



Exeter City Council

A virtual meeting of **EXETER CITY COUNCIL** will be held on **TUESDAY 27 APRIL 2021**, at 6.00 pm, **(MEETING POSTPONED FROM 20 APRIL 2021)** via Zoom (the Press and Public can contact the Democratic Services Officer on 01392 265107 for further details) as legislation has been passed to allow Council's to hold meetings remotely.

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

During the Corona Virus outbreak, meetings will be held by virtual means. The live stream can be viewed here: <https://www.facebook.com/exetercitycouncil/live/%E2%80%99> at the meeting start time.

Pages

- 1 Minutes
To approve and sign the minutes of the Extraordinary and Ordinary meetings held on 23 February 2021. 5 - 22
- 2 Official Communications
- 3 Public Questions
Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 22 April 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](#).
- 4 Suspension of Standing Orders
RECOMMENDED that in accordance with Standing Order number 48 (Suspension of Standing Orders by Council), Standing Order number 47 (Variation and Revocation of Standing Orders by Council) be suspended to allow for consideration of the following item.
- 5 Return to physical meetings - Venues
In light of the possibility that Councils will, after 7 May 2021, not be able to hold meetings via virtual means, and therefore return to physical meetings, and the need for the Council to consider what requirements it will need to put in place to ensure its future meetings are held in a COVID secure way, the Council is
RECOMMENDED to amend Standing Order 1(1) to allow all meetings of the Council (including the Annual General Meeting) and its Committees to be held at any venue considered suitable by the Corporate Manager, Democratic & Civic Support in consultation with the Leader of the Council.

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

	Pages	
6	Planning Committee - 22 February 2021	23 - 48
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8	Strategic Scrutiny Committee - 18 March 2021	69 - 74
9	Customer Focus Committee - 1 April 2021	75 - 86
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13 Notice of Motion by Councillor Harvey under Standing Order No. 6

Climate and Ecological Emergency

This Council notes that:

1. Exeter City Council (ECC) declared a Climate Emergency in February 2019 and committed to becoming Net Zero Carbon by 2030, recognising the scale and urgency of the global challenge from climate change following the IPPC report published in October 2018. To contribute to achieving its net zero objectives ECC has:-
 - Adopted a Net Zero Carbon Roadmap in conjunction with Exeter City Futures to achieve net zero carbon targets.
 - Secured £1.6 million of European Development Funding to install a solar farm and battery storage on waste ground close to the Council's depot.
 - In the past year, delivered the following carbon saving measures:-
 - Financial savings of £630,000
 - Energy savings of 2,300,050 kWh
 - Carbon savings of 550 tonnes
 - Added 21 new 3- and 4- bedroomed homes built to Passivhaus standards.
 - Commissioned the building of St Sidwell's Point – the UK's first leisure centre to be built to Passivhaus standards.
 - Started the roll-out of the retrofitting of all 4000+ council housing to our super energy efficient standards.

2. Demonstrated its commitment to protecting the environment and greening the city by:-
 - Consulting residents on the creation of a city-wide Tree Strategy.
 - Implementing an ambitious tree-planting programme including 2,000 trees on the Monkerton Ridgeline, and a new woodland of 300 trees off Lancelot Road.
 - Encouraging biodiversity through wildflower planting and naturalising grass areas, and a phased reduction in the use of glyphosate weed-killer.

This Council believes that:

1. Exeter City Council has shown, through its net zero carbon achievements, tree-planting and green-spaces activities, its commitment to contributing to achieving its net zero carbon and ecological objectives.
2. We all have a responsibility, both individually and collectively, to mitigate the harmful effects of climate change and ecological decline.
3. Local Authorities are well-placed to initiate the changes that can contribute to the mitigation of the harm caused, by continuing to set ambitious targets to address the Climate and Ecological emergency.
4. The Climate and Ecological Emergency Bill provides a timely evaluation and summary of the actions required by Government in order to achieve climate and ecology objectives.

The Council resolves:

1. To declare an Ecological Emergency to supplement and strengthen the Climate Change Emergency declaration of February 2019 by this Council.
2. To continue to work with partners, both locally and regionally, including DCC, to achieve net zero carbon objectives, and to conserve and support the recovery of the natural environment.
3. To support community consultation with respect to identifying solutions to address both climate and ecological emergencies.
4. To request that our two MPs support the Climate and Ecological Emergency Bill.

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

Date: Thursday 15 April 2021

Karime Hassan
Chief Executive & Growth Director

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EXTRAORDINARY MEETING OF THE COUNCIL **(HELD AS A VIRTUAL MEETING)**

Tuesday 23 February 2021

Present:-

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

Apologies for absence

Councillors Martin, Newby and Sills

1

FIRE IN CLAYTON ROAD

The Lord Mayor expressed his great sadness over the devastating fire in Exeter in the early hours of Sunday morning. On behalf of everyone at Exeter City Council he expressed condolences to the family and friends of those who had died. Whilst grieving, he commended all aspects of the community who were coming together to offer what help they could. He thanked the emergency services for their prompt response arriving within minutes and doing everything they could to save lives. He paid tribute to everyone involved, from the fire and rescue, police and ambulance services, to the staff at the RD&E and Frenchay Hospital in Bristol. The Lord Mayor stated that flags were flying at half-mast out of respect.

The Council observed a minutes' silence to reflect on those lives lost and those children still in a critical condition. The Lord Mayor highlighted that the city stood with all those affected.

2

PUBLIC QUESTIONS

Question from Peter Cleasby

What was the purpose of the consultancy commissioned from Respublica for which the Council paid £33,000 on 26 November 2020; and what benefit has the public secured from it?

Response

Towns and cities across the country have been economically-devastated by the Covid-19 pandemic and they will face further pressures moving forward. As the Exeter Recovery Plan has already set out, this will require significant Government support and investment.

As the Government turns its attention to recovery from Covid-19, ambitions for devolution, regional levelling-up and for extending new freedoms and responsibilities to the local state will come to the fore.

Respublica is one of the country's most successful public policy think tanks. We have commissioned them to provide insight and advice on the current and future political landscape and to assess how Exeter can excel as a place, in its role as a leader and economic driver within the sub-region. This includes looking at the future opportunities for wider growth and connection with other localities. This piece of work will be instrumental in identifying the city's asks and position as it responds to the challenges of Covid-19 and the regional levelling-up agenda and secures essential investment.

The project has just got underway but, in terms of public benefit, it is critical that, in a post-Covid world, the importance of Exeter to the sub-region, as an economic and cultural centre with significant assets is recognised and optimised. This is vital for the city's ambitions for net zero, future skills generation, innovation, productivity growth, housing, the city centre and the health and wellbeing of all of Exeter's communities.

Mr Cleasby asked a Supplementary question.

Was there no Devon or Exeter firm suitable for the task?

Response

The Leader advised that he was not aware of any suitable firm locally.

3

BUDGET 2021/22

Minute 6 (2021/22 Budget Strategy and Medium Term Financial Plan) of the meeting of the Strategic Scrutiny Committee held on 21 January 2021 and Minute 6 (General Fund/HRA Estimates and Capital Programme 2021/22) of the meeting of the Customer Focus Scrutiny Committee held on 11 February 2021 were taken as read and noted.

Minute 8 (Council Tax Base and NNDR 1 2021/22) of the meeting of Executive held on 12 January 2021 was taken as read and adopted.

The Leader moved, and Councillor Sutton seconded, the resolution as set out in the agenda and circulated papers in respect of the Council Tax for 2021/22.

The Leader, in presenting his budget speech, detailed the following:-

- in the face of the Pandemic, an Emergency Budget had been set in July 2020 to balance the books in the current financial year highlighting the need to make a substantial reduction of £1.7 million in spending in the current financial year and to make further budget savings of £5.8 million over the next few years. Income losses and additional expenditure incurred during the Pandemic were estimated to total £11.19 million. The Pandemic has had a major impact on finances and financial discipline was essential to face the challenges;
- the Council, with all major organisations and employers in the city, had worked on a city-wide Recovery Plan with a range of recovery groups set up to address the impact of Covid-19 on the city;
- the Liveable Exeter Place Board was instrumental in supporting and coordinating the city's response to the Pandemic and the Building Exeter Back Better Recovery Plan would support recovery for the whole city. These were

crucial in helping realise wider social, economic and environmental ambitions and the Council's commitment to delivering a Net Zero Carbon city by 2030;

- residents, communities and organisations across Exeter had come together throughout the restrictions and lockdowns to look after and support each other. The Council's Customer Support Team had set up a virtual contact centre overnight. In addition to the 60,000 calls for existing services taken since the first lockdown, Exeter Community Wellbeing had received more than 4,000 calls and 1,500 online requests for support. The team also administers the Covid-19 Community Wellbeing fund and had helped almost 400 residents with grants totaling over £75,000, to assist with Covid-related financial hardship;
- since September 2020, the Council has run the Test and Trace Support Payments scheme on behalf of the Department of Health and Social Care with flat rate grants of £500 paid to low income working residents who lose income as a result of isolating and £77,000 had been paid out to date with the scheme extended to the end of March 2021;
- the Council was currently implementing nine different Business Grant Schemes - seven mandatory and two discretionary - as a lifeline for businesses and more than 4,000 awards totalling in excess of £34 million had been made. Another £5 million would be paid out in discretionary grants and a further £1 million used to support businesses through a range of interventions;
- in April 2020, the Council had held what was thought to be the country's first virtual Council meeting, bringing Exeter to national attention;
- the Council was very proud of the dedication of its staff, who continued to deliver all of the Council's key services. Every single waste collection round, street sweeping round, grounds maintenance work and burial service were continued during the Pandemic. Social distancing measures were delivered to keep the streets safe and the Council ensured all businesses complied with Covid-19 safe working practices to keep residents safe;
- the Exeter Wild City programme had been expanded, glyphosate use was reduced and biodiversity encouraged. Staff had worked with community groups to directly improve local areas, including the Wonford Planters and the St David's Community;
- the Council was a finalist in the Best Local Authority Re-cycling Initiative, a national award for excellence;
- two major Co-living developments for residential provision were agreed at The Harlequins in the city centre and the former Ambulance Station in Heavitree, reflecting a new form of living choice for single people and providing affordable housing for key local and retail workers. Considerable work was done by Building Control during the fitting out of the Nightingale Hospital. A dedicated Local Plan team was established to bring forward a new Exeter Local Plan;
- Exmouth Junction represented one of the largest brownfield developments in recent years within the city providing 400 homes and 65 living with care units within a mix of house sizes and tenures with 170 units for sale and 230 Build to Rent units, another first for the city;
- to date, £19,191,177.85 had been collected in Community Infrastructure Levy payments, £10.672 million to be spent on projects such as St. Sidwell's Point, and transport schemes such as the Sandy Park Road junction and Marsh Barton Railway Station;
- the City Council continued its role as a municipal entrepreneur, finding ways to fund the infrastructure needs of the city by blending various income streams to secure outcomes for the city;
- the New Homes Bonus data showed that Exeter's housing stock had increased by almost 1,020 between October 2019 and October 2020. Of these, just over 80 comprised 'empty' homes brought back into use. Therefore, most of the 935 homes were either built from scratch or delivered by converting or changing the use of existing buildings and, of these, more than 80 were affordable homes;

- the wider roll-out of a retrofit programme for all Council housing commenced in January. The current target for affordable housing provision by the Council was to deliver 500 properties over the next 10 years;
- progress on the Council's development programme during 2020 included:-
 - 53 one and two bedroom Extra Care flats at Edwards Court, due to complete this summer;
 - Nine, three bedroom Passivhaus houses at Thornpark Rise, due to be purchased from Exeter City Living shortly;
 - 18 poor quality properties in Newman Road are being demolished and rebuilt;
 - 10, three bedroom Passivhaus houses at Bovemoors Lane, had been completed in January;
 - 21, one and two bedroom flats at Hamlin Gardens were due to start on site this spring; and
 - 60 flats for the Council's affordable housing programme and 32 for Exeter City Living at Vaughan Road were due to start this summer.
- work continued with the Liveable Exeter Place Board and other strategic partners, including Homes England and Sports England, to identify opportunities for strategic interventions to support the delivery of the 2040 Vision and the Liveable Exeter programme continued to progress to deliver up to 12,000 new homes for the city;
- Homelessness was a major issue in 2020 and the Rough Sleeping and Emergency Accommodation service was asked by the Government to bring all known and new rough sleepers into accommodation in March under the Everybody In initiative. As the night shelter scaled down to minimal from March, plans were drawn up with the Exeter Homelessness Partnership to provide crisis support services such as food and medicines alongside additional health protection measures. Of the almost 150 people accommodated and supported, 85% moved on to more permanent housing;
- successful bids were made in the summer to the Government's Next Steps Accommodation programme to provide more dedicated housing and support for move-on for those brought off the streets during the Pandemic. Alongside a capital contribution from the Council, a £3.5 million package of housing and support was being developed which would result in an additional 29 supported accommodation beds in the city;
- excellent progress had been made at St. Sidwell's Point and the new Exeter Bus Station which were due to open in the summer 2021. This £50 million re-development was the biggest single investment the Council had made in the city in a generation. These much-needed new facilities would play a vital role in the recovery of the city. St. Sidwell's Point would be one of the best facilities of its kind anywhere in Europe. The Riverside Leisure Centre would also open again this summer;
- the Council took back direct control of leisure centres to run the service in-house. The Leisure services team were working together with the Sport England Local Delivery Pilot to embed its priorities and values into the leisure offer. The pilot, Live and Move, was working to reduce health inequalities across the city and in Cranbrook;
- traditional income sources for local authorities, such as business rates, commercial rents and car parking were all under threat and City centres more than ever needed local authority support and the Council was leading on this. The work to diversify the city centre and the investment in leisure at St. Sidwell's Point was therefore critical;
- the Council had taken decisive action to address the financial challenges posed by Covid-19 enabling a balanced budget with only a small amount of savings

required. But even by increasing Council Tax by the maximum £5 available, the Council would only have the same amount to spend next year as it did this year. Inflation increases alone accounted for an increase in the spending requirement of £817,000;

- the Council had been awarded a further £1.941 million in New Homes Bonus taking the total earned by this Council to over £27 million. On top of that, the Council was still generating £2.3 million more in Business Rates Growth than the Government believed was needed to provide vital services in Exeter. However, the Government was consulting on modifications to the New Homes Bonus and was still intent on overhauling the Business Rates retention scheme, meaning that the financial benefits enjoyed would be lost from 2022/23 onwards. This meant that reductions of £6 million would be required over the next three years to balance the budget and equated to 13% of the total spent by the Council on services in Exeter; and
- during this last year the importance of reserves had been evidenced when, because of Covid-19 and the lockdown measures imposed by Government, the Council had suffered a loss of around £11 million in its income and hence the decision to make an emergency budget.

It was proposed to approve both the revenue estimates and capital programme for the year 2021/22 to result in the setting of a District Council tax of £165.05 for a Band D property. This would be an increase of £5 a year for a Band D property, less than 10p a week. By comparison the County Council precept would rise by £71.82 or £1.38 a week, the Police by £14.92 a year or 29p a week and the Fire and Rescue Services by £1.76 or 3p a week.

Therefore the Band D Council Tax would be split as follows:

Exeter City Council	£165.05
Devon County Council	£1,511.28
Devon & Cornwall Police	£236.56
Devon & Somerset Fire and Rescue Service	£90.00
Making a total bill of	£2,002.89

The Leader commended the budget and the recommendations set out in the papers.

Councillor Sutton seconded the proposal.

A number of Members welcomed and commended the budget proposals as an ambitious and balanced approach to the serious challenges faced by the Council in a very demanding time, referring to some of the many achievements. The following points were made:-

- Council staff were thanked for their dedication and skilled work at all times but especially during a very gruelling and uniquely challenging period;
- St. Sidwell's Point and the new Bus Station becoming beacons of hope for the city, highlighting the importance of investing in the city centre and supporting the retail sector;
- the intention to adopt a kerbside waste collection was an important commitment;
- welcome the leisure services being back in house offering an improved leisure service for the citizens of Exeter; and
- the maintenance of vital services was highlighted by the Council not having missed one collection round for waste collection or one street sweep/street cleaning round in spite of different working methodology.

The Opposition Leader thanked the Leader and also welcomed the budget on behalf of his Group and made the following points:-

- paid tribute to the Finance team and everyone working for the City Council for their excellent work during a very difficult year and also paid tribute to Devon County Council, especially care home workers and those others working in very demanding situations;
- welcomed the Government contribution in excess of £6 million to the City Council;
- regarded the £5 increase in the Council Tax as acceptable in the present circumstances; and
- asked that the City Council continues to support the economy of the city and those residents who need help.

The Leader of the Progressive Group also thanked the Leader and welcomed the budget and made the following points:-

- paid tribute to City Council staff as well as community and neighbourhood groups for their work during a difficult period for the city;
- welcomed the bringing forward of 500 homes within the next five years and bringing leisure services back in house;
- looked forward to the opening of the Riverside and the St. Sidwells Point Leisure Centres;
- supported the food and glass doorstep collection and hoped that this project would be implemented as soon as possible; and
- stated that the city's recovery would be even stronger with a bottom up approach involving communities and neighbourhoods.

A Member thanked the Leader for his speech and staff for their commitment during the Pandemic and made the following points:-

- welcomed the efforts to achieve the Net Zero Exeter 2030 target for the city and emphasised the need for it to translate across the Council's work such as ensuring new houses would be low carbon;
- given the commitment to achieve Net Zero by 2030 was made 18 months ago the £50,000 budget cut for a carbon neutral delivery team is regrettable. Such investment was needed given the continuing climate and ecological emergency and with the Pandemic further exposing the inequalities in the city. Net Zero plans should be translated into action with appropriate funding and with community involvement encouraged;
- the carbon impact of every activity should be assessed and, in future, a carbon budget should be provided in support of the financial budget as stated in the Net Zero Exeter 2030 report; and
- further information is required on how to tackle poor air quality which is undermining the Net Zero ambitions and impacts on many people in the city, especially those who live in the city centre.

In conclusion, the Leader:-

- thanked the group leaders for their support, the Portfolio Holders and the Senior Management Team for their work and reiterated his thanks to staff, noting that sickness level had been very low during the Pandemic;

- undertook to circulate the Budget Brochure to all Councillors and to continue liaison with group leaders in developing the 2022/23 budget;
- emphasised the full commitment to work with partners in bringing forward the Net Zero Exeter 2030 agenda, referring to the many initiatives already adopted including solar panels on Council buildings and in the car parks, use of electric vehicles and encouraging electric charging points through planning conditions. Given the extreme pressure on Council resources, it was vital to work with other agencies and the Council's strategic partners to achieve the Net Zero goal. Community Infrastructure Levy funds would also be utilised on carbon infrastructure initiatives; and
- confirmed that Air Quality remained a Council priority and progress would also depend on public support and cooperation. The Council worked closely with Stagecoach and it had been unfortunate that their electric bus bid had not met the necessary criteria.

