital Programme presented a financial risk for the Council. This would continue to be monitored.

A Member referred to *(Risk ref 8)* which was also a goal set out in a previous Corporate Plan, and statement from a report by Exeter City Futures relating to a Carbon Plan 2017 to 2022. She suggested a further discussion on this matter would be appropriate as the resolution by the Council in July 2020, which approved the Net Zero 2030 plan, needed to inform all of the work of the Council. She was concerned about the level of consistent information published on the carbon baseline for the city, and the lack of assessment of the ability for that target to be achieved. She would welcome the opportunity for an additional Risk Register specifically on the Council's ability to meet the Net Zero Target for 2030. The Director Finance gave an assurance that if a resolution on the 2022 date was found, that risk would be reinstated on the Risk Register, but it should be noted that SMB would have to highlight the extraordinary challenges of meeting that target in the next 3 to 15 months.

Councillor Mitchell proposed a separate Risk Register be introduced to monitor the Council's ability to meet the 2030 target for the delivery of a Net Zero Council. This was seconded by Councillor Jobson, put to the vote and carried.

The Director Finance requested that the Exeter City Futures Delivery Group team be in place to enable the additional Risk Register to be presented to Committee. He anticipated the team would be in place by the March 2022 meeting of the Audit and Governance Committee. He also advised that an update from the Net Zero team on their progress plans for delivery of a Net Zero Council would also be requested to be made to the most appropriate Committee, at the most appropriate time.

A Member referred to (*Risk ref 3*) concerns in relation to the governance oversight of the Exeter Liveable Programme, how its associated funds are managed, and the lack of published minutes for the decisions made by the Exeter Liveable Place Board. The Director of Finance stated that the Board did not pose a risk as it had no decision making powers and was predominantly funded by grants from the Ministry of Housing, Communities and Local Government (MCLG) as part of the Garden City programme. He did not provide any financial information to the Board, and monitoring of all of the financial expenditure relating to the Exeter Liveable Programme was through the Executive and Council.

The Member considered it was appropriate to ask if the Exeter Liveable Place Board received financial expenditure reports against the programme. There should be some clarity over the lack of transparency and governance and the level of resources in servicing the Board to establish whether value for money was being achieved in delivering against Council objectives. The Director Finance advised that the management of the Exeter Liveable Programme was overseen on a day to day basis by an officer of the Council, and the programme managed and reported as part of the overall budget to Members. Any specific issue relating to the financial position was reported to Members. He would ensure the comments were passed back to SMB colleagues to make them aware of the Member's concerns.

The Director Finance also responded to the following questions relating to (*Risk ref 9*):-

- financial risk due to delays as well as the possibility of labour shortages and consideration of this was included in determining the risk. Quarterly capital programme monitoring reports detail the risk to individual projects and any remedial action taken was reported to Members.
- robust contractual arrangements were in place for St Sidwell's Point. There were a small number of specific risks around the specialist beams for the roof and the associated exchange rate risk, but the opportunity was taken to lock into the procurement arrangement at an agreed price. Covid had presented exceptional circumstances and had resulted in further negotiations with the contractor, as it was not appropriate for them to carry all of the additional costs incurred. The Council's legal team were continuing to negotiate on this matter. He was not able to confirm the timescale for the completion of negotiations.
- prioritisation of the capital programme would be made for those matters where there was a risk for both the general public and staff, with any budgetary adjustments made accordingly. Officers had the ability in conjunction with the relevant Portfolio Holders to vire sums up to £50k between Council projects, although it was likely any virements would be required in excess of that sum. The Corporate Property team continued to assess all Council buildings regularly to ensure that they meet all health and safety standards.

RESOLVED that:-

- (1) the Audit and Governance Committee reviewed and noted the Corporate Risk Register; and
- (2) a separate Risk Register be introduced as soon as the Net Zero team were in place to monitor the Council's ability to meet the 2030 target for the delivery of a Net Zero Council.

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

Chair

1

DRAFT

STRATA - JOINT SCRUTINY COMMITTEE**MONDAY, 12 JULY 2021**Present:

Councillors Twiss, Atkinson, Clarence and Nuttall

Members Attendance:

Councillors

Apologies:

Councillors King, Hookway, Denning, Sparkes and J Petherick

Officers in Attendance:

Laurence Whitlock, Strata IT Director
Paul Nicholls, Company Director for STRATA
Simon Davey, Strata Board Director
Robin Barlow, Head of Security & Compliance
Peter Johns, Head of IT Solutions Delivery
Martin Millmow, Head of Document Centres
Adrian Smith, Head of Infrastructure & Support
Trish Corns, Democratic Services Officer
Christopher Morgan, Trainee Democratic Services Officer

9. ELECTION OF CHAIR 2021/2022

In accordance with the existing annual rotation for the position of Chair, Councillor Nuttall proposed that Councillor Clarence representing Teignbridge District Council be elected Chair for the 2021/22 Municipal Year. This was seconded by Councillor Twiss and

RESOLVED

Councillor Clarence be elected Chair for the 2021/22 Municipal Year.

10. MINUTES

The minutes of the meeting held on 11 January were approved as a correct record and signed by the Chair, with the amendment of *Chair* being added to the sign off at the end of the minutes.

