

## **THE MEETING OF EXETER CITY COUNCIL**

Guildhall  
Tuesday 29 July 2014

The Right Worshipful the Lord Mayor (Cllr Prowse)  
The Deputy Lord Mayor (Cllr Newby)  
Councillors Baldwin, Bialyk, Bowkett, Branston, Brimble, Brock, Bull, Clark, Crew, Dawson, Denham, Edwards, Foggin, Fullam, George, Hannaford, Henson, Holland, Laws, Leadbetter, Lyons, Mitchell, Morris, Mottram, Owen, Pearson, Raybould, Robson, Sheldon, Shiel, Spackman, Sutton, Wardle and Williams

### 25 **APOLOGIES**

Apologies for absence were received from Councillors Choules, Tippins and Winterbottom.

### 26 **MINUTES**

The minutes of the Ordinary Meeting held on 8 April 2014 and the Annual Meeting held on 3 June 2014 were taken as read and signed as correct.

### 27 **OFFICIAL COMMUNICATIONS**

The Lord Mayor announced that he had received a letter of thanks from Brigadier P Hankinson 6 Rifles of the Army thanking the Council for hosting the Armed Forces Day. The Lord Mayor confirmed that he would respond accordingly.

### 28 **PLANNING COMMITTEE - 14 APRIL 2014**

The minutes of the Planning Committee of 14 April 2014 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 14 April 2014 be received.

### 29 **PLANNING COMMITTEE - 12 MAY 2014**

The minutes of the Planning Committee of 12 May 2014 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 12 May 2014 be received.

### 30 **PLANNING COMMITTEE - 16 JUNE 2014**

The minutes of the Planning Committee of 16 June 2014 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 16 June 2014 be received.

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**LICENSING COMMITTEE - 13 MAY 2014**

The minutes of the Licensing Committee of 13 May 2014 were presented by the Chair, Councillor Dawson and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 13 May 2014 be received.

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**SCRUTINY COMMITTEE - COMMUNITY - 17 JUNE 2014**

The minutes of the Scrutiny Committee - Community of 17 June 2014 were presented by the Chair, Councillor Shiel and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Community held on 17 June 2014 be received.

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**SCRUTINY COMMITTEE - ECONOMY - 26 JUNE 2014**

The minutes of the Scrutiny Committee - Economy of 26 June 2014 were presented by the Chair, Councillor Henson and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Economy held on 26 June 2014 be received.

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**SCRUTINY COMMITTEE - RESOURCES - 2 JULY 2014**

The minutes of the Scrutiny Committee - Resources of 2 July 2014 were presented by the Chair, Councillor Baldwin and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Resources held on 2 July 2014 be received.

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**AUDIT AND GOVERNANCE COMMITTEE - 25 JUNE 2014**

The minutes of the Audit and Governance Committee of 25 June 2014 were presented by the Chair, Councillor Sheldon and taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 25 June 2014 be received.

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**EXECUTIVE - 24 JUNE 2014**

The minutes of the Executive of 24 June 2014 were presented by the Leader, Councillor Edwards and taken as read.

In respect of Minute 57 (Flooding in Topsham – Response and Recovery) the Leader recognised and commended the council staff for their contribution and quick response to the potential flooding which ensured that disruption was minimised.

**RESOLVED** that the minutes of the Executive held on 24 June 2014 be received. and, where appropriate, adopted.

**EXECUTIVE - 15 JULY 2014**

The minutes of the Executive of 15 July 2014 were presented by the Leader, Councillor Edwards and taken as read.

**RESOLVED** that the minutes of the Executive held on 15 July 2014 be received and, where appropriate, adopted.

**QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 8**

In accordance with Standing Order No. 8, the following questions were put by Councillor Holland to the Leader in respect of the Mould Problem in some 300 Council Owned Properties.

Councillor Holland thanked Senior Housing Officers for helping him to better understand the issues with regards to the damp ingress.

Question - Given that the Labour Group said in their last manifesto that they provide 'good quality social housing' then will they agree with me that to honour this statement then remedial action needs to be taken immediately?