The Leader commended the budget to Council.

In accordance with Standing Order 30, a named vote on the Resolution as set out in the agenda papers was recorded, as follows:-

Voting for:-

Councillors Atkinson, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Hannaford, Harvey, Henson, D. Deputy Lord Mayor, Lord Mayor, Leadbetter, Lyons, Morse, Oliver, Owen, Packham, Pearson, Quance, Sheldon, Sparkes, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright.

(29 Members)

Abstain:-

Councillors K. Mitchell, M. Mitchell, D. Moore and J. Moore.

(4 Members)

Absent:-

Councillors Begley, Lamb, Martin, Newby and Sills

(5 Members)

The Resolution was carried:-

RESOLVED:-

- (1) That the following, as submitted in the Estimates Book, be approved:-
 - (a) the Revenue estimates for 2021-2022;
 - (b) the Capital programme for 2021-2022;
 - (c) the Treasury Management Strategy for 2021-22
 - (d) the Prudential indicators for 2021-22 (incorporating the Minimum Revenue Provision Statement

- (e) the Capital Strategy for 2021-22
- (2) that it be noted that, at the meeting of the Executive on the 12 January 2021, the Council calculated the figure of 37,377, as its council tax base for the year 2021-2022 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 made under Section 33(5) of the Local Government Finance Act 1992;
- (3) that the following amounts be now calculated by the Council for the year 2021-2022 in accordance with Sections 31A of the Local Government and Finance Act 1992:-
- (a) £113,844,595 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act;
- (b) £107,675,521 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act;
- (c) £6,169,074 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year;
- (d) £165.05 being the amount at (3)(c) above divided by the amount at 2 above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year;

(e) Valuation Bands

A	B	C	D
£110.03	£128.37	£146.71	£165.05
E	F	G	H
£201.73	£238.41	£275.08	£330.10

Being the amount given by multiplying the amount at (3)(d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (4) That it will be noted that, for the year 2021-2022, Devon County Council, the Office of the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have stated the following amounts on precepts issued to the Council, in accordance with Section 83 of the Local Government Act 2003, for each of the categories of the dwellings shown below:-

Devon County Council

A	B	C	D
£894.96	£1,044.12	£1,193.28	£1,342.44
E	F	G	H

£1,640.76	£1,939.08	£2,237.40	£2,684.88
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Devon County Council - Adult Social Care

A £112.56	B £131.32	C £150.08	D £168.84
E £206.36	F £243.88	G £281.40	H £337.68

Office of the Police and Crime Commissioner for Devon and Cornwall

A £157.71	B £183.99	C £210.28	D £236.56
E £289.13	F £341.70	G £394.27	H £473.12

Devon and Somerset Fire and Rescue Authority
Valuation Bands

A £60.00	B £70.00	C £80.00	D £90.00
E £110.00	F £130.00	G £150.00	H £180.00

- (5) That, having calculated the aggregate in each case of the amounts at (3)(e) and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby set the following amounts as the amounts of council tax for the year 2021-2022 for each of the categories of dwellings shown below:-

Valuation Bands

A £1,335.26	B £1,557.80	C £1,780.35	D £2,002.89
E £2,447.98	F £2,893.07	G £3,338.15	H £4,005.78

(The meeting commenced at 6.00 pm and closed at 7.17 pm)

Chair

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COUNCIL
(HELD AS A VIRTUAL MEETING)

Tuesday 23 February 2021

Present:-

The Right Worshipful the Lord Mayor, Councillor Peter Holland
Councillors Mrs Henson, Atkinson, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain,
Hannaford, Harvey, Henson, D, Leadbetter, Lyons, Mitchell, K, Mitchell, M, Moore, D,
Moore, J, Morse, Oliver, Owen, Packham, Pearson, Quance, Sheldon, Sparkes, Sutton,
Vizard, Wardle, Warwick, Williams, Wood and Wright

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Martin, Newby and Sills.

2 **MINUTES**

The minutes of the Ordinary and Extraordinary meetings of the Council held on 15 December 2020 were moved by the Leader Councillor Bialyk, seconded by the Deputy Leader Councillor Sutton, taken as read and approved for signing as correct at the earliest possible convenience.

3 **OFFICIAL COMMUNICATIONS**

The Lord Mayor passed on his condolences, and those of Council Members, to Councillor Sills and his family, whose Great Nan had passed away and to the family of Jeremy Setter, Hereditary Freeman of the City of Exeter and a previous custodian of the Lammas Fair White Glove since March 1987, who had also passed away. He had been the 6th family member who had held the Freemanship since 1857.

The Lord Mayor also reported the following:-

- his participation in marking Holocaust Memorial Day with a short message on the Council's Facebook page;
- being able to catch up through a zoom call with the Regional Naval Commander (Wales and Western England area), Brigadier Jock Fraser and the Commanding Officer of HMS Defender Vince Owen and being updated on the activities of Exeter's affiliated ship during the last year, HMS Defender having been granted Freedom of the City in March 2014;
- Rob Heard having been awarded an MBE in the New Year's Honours List for his outstanding contributions towards the armed forces community. In July 2016 he had risen to prominence with the 19240 Somme installation, made up of small shrouded figures, which had been exhibited in Exeter's Northernhay Gardens for a week to commemorate the soldiers who had fallen on the first day of the Battle of the Somme, 1 July 2016 having been the 100th anniversary;
- support given to his chosen Charity as part of a virtual half marathon held on the weekend of 13 and 14 February 2021, John Street, Corporate Manager Democratic and Civic Support, having participated, running in a very acceptable time of one hour and 56 minutes and raising in excess of £600; and

- the commencement of Fairtrade Fortnight on 22 February 2021 running to 7 March 2021.

4

PUBLIC QUESTIONS

The Lord Mayor reported the receipt of two questions from the public.

Mrs. C. Thompson to Councillor Bialyk, Leader.

Mrs. Thompson was not present and both her questions were read out by the Corporate Manager Democratic and Civic Support.

Question 1.

Do Entities controlled or significantly influenced by the Local Authority such as those documented in the Statement of Accounts have access to, or are able to benefit from, the Local Authority's Statutory Powers?

Response

The Leader responded that this was a very difficult question to answer given its generality but could only answer by saying the Council generally exercises its statutory powers for the public good.

Question 2.

Could the Leader explain the procedures in place, which demonstrate the Intra Loans made to a Housing Development Company (used to sell homes on the open market) as noted re. accounting period 2019/20 are able to be repaid if and when demanded by the City Council?

Response

The Leader responded that the Loans made to the Housing Development Company are covered by a formal legal agreement, with an agreed repayment schedule. There are clauses within the agreement, which allow for the immediate repayment in the event of a default.

5

PLANNING COMMITTEE - 14 DECEMBER 2020

The minutes of the Planning Committee of 14 December 2020 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 14 December 2020 be received.

6

PLANNING COMMITTEE - 18 JANUARY 2021

The minutes of the Planning Committee of 18 January 2021 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 18 January 2021 be received.

7

LICENSING COMMITTEE - 2 FEBRUARY 2021

The minutes of the Licensing Committee of 2 February 2021 were presented by the Chair, Councillor Owen, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 2 February 2021 be received.

8

STRATEGIC SCRUTINY COMMITTEE - 21 JANUARY 2021

In the absence of both the Chair and Deputy Chair, the minutes of the Strategic Scrutiny Committee of 21 January 2021 were presented by a Member of the Committee, Councillor Owen and taken as read.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 21 January 2021 be received.

9

CUSTOMER FOCUS SCRUTINY COMMITTEE - 11 FEBRUARY 2021

The minutes of the Customer Focus Scrutiny Committee of 11 February 2021 were presented by the Chair, Councillor Vizard and taken as read.

In respect of **Minute No. 5 (Waste and Re-cycling Collection Service)**, and in response to a Member asking when a report would be submitted on the costs and operational consequences of the new food waste and re-cycling service and the anticipated date for its introduction, the Portfolio Holder for City Development made the following points:-

- changing the operation of a complex, multi-million pound waste and recycling collection service required care to ensure the right decision was taken on the way forward;
- the service needed to be re-evaluated in light of the Covid Pandemic, as evidence from a neighbouring authority operating a kerbside collection had shown increased volumes of food and cardboard collection causing increased journeys to tip materials;
- the costs and operational consequences of changing and updating the vehicle stock, including the possible use of electric and/or hydrogen vehicles, as well as processing equipment would need to be assessed as well as any implications on staff numbers;
- the Council's Net Zero Exeter 2030 target was also an important consideration;
- it was necessary to obtain costs from suppliers on the upgrade of the Materials Re-cycling Facility and then tender for the contract; and
- it was anticipated that a comparison report would be received within the next two months for report to the Executive and, until that point, it was not possible to anticipate a date for the rollout of a new service.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 11 February 2021 be received.

10

STRATA JOINT SCRUTINY COMMITTEE - 11 JANUARY 2021

The minutes of the Strata Joint Scrutiny Committee of 11 January 2021 were presented by the Chair, Councillor Atkinson, and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 11 January 2021 be received.

STRATA JOINT EXECUTIVE COMMITTEE - 25 JANUARY 2021

The minutes of the Strata Joint Executive Committee of 25 January 2021 were presented by Councillor Pearson, the nominated representative of the Leader, and taken as read.

In respect of **Minute No. 6 (Strata Business Plan 2020/21 and Beyond)**, Councillor Pearson moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 25 January 2021 be received and, where appropriate, adopted.

Councillor Lyons abstained from voting as her grandson worked for Strata.

EXECUTIVE - 12 JANUARY 2021

The minutes of the Executive of 12 January 2021 (with the exception of minute number 8 which had been considered at the Extraordinary Council meeting immediately preceding this meeting) were presented by the Leader, Councillor Bialyk, and taken as read.

Minute No. 5 (General Buller Statue Review) was debated under the Executive minutes of 9 February 2021.

In respect of **Minute No. 6 (Tree Replanting Programme Following Ash Dieback Disease in Exeter)**, and during discussion the following points were made:-

- Ash Dieback was an insidious disease attacking Ash trees across the whole of the country and it was anticipated that 99% of these trees in Exeter, including some 178 on Council owned land, would succumb;
- there would be significant degradation to the Exeter landscape and the identified funding was necessary for safety and replanting purposes with species indigenous to this country to be planted;
- in addition to recent planting at Library Fields, Pinhoe, the trees having been sourced from the Devon Wildlife Trust by Pinhoe residents, some 2,000 trees had been planted on the Monkerton Ridge to create a community woodland; and
- significant work and investment was being made to maintain and enhance the city's tree canopy cover which was one of the highest in the country.

The Leader, in response to a Member's question as to whether it was possible for tree replacement to be carried out on a three for one basis, confirmed that full consultation had been undertaken and would continue with the Devon Wildlife Trust and all other appropriate agencies and that the agreed way forward was for a two for one replacement of the trees.

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

In respect of **Minute No. 7 (2021/22 Budget Strategy and Medium Term Financial Plan)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 9 (Housing Rents and Service Charges 2021/22)** the Leader, in response to a Member's question regarding the potential impact of the 1.5% rent increase on those on low incomes and affected by the Pandemic and also those in receipt of benefits, assured Members that every assistance would be given by the Council to help residents if they got into financial difficulty with Council rent.

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

RESOLVED that the minutes of the Executive held on 12 January 2021 be received and, where appropriate, adopted.

13

EXECUTIVE - 9 FEBRUARY 2021

The minutes of the Executive of 9 February 2021 (with the exception of minute number 14 which had been considered at the Extraordinary Council meeting immediately preceding this meeting) were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 15 (Capital Strategy 2021-22)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 16 (The Prudential Code for Capital Finance in Local Authorities (Incorporating the Annual Statement of Minimum Revenue Provision))**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 17 (Treasury Management Strategy Report 2021/22)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 18 (Annual Pay Policy Statement 2021/22)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 19 (Gender Pay Gap)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 20 (Delegation of Powers to Amend Polling Districts and Polling Places)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 21 (Amendments to the Council's Constitution Relating to Planning Decision Making)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations, as amended in the last line of recommendation (2) to read "the relevant ward members" were carried unanimously.

In respect of **Minute No. 22 (Consultation Charter)**, the Leader reported that the Scrutiny Programme Board had referred the Charter to a Spotlight Review for consideration, the recommendations of that review to be reported to the Customer Focus Scrutiny Committee on 1 April 2021, Executive on 9 April 2021 and Council on 20 April 2021.

Minute No. 23 (General Buller Statue Update) was taken in conjunction with Minute No 5 of the Executive meeting of 12 January 2021.

During discussion the following points were raised:-

- grateful for the input of those who had attended the Task and Finish Group who had provided valuable insight into the life and times of General Buller and to those who had shared their experiences of racism in daily life;
- welcome the proposal for an Anti-Racism Strategy Working Group and seek an assurance that Members will be advised of the timetable for the production of the strategy, that the working group will be properly resourced, that all aspects of services provided by the Council will be reviewed and that there will be an opportunity for community advocates to be involved;
- welcome the opportunity for Councillors and staff to participate in training and development as an important element to help to seek systematic changes in society in relation to racism which remains in communities and institutions;
- diversity training should not be confined to racism, but cover the seven protected characteristics within the Equalities Act 2010; and
- welcome the proposal for a public art working group to develop a public art strategy and hope that it will include a focus on seeking to increase the representation of women in public art.

The Leader remarked that his Group intended to fully participate in the training and awareness raising and that there would be appropriate staff involvement in consultation with staff unions on the matter.

The Portfolio Holder for Communities and Culture confirmed that the scope and timetable for developing the Anti-Racism Strategy would be addressed once the Working Group was established.

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

In respect of **Minute No. 24 (New Office for Exeter Corn Exchange)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 25 (Public Spaces Protection Order Renewal)**, the Leader, in response to a question from a Member, undertook to provide a figure on the amount raised through fixed penalty notices.

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

In respect of **Minute No. 27 (Temporary Extension of the Commercial Manager Post)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried unanimously.

RESOLVED that the minutes of the Executive held on 9 February 2021 be received and, where appropriate, adopted.

COMMITTEE MEMBERSHIP

RESOLVED that the following changes in committee memberships, following a change in the Council's political make-up, be noted.

Planning Committee

The withdrawal of Councillors Ghusain and Wright and the addition of Councillor Martin.

Licensing Committee

The withdrawal of Councillor Oliver.

Strategic Scrutiny Committee

The Leader moved and the Deputy Leader seconded the appointment of Councillor Lyons as a Member of the Strategic Scrutiny Committee and following a vote, the recommendation was carried.

RESOLVED that Councillor Lyons be appointed a Member of the Strategic Scrutiny Committee.

(The meeting commenced at 7.31 pm and closed at 8.45 pm)

Chair

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PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 22 February 2021

Present:-

Councillor Morse (Chair)

Councillors Williams, Bialyk, Branston, Foale, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes and Sutton

Apologies

Councillor Martin

Also Present

City Development Consultant, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MH), Project Manager (Planning) (LP), Development Manager Highways and Transport, Democratic Services Officer (MD) and Democratic Services Officer (HB)

7

MINUTES

The minutes of the meeting held on 18 January 2021 were taken as read, and approved as correct to be signed by the Chair at the earliest possible convenience.

8

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

9

PLANNING APPLICATION NO. 20/0849/RES - LAND AT CLYST ROAD, TOPSHAM, EXETER

The Principal Project Manager (Development) (MH) presented the application for the approval of reserved matters (Appearance, landscaping, layout and scale) for 155 dwellings relating to outline planning application (*Reference 17/1148/OUT*) approved on 14th January 2019 via appeal.

The Principal Project Manager (Development) set out a detailed description of the site and surrounding area and referred to the following key issues:-

- the principle of development established through outline planning permission granted on appeal ref 17/1148/OUT;
- the layout, scale, design, impact on character and appearance and impact on amenity of surroundings and landscape or heritage aspects;
- affordable housing;
- the absence of a five year land supply;
- access and impact on trees and bio-diversity;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- economic benefits and CIL/Section 106; and
- the location considered to be sustainable and the proposal acceptable in its design and general visual impact and was not considered to be of any

significant harm to neighbouring residential amenity.

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

- the applicant would be required to undertake highway works under Section 278 of the Highways Act 1980 to provide for appropriate footpath provision from the site along Clyst Road to the junction with Denver Road, indicative drawings having showed that these would be broadly in compliance with outline approval;
- the affordable housing provision would be a mix of 72% one and two bed, 24% three bed and 4% four bed; and
- a management company would be responsible for the maintenance of the open space.

Jenny Mitter spoke in support of the application. She raised the following points:-

- speaking on behalf of the applicant Taylor Wimpey;
- the principle of development has been established through the previous outline approval which was secured via appeal in 2019 by Waddeton Park Ltd;
- provides 155 predominantly 2 storey dwellings ranging from one bed apartments to five bed houses with 35% of the housing affordable;
- 12% of the site area is dedicated to public open space including a large equipped children's play area;
- a tree-lined avenue running north to south is provided, with large areas of open space at the two access points. The greatest density of development will be concentrated to the west of the site adjacent to the railway line with a good separation between the proposed and existing dwellings along Highfield and Clyst Road;
- the existing footway between the site and Denver Road will be improved with a continuous footpath from the site entrance to Denver Road;
- provides a net gain in biodiversity and has been designed to reduce emissions by 19% over 2013 Building Regulations including the provision for solar panels. Good cycle parking and a car club space will be provided and dwellings will be designed to be electric vehicle charging ready;
- Taylor Wimpey will provide a further £37,500 towards improvements within Topsham Recreation Ground; and
- the scheme is technically acceptable and addresses housing need delivering much needed new homes including 54 affordable dwellings.

Members expressed the following views:-

- welcome the affordable housing proposal with a good mix into the overall residential provision on the site;
- a sustainable approach with good connectivity to Topsham; and
- welcome the retention of trees and the provision of car charging points.

The recommendations were for approval, subject to the conditions as set out in the report.