11. DECLARATIONS OF INTEREST

None.

12. QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None.

13. QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

None.

14. STRATA PERFORMANCE REPORT

The Strata IT Director referred to the report circulated with the agenda which updated Members on the performance of Strata since January 2021.

Whilst dealing with the increased demand in the service due to Covid and agile working and the recent return to the Council Chambers for meetings, success had included: the migration to Windows 10 and work commencing on optimising Global Desktop. Improvements would include a reduction in screen pixilation for Zoom and Teams, password synchronization, which will enable Councillors to manage their own passwords; commencement of the rollout of O365; greater levels of collaboration and document management; near completion of the replacement of Windows 2008 servers enabling Strata to gain PSN accreditation for a further 12 month period; the continued support for officers working from either the office or remotely as the lifting of Covid restrictions could see more staff working increased days at the offices; responding to new cyber challenges; the roll out of cyber awareness training to all staff; prioritising work demand for the three authorities to get back on track following prioritisation of Covid priorities; IT training services for both staff and Councillors which have been successful and widely used; support for hybrid Councillor meetings for all authorities; the Business Plan had been signed off by all three authorities; and the company had made savings of £1.051,425 for 2020/21 which was repaid to the Councils at the start of the financial year.

It was noted that there was minimal Strata staff sickness (at an average of 1.3 days per FTE) over a 12 month period which was possibly as a result of staff working remotely and not in close contact with colleagues. 500 hours of flexitime had been lost by Strata staff over the last six months which equates to free time to the three authorities.

It was noted that remote working had resulted in a significant decrease in printing across the three authorities, and a resulting decrease in costs which has a positive impact on the Climate Change agenda. However the increasing use of IT and remote working could have a negative impact on the Carbon footprint of the authorities. . Strata are currently working with Exeter University to finalise a Carbon Impact report covering the last three years.

RECOMMENDED - The report be noted.

15. STRATA FINANCE REPORT, BUDGET MONITORING AT MAY 2021

The East Devon District Council Strata Director presented the agenda report which detailed the financial position of the 2021/22 budget as at May 2021.

The Company had been given a total of £6.6 million to run the IT Services in 2021/22 along with funding for various capital projects. The Company also maintained an account for additional purchases throughout the year, which is invoiced to each Council based on actual purchases made.

Although savings of £310,000 were delivered, Strata asked for £210,000 to be used for specific service improvements. This was agreed by the three Councils and Strata reduced the payments for all Councils by £500,000 at the start of the year. In response to the challenges the Councils faced as a result of the restrictions imposed in response to Covid-19 Strata identified an additional £340,000 of one off savings on top of the £696,167. The outturn position was broadly in line with that projection.

RECOMMENDED - The report be noted.

16. STRATA FINANCE REPORT BUDGET MONITORING OUTTURN 2020/21

Consideration was given to the agenda report which advised on the financial position of Strata at the end of 2020-21 including the Statement of Accounts at Appendix B. These Statutory Accounts evidenced the true financial position of the Company and were affected by items not included in the management accounts such as the pension fund deficit and depreciation. The Accounts were approved by the Board on 28 May 2021.

The company made savings of £1,051,425 through efficiencies and cost saving initiatives, this did not however impact on the overall quality of the Strata service provision.

RECOMMENDED - The report be noted.

17. EAST DEVON DISTRICT COUNCIL AND EXETER CITY COUNCIL IT SURVEY FEEDBACK

Consideration was given to the agenda report which detailed the results of a Councillor survey undertaken during late March and early April 2021. Strata and the Democratic Services Teams from East Devon District Council and Exeter City Council undertook the survey of Councillors in relation to the current and future IT requirements. The outcomes of the survey would act to inform and guide a potential redesign of the IT solution that it delivered to Councillors to enable them to perform their important role in supporting the citizens of Devon.

The report present the findings of the survey which would enable a discussion to be entered into between Strata, the authorities and representative Councillors. It was hoped that 60% of Councillors would complete the survey and this was achieved.

The conclusions of the survey were:

1) There is no single solution that will address all of the identified needs of the Councillors who responded.

- 2) That having a single device/screen for Virtual Council meetings is very challenging.
- 3) That devices need to be refreshed (replaced after a period of time) to ensure they do not go end of life, and budgets need to be set by the Councils to support this.
- 4) EDDC and ECC are not maximising or realising the benefits of ModernGov and a refresher exercise is required for Councillors.
- 5) Security restrictions need reviewing to improve usability, especially around calendar appointments, email attachments and application installs.

RECOMMENDED

The report be noted and the finding be discussed with the Client Leads and Democratic Service Leads of the two authorities being East Devon District and Exeter City Councils, to identify potential solutions to the requirements.

The conclusions of the discussions be presented to the Councillor representatives for consideration.

18. COUNCILLOR IT USER GROUP DISCUSSION DOCUMENT

The Committee considered the agenda report which proposed the setting up of a Councillor IT User Group be setup to enable focussed discussions to be held into ongoing Councillor IT provision. The aim is to identify areas where improvements could be made, to identify Councillor IT training needs and to reflect on trends in the IT industry which may be relevant to the work of Local Government.