The Leader responded that the Portfolio Holder has already agreed with officers that emergency action should be taken on a case by case basis where there is justification to do so. A full report on this issue is anticipated to go to Executive in September.

Question - Part of the remit of Local Authorities is to 'benchmark' against other LA's to ensure best value. Will the Leader follow the initiative of adjacent East Devon District Council and implement repairs without the need to follow the complex procurement process?

The Leader responded that East Devon District Council had undertaken the work as reactive repairs and that this Council would not take that course of action. The Council needed to act lawfully and in accordance with its own financial regulations, the proper tender process and European procurement rules. Officers are looking at how East Devon are tackling the problem and if there are lessons to be learned from their approach, or grounds on which the Council can streamline the procurement process, then the Council would do this.

Question - Will the Leader now go ahead and implement these repairs rather than make tenants endure these intolerable conditions until the middle of next year?

The Leader responded that the Council needed to make a full assessment of the position before allocating budgets. Given the current weather conditions, the Council would expect the cavity wall insulation to be drying out.

Councillor Holland raised a supplementary comment that when the insulation was installed it was not fit for purpose and it should be removed.

The Leader responded that there was a procurement process to follow and where conditions really are "intolerable" the Council will take action under the emergency protocol in place. The Council will do the works as soon as it can, but unforeseen expenditure of this scale needs to be undertaken with due diligence.

In accordance with Standing Order No. 8, the following questions were put by Councillor Leadbetter to the Leader in respect of the Housing Stock.

Question - is the Leader aware of any other maintenance or other issues that are effecting tenants quiet enjoyment of their Council Owned homes?

The Leader responded that there were no major issues known of apart from reactive repairs. The Council receive approximately 15000 requests per annum to address issues arising from the housing stock. This is predominantly about repairs but can also address other pressing issues such as anti-social behaviour. If you have something specific in mind I suggest you address the matter in writing to the Portfolio Holder.

In accordance with Standing Order No. 8, the following questions were put by Councillor Leadbetter to the Leader in respect of the recent 'eviction of some 40 tenants from private flats in Bartholomew Street East.

Question - When did the Council first become aware of this issue?

The Leader responded that the Housing Needs Team first became aware of the issue when one of the residents approached for advice on 11 June. The occupants did apply to the court to delay the repossession to give them time to find alternative accommodation. This option was pursued and the Council worked with the residents, Sanctuary Supported Living and Cartridges Solicitors to ask for a delay. This was made on the grounds that the residents were not informed of the action prior to the repossession order. Unfortunately this was unsuccessful.

Some of the residents had previously instructed a Barrister to defend their position. In that action the judge determined that the residents were not tenants and therefore had no rights at all.

This was a growing problem of tenants paying their council tax and rent and then landlords not paying their mortgages. The Council had empathy for these tenants but the High Court Bailiff had the legal power to evict the occupants.

Question – How much notice did the tenants have the eviction?

The Leader responded that he would obtain and circulate that information.

In accordance with Standing Order No. 8, the following questions were put by Councillor Leadbetter to the Leader in respect of Allotments.

Question - Could the Leader comment on the consultation process and whether he thinks sufficient time was given to interested parties to respond?

The Leader responded yes – the Council had extended the consultation to nine weeks which has been enough for a considerable number of questions to have been asked and answered. The consultation period is still ongoing until 4 August 2014.

Question - Will a discount still be applied to OAP's payment rates?

The Leader responded that the Council would wait for the consultation period to conclude before it makes any decisions.

Question - A lot is made of the waiting list of some 600 persons. Can the Leader explain why there are so many empty plots and multiple lettings of plots to individuals across the City?

The Leader responded that all of this will come out of the review that is currently being undertaken. The Leader would look into how and why allotment holders could leave plots uncultivated.

Question - Can the Council confirm that it will not withdraw water from its sites?

The Leader responded again let's wait until the end of the consultation period.

(The meeting commenced at 6.00 pm and closed at 6.30 pm)

Chair