The recommendations were moved and seconded and, following a vote, carried

RESOLVED that A), subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a contribution of £37,500 towards enhancement of older age play provision and accessibility/footpath improvements within the Topsham Recreation Ground the

Service Lead City Development be authorised to **APPROVE** planning permission for reserved matters (Appearance, landscaping, layout and scale) for 155 dwellings relating to outline planning application (*Reference 17/1148/OUT*) approved on 14th January 2019 via appeal, subject also to the following conditions:-

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

- 1) 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 8th July 2020 and the drawing nos. listed on the Lichfields Schedule of Approved Plans ref 61050 Approved Plans without Drainage 11-02-21 (received on the 11th February 2021) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) All conditions imposed on the outline approval 17/1148/OUT are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) The off-site highway improvement works to Clyst Road as shown on drawing nos. 14523-HYD-XX-XX-DR-D-0100 Rev P05, 14523-HYD-XX-XX-DR-D-0101 Rev P05, and 14523-HYD-XX-XX-DR-D-0102 Rev P03 should be secured via a S278 agreement in order to meet Condition 5 of the outline consent, with timing and trigger points to be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority.
Reason - To ensure that the off-site highway improvement works identified as necessary by the Inspector in the appeal decision letter dated 14th January 2019 are implemented in accordance with approved details and timeframes.
- 4) The pedestrian/cycle path connecting to the northern boundary of the site adjacent to plot 132 shown on drawing no. SL.01 Rev H shall be constructed up to the boundary of the applicant's landownership in accordance with details and a timeframe that shall previously have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of the 50th dwelling comprised in the development hereby approved.
Reason - To ensure proper planning of the area and ensure that the potential for pedestrian/cycle permeability with land to the north is not prejudiced by the development.
- 5) The potential vehicular connection to the land to the north of the site shown on drawing no. SL.01 Rev H between plots 114 and 120 shall be constructed up to the boundary of the applicant's landownership in accordance with details and a timeframe that shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of the 50th dwelling comprised in the development hereby approved.
Reason - To ensure proper planning of the area and ensure that the potential for vehicular permeability with the land to the north is not prejudiced by the development.
- 6) 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 without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class E buildings incidental to the enjoyment of the dwelling house

Part 1 Class F hard surfaces

Reason: In order to protect residential amenity and to prevent overdevelopment.

- 7) Prior to occupation of the development, details shall be submitted and approved in writing by the Local Planning Authority of secure covered cycle parking provision for the development and thereafter maintained in accordance with the agreed details.
Reason: To ensure the provision of suitable cycle parking within the site.
- 8) 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.
- 9) The Car Club allocated parking bay indicated on drawing no. SL.01 Rev H (Site Layout) shall be marked out accordingly and provided with a suitable electricity supply to facilitate future connection and electric vehicle charging capability in accordance with details and a timeframe that shall have been submitted to and approved in writing by the Local Planning Authority within 6 months of the commencement of the development. Thereafter the said parking bay shall be retained solely for that purpose at all times.
Reason – In the interests of the promotion and facilitation of sustainable modes of transport to meet the needs of the future occupants of the development.
- 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.

Informatives

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local

Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 5) The submitted Construction Ecological Management Plan (Report ref 200611_P1052_CecoMP) and Landscape and Ecological Management Plan (Report ref 200611_P1502_LEMP) submitted as part of this Reserved Matters application, both prepared by ead Ecology and dated June 2020, are considered acceptable pursuant to Condition 18 of planning approval ref no. 17/1148/OUT. Obviously the implementation and maintenance elements of the condition remain to be complied on an on-going basis.
- 6) The detailed design of the proposed permanent and construction phase surface water drainage management scheme to serve the development is not hereby approved. Your attention is drawn to conditions 9 and 10 of the outline approval ref 17/1148/OUT in relation to these matters, and the need to submit, and have approved, appropriate details to discharge these conditions prior to the commencement of the development.

and further **RESOLVED** that,

- B) the Service Lead City Development 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 22 August 2021 or such extended time as agreed by the Service Lead City Development 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-

- Contribution of £37,500 towards enhancement of older age play

provision and accessibility/footpath improvements within Topsham Recreation Ground

the proposal fails to provide adequate open space provision to meet the needs of potential residents and is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 6 and 10, Policy CP18, Exeter Local Plan First Review 1995-2011 saved Policy DG5.

10 **PLANNING APPLICATION NO. 20/0803/FUL - GLOBE INN, 39 CLIFTON ROAD, EXETER**

The Project Manager (Planning) presented the application for the change of Use from Public House (Class A4) to Children's Home (Class C2).

The Project Manager (Planning) highlighted the following:-

- three floors of accommodation were proposed, the upper floors would provide five places for children aged between 8 and 16, two staff bedrooms and some communal area for dining and recreation, a communal area on the middle floor would be provided with some bedrooms and on the upper floor a kitchen and more bedrooms and staff quarters. On the ground floor, three studio apartments for 16 to 18 year olds plus one additional staff bedroom were proposed;
- whilst the Council did not have a policy to retain public houses, it was necessary to demonstrate potential demand for an alternative community use. The property had been marketed widely as a public house but no offers made;
- community facilities had a broad definition at both the national and the local level and the provision of a children's home in meeting the community and welfare needs of the area was in accord with policy CP10 of the Council's core strategy. The principal of the change of use was considered compliant with national and local policy and the county council had confirmed there is a need for additional children's homes in the area;
- public consultations had been carried out in July 2020 and January 2021, with 17 letters of objection and two in support received for the former and 14 letters of objection and one of support for the latter;
- as well as the pub loss, objections related to concern over the impact on neighbouring residential properties in terms of noise and disturbance, potential anti-social and criminal behaviour and loss of privacy. Some objectors considered that staffing levels would be insufficient with reservations about the welfare of the children;
- the Devon and Cornwall Police Designing Out Crime Officer initially had significant concerns highlighting that out of 25 wards and beats in the Exeter area, Newtown was the 5th highest in respect of numbers of offences but, ultimately the mitigation measures put forward had been acceptable;
- there would be significant level of inspection and regulatory oversight by OFSTED with regular inspections including from independent visitors. Each person placed in the home would have a social worker with frequent visits and neighbouring residents would be given contact details to make complaints and contact could be made 24/7.
- the main compromise in respect of mitigation measures had been in respect of CCTV coverage as the courts would have to approve the installation inside the building which OFSTED did not support and, as a result, CCTV would only be mounted on the side of the building overlooking the current car park area;

- information had been submitted on day to day management outlining in detail many aspects of the running of the home including admissions procedures, staff training and development and safeguarding;
- a key document was the missing persons protocol setting out procedures for deterring escape;
- external alterations included replacing timbers sash windows with plastic double glazed which had already been carried out but it was considered that the heritage harm was relatively limited and that there were public benefits in providing a childrens' home;
- a metal screen around the rear external staircase with a perforated metal cover was proposed, the screen hopefully addressing neighbouring privacy concerns and any problem of individuals congregating as well as providing an anti-climb measure to prevent escapes;
- in respect of the rear garden of 63 square metres of space, the Council had no minimum garden space standards for children's homes but some provision was sought;
- use would be made of a private parking area in Lower Albert Street for staff and visitors;
- there would be a secure bike store on site and the home was close to a good public transport network; and
- contrary to officers' views, the applicant's agent considered that there was no planning breach of the upper floors of the building where a person was currently residing but the individual would be moving shortly and no enforcement action was necessary.

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

- the urgent need for the provision of children's homes was well established and the loss to the community of The Globe pub and business was regrettable but there had been a rise in anti-social behaviour and noise disturbance associated with the pub in its final months but no appropriate offer had been forthcoming to re-let;
- whilst another community amenity, the Clifton Hill Sports Centre, had also been lost, the Council had facilitated a state-of-the-art new leisure centre in the ward and a new community building in Belmont Park;
- replacing the traditional windows of the pub with UPVC was regrettable, as was the internal refurbishment prior to planning approval. Whilst the replacement windows would have a negative impact on the visual amenity of the area they were desirable from a safety and security point of view;
- there were local concerns regarding possible anti-social behavior from a children's home in the heart of Newtown which is already a significant problem in the area. The input from the Police including the Designing Out Crime Officer, Devon County Council and Ofsted, and by the additional design and security measures was reassuring. However, the safety and security of the home's residents and wider community are of the highest importance, and it is vital that the applicant and agencies continue to cooperate effectively to minimise risk;
- other concerns are the potential for noise disturbance and neighbours' loss of privacy arising from the existing external staircase, but it is hoped that the metal screening and removal of the door to the former function room will address these;
- the provision of an outside recreation area requires attention;
- welcome the bike store and hope that this provision will prevent a significant

- increase in vehicles and parking issues;
- note the clarification on staffing levels and the 24/7 contact number for complaints and Devon County Council's Children's Services team have offered guidance;
- ward Councillors will continue to monitor the situation closely and ensure good lines of communication to address any problems; and
- local concerns and objections have been expressed genuinely and constructively from a very tolerant and inclusive community.

Jane Robey spoke against the application. She raised the following points:-

- speaking on behalf of all the residents in Belmont Road Clifton Road and Albert Street who have submitted objections to the proposed change of use of the Globe Inn from a pub to a children's home;
- no public engagement with no public postings;
- the change of use does not benefit the Newtown residents who will lose a community amenity;
- it is for wider benefit of Devon County Council and their child care crisis not Newtown residents;
- change to UPVC for the windows is regrettable;
- the Globe is already operational and the rear is an eyesore with none of the police design out recommendations implemented. The proposed screen is not conducive to family living;
- access to the rear should be made through the ground floor only using the fire escape for its intended purpose;
- noise transference will have a major impact on all houses surrounding the car park and using the space for recreation will impact on daily lives negatively;
- the self-contained studio apartments are too small. A 16-18 year old should have the same level of comfort as an adult;
- the three self-contained units have no reception or concierge to support the young people and prevent access by unwanted visitors or manage unreasonable behaviour;
- serious concerns about security and safety as this is a high crime area and the Police have raised their concerns. It is an area unsuitable for vulnerable young children;
- management, care quality standards, environmental health concerns have not been addressed; and
- residents will have to bear the burden of this change.

Responding to a Member, she stated that she did not feel that security would be adequate enough to control the comings and goings of the older children especially in view of the existing anti-social behaviour in the area which could be an attraction to some of the inhabitants.

Chris Riordan spoke in support of the application. He raised the following points:-

- speaking as the responsible individual for The Globe on behalf of Central and Southern Homes whose priority will always be the welfare of the children but also to work with neighbours and contribute positively to the community;
- over time, the trust of neighbours will be gained and there will be active engagement;
- possess many years' experience in running successful children's homes on a much larger scale working in harmony with the local residents. Although there

is a perception of children's homes being associated with antisocial behaviour and a drain on police resources in the area this is not the case when the home is managed effectively and has the right level of support in place;

- children need to be given the opportunity to live closer to a city and learn how to safely manage the risks associated as this is where the majority of children will move to when they become 16;
- OFSTED approve the proposal and will review annually with six monthly inspections. There are also monthly independent quality assurance visits from the National Youth Advocacy Service who report back to OFSTED and there is close liaison with the Missing Persons team;
- staff are trained to a high standard in all areas including the risks of exploitation and county lines;
- there is a huge need for children's homes, too many children being sent hundreds of miles away from their families and communities. Too many children are being sent down paths that lead to poor outcomes, drink, drugs, county lines and homelessness because there is a void in the care system that means currently there are no other options for these children.

He responded as follows to Members' queries:-

- every measure possible would be taken to ensure the safety of the children, using previous experience of operating within the heart of a community;
- this will be fully regulated in accordance with OFSTED conditions as there have been significant problems with unregulated homes;
- the ratio of support and supervision for each individual child will reflect their needs with full consultation with the child's social worker and there will be very close supervision of each child's movements out of the premises. Many will have one to one supervision at all times.

Members expressed the following views:-

- will resources be sufficient to adequately protect the children particularly in light of the Police data on the prevalence of drug use in the ward and are insulation measures sufficient?
- whilst crime issues are recognised, Devon and Cornwall is generally a lower crime area than some other UK areas;
- evidence from similar facilities in Exeter such as pupil referral units, special schools and move on facilities suggest that ultimately the facility will settle into the community with minimal problems;
- the growing need to support the County's children is evident when some 71 of 120 children needing support had to be placed outside the County recently;
- the importance of the facility being regulated rather than un-regulated and priority being given to protecting children;
- the premises is close to the city centre with facilities such as the cinemas, the new leisure centre and Exeter College; and
- further discussions to be held with the applicant to improve sound proofing of the building and to limit the hours of use of the garden/outdoor space.

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

The proposals for delegated authority to be granted to the Service Lead City Development, subject to prior consultation with the Chair and ward Councillors, to seek with the applicant adequate sound proofing of the building and to limit the

hours of use of the garden/outdoor space were proposed as amendments.

The recommendations, as amended, were moved and seconded and, following a vote, carried.

RESOLVED that the Service Lead City Development, subject to prior consultation with the Chair and ward Councillors in respect of conditions to be negotiated with the applicant to seek adequate sound proofing of the building and to limit the hours of use of the garden/outdoor space, be authorised to approve planning permission for the change of Use from Public House (Class A4) to Children's Home (Class C2), subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 31 December 2020 (drawing nos. 253 P 1.02 Rev. A, 253 P 1.03 Rev. A, 253 P 1.04 Rev. A, 253 P. 1.05 Rev. A and 253 P 2.02 Rev. B) and 17 July 2020 (drawing no. 253 P 2.01) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Prior to their installation on site, full details of the plant intended for the plant room shall be submitted to, and approved by, the Local Planning Authority. Depending on the precise nature of the plant, the Local Planning Authority may request that a Noise Impact Assessment and noise mitigation strategy is provided before concluding whether the plant is acceptable. In the events of the plant details being considered acceptable, the plant shall thereafter be installed in accordance with the approved details.
Reason: In the interests of residential amenity.
- 4) The development shall not be occupied until the cycle storage facilities, as shown on the proposed ground floor plan, have been provided and made available to staff, residents and visitors for use. Unless otherwise agreed with the Local Planning Authority, the cycle storage facilities shall be maintained and retained over the lifetime of the development.
Reason: To encourage the use of sustainable forms of transport.
- 5) Unless otherwise agreed with the Local Planning Authority, the rooflights hereby approved, as shown on Proposed First and Second Floor Plans, shall be installed within 3 months from the date of commencement of the use.
Reason: In the interests of the amenities of the occupiers of the building.
- 6) Prior to their installation on site, full details of the replacement door to the media zone, the colour (or RAL number) of the metal staircase screen, the fencing/walls around the rear garden and any external lighting shall be submitted to, and approved by, the Local Planning Authority. The door, screen, fencing/walls and external lighting shall thereafter be installed in accordance with these approved details.
Reason: Insufficient information has been submitted with the application and in the interests of security and residential and visual amenity.

- 7) Prior to the commencement of the use of the home, all of the security measures described in the document 'Security and Secure By Design' (received on 31 December 2020) shall be implemented and thereafter retained and maintained, unless otherwise agreed with the Local Planning Authority.
Reason: In the interests of safety, security and designing out crime.

Informatives

- 1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.
- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant's agent by negotiating amendments and providing advice to enable the grant of planning permission.

11 **PLANNING APPLICATION NO. 19/1465/OUT - LAND ADJOINING EXETER ROAD, TOPSHAM, EXETER**

The Principal Project Manager (Development) (MH) explained that the proposal was an application for outline planning permission for the construction of up to 24 dwellings (Use Class C3) - Means of access to be determined only (All other matters reserved).

The Principal Project Manager (Development) reported that Planning Committee on 12 October 2020 had resolved to grant planning permission subject to completion of a Section 106 Agreement covering the matters set out in the report to that Committee below which included financial Education contributions as requested by Devon County Council as the Education Authority.

Whilst work on the drafting of the Agreement was underway, in the meantime the County Council had reconsidered their consultation response in respect of required education contributions in the light of the opening of the new Monkerton Primary School. As a result of the opening of this school the County Council had provided a revised consultation response stating in respect of this development that there was now sufficient spare capacity to meet the primary and early years education demands arising from the development. Therefore the County Council was now only seeking an education contribution in respect of this development for secondary education provision/demands arising from the proposed housing amounting to £87,339.

There had been no other changes in respect of the proposal as previously considered by Planning Committee and therefore approval was sought from the Committee to re-iterate its previous resolution with an amendment to the Section 106 Agreement in respect of education contribution as follows:-

- Affordable Housing;
- Open space provision, maintenance and public access in perpetuity;
- Education contributions - Secondary £87,339; and

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

All conditions remained as set out in the original committee report and the dual recommendation in respect of refusal should the Section 106 Agreement not be completed also remained as previously recommended but with a revised deadline of 30 June 2021 for completion of the Section 106 Agreement.

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

The recommendations were moved and seconded and, following a vote, carried

RESOLVED that, subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-

- affordable Housing;
- open space provision, maintenance and public access in perpetuity; and
- Education contributions Secondary £87,399.

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

the Service Lead City Development be authorised to **APPROVE** planning permission for Outline planning application for the construction of up to 24 dwellings (Use Class C3) - Means of access to be determined only (All other matters reserved) be approved subject to the following conditions:-

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.
Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
- 2) **Pre-commencement condition:** Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
- 3) In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. 19.489/002 Rev F. No part of the development shall be occupied until the proposed raised table access crossing points on the shared use path between Newcourt Road and Exeter Road shown therein have been provided in accordance with further details that shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the means of access to the site are acceptable.
- 4) **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.

- 5) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact. No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.
Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- 6) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP will be expected to incorporate the measures set out in Section 4 of the submitted Ecological Impact Assessment dated October 2019 prepared by EAD Ecology. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.
Reason for Pre-commencement condition: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 7) **Pre commencement condition:** No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation

statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

- 8) **Pre-commencement condition:** Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter.
Reason for Pre-commencement condition: In the interests of the residential amenities of the potential occupants of the properties.
- 9) **Pre-commencement condition -** Prior to the commencement of the development a scheme for the mitigation/reduction of emissions to air from vehicular traffic generated by the proposed housing, based on an assessment of the quantum of those emissions, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed mitigation measures and timescale.
Reason for Pre-commencement condition: To ensure that the impact of vehicle emissions associated with the development is reduced in the interests of air quality.
- 10) **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.
- 11) **Pre-commencement condition:** The development hereby permitted shall not commence until a Standard Assessment Procedure (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 has been submitted to and approved by the local planning authority. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of completion of any dwelling a report from a suitably qualified consultant to demonstrate compliance with this condition will be submitted to and approved in writing by the local planning authority.
Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 12) **Pre-commencement condition:** 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 for Pre-commencement condition: 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.

- 13) **Pre-commencement condition:** Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in the area proposed for permeable paving in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
 - (b) A detailed drainage design based upon the approved Surface Water Drainage Strategy Drawing Number 19.489/050 Rev C and the results of the information submitted in relation to (a) above
 - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
 - (f) Evidence there is agreement in principle from the South West Water. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason for pre-commencement condition: 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 condition 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.