The proposed Terms of Reference and the attendee compilation was set out at report pages 4 and 6 respectively.

RECOMMENDED

The proposed Terms of Reference and the attendee compilation as set out in the agenda report be approved with the addition of the following:

1. The Group meet every 3 months in the first year.
2. A representative from all three Councils be present at all meetings, and the representatives be authorised to appoint a substitute if unable to attend.

CLLR C CLARANCE
Chairman

EXETER HARBOUR BOARD

Monday 27 September 2021

Present:-

Councillor Harvey (Chair)
Councillors Allcock, Buswell, Leadbetter, Sparkes
Andrew May, Owen Michaelson, Steve Sitch and Anthony Garratt

Apologies:-

Richard Eggleton, Paul Labistour and Councillor Pearce

Also Present

Engineering, Waterways and Parking Service Manager (SC) Harbour Master (GF) and Democratic Services Officer (SLS)

Rex Frost, Chair of Exeter Port Users Group

1

DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were received.

2

PUBLIC QUESTION TIME

No public questions were received.

3

WELCOME

The Chair welcomed members to the first meeting of the Exeter Harbour Board. He was pleased to introduce Rex Frost, Chair of the Exeter Port Users Group who was able to attend the meeting on this occasion. A standing item to allow a verbal update to be made on the Exeter Port Users Group would be included on future agendas.

Mr. Frost referred to the Exeter Port Users Group (PUG) and thanked the Chair for the opportunity to provide some background to the Group, which was a committee made up of 15 representatives from all parts of, and activities, on the river. Their membership was open to all businesses, clubs and associations within the harbour area. A PUG was also a requirement by the Department of Transport (DfT) as a consultative body of local water users. Grahame Forshaw, Exeter's Harbour Master, attended their meetings and they also kept each other up to date informally on activities on the river.

He raised a number of issues regularly considered by the PUG including:-

- an issue of sand drifting from Dawlish Warren coming into the river and causing silting up of the channel. Despite numerous meetings with various parties there was no satisfactory solution at present.
- poor water quality presented problems for swimmers and surfers caused by an overflow of sewage after heavy rain and run off from fields. There was currently no 'live reporting' of pollution levels, but he noted this was being considered nationally by Government.
- during the summer, he had accompanied the Harbour Master and Simon Jupp, East Devon MP, out to view the river. He was very interested in the issues raised. He hoped to invite Ben Bradshaw, Exeter MP on the water

for a similar information visit next season.

- registration of boats remained a continuing problem, and currently the only registration was via the mooring authorities, who were bound by data protection. He understood the Harbour Authority hoped to establish their own database of boats and owners.
- the presence of the Harbour Master, volunteers and patrol boat was very welcome, and whilst most water users adhered to the rules, there were some offenders such as jet skis which continued to be a source of aggravation, and a national move to control their use was awaited.

The Chair thanked Mr Frost for the update and he looked forward to seeing him at the next meeting.

4

INTRODUCTION

The Engineering, Waterways and Parking Service Manager, Steve Carnell outlined a number of issues relating to the Exeter Harbour Board which had held an informal session, via zoom, to introduce members to each other, to the officers and to the nature of the harbour. He also set out the appointment process which included the position of Chair who would be the serving Elected Member with Portfolio Holder responsibilities for waterways, and which was currently Councillor Harvey. The Chair, along with five other Members from the City Council were appointed at the Annual Council meeting in May. The Board would also always include two of the Elected Members for the Topsham Ward given the maritime nature of that particular area.

The six external Board members were also appointed following a recruitment campaign, seeking individuals with extensive experience across a range of criteria, including harbour management, health and safety, finance and law, marine heritage, tourism and leisure etc. Each external member was scored based on the evidence supplied and as a result two members were appointed for an initial one year term, two for two years and two for three years. The process had been undertaken with the Harbour Master and oversight by the Director responsible for Waterways. It should be noted that all subsequent appointments will be for a three year period and the maximum number of terms to be served will be two. The initial staggered approach would ensure continuity going forward.

The report was noted.

5

TERMS OF REFERENCE

The Chair referred to the terms of reference which were agreed at Council, as part of a report on Port Marine Safety Code, Pathway to Compliance. At the request of the Chair, a map was circulated to Members, (attached) depicting the areas of responsibility of the Board. The Harbour Master confirmed the area of responsibility as being from the Mill on the Exe at Blackwaller Weir, including the waters in the River Clyst from the railway bridge, extending to Turf lock and canal, Starcross, Dawlish Warren to Exmouth. The final demarcation point was the East Exe buoy which currently lay to the east of the current safety water mark. There had been some movement due to the river delta and general passage of the sea, but the demarcation point was set out in legislation and covered the most southern point. The Harbour Master agreed to research unalterable definitions of the limits of responsibility which would account for moving of the marker buoys. It was important to establish the position of the most southern limited for speed enforcement and should a Harbour Revision Order be made in the future.

The Chair thanked the Harbour Master for the clear explanation.

The terms of reference were noted.

