

THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 20 October 2015

The Right Worshipful the Lord Mayor (Cllr Foggin)
The Deputy Lord Mayor (Cllr Robson)
Councillors Baldwin, Bialyk, Branston, Brimble, Brock, Bull, Buswell, Denham, Edwards, George, Hannaford, Hannan, Harvey, Holland, Leadbetter, Lyons, Morris, Morse, Mottram, Newby, Owen, Packham, Pearson, Prowse, Raybould, Sheldon, Shiel, Spackman, Sutton, Thompson, Vizard, Wardle and Williams

45

MINUTES

The minutes of the Ordinary meeting held on 28 July 2015 and the Extraordinary Meetings held on 4 June, 28 July and 12 August 2015 were taken as read and signed as correct.

In respect of the Extraordinary Council minutes of 12 August 2015 Minute 16 (Proposals for Additional Enhancement of the Leisure Complex and Swimming Pool) the Leader made reference to an article by the Managing Director of John Lewis, Mr Street, welcoming the redevelopment of the Bus and Coach Station with its mixed use as a retail, restaurant and leisure facilities destination.

Some Members stated that they did not support the proposals for a Leisure Complex on the bus and coach station site.

46

OFFICIAL COMMUNICATIONS

The Lord Mayor read out an email from a Joyce Boles from Portland, Oregon USA which congratulated Exeter on being the first city in the world to announce action to support the refugees of Syria.

47

PLANNING COMMITTEE - 27 JULY 2015

The minutes of the Planning Committee of 27 July 2015 were presented by the Chair, Councillor Bialyk, and taken as read.

In respect of Minute 57 (Park and Ride, Matford Park Road, Marsh Barton Trading Estate, Exeter) and in response to a Member, the Chair commented, that at this present time, there was no update with regards to the early morning bus movements to and from this site.

RESOLVED that the minutes of the Planning Committee held on 27 July 2015 be received.

48

PLANNING COMMITTEE - 7 SEPTEMBER 2015

The minutes of the Planning Committee of 7 September 2015 were presented by the Chair, Councillor Bialyk, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 7 September 2015 be received.

49

PLANNING COMMITTEE - 5 OCTOBER 2015

The minutes of the Planning Committee of 5 October 2015 were presented by the Chair, Councillor Bialyk, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 5 October 2015 be received.

50

LICENSING COMMITTEE - 22 SEPTEMBER 2015

The minutes of the Licensing Committee of 22 September 2015 were presented by the Chair, Councillor Sheldon, and taken as read.

In respect of Minute 20 (Eden Lounge, 162-163 Fore Street, Exeter) and in response to a Member, the Chair stated that the application to proceed with the Judicial Review had been refused with costs awarded in favour of the Council.

In respect of Minute 21 (Exeter Fanzone – Rugby World Cup 2015) and in response to Members, the Portfolio Holder for Economy and Culture stated that the Council had not received any funding for hosting the Rugby World Cup. Any works to be undertaken, in the short and long term, to Northernhay Gardens would be assessed once the Rugby World Cup had finished and the gardens would be put back to a reasonable condition in time for Remembrance Sunday. Hosting the Rugby World Club and the Fanzone had been a huge success for the City. She stated that visitor numbers and the economic benefit to the city would be available in due course.

RESOLVED that the minutes of the Licensing Committee held on 22 September 2015 be received.

51

SCRUTINY COMMITTEE - COMMUNITY - 8 SEPTEMBER 2015

The minutes of the Scrutiny Committee - Community of 8 September 2015 were presented by the Chair, Councillor Morse, and taken as read.

In respect of Minute 43 (Portfolio Holders' Report) and in response to a Member, the Portfolio Holder for Health and Place commented that there had been some issues which had delayed the restructure in Public Realm.

RESOLVED that the minutes of the Scrutiny Committee - Community held on 8 September 2015 be received.

52

SCRUTINY COMMITTEE - ECONOMY - 10 SEPTEMBER 2015

The minutes of the Scrutiny Committee - Economy of 10 September 2015 were presented by the Chair, Councillor Brimble, and taken as read.

In respect of Minute 52 (Exeter Business Improvement District Update) and in response to a Member, the Portfolio Holder for Economy and Culture stated that the Business Improvement District (BID) had agreed to put in £30,000 toward the Christmas lights this year and they would be going out to tender to ensure that the City Centre had Christmas lights in future years. The Portfolio Holder for Health and Place stated that the Council was looking into additional resources to address cleaning in the city.