- 14) Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate within the layout a pedestrian/cycle path to the boundary of the adjoining land to both the west and east of the application site at points to be agreed by the Local Planning Authority in consultation with the Local Highway Authority as part of the consideration of the reserved matters application. The said pedestrian/cycle connection points shall thereafter be constructed up to the boundary of the applicant's land ownership prior to the first occupation of any dwelling contained within the development in respect of the connection to the east, and prior to the 5th occupation in respect of the connection to the west, or such other trigger point as shall be agreed in writing by the Local Planning Authority.
- Reason:** To ensure that the opportunity to provide a pedestrian and cycle connection between the site and adjoining land is secured in the interests of permeability and facilitation of the use of sustainable modes of transport in accordance with policy CP9 of the Council's Adopted Core Strategy.

- 15) Any trees, shrubs and/or hedges on or around the site shall not be felled,

lopped or removed without the prior written consent of the Local Planning Authority.

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

- 16) 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.

- 17) 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.

- 18) The dwellings hereby approved shall be designed and built to meet M4 2 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.

- 19) Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

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

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

- 20) No part of the development shall be occupied until a travel plan (including recommendations/arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority
- Reason:** To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

Informatives

- 1) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
- 3) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 4) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

- 5) The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.
- 6) Your attention is drawn to the consultation response of South West Water in terms of protection of their assets and the presence of a public sewer within the site.
- 7) Drawing no. 9408-PL03C dated 14.10.2019 entitled 'Indicative Site Layout' is not hereby approved and has been treated as a feasibility plan only and therefore it should not be assumed that the layout depicted on this drawing would be considered acceptable at reserved matters stage without further negotiation.

(B) the Assistant Service Lead City Development 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 30 June 2021 or such extended time as agreed by the Service Lead City Development

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**PLANNING APPLICATION NO. 20/0321/FUL - LAND AT BROOM PARK
NURSERIES AND FIVE ACRES, EXETER ROAD.**

The Principal Project Manager (Development) (MH) presented the application for the demolition of existing buildings: Proposed residential development of 64 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development.

The Principal Project Manager (Development) reported that Planning Committee on 12 October 2020 had resolved to grant planning permission subject to completion of a Section 106 Agreement covering the matters set out in the report to that Committee as set out below which included financial Education contributions as requested by Devon County Council as the Education Authority.

Whilst work on the drafting of the Agreement was underway, in the meantime the County Council had reconsidered their consultation response in respect of required education contributions in the light of the opening of the new Monkerton Primary School. As a result of the opening of this school the County Council had provided a revised consultation response stating in respect of this development that there was now sufficient spare capacity to meet the primary and early years' education demands arising from the development. Therefore the County Council was now only seeking an education contribution in respect of this development for secondary education provision/demands arising from the proposed housing amounting to £206,407.

There had been no other changes in respect of the proposal as previously considered by Planning Committee and therefore approval was sought from the Committee to re-iterate its previous resolution with an amendment to the Section 106 Agreement in respect of education contributions as follows:-

- Affordable housing;
- Open space provision including equipped children's play area, maintenance and public access in perpetuity;
- Education contributions - Secondary £206,407;
- Contribution of £26,838 towards enhanced GP facilities/provision in the locality;

- £500 per dwelling towards sustainable travel measures (Travel Planning); and
- Up to £10,000 Traffic Regulation Order contributions relating to the proposed raised tables, car club and electric cycle parking spaces.

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

All conditions remained as set out in the original committee report and the dual recommendation in respect of refusal should the Section 106 Agreement not be completed also remained as previously recommended but with a revised deadline of 31 July 2021 for completion of the Section 106 Agreement.

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

The recommendations were moved and seconded and, following a vote, carried

RESOLVED that, subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following

- Affordable housing;
- Open space provision including equipped children's play area, maintenance and public access in perpetuity;
- Education contributions - Secondary £206,407;
- Contribution of £26,838 towards enhanced GP facilities/provision in the locality;
- £500 per dwelling towards sustainable travel measures (Travel Planning);
- Up to £10,000 Traffic Regulation Order contributions relating to the proposed raised tables, car club and electric cycle parking spaces; and
- All S106 contributions should be index linked from the date of resolution.

the Service Lead City Development be authorised to **APPROVE** planning permission for the demolition of existing buildings: Proposed residential development of 64 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4th March, 27th, 28th and 29th July, and 15th September 2020 (including dwg. nos. 1415/P100 Rev G, BRM-010-Landscape Rev 5.2, BRM-010-Phasing Rev 5.2, 1415/P103 Rev C, 1415/P104 Rev D, 1415/P105 Rev D, 1415/P120 Rev C, 1415/P121 Rev C, SK008, 1415/Dn-3 Rev C, 1415/Dn-4 Rev C, 1415/T-1 Rev A, 1415/Ap-1 Rev C, 1415/Bm-1 Rev B, 1415/Ap-2 Rev C, 1415/But-3 Rev A, 1415/T-2 Rev A, 1415/But-4 Rev A, 1415/Bm-2 Rev B, 1415/Gr-1 Rev C, 1415/Gr-2 Rev B, 1415/FI-1 Rev A, 1415/Gr-3 Rev B, 1415/FI-2 Rev A, 1415/Hr-1 Rev A, 1415/Hc-2 Rev B, 1415/Hr-2 Rev A, 1415/Hc-1 Rev B, 1415/Kn-1 Rev C,

1415/Slt-1 Rev A, 1415/Pt-1 Rev C, 1415/Pt-2 Rev C, 1415/Slt-2 Rev A, 1415/Kn-2 Rev C, 1415/T5, and 1415/T6) as modified by other conditions of this consent.

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

- 3) **Pre commencement condition:** No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
- Reason for pre-commencement condition:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.
- 4) **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 based upon the Flood Risk Assessment and Drainage Strategy (Ref.19030; Rev. A; dated 23rd July 2020).
 - (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) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
 - (f) Evidence there is agreement in principle from SWW/landowner/DCC Highways to connect into their system
 - (g) An assessment of the potential impacts of groundwater on the surface water drainage system, such as 'floatation'. The assessment should also include the construction of the features.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.
- Reason for pre-commencement condition:** 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.
- 5) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of

monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 6) **Pre-commencement condition:** 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 for pre-commencement condition: 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 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.

- 8) **Pre-commencement condition:** Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO₂ emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO₂ saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 9) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP will be expected to include the provision of integral bat/bird bricks within the dwellings equivalent to a ratio of one/dwelling in line with the advice contained with the Council's adopted Residential Design SPD. The development shall thereafter be implemented and maintained in accordance with the approved Plan and programme of implementation.

Reason for pre-commencement condition - In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 10) **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.

- 11) **Pre-commencement condition:** - Prior to the commencement of the development hereby approved a construction programme detailing the order in which the phases identified on drawing no. BRM-010-Phasing Rev 5.2 will be constructed shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed construction programme.

Reason for Pre-commencement condition:- To ensure that the implementation of the development, and hence relevant triggers referred to in the conditions attached to this consent and clearly understood and agreed.

- 12) Prior to the first occupation of any dwelling hereby approved the relevant mitigation requirements outlined in Acoustic Associates SW Ltd's Environmental Noise Impact Assessment (project ref: 7363, date: 24/07/2020) shall be met and implemented in full, and be maintained thereafter at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that an acceptable residential environment is created for future occupants of the properties.

- 13) Prior to commencement of construction of any part of the link road beyond plot 61 up to the northern boundary, as hatched in yellow on drawing no. BRM-010-Landscape Rev 5.2, details shall be submitted to the Local Planning Authority of its geometry and construction, together with details (including a timeframe for delivery) of a pedestrian/cycle connection from

this road up to the boundary of the applicant's land ownership with the adjoining land to the east of the application site at a point to be agreed in writing as part of those details. Construction of this link road shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and thereafter this section of road, and the pedestrian/cycle connection, shall be completed in accordance with the approved details.

Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

- 14) Prior to the first occupation of any individual dwelling identified on drawing no. 1415/P104 Rev D as being provided with cycle storage provision within the rear garden of that property, the said cycle storage provision shall be provided and made available for use in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
Reason - To ensure that adequate provision for the storage of cycles is provided to serve these dwellings.
- 15) A 3m footway/cycleway link (together with staggered barriers) adjacent to Plot 54 to Exeter Road shall be delivered as part of Phase 1 or such other trigger point as shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority as indicated on Drawing Number BRM-010-LANDSCAPE Rev 5.2
Reason: To provide a safe and suitable access in accordance with pgs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 16) A footway link to the east of plot 42 shall be delivered up to the boundary of the applicant's land ownership as part of Phase 4 or such other trigger point as shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority as indicated on Drawing Number BRM-010 LANDSCAPE Rev 5.2
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 17) Prior to the first occupation of the 15th dwelling comprising part of the development hereby approved a 2m wide footway adjacent to Exeter Road, associated crossing point and relocated bus shelter as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 shall be provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 18) Prior to the first occupation of any dwelling hereby approved within Phase 2 or 3 as identified on drawing no. BRM-010-Phasing Rev 5.2 the space for a 10 bike Co bike docking station and Parking bay for a Car Club vehicle within the respective phase (together with electricity supply to each element) shall be provided and made available for use as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To provide adequate facilities for sustainable transport and ECC Core Strategy CP9.

- 19) Prior to the first occupation of the 15th dwelling comprising part of the development hereby approved, the three raised tables on Exeter Road (together with crossing points) as indicated on Drawing Number 205368-A-02 Rev C shall be provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 20) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 21) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 22) 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.
- 23) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 24) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Informatives

- 1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
- 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

(B) the Assistant Service Lead City Development 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 31 July 2021 or such extended time as agreed by the Service Lead City Development

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
- Open space provision – play equipment, maintenance arrangements and public access in perpetuity

- Education contributions
- GP facilities contribution
- Sustainable Travel Planning contribution
- Traffic Regulation Order contributions

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

13

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development, Housing and Supporting People was submitted.

RESOLVED that the report be noted.

14

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.01 pm)

Chair

PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 29 March 2021

Present:-

Councillor Emma Morse (Chair)
Councillors Williams, Bialyk, Branston, Foale, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes and Sutton

Also Present

Chief Executive & Growth Director, Deputy Chief Executive, Principal Project Manager (Development) (MD), Principal Project Manager (Development) (MH), Democratic Services Officer (MD) and Democratic Services Officer (HB)

15

MINUTES

The minutes of the meeting held on 22 February 2021 were taken as read, and approved as correct to be signed by the Chair at the earliest possible convenience.

16

CORRECTION TO THE MINUTES OF THE PLANNING COMMITTEE HELD ON 26 OCTOBER 2020

RESOLVED that, in respect of Minute No. 81 of the Planning Committee meeting of 26 October 2020 - Planning Application No. 19/1556/FUL – The Harlequin Centre, Paul Street, Exeter - the following bullet point be added to the resolution:-

- Details of the type of materials used on the highway (section 44 of the Highways Act 1980).

17

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

18

PLANNING APPLICATION NO. 20/0439/MDO - PINHOE QUARRY, HARRINGTON LANE, EXETER

The Principal Project Manager (Development) (MH) presented the application to modify the Section 106 Agreement Under the Town and Country Planning Act 1990 (As amended) related to Outline Permission Ref 10/2088/OUT (the Section 106 Agreement).

The Principal Project Manager (Development) stated that the Planning Obligation was for the payment of the 'Exhibition Way Link Contribution' and "Sustainable Transport Contribution" required by the First Schedule of the Section 106 Agreement (dated 3rd February 2012) associated with planning application 10/2088/OUT in light of the changed circumstances and impact on the viability of the scheme. The modification sought to amend the obligation by a) reducing the amount of the contribution, b) redefining the purpose of the reduced contribution, and c) altering the trigger relating to the payment of the contribution. The modifications would replace the 'Exhibition Way Link Contribution' with a 'Beacon Lane Enhancements Contribution' and reduce the 'Sustainable Transport Contribution' to reflect works that had already been completed.

The Principal Project Manager (Development) set out the history to the site and the application for full permission for re-profiling of quarry to provide platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotments) and infrastructure, reported typographical errors within the report as set out in the update sheet and explained that the relevant Section 106 obligations would continue to meet the necessary tests for planning obligations as set out in the guidelines of the National Planning Policy Framework. He advised that the applicant had provided a covering letter setting out the change in circumstances behind the request to modify the Section 106 Agreement, commentary on continued relevance of the obligations it was sought to modify and the proposals for the modifications.

Responding to Members' queries, he advised that:-

- the changes sought to the Section 106 Agreement related solely to highways matters and not other elements within the Agreement;
- in light of the decision on the Village Green application at Exhibition Fields, the Exhibition Way Link Road was no longer deliverable. As a result, enhancements to Beacon Lane were proposed as measures to mitigate the impact of the development as an alternative;
- in modifying the Section 106 Agreement, regard had been made to sustainable transport works already undertaken, including works to the frontage of the site, as part of the Section 278 of the Highways Act 1990. Accordingly, no extra charge had been imposed on the developer.

The Highways Development Management Officer advised that consultations would be undertaken on the detail of the Beacon Lane improvements which would take the form of various traffic calming measures and schemes to improve safety for pedestrians and cyclists with appropriate signage and would meet the tests relevant to the Pinhoe Area Access Strategy.

The recommendation was for approval to modify the Section 106 Agreement with a secondary recommendation to refuse, if the Deed of Variation was not completed within the requisite timeframe.

The recommendation was moved and seconded and carried.

RESOLVED that the Service Lead City Development be authorised to:-

- (1) modify the completed Section 106 Agreement Under the Town and Country Planning ACT 1990 (As amended) as follows:-
 - Delete all provisions relating to Exhibition Way and the Exhibition Way Contribution;
 - Introduce a new "Beacon Lane Enhancements Contribution" in the sum of £907,387 towards the delivery of the Beacon Lane enhancements as set out in the Pinhoe Area Access Strategy Addendum 2019;
 - Replace the current definition of the Sustainable Transport Contribution with a revised definition - 'Sustainable Transport Contribution' - meaning a contribution of £20,000 towards the provision of two bus shelters and a contribution of £6,236 towards the provision of cycle stands at key Pinhoe locations;
 - Amend the indexation formula so that the Beacon Lane Enhancements Contribution and the Sustainable Transport Contribution will be indexed from

the date of the 2nd Deed of Variation (DOV) rather than the Original Agreement; and

- Provide for both payments in the amended obligations to be made within three months of the date on which the 2nd DOV is completed.

The modified Section 106 contributions to be index linked from the date of completion of the Deed of Variation.

- (2) refuse permission for the Section 106 Agreement under the Town and Country Planning Act 1990 (As amended) modifications for the reason set out below if the deed of variation is not completed by 29 September 2021 or such extended time as agreed in writing by the Service Lead City Development:-

In the absence of a completed Deed of Variation within the specified timeframe the continued relevance of the proposed modifications would need further assessment and consideration by way of a further application.

19

**PLANNING APPLICATION NO. 19/0650/OUT - THE OLD COAL YARD,
EXMOUTH JUNCTION, MOUNT PLEASANT ROAD, EXETER**

The Principal Project Manager (Development) (MD) presented the outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration

The Principal Project Manager (Development) advised that the Planning Committee had resolved to grant planning permission on 16 March 2020 for the development on this site, subject to the completion of a Section 106 legal agreement Under the Town and Country Planning Act 1990 and conditions, and also subject to the Service Lead City Development being granted delegated authority to determine updated highways drawings/technical information requested by Devon County Council as Local Highway Authority in its consultation response dated 1 November 2019 and adding or amending conditions accordingly.

The Principal Project Manager (Development) detailed the composition of the scheme, including 66 apartments to the west of the site, 104, four bedroom town houses, two Build to Rent apartment blocks, one of 177 apartments and the other of 53 apartments and the Residential Care Home of 65 units. He also explained the amended highway plans and revised site layout. Following the submission of the updated highways drawings/technical information, the Local Highway Authority had provided a further consultation response advising that the access proposals had been through a Stage 1 Road Safety Audit and were acceptable in principle and conditions were recommended.

In addition, since the Planning Committee made its decision, the applicant had submitted an updated phasing plan and requested various changes to the conditions to reflect the phased nature of the development.

As a result the conditions had been redrafted to account for the Local Highway Authority's further response and the requests made by the developer for further consideration by the Committee.

Responding to Members' queries, he advised that:-

- the issues raised in respect of funding for the local schools, transport, the medical centre and the improvements to the Stoke Hill Roundabout were covered by the Section 106 Agreement already agreed;
- the provision of the link through the allotments, for which funding was allocated within the Section 106 Agreement, would be subject to a separate planning application by Devon County Council subject to relevant legislation. Should this not be forthcoming, the option remained to utilise the identified sum to provide alternative access point(s) through the allotments or, alternatively, a contribution to offsite affordable housing;
- the applicant had requested that the development be treated as a phased development for the purposes of the CIL levy and would be treated as a separate chargeable development for CIL purposes. It was possible that the phases would be brought forward by different developers but the Section 106 Agreement included trigger points to ensure that the private open market elements could only be brought forward after the provision of the elements of the affordable housing provision identified in the Agreement; and
- previous concerns expressed by residents and allotments holders had been considered by the Committee when the initial application had been before Members.

Nigel Ridgway spoke against the application. He raised the following points:-

- I live in the neighbourhood, am a Churchwarden of St James' Church, and represent the faith groups in the community. The development is in the parish of some 10,000 people living on the Stoke Hill Estate, Pennsylvania Estate and the area coming down to the Sidwell Street roundabout;
- residents do not object to wasteland being used and turned into housing, but this development is overcrowded, claustrophobic, unattractive and will not be a satisfying place to live;
- Covid -19 and lockdowns have shown the importance of healthy homes in pleasant, quality surroundings;
- this development increases the population of the parish by some 15% in an area which is less than 5% of the existing populated land. To achieve this, the development consists of a number of four or five storey buildings in a low-lying area with limited sunlight;
- the Section 106 agreement bar for this development must be set high to ensure that Garden City Principles are applied, that the development does not become a slum and that it meets housing needs. New dwellings in Exeter should provide not just units of accommodation, but healthy communities.

Members expressed the following views:-

- proposal offers much needed additional housing on an ideal site close to local facilities including schools and a convenient bus route;
- it offers a variety of housing types including the opportunity for down-sizing;
- need for good permeability to the site for active transport; and
- important to provide linkage through the allotments to provide improved access to the bus services and to improve accessibility to the schools for children.