6

HARBOUR BOARD PURPOSE

The Engineering, Waterways and Parking Service Manager had been requested by the Chair to outline the Harbour Board's purpose and function. It was suggested that a facilitated half-day workshop be held, attended by all Board members to contribute towards a consensus regarding purpose and function and a move towards more regulation of the waterways. An invitation would be sent to the Board Members for the facilitated workshop.

The Chair referred to issues for discussion which might include the Port Marine Safety Code, the many external influences such as the Exeter Canal and Quay Trust and commercial activities operating to take a view of what is happening in and around the waterways, as well as other bodies and organisations such as the County Council, Teignbridge District Council, East Devon District Council, the Topsham River Commissioners, and the Exeter Port Users Group who will all have an influence.

Members noted the opportunity for further discussion on the Board's purpose and aspirations.

7

HARBOUR MASTER'S REPORT

The Harbour Master, Grahame Forshaw presented his report and thanked those members of the Board who had been out on the water with him over the summer. He paid tribute to his dedicated team of staff and volunteers, as well as the value of having a patrol, validated by the number of incidents they had supported with other agencies on numerous occasions. He also welcomed the team's higher profile to continue with the approach to improve a pattern of behaviour that had been established by some users on the Estuary in more recent years.

The report was noted.

8

INCIDENTS AND ACCIDENTS

The Harbour Master circulated a list of incidents and accidents for information from the Council's own in-house reporting system. It was important to gather such data to establish any trends and to further an ambition to issue local safety notices to estuary users at some point. It was also intended that the profile of safety could be further raised through talks to a range of different groups.

The report was noted.

9

DESIGNATED PERSON

The Engineering, Waterways and Parking Service Manager stated that as part of the Port Marine Safety Code, a Designated Person should be appointed, to act in a similar role to that of an 'external auditor' in order to review the safety management systems that are in place and report directly and independently to the Harbour Board on such matters. Before employing Exeter's Harbour Master, 'marine advice' had been obtained from Teignmouth Harbour Commission, an arrangement that had worked well. They have expressed an interest in providing a Designated Person if required. However, it is widely regarded as a Harbour Board function to appoint the Delegated Person so he requested direction from the Board as to the approach to adopt in respect of making a further appointment. The anticipated fee

appeared to be well below any formal tender thresholds.

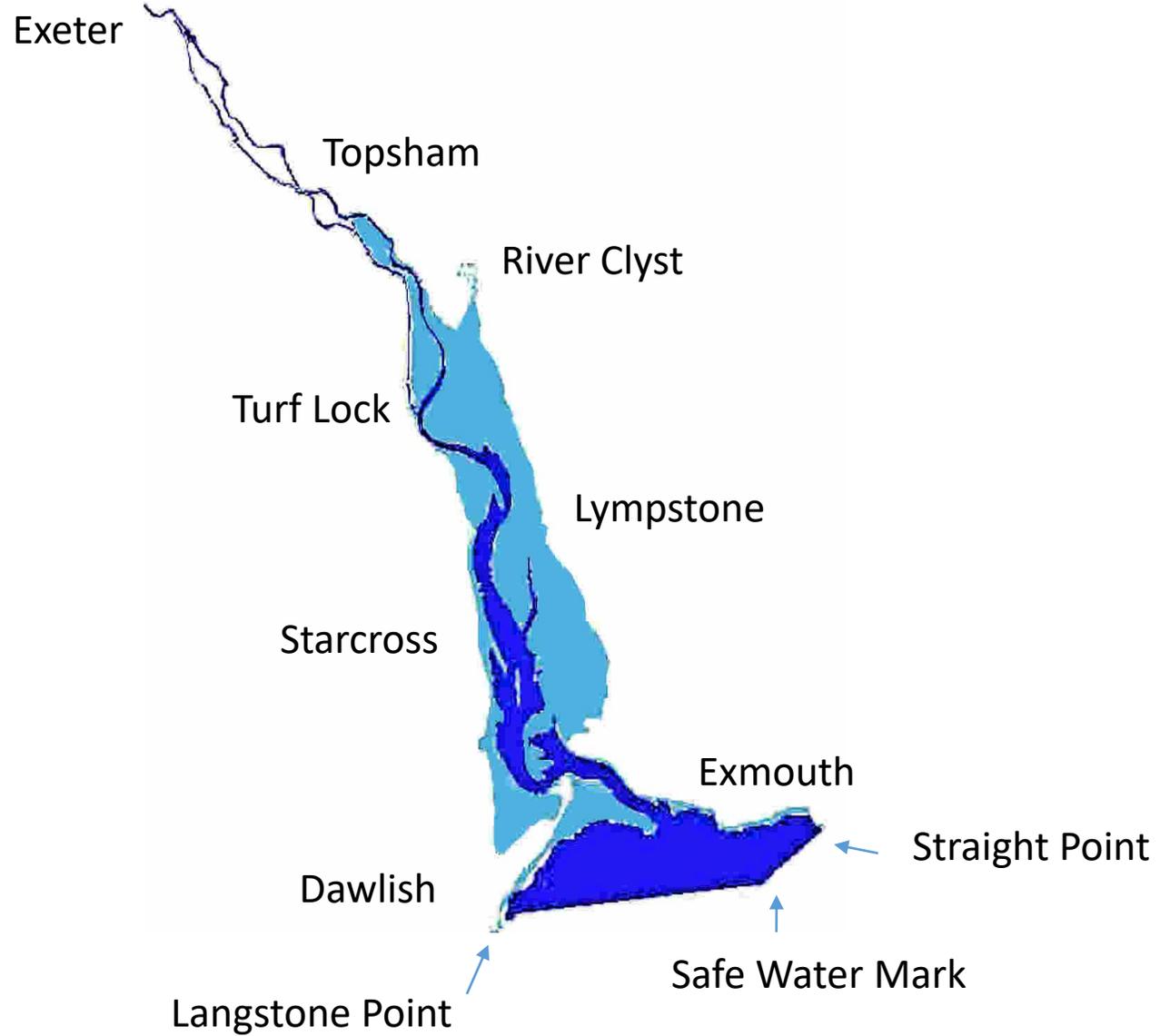
The Board agreed to continue with the current arrangement with the Teignmouth Harbour Commission until further discussion on this matter could take place at the Board's workshop to fully understand the process before making a final decision at the next Board meeting.