In respect of Minute 53 (Rugby World Cup Update 2015) and in response to a Member, the Portfolio Holder for Economy and Culture stated that after the Rugby World Cup (RWC) the uprights, as with all the RWC street dressing would be used

for the benefit of local communities, schools and clubs. Funding from the Arts Council had been received to deliver the pyrotechnics for the final in the Fanzone.

Members thanked all the staff that had been involved with the Rugby World Cup events in the city for their hard work.

RESOLVED that the minutes of the Scrutiny Committee – Economy held on 10 September 2015 be received.

53 **SCRUTINY COMMITTEE - RESOURCES - 16 SEPTEMBER 2015**

The minutes of the Scrutiny Committee - Resources of 16 September 2015 were presented by the Chair, Councillor Bull, and, subject to noting the amendment to Minute 46 (Portfolio Holder Statements 2015/16) to read the Portfolio Holder for Customer Access commented that “as well as exploring a Credit Union” and “be able to work towards tackling rough sleeping”, were taken as read.

RESOLVED that the minutes of the Scrutiny Committee - Resources held 16 September 2015 be received.

54 **AUDIT AND GOVERNANCE COMMITTEE - 23 SEPTEMBER 2015**

The minutes of the Audit and Governance Committee of 23 September 2015 were presented by the Chair, Councillor Vizard, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 23 September 2015 be received.

55 **STRATA JOINT EXECUTIVE COMMITTEE - 1 SEPTEMBER 2015**

The minutes of the Strata Joint Executive Committee of 1 September 2015 were presented by the Chair, Councillor Edwards, and taken as read.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 1 September 2015 be received.

56 **STRATA JOINT SCRUTINY COMMITTEE - 23 JULY 2015**

The minutes of the Strata Joint Scrutiny Committee of 23 July 2015 were presented by Councillor Bialyk and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 23 July 2015 be received.

57 **EXECUTIVE - 15 SEPTEMBER 2015**

The minutes of the Executive of 15 September 2015 were presented by the Leader, Councillor Edwards and taken as read.

In respect of Minute 92 (Presentation of Petition ‘Refugees Welcome in Exeter’) and in response to a Member, the Leader stated that he had written to both the Prime Minister and the Leader of the Opposition and, to date, had received holding replies. It was noted however that the city would be taking eight refugee families (totalling 32 people), these families to be housed in the private sector with funding coming from central government.

In response to a Member, the Portfolio Holder for Customer Access commented that the Council was working with military based charities to support veterans and ex- service personnel.

In respect of Minute 94 (Proposals for the Implementation of a Public Spaces Protection Order) and in response to a Member, the Leader stated the order was out for consultation. The Portfolio Holder for Health and Place clarified that evidence was needed to justify introducing this Order.

RESOLVED that the minutes of the Executive held on 15 September 2015 be received.

58

EXECUTIVE - 6 OCTOBER 2015

The minutes of the Executive of 6 October 2015 were presented by the Leader, Councillor Edwards and taken as read.

Minute 99 (Corporate Plan Update 2015) was moved by the Leader and seconded by Councillor Sutton.

A Member stated that, whilst there was good work that the Council had carried out, he questioned the stated number of houses built within the city to those recorded by the Department for Communities and Local Government. He commented that the Plan had little detail and did not address issues such as the night time economy, the employees in Exeter still receiving below the living wage, the redevelopment of Fore Street and South Street, and the poor recycling rates.

The Portfolio Holder for Health and Place clarified that the City Council had set a target to increase recycling rates by 1% and the Devon Authorities were planning a more strategic approach to recycling across the whole of Devon.

The Leader stated that Exeter was one of the fastest growing cities in the country, employment had increased, houses were being built, the Council was building its own council houses and the bus and coach station was being developed.

Some Members spoke in support of the Corporate Plan and welcomed the vision of the Council, in particular the inclusion of a Leisure Complex within the development of the bus and coach station site.

Other Members stated that they could not support the Corporate Plan and objected to the siting of the Leisure Complex.

In accordance with Standing Order 27(1), a named vote on the recommendation was called for, as follows:

Voting for:

Councillors Bialyk, Branston, Brimble, Bull, Buswell, Denham, Edwards, George, Hannaford, Hannan, Lyons, Morse, Owen, Packham, Pearson, Raybould, the Deputy Lord Mayor, Sheldon, Spackman, Sutton, Vizard, Wardle and Williams.