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

The recommendation was moved and seconded and carried.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 (As amended) to secure the following:-

- 33 affordable units from Block A (that is half the building) and 15 affordable townhouses (pepper potted) (equating to 28% of 170 units for sale) - 70% of each to be social rented in accordance with Policy CP7 and three socially rented flats to be wheelchair accessible in accordance with Part M4(3)(2)(b) of the Building Regulations;
- 57 affordable Private Rent units (25% of 230 Build to Rent units) in Blocks B and C; affordable private rent units to be at least 20% less than the private market rent (inclusive of service charges);
- £1,051,421 education contribution (including £759,854 secondary contribution towards the new school at South West Exeter);
- £500,000 towards Stoke Hill Roundabout improvements;
- £333,139 towards allotment link option two or offsite affordable housing should this link or any other link not be feasible to deliver;
- £25,000 towards Traffic Regulation Orders;
- £134,767 to expand the Mount Pleasant Health Centre;

and restricting the use of Block D to Use Class C2 only, as well as securing a management plan with respect to the Build to Rent units (Blocks B and C) and car parking within the development.

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

the Service Lead City Development be authorised to **APPROVE** the outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration, subject also to the following conditions:-

1. Details of the landscaping (hereinafter called "the reserved matter") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins within that phase and the development shall be carried out as approved.
Reason: To safeguard the rights of the local planning authority in respect of the reserved matter. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matter.
2. Application(s) for the approval of the reserved matter relating to the phased development hereby permitted in outline shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission, and the development of each phase hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matter for that phase.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this permission:

Received 10.05.2019

- (03)-P-0G0 PL1 - Site - Ground Floor Plan
- (03)-P-0R0 PL1 - Site - Roof Plan
- (03)-P-001 PL1 - Site - Level 01 Floor Plan
- (03)-P-002 PL1 - Site - Level 02 Floor Plan
- (03)-P-003 PL1 - Site - Level 03 Floor Plan
- (03)-P-004 PL1 - Site - Level 04 Floor Plan
- (03)-Z1-P-0G0 PL1 - Zone 1 - Ground Floor Plan
- (03)-Z1-P-0R0 PL1 - Zone 1 Roof Plan
- (03)-Z1-P-001 PL1 - Zone 1 - Level 01 Floor Plan
- (03)-Z1-P-002 PL1 - Zone 1 - Level 02 Floor Plan
- (03)-Z1 -P-003 PL1 - Zone 1 - Level 03 Floor Plan
- (03)-Z1 -P-004 PL1 - Zone 1 - Level 04 Floor Plan
- (03)-Z2-P-0G0 PL1 - Zone 2 - Ground Floor Plan
- (03)-Z2-P-0R0 PL1 - Zone 2 Roof Plan
- (03)-Z2-P-001 PL1 - Zone 2 - Level 01 Floor Plan
- (03)-Z2-P-002 PL1 - Zone 2 - Level 02 Floor Plan
- (03)-Z2 -P-003 PL1 - Zone 2 - Level 03 Floor Plan
- (03)-Z2 -P-004 PL1 - Zone 2 - Level 04 Floor Plan
- (03)-Z3-P-0G0 PL1 - Zone 3 - Ground Floor Plan
- (03)-Z3-P-0R0 PL1 - Zone 3 Roof Plan
- (03)-Z3-P-001 PL1 - Zone 3 - Level 01 Floor Plan
- (03)-Z3-P-002 PL1 - Zone 3 - Level 02 Floor Plan
- (03)-Z3 -P-003 PL1 - Zone 3 - Level 03 Floor Plan
- (03)-Z3 -P-004 PL1 - Zone 3 - Level 04 Floor Plan
- (03)-X-100 PL1 - Section AA
- (03)-X-101 PL1 - Section BB
- (03)-X-102 PL1 - Section CC
- (03)-X-103 PL1 - Section DD
- (03)-X-104 PL1 - Section EE
- (03)-X-105 PL1 - Section FF
- (03)-E-300 PL1 - Street Elevations - Sheet 01
- (03)-E-301 PL1 - Street Elevations - Sheet 02
- (03)-E-320 PL1 - Elevations - Block A
- (03)-E-321 PL1 - Elevations - Townhouse A
- (03)-E-322 PL1 - Elevations - Townhouse B
- (03)-E-323 PL1 - Elevations - Block B
- (03)-E-324 PL1 - Elevations - Block B
- (03)-E-325 PL1 - Elevations - Block B
- (03)-E-326 PL1 - Elevations - Block C
- (03)-E-327 PL1 - Pump House - Proposed Elevations
- (03)-E-328 PL1 - Elevations - Block D
- (03)-E-350 PL1 - Bay Studies - Block A & B
- (03)-E-351 PL1 - Bay Studies - Block C & D
- (70)-P-1B T1 - 1 Bed Type 1 (M3 Compliant)
- (70)-P-1B T2 - 1 Bed Type 2 (M2 Compliant)
- (70)-P-1B T3 - 1 Bed Type 3 (M2 Compliant)
- (70)-P-1B T4 - 1 Bed Type 4 (M2 Compliant)
- (70)-P-1B T5 - 1 Bed Type 5 (M2 Compliant) C2 Adapted

- (70)-P-2B T1 - 2 Bed Type 1 (M2 Compliant)
- (70)-P-2B T2 - 2 Bed Type 2 (M2 Compliant)
- (70)-P-2B T3 - 2 Bed Type 3 (M2 Compliant)
- (70)-P-2B T4 - 2 Bed Type 4 (M3 Compliant)
- (70)-P-2B T5 - 2 Bed Type 5 (M3 Compliant)
- (70)-P-2B T6 - 2 Bed Type 6 (M3 Compliant)
- (70)-P-2B T7 - 2 Bed Type 7 (M2 Compliant) C2 Adaptable
- (70)-P-3B T1 - 3 Bed Type 1 (M2 Compliant)
- (70)-P-3B T2 - 3 Bed Type 2 (M2 Compliant)
- (70)-P-3B T3 - 3 Bed Type 3 (M2 Compliant) C2 Adaptable
- (70)-P-4B - 4 Bed Type 2 (M2 Compliant)

Received 09.01.2020

- 60615144-DR-001 Rev C - Mount Pleasant Road Emergency Access Design and Vehicle Tracking
- 60615144-DR-002 Rev E - Site Main Access Junction
- 60615144-DR-003 Rev D - Site Main Access Roundabout Vehicle Tracking
- 60615144-DR-004 Rev A - Internal Site Speed limit 10mph Forward Visibility & Vehicle Tracking
- 60615144-DR-005 Rev C - Work required outside of red line boundary

Received 03.04.2020

- (03)-P-S004 Rev PL2 - Site Proposed Site Layout Plan

Received 12.05.2020

- (03)-P-S006 PL4 - Site - Proposed Movements Plan

Received 02.06.2020

- 13553-HYD-XX-XX-DR-TP-0101 Rev P03 - Site Access Mini-Roundabout General Arrangement Design

Received 17.08.2020

- (01)-P-S001 PL2 - Site - Existing Site Plan

Received 20.01.2021

- (03)-P-S005 Rev PL2 - Site - Phasing Plan

Documents:

- Heritage Statement (CBRE, April 2019)
- Environmental Site Investigation & Outline Remediation Strategy Rev 1 (John F Hunt Remediation, July 2018)
- Light Assessment Rev 02 (AECOM, April 2019)
- Noise and Vibration Report Rev 2 (AECOM, April 2019)
- Planning Statement (CBRE, April 2019)
- Energy Assessment Rev 2 (AECOM, April 2019)
- Transport Assessment V2.1 (AECOM, April 2019)
- Travel Plan V2.1 (AECOM, April 2019)

- British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019)
- Outline Construction Traffic Management Plan V2.1 (AECOM, April 2019)
- Statement of Community Involvement (Darling Associates, April 2019)
- Community Benefit & Social Report (Darling Associates, April 2019)
- Construction Resource Management Plan Rev R003 (AECOM, April 2019)
- Preliminary Ecological Appraisal (AECOM, April 2019)
- Accommodation for the Elderly (class C2) BREEAM Pre-Assessment Rev 1.1 (AECOM, April 2019)
- Design and Access Statement (Darling Associates Architects, April 2019)
- Air Quality Impact Assessment Rev 1 (AECOM, April 2019)
- Invasive Non-Native Species Report V 2.0 (Wardell Armstrong, August 2019)
- Reptile Report V1 (Wardell Armstrong, July 2019)
- Bat Report 2019 V2.0 (Wardell Armstrong, October 2019)
- Flood Risk Assessment and Drainage Strategy Report Rev 04 (AECOM, April 2019)

Reason: To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

4. The reserved matter details shall include a fence adjacent to Network Rail's boundary and provisions for its maintenance and renewal in accordance with the comments submitted by Network Rail on 23.07.2019. The fence shall be provided prior to the occupation of any part of the development and maintained/renewed in accordance with the approved details. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.

Reason: In the interests of public safety, the safe operation of the railway and the protection of Network Rail's adjoining land.

5. Applications for the approval of the reserved matter shall include a Lighting Design Strategy to maintain "dark areas" on the site incorporating:
 - a) A map showing the "dark areas" that will be maintained on site.
 - b) An evidence based assessment of light levels of the development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the "dark areas" shown by appropriate isolines.
 - c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the "dark areas".
 - d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the "dark areas" in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.

Reason: To prevent disturbance to bats in accordance with the recommendations of the submitted Bat Report 2019 V2.0 (Wardell Armstrong, October 2019).

Pre-commencement Details

6. No part of the development hereby permitted shall be commenced until a detailed survey of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The survey shall confirm the location, levels, diameter and condition of the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

7. No part of the development hereby permitted shall be commenced until a capacity assessment of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The capacity assessment shall confirm the contributing area draining to the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

Pre-commencement Details – Phases

8. No development (including demolition and ground works) or vegetation clearance works shall take place of any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development within a phase begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. The Precautionary Working Method Statement for Reptiles (PWMSR) appended to the submitted Reptile Report V1 (Wardell Armstrong, July 2019) shall be implemented in full. Prior to the commencement of the development hereby permitted within any approved phase, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the PWMSR for that phase shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the PWMSR. The approved ecologist shall inform the Local Planning Authority in writing of the results of each stage of the timetabled PWMSR, including any further measures carried out to protect reptiles.

Reason: To ensure that reptiles on the site will not be harmed by vegetation clearance works or other construction activities. These details are required pre-commencement as specified to ensure that the Precautionary Working Method Statement for Reptiles is carried out appropriately to the satisfaction of the Local Planning Authority.

10. The mitigation measures in section 4.4 of the submitted Invasive Non-Native Species Report V 2.0 (Wardell Armstrong, August 2019) for Three-Cornered Garlic, Montbretia and Cotoneaster Species shall be implemented in full. Prior to the commencement of the development hereby permitted within any approved phase, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the mitigation for that phase shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the mitigation. The approved ecologist shall inform the Local Planning Authority in writing of the results of each stage of the timetabled mitigation, including any further measures carried out to prevent the spread of these plant species.

Reason: To prevent the spread of the invasive non-native species on the site. These details are required pre-commencement as specified to ensure that the mitigation is carried out appropriately to the satisfaction of the Local Planning Authority.

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

Reason: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

12. Prior to the commencement of development in any approved phase (including ground works and vegetation clearance works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) The site access point(s) of all vehicles to the phase during the construction period.
- 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 within the phase.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The Construction Method Statements shall address all works within the phase, including any demolition and remediation works, unless Construction Method Statements have been submitted separately under this condition to address these specific works within the phase.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

13. Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The statements shall include all information outlined in the waste audit statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statements.

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 waste generated during construction is managed sustainably.

14. No development shall take place (except demolition and remediation works) within any approved phase until the detailed design of the proposed permanent surface water drainage management system for that phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (AECOM, April 2019) (Revision 04, 16.10.2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

(Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

15. No development shall take place (except demolition and remediation works) within any approved phase until the detailed design of the proposed surface water drainage management system which will serve the development of the phase for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system for each phase shall be implemented and maintained throughout the construction period of the phase to which it relates.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

16. No development shall take place (except demolition and remediation works) within any approved phase until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed. These details are required pre-commencement as specified to ensure the development is designed and constructed safely with respect to the exceedance pathways and overland flow routes.

17. No development shall take place (except demolition and remediation works) within any approved phase until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system for that phase have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

18. Prior to the commencement of the development in any approved phase hereby permitted (except demolition and remediation works), the developer shall submit

to the Local Planning Authority a SAP calculation for the habitable buildings within the phase demonstrating that the buildings shall achieve a minimum of a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations. The measures necessary to achieve the CO2 emissions saving shall be implemented in full and within three months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority 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 Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the buildings.

19. Prior to the commencement of development in any approved phase (except demolition and remediation works), plans shall be submitted to and approved in writing by the Local Planning Authority showing the routeing of underground apparatus within the phase.

Reason: In the interests of protecting the trees to be retained on and around the site. These plans are required before development commences to ensure that these aspects of the development do not adversely affect the health of the trees.

20. No development above slab level shall take place in any approved phase until a scheme for sound insulation to protect occupants of the phase from external noise has been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to occupation of the phases and shall be maintained as agreed thereafter.

Reason: To protect the residents from noise caused by neighbouring land uses taking into account the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). These details are required prior to the construction of the buildings to ensure that noise mitigation measures are included in the development.

Pre-commencement Works

21. No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing numbers TH/A279/0219 Rev 1.0 ('Tree Protection Plan (West)' and 'Tree Protection Plan (East)') within the submitted British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019) has been installed and inspected by an officer of the Local Planning Authority. The developer shall maintain the fencing 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the trees to be retained are not harmed by building operations.

Pre-tree and Vegetation Clearance Works

22. No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird nesting season

from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF.

During Construction

23. The Arboricultural Method Statement and Arboricultural Method Statement Plan (drawing number TH/A279/0219 Rev 1.0) within the submitted British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019) shall be implemented in full and strictly adhered to during the construction of the development.

Reason: To ensure the protection of the trees to be retained during the carrying out of the development.

24. If, during development of any approved phase, contamination not previously identified is found to be present at the site then no further development in that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

25. Overnight all excavated holes associated with the construction of the development shall be covered and all trenches shall have sloping planks placed in them.

Reason: To avoid trapping animals and to provide a means for escape.

Pre-Specific Works

26. Prior to the construction of any buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

27. Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall

be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

28. Prior to the construction of any buildings indicated as having a biodiverse roof on page 51 of the Design and Access Statement (Darling Associates Architects, April 2019), detailed plans and maintenance arrangements of the biodiverse roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiverse roofs shall be constructed and maintained as approved.

Reason: In the interests of good design and biodiversity.

29. No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail, (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity, wildlife (taking into account the approved Lighting Design Strategy required by condition 5) and the operation of the railway (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, wildlife and the operation of the railway.

Pre-occupation

30. Prior to the first occupation or use of the development hereby permitted, the roundabout and associated works (including crossing facilities and 3.5 metre pedestrian/cycle connections) as shown on drawing number 13553-HYD-XX-XX-DR-TP-0101 P03 ('Site Access Mini-Roundabout General Arrangement Design') shall be constructed in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To ensure that access to the site is safe and suitable for all users in accordance with Policy CP9 of the Core Strategy and paragraphs 108 and 110 of the NPPF.

31. Prior to the first occupation or use of the development hereby permitted, the automatic barrier system indicated on drawing number 13553-HYD-XX-XX-DR-TP-0101 P03 ('Site Access Mini-Roundabout General Arrangement Design') shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The automatic barrier system shall be maintained at all times thereafter.

Reason: To ensure that access to the site is safe and suitable for all users in accordance with Policy CP9 of the Core Strategy and paragraphs 108 and 110 of the NPPF.

32. Prior to the first occupation or use of the development hereby permitted, the car club facility indicated on page 45 of the Design and Access Statement (Darling Associates Architects, April 2019) shall be provided and made available for use by residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The car club facility shall be maintained and made available for use by residents of the development at all times thereafter.

Reason: To ensure this aspect of the application is delivered in the interests of sustainable travel.

Pre-occupation – Phases

33. Prior to the first occupation or use of the buildings in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

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

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 127 and 175 of the NPPF. Also taking into account the operational mitigation recommended in the submitted protected species surveys.

34. No part of the development in any approved phase shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, for the development in the approved phase. Thereafter the recommendations of the Travel Plans shall be implemented, monitored and reviewed in accordance with the approved documents, or any amended documents subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

35. No individual dwelling hereby approved shall be occupied until it has been provided with cycle parking in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

36. Prior to the first occupation or use of the buildings in approved phase 1, the electric bikes (provision to hire) indicated on page 42 of the Design and Access Statement (Darling Associates Architects, April 2019) shall be provided and made available for use by the residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The electric bikes shall be maintained and made available for use by residents of the development at all times thereafter.
Reason: To ensure this aspect of the application is delivered in the interests of sustainable travel.
37. The buildings in any approved phase shall not be occupied until all of the car parking spaces and access thereto within the phase have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.
Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.
38. Subject to condition 39 below, the buildings in any approved phase shall not be occupied until all of the pedestrian/cycle/shared use paths within the phase have been constructed and made available for use in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The paths shall be kept permanently available for access purposes thereafter.
Reason: To promote sustainable modes of travel and ensure safe and suitable access for all users, in accordance with saved Policy T1 of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF.
39. The access shown on drawing number 60615144-DR-001 C ('Mount Pleasant Road Emergency Access Design And Vehicle Tracking') and the 3.5m wide shared use path shown on drawing number 60615144-DR-002 E ('Site Main Access Junction') in approved phase 2 shall be constructed and made available for use in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the occupation of all the dwellings in this phase or the completion of the development in this phase, whichever is the sooner. The details for the 3.5m wide shared use path must be designed to tie in with any shared use path granted planning permission through the allotments to the north. The access and path shall be kept permanently available for access purposes thereafter for pedestrian, cycle and emergency vehicle use only.
Reason: To promote sustainable modes of travel and ensure safe and suitable access for all users, in accordance with saved Policy T1 of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF.
40. Prior to the commencement of development in approved phase 2 or the occupation of development in approved phases 1 or 3, whichever is the sooner, a temporary shared use path for pedestrians and cyclists shall be provided within approved phase 2 along the route of the 3.5m wide shared use path shown on drawing number 60615144-DR-002 E ('Site Main Access Junction') that is segregated from vehicles in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The temporary path shall be maintained at all times thereafter until condition 39 above has been discharged in full.
Reason: To provide a safe and suitable access between approved phases 1 and 3 and Mount Pleasant Road during the construction of approved Phase 2 for pedestrians and cyclists in the interests of promoting sustainable travel.

41. Prior to the first occupation or use of the buildings in approved phases 1 and 2, the electric vehicle charging points indicated on page 45 of the Design and Access Statement (Darling Associates Architects, April 2019) within each phase shall be installed and made available for use by residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be maintained and made available for use by residents of the development at all times thereafter.