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

Chair

DRAFT

Port Limits



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EXECUTIVE

Tuesday 7 September 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton, Williams and Wood

In attendance:

Councillor A. Leadbetter (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director Net Zero Exeter & City Management, City Surveyor, Service Lead - Environmental Health & Community Safety and Democratic Services Officer (MD)

78

MINUTES

The minutes of the meetings held on 6 July 2021 and 8 July 2021, were taken as read, approved and signed by the Chair as a correct record.

79

RICK LAWRENCE

The Leader passed on his condolences, and those of Members, to the family and friends of Rick Lawrence, who worked as a Digital Media Officer for the Royal Albert Memorial Museum, who had recently passed away. Members' thoughts were with his family at this difficult time.

80

COVID 19

The Leader commented on the Covid Pandemic, highlighting that a friend of his, had recently passed away, having contracted Covid, and urged people to continue to be careful and be mindful that Covid was still an issue.

81

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

82

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

83

URGENT MATTER - RESPONSE TO TEIGNBRIDGE LOCAL PLAN CONSULTATION

The Executive noted the urgent matter of the response from Exeter City Council to the Teignbridge Local Plan Site Options Consultation, run by Teignbridge District Council between late June and early August 2021. In accordance with the Council's Constitution, it had been discussed with the Council Leader, the Portfolio Holder for City Development and the Chair of the Strategic Scrutiny Committee.

Members were advised that, due to the timings of the consultation and Exeter City Council's meeting dates it was not possible for the Executive to consider a draft response in advance of its submission and that the response to the consultation had been treated as an urgent matter.

The key issues identified related to the need for cross-boundary discussions over strategic matters including employment and infrastructure strategy and a discussion of the city impact for a series of potential residential and employment development site options on the edge of Exeter. Particular issues were raised regarding the Atwell's Farm site option and that there would be further discussions on a range of matters, as the Exeter and Teignbridge Local Plans progress.

The Portfolio Holder for City Development expressed her thanks to good work put in by officers and that the letter reflected the views of Member's opinions. Particular reference was given to the provisions for employments, transport, education, sports and to the specific attention of the development sites on the edge of Exeter.

RESOLVED that the urgent matter be noted.

84

URGENT DECISION - DELEGATED DECISION

The Executive noted the urgent Delegated Decision taken under the Council's Finance Regulations by the Deputy Chief Executive in consultation with the Portfolio Holder for City Development, under the Council's Scheme of Delegation, to create a budget for expenditure to be incurred as part of the Government's and Council's work to address rough sleeping, in particular, as a response to the greater risk to people experiencing homelessness as a result of the pandemic.

The Council had bid Homes England Capital for funds of £1.7 Million with a proportionate capital contribution of £1.532 Million from un-ring-fenced S106 funds for affordable housing. The Council had also bid for a complimentary revenue grant bid from Central Government and it was confirmed that the expenditure budget would be from uncommitted Section 106 funds, with no impact on the Council's General Fund Balance.

The Portfolio Holder for Supporting People congratulated the team and the Deputy Chief Executive for the successful bid.

RESOLVED that the urgent decision be noted.

85

AIR QUALITY ANNUAL STATUS REPORT

The Executive received the report on the statutory Air Quality Annual Status which contained the 2020 monitoring data and a summary of the actions taken in 2020 to improve local air quality. The Council had a statutory duty to monitor and report on air quality and had submitted the report to the Department of Environment, Food and Rural Affairs (DEFRA), but no response had been received to date.

Particular reference was made to the reported 2020 figures, which showed that during the Pandemic, there had been a behaviour change which had improved the air quality data, particularly to the nitrogen dioxide levels.

The Chair commented on the actions detailed in the report presented at the meeting, which highlighted the work being undertaken to improve air quality and confirmed that the Council would continue to work with its partners to improve the air quality in Exeter.

During the discussion the following points were made: -

- The Council had achieved the required standard of air quality figures for 2020, which reflected the changes to behaviour during the Pandemic;

- Exeter City Council was working closely with the Devon County Council Highways Authority to address the transport related actions listed in the report;
- 30% of the City Council vehicles were now fully electric and there was additional work being undertaken at the Water Lane solar farm, to support improvements to air quality;
- Diesel recycling vehicles would be replaced with electric vehicles;
- Devon County Council would be introducing outside charging points to encourage residents to invest in electric vehicles; and
- Exeter City Council would continue to work with other organisations to progress the improvement of the city's air quality.

RECOMMENDED that Council note the statutory annual Air Quality Status report.

86 **REVIEW OF THE COUNCIL'S CONTAMINATED LAND STRATEGY**

The Executive received the report which provided an update on the review of the Council's Contaminated Land Strategy, which the Council was legally required to review. The report was requesting approval to undertake a consultation with the relevant statutory consultees to cover the 2022 to 2027 period. A report would be brought back to the Executive Committee and Council later in the year.

RESOLVED that the Executive note the draft revised Contaminated Land Strategy and approve the consultation commencing on 08 September 2021 until 03 November 2021.

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

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

88 **BELLE ISLE DEPOT**

The Executive received the report which sought approval for the disposal of the Belle Isle depot site to Exeter City Living (ECL) and provided an outline of the provisionally agreed terms for that disposal. The City Surveyor explained that the disposal would enable the land to be transformed from a brownfield site, into a quality residential scheme in conjunction with ECL.

RESOLVED that the disposal of the Belle Isle depot site to Exeter City Living Limited be approved and that the final terms be agreed by the City Surveyor in consultation with the Council Leader.

(The meeting commenced at 5.30 pm and closed at 5.51 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come

into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 18 October 2021.

DRAFT

EXECUTIVE

Tuesday 5 October 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton, Williams and Wood

In attendance:

Councillor A. Leadbetter (as an opposition group Leader)

Councillor K. Mitchell (as an opposition group Leader)

Councillor D. Moore (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Director Finance, Corporate Manager Democratic and Civic Support and Democratic Services Officer (MD)

In attendance:

Peter Burgess - Devon Wildlife Trust

89

PETER EDWARDS

The Leader reported that Peter Edwards, the former Leader of the Council, was currently in hospital. He passed on his good wishes, and those of all Members, for his speedy recovery.

90

MINUTES

The minutes of the meeting held on 07 September 2021, were taken as read, approved and signed by the Chair as a correct record.

91

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

92

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

93

NORTHBROOK PARK UPDATE

The Executive received the report which provided an update on the public consultation held on the future of Northbrook Park and to consider the proposed next steps. The Northbrook Park was a strategic location, providing movement of wildlife and a green link between two green spaces, which enabled people to move between parks and traffic free routes into the Quayside, Marsh Barton and the City Centre beyond.

Peter Burgess, the Conservation Director from Devon Wildlife Trust, was in attendance to provide a presentation on the benefits of the partnership working between Devon Wildlife Trust (DWT) and Exeter City Council. Key points raised from the presentation included:-

- that more than 1,000 people had been involved in 40 events held at the valley parks and 12 volunteer Rangers had been inducted;
- the volunteer events programme had planted 400 new trees, wildflower plugs and created new ponds at Northbrook;
- the Ludwell habitats and the Mincinglake access projects were two major schemes that had recently been undertaken;
- the consultation had highlighted the future for the area, new opportunities and identified the needs of residents;
- the Environment Agency were providing additional funding to support the re-naturalising of the Northbrook stream;
- the Northbrook Park consultation had received more than 755 responses which equated to 96% of residents being in support of the vision and of those consulted, 45% had volunteered to help work on at site; and
- DWT would continue to work with its partners and stakeholders to achieve the identified proposals set out in the presentation.

In response to Members' enquiries, Peter Burgess explained:-

- it was the intention to link the walking and cycling routes within the Park to those within the wider Green Circle;
- reflecting on the very positive public response, Crowd Funding could be utilised as a means of raising some funds and other funding streams would also be explored;
- strong connections already existed from Topsham Road to the park and public suggestions for further links would be followed up; and
- whilst the location of the car park had not been widely supported the need to cater for disabled parking was recognised;

Councillor D. Moore, as an opposition leader, enquired on whether carbon emission reduction been calculated to support the enhancement of the project, in line with the 2030 Net Zero target.

Peter Burgess explained that the plans for the Park would be developed in line with the Council's Net Zero 2030 target through encouraging active travel to reduce car use, additional tree planting for carbon sequestration and supporting biodiversity.

Members welcomed the proposals and recognised the public enthusiasm for the project, noting particularly the value of this and other Valley Parks during lockdown. Members highlighted the Council's decision to work in partnership with the Devon Wildlife Trust had proven to have been of great benefit to the city and in conjunction with the Council's declaration of a Climate Emergency in July 2019, the Ecology Emergency in April 2021 and with the Net Zero 2030 target.

The Portfolio Holder for Environment and City Management welcomed the report and presentation and commended the sensible approach being used to deliver the Council's environmental ambitions. He praised the public response to the consultation, noting that there was great enthusiasm for the future plans as well as a strong desire to assist as volunteers and hoped that funds would be available to deliver the upgrades put forward by the public.