Reason: To ensure this aspect of the application is delivered in the interests of sustainable travel.

Post Occupancy

42. Mechanical building services plant shall not exceed the levels stated in Table 6.4 of the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). Plant noise levels shall be measured as a rating noise level in accordance with BS4142:2014.

Reason: In the interests of the amenity of the locality.

43. The amenity facilities shown on drawing number 17050 (03)-Z2-P-0G0 PL1 ('Zone 2 - Ground Floor Plan') shall be used as ancillary facilities for the residential development within the site only.

Reason: To ensure that the development reflects the proposals upon which the application was assessed.

44. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 1, Class A - enlargement, improvement or other alteration of a dwellinghouse
- Part 1, Class B - additions etc to the roof of a dwellinghouse
- Part 1, Class C - other alterations to the roof of a dwellinghouse
- Part 1, Class D - porches
- Part 1, Class E - buildings etc incidental to the enjoyment of a dwellinghouse
- Part 1, Class F - hard surfaces incidental to the enjoyment of a dwellinghouse
- Part 1, Class G - chimneys, flues etc on a dwellinghouse
- Part 1, Class H - microwave antenna on a dwellinghouse

Reason: To ensure minimum garden sizes are maintained in accordance with chapter 7 of the Residential Design SPD and to maintain the principles of the Design and Access Statement (Darling Associates Architects, April 2019) in the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

45. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the type described in the following Class of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 3, Class L - small HMOs to dwellinghouses and vice versa
Reason: To control the provision of houses in multiple occupation (HMOs) for student housing given the proximity of the site to the University of Exeter, in order to provide a mixed community and meet housing needs in accordance with Policy CP5 of the Core Strategy.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Deputy Chief Executive was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 6.33 pm)

Chair

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STRATEGIC SCRUTINY COMMITTEE **(HELD AS A VIRTUAL MEETING)**

18 March 2021

Present:

Councillor Luke Sills (Chair)

Councillors Newby, Atkinson, Branston, Buswell, Hannaford, Henson, D, Lyons, Moore, D, Moore, J, Owen and Packham

Also present:

Director Net Zero Exeter & City Management, Service Lead - Environmental Health & Community Safety, Democratic Services Officer (MD) and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Emma Morse	- Portfolio Holder for City Development
Councillor Rachel Sutton	- Deputy Leader and Portfolio Holder for Net Zero Exeter 2030
Councillor Duncan Wood	- Portfolio Holder for Leisure & Physical Activity

Superintendent Antony Hart Local Area Commander Exeter, East and Mid Devon, Devon and Cornwall Police, Chair of the Exeter Community Partnership

7 Minutes

The minutes of the meeting of the Strategic Scrutiny Committee held on 21st January 2021 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

8 Declaration of Interest

No declaration of interest was made by a Member.

9 Questions from the Public Under Standing Order 19

No questions from members of the public were received.

10 Questions from Members of the Council Under Standing Order 20

No questions from Members were received.

11 Presentation on Community Safety Partnership

Superintendent Antony Hart, Local Area Commander Exeter, East and Mid Devon, Devon and Cornwall Police, Chair of the Exeter Community Partnership made a presentation on the work of the Partnership. Simon Lane, the Service Lead for Environmental Health and Community Safety at Exeter City Council was co presenter. *(A copy of the presentation was attached to the previously circulated minutes of this Committee).* The Partnership's diverse membership included Devon County Council, Office of the Police and Crime Commissioner (OPCC), Devon Probation Service, DYS Space (youth network), University of Exeter, Exeter

Businesses Against Crime (EBAC), Devon & Somerset Fire & Rescue Service (DSFRS) and the Royal Devon & Exeter Hospital (RD&E). The Executive Group met on a quarterly basis and considered the action plan for the year, to understand, review progress and consider spend against budget.

The presentation covered four priority areas for the Partnership with further detail provided for each area.

Hate Crime and Extremism

The Service Lead for Environmental Health and Community Safety outlined some of the associated activity and actions. Despite there being some spikes of hate crime in recent months in the city, including increased levels of graffiti, the level of incidences which the Police and City Council work on together to address, remained low. A number of initiatives were in place to address hate crime, including close working with community partners and a zero tolerance stance as part of a Hate Crime Campaign promoted widely.

Superintendent Hart referred to the Force's activity around the prevention of violent extremism, which hate crime was considered to be the first step. Positive interventions were used to move an individual away from moving into adopting more extreme ideologies. Although not specific to Exeter, the threat of online radicalisation had continued to increase during lockdown. He had attended an online Exeter Hate Crime and Radicalisation conference delivered to over 200 professionals across Devon in October 2020 which had studied links between radicalism and hate crime.

Locality Based Anti-Social Behaviour Problem Solving

The Service Lead for Environmental Health and Community Safety outlined the Council's focus which was primarily on neighbourhood anti-social behaviour working in partnership with other agencies. This included monthly meetings of the Anti-Social Behaviour Action team (ASBAT) which discussed complex and multi-agency cases. Work over the past year included -

- 1,174 noise complaints investigated and during lockdown there had been a greater emphasis on domestic related complaints rather than regarding commercial premises which had an impact on the work of the team;
- additional work to establish the status of 160 abandoned vehicle reports.
- the Council had also dealt with 250 other antisocial behaviour issues which involved other colleagues in Housing and Public Realm (Parks);
- the frequent deployment of the remote CCTV camera to high risk cases and where there was concern for the individuals involved;
- the extension of the Public Spaces Protection Order (PSPO) offered additional powers to address incidences of the use of intoxicating substances, street urination, aggressive begging and antisocial behaviour in groups. Although it had not been used extensively, the powers of surrendering alcohol were used on a daily basis when education was offered to achieve compliance, and
- Street Marshalls had offered support to the team, funded by the Office of the Police and Crime Commissioner. They covered the city centre and the Quay area using engagement and persuasion to deal with over 1,100 reports in a ten week period.

Other actions and aspirations identified in the Partnership's Action Plan included:-

- developing a strategy around individual action plans for more complex problems;

- purchasing new mobile CCTV camera to meet new technology standards;
- review of the PSPO in the next 12 months;
- to devise a scheme to look at tackling the consumption of high strength alcohol in the city;
- establish a sustainable model for the 'Help Zone' for the evening and night time economy in an effort to seek to minimise hospital admissions and prevent resources being tied up in the RD&E Accident and Emergency Department;
- promote and expand the alternative giving scheme and support the partners who are driving this scheme forward, and
- look at an outcome based measure to gauge or judge the success of actions in the next one to two years.

Plans are being formulated for this year's Fresher's Week at the beginning of the university term and the multi-agency approach between the University and their welcome teams and estates patrol, Police and the Environmental Health and Licensing team has worked extremely effectively. The operation was more residentially focused, as well as the cooperation of the city's licensed trade was also backed up by the Help Zone and street pastors when needed.

Sexual Violence and Domestic Violence and Abuse

Superintendent Hart emphasised this area as a priority for the Community Partnership, which had been brought into sharp focus following the tragic deaths of Sarah Everard in London and Lorraine Cox in Exeter. Domestic crimes, with 72% of victims being female, were under reported. It should be noted that domestic incidents which had not reached the criminal threshold were not included in the data provided. Meetings of the Exeter and Mid Devon Sexual Violence and Domestic Violence and Abuse Forum (SVDA) were held quarterly with members of local support agencies, the Police and 'early help' multi agencies offered the opportunity to share information. It was noted that local agencies often reported higher referral figures for incidences of sexual, domestic violence and abuse as well as another opportunity to encourage victims to seek help from the Police where possible. The added complexity resulting from the Covid pandemic and periods of lockdown for victims of domestic abuse has been evident. Victims have been less forthcoming because of the likelihood of remaining in lockdown with their offender, but efforts have continued to establish ways to offer future support. Safe spaces in pharmacies and supermarkets have been promoted as well as a recent Radio Exe campaign to raise awareness.

Devon County Council have led on a SVDA Strategy to refresh many of the local forums involved, as well as in response to the Domestic Abuse Bill, which is expected to become law in April. The Bill will put a new duty on Tier 1 Councils, such as the County Council to provide domestic abuse support to victims and their children who are living in safe accommodation. The OPCC priorities also include supporting the work of CoLab to understand the nature of exploitation of vulnerable women especially those street attached or homeless or involved with drug trafficking through County Lines.

Reducing Serious Violence and Organised Crime including County Lines

The Devon and Cornwall Police Control Strategy work ensures positive intervention to disrupt the drugs supply routes into Exeter. The significant partnership with agencies working together were committed to a '4 P Approach' of intervention on Protecting, Preparing, Preventing and Pursuing. This offered a positive approach to the disruption of drugs coming into the city through County Lines. Work also included safeguarding those deemed vulnerable to coercion and involvement.

There was also an intelligence led approach to dealing with violence in Exeter, and initiatives included a knife amnesty, test purchasing with Trading Standards, educational input to young people setting out the danger of carrying knives, and also weapon seizures of imported knives. In addition, Operation Protractor offered a multi-agency approach and intervention with young people against youth ASB and violence.

Following the presentation, the following responses were given to Members by Superintendent Hart and the Service Lead for Environmental Health and Community Safety –

- Devon and Cornwall Police Force were part of a small number of forces which already recorded misogyny and misandry as hate crimes. The Police Chief's Council and Home Office have indicated it will become more of the national process. Every effort was made to encourage and promote more reporting of hate crime which was under reported across Devon. As part of the work with the community the Police continued to promote any activity they could to reassure women and other vulnerable individuals of their safety and offer confidence that the recording of crime will help bring offenders to justice. At an operational level, the neighbourhood policing teams were based in the City Council's Civic Centre working closely with the Environmental Health and Community Safety team. Bi-weekly intervention meetings with partner agencies are held to discuss trends or crime hot spots, as well as providing reassurance to the community. There were a number of ways to report hate crime using telephone or email contact and through the Devon and Cornwall Police web site anonymously. A police funded web site hosts 'True Vision' developed to report such crimes anonymously. It was vitally important that such crimes were reported, even when a victim did not wish to pursue the matter it would still enable a response. If the victim was able to come forward, then a referral could be made to the Force Victim Care Unit, made up of 80 support organisations providing individual support.
- the majority of the British police forces remain unarmed, but at certain times there would be a visible presence of armed police patrolling the city centre particularly during busy times of the year or if a threat was perceived. Whilst this remained an uncommon sight, and can cause some concern amongst the community, it was hoped the overriding feeling was a reassuring presence.
- the Council's remote CCTV camera use was based on threat, risk and harm and its deployment was predominantly for incidences of anti-social behaviour at the top of the scale. The city, would benefit from additional mobile camera units and possible funding opportunities were being sought, but that would have to include the ongoing operating cost of wireless connectivity.
- before the Covid pandemic, the Licensing Team used a Help Zone base in Mary Arches Street, which offered support for those in need whilst out enjoying the evening and night time economy, They had also just started to trial a mobile Help Zone with the use of a St John's vehicle, which had the added benefit of relocating to where the greatest need was on a given occasion. It was noted that Plymouth and Bournemouth had been able to secure funding to deploy converted buses for such use. At the request of a Member, the Director agreed to discuss the matter with the local bus operator, Stagecoach, but it was noted they were unlikely to be in a position to offer a suitable vehicle.
- following a Member's request, it was noted that some information relating to the PSPO and individuals with no fixed abode had been made available. The

Council did not have a legal duty to capture whether individuals had recourse for public funds. Unfortunately, the Council had limited resources to research information on individuals living in temporary accommodation and this would not be captured in the normal course of events, unless the individuals were in temporary accommodation provided by the Council.

- the 2003 Licensing Act offered the opportunity to challenge any issues of responsibility from a licensed premises and a request for a review and representation could be made through the Council's Licensing Sub-Committee. It was not possible to determine if there would be a continued shift to greater levels of off-licence sales from wet drinking establishments after lockdown, but if there was clear evidence of a licensed premises acting irresponsibly, members of the public should seek a review of that premises to be called.
- the demands of the Council were increasing, despite the decrease on resources. The Member's comments on involving communities to find local solutions were valid, as was the historic lack of funding and it was more likely that the communities were going to have to play a part in solving the problems. There was a move to establish a strong community watch scheme in the city over the next year. It was noticeable that where the community took a pride and owned their own space, antisocial behaviour was often modified and crime rates were lower. It was important to work on how communities can be strengthened to solve the issues. A partnership approach was needed thus enabling the Police to focus on the areas of greatest need.
- there was an acknowledgment with the Members that more action in relation to domestic abuse, violence and sexual violence was needed and the tragic death of Sarah Everard had brought this to the fore. There will be some work that can be done and each agency would have a responsibility to take action forward. The Exeter Community Safety Partnership would be able to play a part, although as the Member stated there were also societal behaviours to overcome in the longer term. There was a shared responsibility to try and influence the culture for the better for everyone living in Exeter.
- there had been a concerted effort to raise the awareness of the reporting of crimes such as domestic abuse and sexual violence through radio campaigns, and also have information in places where such victims were likely to visit despite lockdown such as supermarkets or pharmacies. The awareness raising was important particularly as we come out of lockdown to continue to promote the opportunities to report as well as provide the confidence that the Police and others will be able to enable victims to come forward and start the conversation.

The Service Lead for Environmental Health and Community Safety reiterated that the Exeter Community Safety Partnership was working with the wider partnerships of East and Mid Devon, under the umbrella of the Safer Devon Partnership to offer a consistent message of support.

The Chair led the thanks for the presentation on the work of the Exeter Community Safety Partnership which had been both informative and thought provoking.

The meeting commenced at 5.20 pm and closed at 6.50 pm.

Chair

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CUSTOMER FOCUS SCRUTINY COMMITTEE
(HELD AS A VIRTUAL MEETING)

1 April 2021

Present:

Councillor Matthew Vizard (Chair)
Councillors Mitchell, M, Foggin, Mrs Henson, Mitchell, K, Oliver, Quance, Sparkes, Wardle and Warwick

Apologies:

Councillor Martin

Also present:

Deputy Chief Executive, Director Net Zero Exeter & City Management, Active & Healthy People Programme Lead, Democratic Services Officer (HB) and Democratic Services Officer (SLS)

In attendance:

Councillor David Harvey	- Portfolio Holder for City Management
Councillor Amal Ghusain	- Portfolio Holder for Communities and Culture
Councillor Ruth Williams	- Portfolio Holder for Supporting People
Councillor Laura Wright	- Portfolio Holder for Council Housing Development and Services

7 Minutes

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 11 February 2021 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

8 Declarations of Interest

No declarations of interest were made by Members.

9 Questions from the public under Standing Order 19

No questions from members of the public were received.

10 Questions from Members of the Council under Standing Order 20

In accordance with Standing Order No 20 the following questions, which had been circulated in advance to Members of the Committee, had been submitted by Councillor D. Moore, Councillor Wardle and Councillor M. Mitchell respectively.

Questions from Non Committee Members

Councillor D. Moore - Please can the Portfolio Holder provide an update on the development of a community asset transfer policy and the process that will be followed to do so.

Councillor Ghusain, the Portfolio Holder for Communities and Culture, gave the following response:-

A draft Community Asset Transfer policy was due to go out to consultation earlier this year. This has been postponed as we did not want to go out to consultation at the same time that the Green Spaces consultation was open as there may be some duplication. We will be taking the feedback from the green spaces consultation with plans to go out to consultation on the Community Asset Transfer in June/July. Reports will go to Executive in October.

Supplementary question and answer.

What will be the process of the consultation and will there be in depth work with community organisations and interested community groups or just an on line consultation?

The policy and questions are being drafted for inclusion via an on line consultation. In depth discussions will be of great value and it is proposed to consult the voluntary and community sector in this way through Exeter Connect.

Councillor D. Moore The High Court recently ruled that during the coronavirus crisis councils can legally provide accommodation to people sleeping rough who aren't usually eligible for accommodation because of their immigration status. Will the Portfolio Holder oversee an urgent review of past applications and current provision, working with other local agencies as required to ensure no-one have fallen through the net?

Councillor Williams, the Portfolio Holder for Supporting People, gave the following response:-

Housing Needs is not aware of a recent High Court ruling involving a specific or general case. If Councillor D. Moore could provide a reference/case info we will of course look into it.

The most recent advice including an amendment to normal homelessness legislative practice relating to homeless people with no recourse to public funds (NRPF) came in the form of the attached Ministry of Housing, Communities and Local Government (MHCLG) letter dated 24 June 2020. This notified all local housing authorities of the temporary suspension of derogation relating to European Economic Area (EEA) nationals seeking emergency housing in the UK. It basically stated that EEA NRPF nationals could be temporarily provided with accommodation for a period of up to 12 weeks maximum in any period between 24 June 2020 and 31 December 2020. After that date proposed new immigration rules would be implemented. To my knowledge these have not yet materialised.

As it was, this perceived relaxation in the application of eligibility for the NRPF cohort was actually restricted in practice. It prohibited the use of statutory funding or access to welfare benefits. So it actually only meant that the NRPF cohort were permitted access to temporary housing via private or voluntary sector routes only. The issue for the former was that rent could not be paid through housing benefit and statutory funding such as Rough Sleeping Initiative (RSI) grant money for example could not be used to cover the cost deficit. Therefore, it did not permit a viable access route into temporary housing for the NRPF cohort.

Regardless of the above, the Housing Needs and local homelessness partners practice during lockdown periods has been to enable offers of temporary accommodation through local commercial providers to individuals with NRPF who have wanted emergency accommodation. This has been under the principle of aligning with law under lockdown and government guidance for risk and harm minimisation (sanctioned practice under Public Health England and MHCLG). The numbers in this cohort in the city are small and not all offers of accommodation have been accepted by the individuals. However subject to further ruling around immigration status this practice is anticipated to continue for the foreseeable short term. At this moment records from outreach and other local homelessness services are not identifying any verified rough sleepers with NRPF status who have not had an offer of temporary accommodation. Our records this week record three persons with NRPF status, two of whom have declined to engage to date and one who has been evicted from two local accommodations both as a result of serious anti-social behaviour.

Anyone suspected to be NRPF and not yet been in contact with the Council or other partner services should be encouraged to contact Housing Advice team on 01392 265726 housing.advice@exeter.gov.uk

Or if rough sleeping : via Outreach on 01392 284287

exeter-outreach@julianhouse.org.uk

Or via Streetlink www.streetlink.org.uk 0300 500 0914

Councillor D. Moore advised that the High Court reference number was:-

Ncube R (on the application of) v Brighton and Hove City Council [2021] EWHC 578 (Admin) Mr Justice Freedman

Questions from Committee Members

Councillor Wardle - Regarding the newly formed Exeter Harbour Board can the Portfolio Holder give details of future plans relating to encouraging use of the Exeter Ship Canal, River Exe and estuary for both boaters and wider leisure purposes?

In this regard it is very gratifying to note the recent cutting back of both trees along the Canal towpaths and weed in the Canal and the contribution this work makes to greater safe use of the canal.

Is it the intention to publish dates of meetings and minutes of the Harbour Board or what are the arrangements for transparency of decision making?

Councillor Harvey, the Portfolio Holder for City Management, praised the work of those Council staff who had continued their work in respect of the Canal and Waterways during the Pandemic and gave the following response:-

We continue to work with representative groups through the Exe Estuary Management Partnership, Port User Group and Canal User Group in our efforts to maintain the waterways as a safe and sustainable public asset. We encourage people to enjoy the water but need to be mindful of striking a balance across those many and diverse groups (e.g. anglers, kayaks, kite surfers, paddle-boarders, yachts and bird watchers) so as to avoid any one recreational activity becoming detrimental

to others. It is true to say that the Ship Canal could attract more visiting vessels which would in turn would offer financial benefits to both the Council and local trade around the basin and quayside areas. We are looking at improving both our facilities and marketing in order to attract additional boats.

The Harbour Board will be part of the Council's overall democratic function with agendas and minutes being published on our website similar to other Committees. The Harbour Board will report directly to the Council's Executive who will need to agree any recommendations that might require significant new expenditure.

Supplementary question and answer.

Is it the intention to restrict navigation on the Exeter Ship Canal, a valuable asset, dating back many centuries and which other Council's would be proud to have within their ownership?

Because of the significant costs involved and pressures on resources there are no proposals to restrict navigation. The Council however is committed to fulfilling its duty to keep the Canal and waterways safe and, following a comprehensive survey of associated assets, is undertaking a programme of repairs and renewals. Similarly, work had already been undertaken to strengthen Topsham Lock to ensure that the Canal is watertight, although there are no funds to return it to an operational lock.

Councillor M. Mitchell - What additional resources are the Council deploying to counter the massive increase in graffiti across the city following the cut back in the service during the last six months?

Councillor Harvey, the Portfolio Holder for City Management, gave the following response:-

The Graffiti Service re-started on Monday 15 March 2021 with the help of some additional government funding related to the reopening of our highstreets. With that extra funding we are currently running a five day a week service in our City and district centres. From today, 1 April 2021 we will be using more of the same fund, to add to our budget for this financial year and increase the service to seven days a week. We will keep that running for a few weeks to help clear the backlog.

Supplementary questions and answers.

When will the backlog be cleared and, in addition to online reporting by the public, do Council officers also report incidents?

Can the community be involved through the provision, on request, of cleaning materials?

Clearance is dependent on the size and scale of the graffiti as well as the ongoing nature of these incidents. The service has been extended to seven days a week to clear the backlog and, previously, a full active team has kept on top of the problem. Whilst utility cabinets can be easily cleaned, cleaning porous materials such as brickwork can prove time consuming. Staff, including the Parks and Green Spaces Team, regularly flag up areas of graffiti.

Staff are required to wear full protective clothing because of the dangerous nature of the cleaning materials. These chemicals are the associated equipment and are not really suitable for use by community groups. Some lower strength graffiti wipes are

available to use but these can only be used successfully on certain types and so their value is limited.

The Portfolio Holder referred to the valuable involvement of the public in clearing litter from parks etc., materials being made available via Belle Isle Nursery.

The Chair reminded Members that graffiti was one of the issues being considered by the Scrutiny Programme Board for a potential Task and Finish Group and asked for a steer on what particular aspect of the problem should be investigated.

Cllr M. Mitchell - Can the Portfolio Holder report on the current number of applicants on the council housing waiting list and indicate how this number has changed during the last 12 months?

Councillor Williams, the Portfolio Holder for Supporting People, gave the following response:-

Answer

The total number of households on the waiting list for Exeter is 2,772 as at 1 March 2021. This is 296 higher than the figure of 2,476 as at 3 March 2020. Respective breakdown of waiting lists is provided below. Just over 200 of the additional demand is for 1-bed properties.

Active as at 01.03.2021

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	6 Bed	7 Bed	Total
Band A	3	5	1	1				10
Band B	294	157	48	30	19	6	2	556
Band C	175	230	256	85	4	2		752
Band D	1222	151	40	13	5	1		1432
Band E	11	6	1	4				22
Total	1705	549	346	133	28	9	2	2772

Active as at 01.03.2020

	A	B	C	D	E	Total
1 Bed	2	238	164	1087	7	1498
2 Bed	1	130	198	153	2	484
3 Bed	1	66	225	50		342
4 Bed		30	79	14		123
5 Bed		16	5	2		23
6 Bed		2	2			4
7 Bed		2				2
Total	4	484	673	1306	9	2476

For added information purposes there were 401 lets to households on the waiting list in Exeter in the same 12 month period. The following table sets out the details of those lets.

No. of bedrooms	Gen needs	Sheltered	Grand Total
1	122	37	159
2	163	3	166
3	64		64
4	12		12
Grand Total	361	40	401

Supplementary questions and answers.

Are there sufficient resources in the system to cope with a possible surge in demand for accommodation through failure to pay private and public sector rentals with associated evictions as a result of the Pandemic?

Are young people mixed with the over 55's in accommodation identified for the latter cohort?

What is the waiting time to move into the various bands of accommodation?

Government funding helped provide additional capacity primarily for rough sleepers and the Council has supplemented this by targeting the use of Section 106 monies to provide additional affordable housing, through its social housing building programme in the medium term and its work with partners to help those who approach the Council for assistance.

There is no policy to mix young people in over 55 designated housing.

Different sources are used to provide accommodation such as the private sector, especially for priority cases, but timescales vary depending on need and the type of accommodation available. Available data will be circulated to Members.

11 **Presentation on Wellbeing Exeter**

The Chair welcomed James Bogue, the Active and Healthy People Programme Lead to the meeting. In a detailed and informative presentation he set out the background to the creation of Wellbeing Exeter Partnership, the initial and expanded funding and involvement of a wide range of partners including national bodies and use of national best practice, the governance structure of the Partnership, the contributions made by key participants, notably 13 delivery partners, 17 GP practices, 26 Community Connectors, 12 Community Builders and 4 Community Physical Activity Organisers, the response to the Covid-19 Pandemic and the current position.

The full presentation has been circulated separately to all Members.

The following details were provided on the current position and to inform Members of a forthcoming review of Wellbeing Exeter:-

- the Exeter Community Wellbeing hotline and partnership remain open as part of business as usual;
- shielding formally ended on 31 March 2021 with planning underway to step up in the event of local outbreaks. Currently systems and data sharing agreements run until March 2022;

- Westbank Community Health and Care had withdrawn from the Partnership and their involvement ended on 31 March 2021;
- due to uncertainty regarding funding from the Devon County Council/Clinical Commissioning Group after March 2021, Age UK Exeter and Estuary League of Friends would no longer be part of the Partnership;
- the programme was being reviewed and redesigned with funders, stakeholders and delivery partners to ensure that within available resource, it could continue supporting individuals and communities to improve their health and wellbeing in the post-Covid landscape, focusing on those who have been most impacted by the pandemic;
- an interim March – June operational plan was in place to manage the exit of the three providers and ensure the continued delivery of the programme. The revised model would be rolled out from July onwards; and
- for the future a strong collaborative partnership was proposed involving nine delivery partners with a range of specialisms and reach across the city continues, including working with young people and families, community building and supporting individuals and communities to be more physically active.

The following questions on Wellbeing Exeter had been received prior to the meeting and these, together with the responses of the Portfolio Holder for Communities and Culture – Councillor Ghusain, are set out below.

Questions from Non Committee Members

Councillor D. Moore Please can the Portfolio Holder explain why the funding for Community Connectors was cut at short notice, and what relationship with GP's as part of the Exeter Wellbeing model is expected in future?

Councillor D. Moore thanked the Active and Healthy People Programme Lead for his presentation.

Answer

Delivery Contracts were terminated with three months' notice for Community Connectors as a result of uncertainty around future long term funding, the withdrawal of a key delivery partner (Westbank) and the impact of COVID. These factors led towards a decision made by the Wellbeing Exeter Steering Group to review the programme and develop a three year strategy with funding secured from key partners.

The relationship with GP's and the overarching four Primary Care Networks will continue with GP's being able to refer any patient requiring support to Community Connectors. There is a current contract with Primary Care Networks to deliver children, young people and family focussed referrals through the national Link Worker programme until 2022/23.

Supplementary question and answer.

Will the voluntary sector as well as participants and beneficiaries be involved in the review to help determine the future development of the programme?

The review is to be managed by the Devon Community Foundation on behalf of the partners, the two main strands of consultation being via Exeter Connect involving the voluntary and community sectors and with the Community Builders to obtain their valuable insights achieved during the months of the Pandemic.

It is the intention to fully engage with both community organisations and individuals through a broad range of conversations in the coming weeks to obtain views and insights to feed into the review. It is possible that, from the evidence gained, resources may be positioned in different areas.

Questions from Committee Members

Councillor M. Mitchell – What is the governance structure of Wellbeing Exeter? As a partnership body what are its lines of accountability? As a semi -public body are the meetings of any Executive body open to the public and are the minutes of the organisation publicly available?

Answer

Wellbeing Exeter is governed by a steering group consisting of senior officers from strategic funding partners, chaired by the Director at the City Council Terms of Reference can be circulated). The accountability lies with senior officers from the key funding partners represented on the steering group. The steering group is not currently open to the public and meeting minutes are shared to steering group members. A governance review is being conducted as part of the wider programme review to be delivered from 1 July 2021.

Supplementary question and answer.

Given the £1.3 million investment in the programme, can assurances be given that the programme going forward will be open and transparent?

Answer

A vital element of the review process will be determining the methodology for Member engagement in the Wellbeing Exeter programme and both the City Council and County Council Portfolio Holders will be fully involved in bringing forward the revised governance structure. One suggestion is for two Member briefing sessions annually.

Which body or bodies are responsible for the financial auditing of Wellbeing Exeter?

Answer

Exeter City Council is the accountable body for funding which is pooled from strategic partners. Devon Community Foundation and programme managers of Wellbeing Exeter, manage and report on the programme budget; a financial report including all income and expenditure is submitted quarterly and reviewed by the steering group. The financial auditing is undertaken by the Exeter City Council auditing team.

How is Wellbeing Exeter audited in regard to its operational targets and are those set by its funders?

Answer

Wellbeing Exeter is performance managed by steering group members (strategic funding partners) who receive a monthly dashboard of activities and quarterly reports.

An annual report is prepared by Devon Community Foundation and submitted to steering group members.

Supplementary questions and answers.

What is the review timescale, are the reports publicly available and can an annual report be made to the City Council?

Answers

It is the intention to complete the review by July.

The reporting mechanisms include monthly dashboard data, quarterly reports to the steering group and an annual report produced by the Devon Community Foundation. Both elements of the dashboard data and an annual report have been included on the Wellbeing Exeter website where a wealth of information is available.

Transparency will be important and an annual report will be made to the City Council.

Is auditing by the City Council appropriate?

Answer

The City Council is only one of a number of partners, all of whom, through the Steering Group, maintain robust oversight of the programme. The accounts of the Devon Community Foundation, who manage the programme, are audited and the Foundation provides quarterly reports seen by the City Council as one of the partners. The City Council itself audits the programme's accounts and the Council's audit function is a long standing and respected function.

During the pandemic a vast number of individuals and groups came forward to assist those in need. Many were grant assisted. To what extent has this network being formalised or integrated into the work of Wellbeing Exeter?

Answer

We were very fortunate that so many local community response groups stepped forward to support people within their communities over the past 12 months. Regular contact was kept with the groups through our Exeter Community Wellbeing partner Exeter Connect. Many of these groups have now folded as the requests for support have lessened. We have sent a recent communication to the groups to ask if they intend to continue in any form. Exeter Connect will continue to keep contact with residents and groups who wish to continue to play an active role and offer development and capacity building as requested.

Supplementary question and answer.

What was the extent of the geographical coverage of the voluntary support?

There was excellent city-wide coverage, particularly by a wide range of bodies already operating across Exeter such as the Exeter Foodbank and the Exeter City Community Trust etc.

Every area benefitted from grass roots support to differing degrees. This support ranged from existing local community support groups and community associations

with more informal groups springing up such as neighbourhood, street and WhatsApp groups. It was clear that all groups providing greatly valued help and it was the intention to examine the potential of harnessing this voluntary support and incorporating it into future programmes.

The Portfolio Holder for Supporting People commended the work of the Community Builders and Community Connectors and other informal groups such as a group in Pennsylvania distributing medicines city wide. As a volunteer at the Beacon Centre she had also participated in the pairing up process of individuals with local volunteers and support groups.

The Chair thanked the Active and Healthy People Programme Lead for his presentation and the contribution of Members to the debate. He also asked that his thanks and those of the Committee be conveyed to the Community Connectors and Community Builders and all other community groups who had done so much during the Pandemic.

The Chair invited suggestions from Members on how the outcomes of the review should be progressed, welcoming a specific role for this Scrutiny Committee.

The Programme Lead stated that twice yearly briefings to all Members would be particularly valuable which was supported and the Chair invited Members to feed into the review process, in advance if possible, with comments and ideas to be sent on line to both himself and the Programme Lead.

Members welcomed this approach and noted that the results of the review would be reported to this Scrutiny Committee.

12 **Spotlight Review - Consultation Charter**

The Chair reported that the Spotlight Review had met on 16 March 2021, the group comprising Councillors Atkinson, Buswell, Leadbetter, D. Moore and Wardle with Councillor Atkinson appointed Chair. Councillor Atkinson had referred Members to the Guide to Community Engagement report - New Conversations - produced by the LGA.

The Review Group had considered the LGA document in detail and agreed that it would be appropriate to amend the draft Charter to incorporate elements from the LGA document. As the Spotlight Review group had asked to "sign off" a revised draft, it was being amended for further consideration by the group together with a draft framework for consultation plans for report to the next meeting of this Scrutiny Committee and then to Executive and Council.

The Chair invited Members to advise on line should they have any comments on consultation processes.

The Chair thanked Members for their contribution to the Committee during what had been a very interesting and challenging 12 months.

The meeting commenced at 5.30 pm and closed at 7.18 pm

Chair

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AUDIT AND GOVERNANCE COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Wednesday 10 March 2021

Present:-

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

Also Present

Director Finance, Deputy Chief Finance Officer, Service Lead Legal Services, Corporate Manager Democratic and Civic Support, Corporate Manager – Executive Support, Audit Manager (HP), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

In Attendance

Jackson Murray – Engagement Lead Grant Thornton
Julie Masci – Engagement Lead Grant Thornton

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MINUTES

The minutes of the meeting held on 25 November 2020 were taken as read, approved as correct for signing by the Chair at the earliest possible convenience.

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DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

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EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE

Jackson Murray, Engagement Lead (Grant Thornton) announced he would shortly be moving to another Engagement Lead role within the company and introduced Julie Masci, as the incoming Engagement Lead (Grant Thornton) for the Council's External Audit for the 2020/21 financial year.

The Engagement Lead (J Murray) presented the report for the year ending 31 March 2021, which detailed the external Auditor's work that had been undertaken as at March 2021. He explained that no issues were reported as a result of the work relating to the Council's annual Pooling of Housing Capital Receipts return and that certification work had also taken place in respect of the Council's Housing Benefit Subsidy claim on behalf of the Department for Work and Pensions (DWP). No new errors had been identified in the 2019/2020 testing, and whilst there had been a governance requirement for further testing, the values identified were minor. The conclusion of that work completed Grant Thornton's responsibilities for the 2019/20 audit.

The Engagement Lead (JM) confirmed that whilst the Covid-19 pandemic continued to have an impact, planning for the reporting timetable for the 2020/21 financial statements and audit process had commenced. She would be working with the Council's Finance team over the coming weeks to inform the assessment and a report would be presented to this Committee once work on this key area of change had concluded, with a separate annual Auditor's Report to offer a broad narrative and commentary around the outcomes of that VFM work. Work had also

begun to identify the risk assessments for this year's audit and whilst few changes were anticipated, there were significant changes in relation to the approach to the Value for Money conclusion (VFM) following the National Audit introduction of a new Code of Practice for 2020/21 audit year. They included:-

- the replacement of the binary (qualified/unqualified) conclusion approach to VFM to include judgements on performance and key recommendations on any significant arrangements identified,
- a new set of criteria covering financial sustainability, governance and improvements in economy, efficiency and effectiveness, and
- more extensive reporting and a requirement to offer a broader commentary across all the key criteria rather than the current reporting by exception approach.

The Engagement Lead (JM) responded to a Member's question on the audit reference of consideration of large standalone capital items, which would be considered as part of the Council's wider financial strategy and financial monitoring arrangements. She stated that this would form part of the work on the risk assessment of any individual projects that may require additional scrutiny.

Members thanked Jackson Murray for his support and work for the Council and formally welcomed Julie Masci to the Engagement Lead role. They also noted that Steve Johnson, the previous Engagement Manager had retired and the Committee wished to convey their good wishes to him.

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

43

INTERNAL ANNUAL AUDIT PLAN 2021/22

The Audit Manager (HP) presented the annual Internal Audit Plan report for 2021/22, attached as an appendix to the report presented to the meeting, which required Member approval. The proposed areas of work, which set the terms of reference of the Audit and Governance Committee and the Internal Audit Strategy included the Audit rolling plan which was established in line with internal control and risk management best practice. The report provided an assurance that appropriate risk analysis had been used whilst formulating the Plan, with feedback received for the Council's Strategic Management Board on their priorities and any specific concerns they might have, as well as feedback from the Chair and Deputy Chair of the Audit and Governance Committee. It was confirmed that despite the pressures of the Council's response to the Covid pandemic over the last year, and the postponement of a number of audits, their intervention and support had enabled significant improvements of the internal controls environment.

The Deputy Chief Finance Officer responded to a Member's question on the Council's stance of encouraging more apprenticed accountants at the Council, particularly with the current economic climate and rising unemployment effecting young people. She offered both a Council wide view on apprenticeship opportunities and also in relation to the Finance team. There are currently four apprentices across the Council, where individual services have identified an apprenticeship opportunity from analysis of their workload, and the skills and resources required to deliver that workload. There are two apprentices in Legal and one each in Procurement and the Communications teams. There had been a particularly positive experience in the Finance team with support for an individual who had gained their Association of Accounting Technicians (AAT) and who had secured a permanent position within

the Exchequer Services team. The Member was pleased that the Council had been encouraging apprentice placements within the Council.