The Leader thanked Peter Burgess for his presentation noting that the key messages of the consultation were on the prioritisation of wildlife and the value of peace and tranquillity, which were in line with the Council's' vision.

RESOLVED that:-

- (1) the results of the public consultation be noted; and
- (2) the next steps set out in the report for further developing the proposals for North Brook Park be approved in principle, subject to a detailed proposal presented to the Executive Committee at a future date.

94

GOVERNMENT CONSULTATION ON GIVING POLICE AND CRIME COMMISSIONERS GREATER POWERS OF COMPETENCE

The Executive received the report which provided details of the Government's consultation on granting Police and Crime Commissioners greater powers of competence. The Government consultation sought the specific views from Councils and would close on 27 October 2021. The report included draft responses to the Government's prescribed questions.

The Chief Executive & Growth Director, advised that the greater powers being sought would enhance the already excellent relationship between the Council and the Police and Crime Commissioner. The proposals would provide the Police Authority greater latitude beyond the existing functional powers and, in particular, would assist the Council in making efficient use of police assets around the city. The proposals were also likely to present opportunities for innovation and commercialisation.

RECOMMENDED that Council approve the response to the Government consultation on granting Police and Crime Commissioners greater powers of competence.

95

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2021/22 - QUARTER 1

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2021/22 financial year after three months and sought Council approval for additional expenditure required during the financial year.

Particular reference was made to:-

- there was a relatively small variation in the General Fund and significant variations could be anticipated during the course of the year which reflected the steps taken as part of the Emergency Budget approved by the Council in July 2020 and the support from Central Government provided to offset losses caused by the Covid Pandemic. The strengthened surpluses would support any continued losses likely to be experienced again in the current financial year as a result of the continuing impact of the Pandemic;
- although the overall movement in the General Fund balance was quite low, and projected car park income was likely to reduce by £2 Million with other reductions for Markets and Halls, the Corn Exchange and other visitor facilities as well as the Leisure Centres, funding had been set aside to address these anticipated losses and the situation would continue to be monitored by officers over the financial year;
- the supplementary budgets requested, were from received Government grants and approval was being sought to use the money; and

- the reduction in the commercial property budget of £22,500 was a result of the conversion of property into offices for the Corn Exchange.

Members noted the report, and the Portfolio Holder for Leisure and Physical Activity, referred to the Council's decision to bring the Leisure contract in house and praised the work of the Leisure staff for their hard work to help minimise the financial impact from the Pandemic.

RECOMMENDED that Council notes and approves (where applicable):

- (1) the General Fund forecast financial position for the 2021 financial year;
- (2) the supplementary budgets as detailed in paragraph 8.10 of the report;
- (3) the outstanding Sundry Debt position as at June 2021; and
- (4) the creditors payments performance.

96

GENERAL FUND CAPITAL MONITORING STATEMENT - QUARTER 1

The Executive received the report on the current position of the Council's revised annual capital programme and the anticipated level of deferred expenditure into future years. The report further sought approval to amend the annual capital programme in order to reflect the reported variations.

Particular reference was made to:-

- the revised capital programme for the current financial year was £67.455 million of which £5.046 million had been spent in the first three months of the financial year, equating to 7.48%;
- a spend of £51.936m is forecast for 2021/22 with £15.498 million of the programme being deferred to 2022/23 and beyond. This was a result of delays in the construction industry and it was anticipated, that the Council would be asked to approve additional expenditure for certain schemes as a result of rising prices; and
- the additional budget provision of £50,000 per annum was requested for the purchase of IT equipment to include new iPad's for Councillors.

Councillor D. Moore, as an opposition leader, referred to the increase in anti-social behaviour around the Quayside and expressed concern that there were no proposals to replace Mallison Bridge, which was resulting in excess pedestrian and cyclist traffic. Given the increased development in the area, including restaurants, she felt that continued investment was important.

The Leader responded that the issue of anti-social behaviour would be raised at the next Community Safety Partnership meeting and that discussions would continue with the Exeter Canal and Quay Trust on investment opportunities for the area.

RECOMMENDED that Council to approve:

- (1) the overall financial position for the 2021/22 annual capital programme; and
- (2) the amendments and requests for further funding to the Council's annual capital programme for 2021/22.

97

HRA BUDGET MONITORING REPORT - QUARTER 1

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2021/22 financial year after three months and the reported budgetary over/under-spend. The report further highlighted areas of risk, where certain budgets had been identified as being vulnerable to factors beyond the control of the Council, with potential deviations from budget, which were being monitored by officers.

Particular reference was made to the HRA budget, being on track, but it was likely to face reductions to the balance later in the year.

RECOMMENDED that Council to approve (where applicable):-

- (1) the HRA forecast financial position for 2021/22 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

98

REVIEW OF THE COUNCIL'S GOVERNANCE ARRANGEMENTS

The Executive considered the report on the review of the Council's Governance Arrangements and the recommendations of the cross party Governance Review Board, following its review of the changes made to the Council's governance arrangements in October 2019. A review of the Governance arrangements had been deferred in 2020 because of the Covid Pandemic.