The Audit Manager responded to a Member's question on the audit arrangements concerning the Council's carbon neutral ambitions and particularly on 'General Assurance' and specific measurable outcomes. Internal Audit would seek to ensure there was compliance through a strategy or policy being in place. Checks would be made against the measures used to achieve the Council's aspirations to be Net Zero by 2030. An audit would help to develop the means of measuring the outcome and this matter would be looked at in depth within the current time constraints.

RESOLVED that the Audit and Governance Committee approve the annual Internal Audit Plan for 2021/22.

44

INTERNAL AUDIT PROGRESS REPORT QUARTER 3

The Audit Manager (HP) presented the detail of Internal Audit work carried out during the period 1 October to 31 December 2020. A summary of progress against the Annual Audit Plan for 2020/21 was included at Appendix A to the report presented to the meeting, and an action plan of the governance issues identified had been included at Appendix B. Members were advised on the overall progress against the Audit Plan, which included a revision, due to Internal Audit staff carrying out additional work to support the Covid-19 business support grants scheme. In addition, a request by the Director Net Zero Exeter and City Management, had resulted in a further amendment and a review of the audit risk matrix. This had resulted in the Health and Safety and Equalities and Diversity audit reviews along with the Insurance Audit, having to be postponed and incorporated into the Audit Plan for 2021/22. There were no significant issues associated with the audit work undertaken throughout the year, which included an audit report in respect of Council Tax; additional works in relation to the Covid business grants and the leisure contract being brought in house and work on the Government's Furlough Scheme.

The Audit Manager offered an explanation in response to a Member's question on the presentation of the colour coding of the Audit Plan. The Plan used a colour coded traffic light system to reflect the current status and included green which offered substantial assurance, satisfactory was reflected as amber, and red indicated no assurance, however, the colour system was not fed through into the progress table. A revision of this format would be made to improve the presentation of the data. The Member welcomed this helpful change. The Director Finance added that the traffic light system had merit and was beneficial to Members, and clarified that the sections without content related to audits which had not been completed. Any risk that needed to be addressed as a matter of urgency would be discussed with the relevant Service Manager to determine the most appropriate way forward.

RESOLVED that:-

- (1) the Internal Audit progress report for the third quarter of the year to 2020/21 be noted, and
- (2) the amendments to the 202/21 Internal Audit Plan, as detailed in Section 8.2 of the circulated report be approved.

MODEL CODE OF CONDUCT

The Service Lead Legal Services presented the report which sought to establish whether the Council wished to adopt the new Model Code of Conduct. The draft Model Code of Conduct, attached to the circulated report had been prepared by the Local Government Association. If approved, the intention was that it would be effective from the Council's Annual Meeting in May. The Service Lead Legal Services noted that comments made by the Audit and Governance Committee at the July 2020 meeting were broadly welcoming of the proposals submitted, as part of the consultation exercise which took place last year.

The Localism Act required each local authority to adopt a Members' Code of Conduct with the aim of promoting and maintaining a high standard of behaviour by both its Members and Co-opted Members. The draft model Code of Conduct would help to continue to maintain the openness and accountability of Members by clearly expressing a greater level of explanation of the obligations imposed on Members and ensure a greater consistency across all local authorities. In adopting the new Code of Conduct this would also ensure that current and all new Councillors elected from May 2021 would be bound by its provisions.

A number of points were highlighted:-

- more user friendly with the onus on the individual Councillor to understand, in effect, what they are signing up for,
- the formal inclusion of what are known as "Part 2 interests" (relating to the financial or well-being of the councillor, or relative or close associate) in the Code,
- a section on acceptance of gifts and hospitality,
- the ability to grant dispensations has been added to the draft Model Code to be used by Exeter City Council, and
- the Code had been brought to the attention of the Council's Independent Persons, both of whom offered their support for the new Model Code of Conduct. Professor Brian Kirby made reference to paragraph 10 in the documentation and suggested removing the reference to 'Christmas' in relation to gifts received as this provision applied more generally.

The Corporate Manager Democratic Services and Civic Support and Service Lead Legal Services (who were also the two Deputy Monitoring Officers for the Council) responded to the following Members' questions and comments:-

- in terms of a requirement within the Code for Councillors to register a trusteeship on outside bodies, it was stated that where a Member received remuneration in respect of a trusteeship, then consideration should be given to registering it as a discloseable pecuniary interest. When there was no remuneration, then whether a Member would be expected to make a declaration would be fact sensitive and depend upon the matter being considered at the time. In addition, the new Model Code provides for 'other registrable interests' in relation to any body of which the Councillor is a member or in a position of general control or management and to which the Councillor is appointed or nominated by the Council.
- a forthcoming report on the representation by Members on Outside Bodies should help to explore the wider ramifications of membership or representation by Councillors.
- in addressing comments made by a Member on ensuring mutual respect between Councillors and Officers, it was noted that there was the opportunity for redress through the Council's Whistleblowing Policy which

offered some level of anonymity to Officers, as well as the Councillors' Complaints process. Officers frequently worked closely with Members and so in the first instance, it was likely that some effort would be made to resolve any such matter, but if needed the Monitoring Officer would be involved in any subsequent investigation. In addition, any such occasion could involve a discussion with one of the Council's two Independent Persons for their view.

RECOMMENDED that the Audit and Governance support and Council approve the following:-

- (1) the Model Code of Conduct appended to the report, with effect from the Annual Council Meeting scheduled to take place on 18 May 2021;
- (2) the inclusion of a section in the Constitution which allows for the Monitoring Officer to grant dispensations to Members as appropriate; and
- (3) authorises the Monitoring Officer to amend the following areas of the Constitution (if appropriate) where reference to the Members' Code of Conduct is also made:-
 - a. The General Principle of Good Conduct (section 5(b) of the Constitution);
 - b. Protocol on Member/Officer Relations (section 5(e) of the Constitution);
 - c. Local Planning Code of Conduct (section 5i of the Constitution) and
 - d. Gifts and Hospitality - the deletion of the word *Christmas* in section 10 of the Code of Conduct.

46

CODE OF CORPORATE GOVERNANCE 2021/22

The Director Finance presented the report which set out an overview of the proposed Code of Corporate Governance for 2021/22, which followed the principles of delivering Good Governance in Local Government (CIPFA/Solace 2016). The Code was reviewed annually by him as the Section 151 Officer and supported by the Executive Support Unit. There had been no changes to the Code this year which underpins the Annual Governance Statement, which Members will approve at the next meeting of the Audit & Governance Committee.

RECOMMENDED that the Audit & Governance Committee support and Council approve the Code of Corporate Governance for 2021/22.

47

LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW OF COMPLAINTS 2019-20

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 2020. Ten complaints were investigated, with two complaints upheld by the Ombudsman in relation to the Planning and Environmental Health Departments. No fault in the substantive matters relating to the complaint had been found. There were no other significant issues to report to the Audit and Governance Committee.

A Member referred to the relatively low level of complaints made, which he considered to be quite marked considering the breadth of services that the Council was involved in. Members endorsed the Council being commended for the work in this area.

The Audit and Governance Committee noted the report for the Local Government Ombudsman's Annual Review of Complaints 2019/20.

48

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Audit Manager presented the report and updated Corporate Risk Register which advised the Audit and Governance Committee of the Council's risk management process. The Audit and Governance Committee was responsible for the monitoring and reviewing of the Council's risks.

The report included the full details of the following changes to nine of the 14 risks added to the register and they were set out below in summary:-

- the Counter Terrorism and Community Cohesion and Safety; delivery of the Sport England and Local Delivery Pilot outcomes; lack of proactive and preventative investment and maintenance of assets and information governance failure were all managed as low risks and following their removal from the Corporate Risk Register would be monitored at a service level;
- the ownership of a risk relating to the delivery of additional Council objectives and priorities had been moved to the Council's Executive;
- an inability to deliver carbon neutral aspirations for Exeter by 2030 risk had increased from medium to high;
- the inability to manage and respond to the Covid-19 pandemic risk had been moved from high to low to focus on recovery; and
- two risks that remained classified as high related to maintaining the financial stability of the Council and the increased cost of the St Sidwell's Point and Bus and Coach Station.

In response to questions from Members, the Director Finance and Audit Manager confirmed the following:-

- it had always been made clear that from a financial point the aspiration of the Council to deliver a Carbon Neutral position by 2030 required the support of local, regional and national partners. The Member's suggestion of an urgent review of the Council's Carbon Neutral aspirations was a matter for the Executive or Council to consider.
- the negotiations surrounding the St Sidwells Point Project have not been completed and discussions between the contractor, Kier and the City Council were still ongoing with support from the Authority's Legal Team. A requirement for any additional funding to deliver the project, would need to be considered by the Executive and Full Council.
- a review of governance of the Sport England Project had taken place and had been implemented in June 2020. The strategic governance held by the Liveable Exeter Place Board included the Oversight Group and delivery management team. A Community Engagement Strategy was being developed, based on the experiences of Wellbeing Exeter and work being undertaken in Wonford through the Community Sounding Board. The Strategy would be approved through the Place Board governance process. Internal Audit have included work on this area in their Audit Plan for 2021/22.

- the Council's IT company, Strata have provided an assurance that there are no increased security risk from staff working remotely at home. Staff were using the Council's equipment and whilst they may use their own Wi-Fi, the connection was through a secure portal. The Audit Manager would seek further information for the Members from the IT security team.

A Member enquired whether detail received of a Health and Safety Executive prosecution should have been monitored and included in the Corporate Risk Register. The Director Finance agreed that health and safety was a key issue to address as a local authority. Notwithstanding this isolated incident, Exeter City Council had good health and safety procedures in place and such matters were reviewed by the Council's internal officer Health and Safety Committee to ensure any necessary learning was undertaken. If Members felt that this area should be considered as a higher risk, he would put the matter before the Strategic Management Board for discussion.

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

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

Chair

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EXECUTIVE **(HELD AS A VIRTUAL MEETING)**

Tuesday 9 March 2021

Present:

Councillor Bialyk (Chair)

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

In attendance

Councillor K. Mitchell (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Director Corporate Services, Director City Development, Housing & Supporting People, Director Finance, Corporate Manager Democratic and Civic Support, Service Lead - Environmental Health & Community Safety, Service Lead Performance, Strategy and Resources, Skills & Business Manager, Democratic Services Officer (SLS) and Democratic Services Officer (HB)

29

MINUTES

The minutes of the meeting held on 9 February 2021, were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

30

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

31

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

32

COUNCIL HOUSING AND DEVELOPMENT RESIDENT INVOLVEMENT STRATEGY 2021 - 2025

The Executive received the report on the Council Housing and Development Resident Involvement Strategy 2021 - 2025 requesting an increase in resources necessary to deliver the Strategy's Action Plan.

The Director for City Development, Housing and Supporting People made particular reference to the following:-

- the main objectives of the Strategy, particularly the involvement of the Council's tenants in developing the delivery and monitoring of the service;
- amendments made to the draft strategy following consultation with the Council Housing and Development Advisory Board;
- whilst incorporating best practice, regard would be had to the specific needs and aspirations of the Council's tenants with the Action Plan to be reviewed every two years; and

- the proposed increase in the establishment of 0.4 of a post costing £16,482 to be met from the HRA budget.

The Portfolio Holder for Council Housing Development and Services welcomed the report and referred in particular to its importance in helping the delivery of the Council's ambitions for its housing development and retrofit programme.

RESOLVED that Executive support the Council Housing and Resident Involvement Strategy 2021-2025; and

RECOMMENDED that Council approves the Council Housing and Resident Involvement Strategy 2021-2025 and the increase in staff resources required to deliver the Action Plan.

33

SKILLS STRATEGY FRAMEWORK

The Executive received the report updating progress on the delivery of the Skills Strategy since its approval in April 2020 and setting out the action plan for the period January 2021 - March 2022.

The Skills and Business Manager made particular reference to the following:-

- the need to refresh the evidence base and data of the Strategy in light of the impact of the Pandemic and national restrictions on business, the work force and the labour market in Exeter;
- the launch of Exeter Works, both as an on-line resource as well as a physical hub in the city centre, to provide support and guidance to people through the redundancy process and helping provide training and to develop skills;
- helping businesses access the Government's Kick Start Scheme to support young people (16-24) in to six month work placements, including the placements on offer in Exeter City Council departments; and
- a joint bid with Devon County Council to the Department of Work and Pensions to specifically support young people who had been particularly affected by the Pandemic to offer training and education and to help find jobs. This would form part of the offer in the Exeter Works Hub.

Members welcomed and supported the report, especially the initiatives to help young people. Reference was also made to the support from partner organisations particularly the Chamber of Commerce, Devon County Council, the Citizens Advice Bureau and the Exeter City Community Trust.

RESOLVED that:-

- (1) research be commissioned using existing financial resources to refresh the Skills Strategy evidence base, with a particular focus on the impact of the pandemic on the skills base and labour market in Exeter; and
- (2) the Exeter Skills Action Plan for January 2021 - March 2022, Appendix 1 be approved to address the immediate known impacts of the Pandemic on businesses and residents and demonstrating that all proposed actions link clearly to an area of the Building Exeter Back Better Recovery Plan and also contribute to the Clean Growth agenda.

34

AMENDMENT TO SECTION 3D OF THE COUNCIL CONSTITUTION RELATING TO DELEGATION TO THE SERVICE LEAD - ENVIRONMENTAL HEALTH AND

COMMUNITY SAFETY

The Executive received the report seeking approval for an amendment to Section 3d of the Council's Constitution relating to delegation to the Service Lead - Environmental Health and Community Safety.

Members noted that the purpose of the delegation was to allow the Council to meet its obligations under the relevant regulations and to foster the better management of private rented properties in the city.

RECOMMENDED that Executive notes and that Council adopts the proposed amendment to Section 3d of the Council Constitution relating to delegation to the Service Lead - Environmental Health and Community Safety by the addition of the following:-

- The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.

35

GLENTHORNE ROAD - DETONATION OF WORLD WAR 2 BOMB

The Leader thanked all those agencies for their prompt response and hard work following the discovery and detonation of a World War 2 bomb in the Glenthorne Road area of the city. He referred in particular to the Police, the Fire and Rescue Services, the Army, the University of Exeter and LiveWest and to all Council staff who had helped ensure the safety of residents. Thankfully, there had been no fatalities and the City Council, with other agencies and the University, were continuing the work to ensure that those affected would be able to return to normality as quickly as possible.

36

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 it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1, Schedule 12A of the Act.

37

REPORT ON MEMBERS' TRAINING

The Executive received the report on the induction programme provided for Members following their election into office, together with their on-going training and briefings on matters of interest during their term of office. Members were asked to review the appropriateness of this training programme. The report also includes the Members' attendance for the training sessions provided for their benefit.

The Corporate Manager, Democratic and Civic Support made particular reference to the following:-

- the importance of on-going training to help Members in their roles, not solely after their election to the Council, but throughout their term of office; and

- the particular relevance of training in respect of quasi-judicial decision making, most notably Planning and Licensing matters.

Members welcomed the report with reference made to the value of on-line training for increasing accessibility for all Members and to the importance of continuing development.

Councillor K. Mitchell, as Leader of the Progressive Group, welcomed the report.

RESOLVED that:-

- (1) the Members' Training report be noted;
- (2) the re-constitution of the Councillor Development Steering Group be supported and that a detailed review of the Councillor Induction Programme and on-going Member training be undertaken for a report to be brought back to the Executive in the Autumn 2021; and
- (3) regular reports be presented to the Executive, identifying the attendance for each of the training sessions provided.

(The meeting commenced at 5.30 pm and closed at 6.08 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.

EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 6 April 2021

Present:

Councillor Bialyk (Chair)
Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wood and Wright

In attendance

Councillor Leadbetter (as an opposition group Leader)
Councillor K. Mitchell (as an opposition group Leader)

Also present:

Deputy Chief Executive, Director Finance, Democratic Services Officer (MD) and Democratic Services Officer (HB)

38

MINUTES

The minutes of the meeting held on 9 March 2021 were taken as read, and approved as correct to be signed by the Chair at the earliest possible convenience.

39

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

40

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

41

LORD MAYORALTY

The Leader proposed, and the Portfolio Holder for City Development seconded, that Councillor Oliver be nominated as Lord Mayor Elect for the 2021/22 Municipal Council year, and Councillor Quance be nominated as the Deputy Lord Mayor Elect for the 2021/22 Municipal Year.

RECOMMENDED to Council that Councillor Oliver be nominated as Lord Mayor Elect for the 2021/22 Municipal Year and that Councillor Quance be nominated as the Deputy Lord Mayor Elect for the 2021/22 Municipal Year.

42

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2020/21 – QUARTER 3

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2020/21 financial year after nine months.

The Director Finance made particular reference to the Emergency Budget set by the Council in July 2020 in response to the Covid-19 Pandemic and to the Government's Sales Fees and Charges Compensation Scheme. He referred to the supplementary budgets sought as set out in the report and it was noted that the Council was projected to end the financial year in a slightly better position than anticipated at the Emergency Budget.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the General Fund forecast financial position for the 2020/21 year;
- (2) the supplementary budgets as detailed in paragraph 8.12 of the report presented to the meeting;
- (3) the outstanding Sundry Debt position as at December 2020; and
- (4) the creditors' payments performance.

43 **2020/21 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 3**

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

The Director Finance made particular reference to the following:-

- the revised capital programme for the current financial year was £71.190 million and that during the first nine months the Council had spent nearly £23 million on the programme;
- an additional budget request of £250,000 following the receipt of tenders for Fire Risk Assessment Works; and
- an additional budget request of £661,500 to upgrade the Council's Building Management System in order to manage consumption and emissions across key assets to assist the Council in delivering its Net Zero ambition. The project would be entirely funded as a result of a successful bid to the Public Sector Decarbonisation Fund. Fifteen properties would be covered initially with scope to expand the programme, with significant savings to the Council.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the revision of the annual capital programme to reflect the reported variations detailed in 8.1 of the report and Appendix 1; and
- (2) the additional budgets detailed in 8.6 of the report.

44 **2020/21 HRA BUDGET MONITORING REPORT – QUARTER 3**

The Executive received the report on the overall financial position of the HRA Revenue and Capital Budgets for the 2020/21 financial year after nine months. Members' attention was given to the highlighted areas of risk, shown in the report, which identified budgets which were vulnerable to factors beyond the control of the Council, which could result in potential deviations from budget, and which were being monitored by officers.

The Director Finance advised that it was anticipated that there would be a surplus in the HRA working balance due to borrowing at lower interest rates and that no contributions would be made to the capital budget.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the HRA forecast financial position for 2020/21 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

(The meeting commenced at 5.30 pm and closed at 5.48 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.

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