The Corporate Manager Democratic and Civic Support highlighted the headline features of the report and advised that the Review Board would meet on an annual basis to maintain and review the Council's Governance arrangements.

The Deputy Leader welcomed the recommendations shown in the report and highlighted that all the proposals had been supported by the cross party working group.

RECOMMENDED that Council approve the following changes to Exeter City Council's constitution with effect from the 18 October 2021:-

- (1) That Standing Order 44 be amended to state:-
 - (i) A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak or ask a question if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am on the day of the meeting to the Corporate Manager Democratic and Civic Support and has specified in the notice the particular agenda item or items on which he/she wishes to speak or ask a question.
 - (ii) Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak or ask a question on any items on the Executive agenda.
- (2) That the Petition Scheme be amended to:-
 - (i) request that petition signatories must identify through the tick box facility on the petition form, which of the eligibility criteria for living, working or studying in Exeter, they are relying upon in signing the petition. Any signatories which

do not so indicate, will not be included in those signatures which are accepted; and

- (ii) state that all petition organisers will be given the opportunity to speak for up to five minutes on their petition, when it is considered at any appropriate Council body to which it has been referred. For clarity, this includes the provision for organisers of petitions of over 2,000 signatures, to do so at the appropriate Council body to which it has been referred, as well as the ability to address the full Council when initially submitting the petition.

- (3) That Article 7.05 of the Constitution (The Executive) be amended to include the following paragraph:-

3. Executive Members will, on allocation by the Leader of the Council, assume roles as Portfolio Holder with specific responsibilities. These responsibilities will be listed in Part 3 (b) the Council's Constitution. For clarity, not all Executive members may be allocated a Portfolio holder responsibility by the Leader of the Council.

RESOLVED that:-

- (4) the focus of Scrutiny be reinforced to manage the available resources to develop scrutiny training for all Members;
- (5) the maximum use of available resources for Member training and development be continued, including joint training with other authorities as appropriate;
- (6) Deputy Chairs of Scrutiny Committees will provide a leadership role to any Task and Finish Groups or Spotlight Reviews, as and when established;
- (7) The Council's representation on outside bodies be reviewed and an Annual Feedback Form to Members for the Outside Bodies on which they sit be issued, and such information to be presented to the Governance Review Board for consideration; and
- (8) an annual meeting of the Governance Review Board be established to consider any necessary amendments to the Council's governance arrangements, and their findings to be presented to the relevant Council body for consideration and approval.

99

AMENDMENTS TO THE SCHEME OF DELEGATION

The Executive considered the report which set out the proposals to amend the Scheme of Delegation to Officers to match operational arrangements of the Council, to ensure suitable day to day operational decisions could be taken. Deputies were appointed to further ensure matters could be dealt with, even in the absence of the named officers.

The Corporate Manager Democratic and Civic Support, in presenting the report, advised that the Scheme of Delegation was reviewed on an annual basis to ensure that they were up to date and that no additional officer responsibilities had been added to the Scheme on this occasion.

RECOMMENDED that Council approve the changes to the Scheme of Delegation to Officers as set out in the Appendix of the report presented to the meeting.

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1,2 and 3 of Part 1, Schedule 12A of the Act.

101 **MEMBERS' TRAINING**

The Executive received the report which provided an update on Members' training and included Members' attendance for the training sessions from June 2021 to present and feedback on sessions attended. The report further sought approval to amend the Council's Articles of Association, to ensure that Members sitting on the Planning, Licensing and Audit and Governance Committees attend the appropriate and relevant training required, before being allowed to take their seat on the Committee and to attend at least one relevant training session run by the Council every six months

Particular reference was made to the work undertaken to further promote the function of Scrutiny and the partnership working with other Local Authorities.

The Deputy Leader welcomed the report, and expressed her thanks to the Democratic Services Team for the work that had been undertaken to support Member Development.

RESOLVED that the Executive note the Members Training report.

RECOMMENDED that Council approve the amendments to the Council's Article of Association as set out in the appendices of the report.

102 **ACQUISITION OF PROPERTY TO SUPPORT LIVEABLE EXETER**

The Executive received the report which sought approval for a budget of £55 million to attempt to acquire and make enhancements to City Centre property, which would further support the delivery of homes elsewhere in the city, as was part of the Liveable Exeter vision for the City.

Particular reference was made to:-

- purchase and subsequent investment would support the management and regeneration of the City as part of the Liveable Exeter vision and encourage visitors to the city;
- detailed discussions with HM Treasury, following which an agreement had been made, that the purchase would be suitable for the Liveable Exeter vision ; and
- all decisions on the use of the location and available options would be presented to Members for approval.

Members commented on the proposal and acknowledged that there was risk involved, but recognised that there was a unique opportunity to purchase key property in the city centre, which would have long term benefits for the wider city and support the aspirations and success of the Liveable Exeter vision.

RECOMMENDED that Council approves:-

- (1) a budget of £55 million to enable the Council to enter negotiations to purchase property within the Liveable Exeter programme and provide a budget for enhancements to the property; and
- (2) the appointment of an additional member of staff within Corporate Property to assist with the management of the portfolio.

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

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 18 October 2021.

DRAFT