(23 Members)

Abstain:

Councillors Baldwin, Brock, the Lord Mayor, Harvey, Holland, Leadbetter, Mottram, Newby, Prowse, Thompson and Shiel,

(11 Members)

Absent:

Councillors Choules, Crew, Donovan, Henson and Morris.

(5 Members)

Minute100 (Overview of the General Fund Budget 2015/16) was moved by the Leader and seconded by Councillor Sutton.

Minute101 (Capital Monitoring Statement to 30 June 2015) was moved by the Leader and seconded by Councillor Sutton.

Minute102 (Partnership Delivery Officer) was moved by the Leader and seconded by Councillor Sutton.

RESOLVED that the minutes of the Executive held on 6 October 2015 be received.

59

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

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

Question – The Rugby World Cup

'Given the level of investment by this Council for this prestigious event, can the Leader sum up his overall impression of how it went and at the same time explain how the circumstances arose whereby a music group/band performed at the Fanzone venue with what appears to be little or no involvement by the Council, in so far as the Environmental impact of the noise that was made to the detriment of the City's residents?'

The Leader responded that Councillor Prowse claims that a band performed in the Fanzone with little or no involvement by the Council insofar as the environmental impact of the noise that was made to the detriment of the City's residents – I think he is referring to Saturday 19 September when there was a performance by Basement Jaxx.

Councillor Prowse's assumption is wrong – the Council was involved in the planning of the event and in approving the final plans in terms of safety and environmental impact. This matter was previously raised by Councillor Holland at Licensing Committee on 22 September. At that meeting, the Assistant Director Environment reported that the event had been organised and promoted by a local events' company that was not part of the Council's RWC 2015 Fan Zone programme. The organiser had properly submitted an Event Management Plan to the Exeter Safety Advisory Group (ESGA). This included a Noise Management Plan that had been approved by ESAG, and involved the engagement of a Noise Consultant to monitor the event on the night. Prior to the event the organiser circulated letters to 2,500 addresses within 250 metres of the venue, explaining the times of the event and a contact number should problems arise.

The Event organiser responded to a number of the complaints received and noise levels were monitored from five different addresses – none of these were significantly above the background noise level in these localities and none were considered a statutory noise nuisance. However, the Noise Consultant asked for the volume of noise to be reduced from 11pm, and the event finished at 11.30pm. It was likely that noise levels were affected by topography and wind direction; the noise having been directed largely northwards and upwards towards the Stoke Hill, Pennsylvania and adjoining areas of the City. Although the band itself would not have been to everyone's taste and therefore annoying to some, there had been no evidence to suggest a statutory nuisance. It was considered that a key issue was to ensure that the finish time for remaining events did not exceed 11pm which was the generally accepted threshold for such events and that satisfactory control measures were in place for the remainder of the Rugby World Cup. The opening night itself, on 18 September, had been a great success with the 3,000 in attendance creating a good atmosphere. The Basement Jaxx event attracted over 4,000 customers who greatly enjoyed the event.

The Leader responded to Councillor Prowse supplementary question that the Fanzone events finished at 11pm when the Rugby World Cup matches were screened.

Question – Disciplinary action and enforcement, Hackney Carriage drivers and Licensing

'Can the Leader or his Portfolio Holder explain and comment on the following: Delegation to Officers policy document was amended in June 2015. Prior to this, the relevant document was 2012. The Licensing Department relies on Section 5 of its policies for dealing with breaches, which include suspensions and revocations. During the Christmas period 2014, a Duryard resident and holder of a current Hackney Licence was stopped by the Police and a number of allegations were made against him in respect of the vehicle, manner of driving and his ability to drive. This included when arrested and subsequent provision of a blood sample. By delegated powers, he received a letter revoking his licence. Over a period of months the Police dropped ALL charges and allegations.

Paragraph 5.7 of Section 5 of the Licensing policy states:
A licensing sub-committee may exercise its discretion to revoke a driver's licence because he/she has been convicted of a serious criminal offence, or other serious matter referred to them by the Assistant Director Environment. Such action shall only be taken after a hearing before a Licensing Sub-Committee. (A Licensing Sub-committee comprises of at least two Councillors).

Given the content of the revised delegated powers, which probably mirrors the old one, can the Leader or his Portfolio Holder explain how given the outcome of this case, the delegated powers of Officer(s) has totally bypassed the provisions of the current Licensing policy. Does the Leader or his Portfolio Holder agree that the Licensing policy should be reviewed and, at the same time, also explain, given the outcome of the case, what part elected Councillors should take.'

The Leader responded that he understood that Councillor Prowse had been given a response to this question by the appropriate officer and it would be inappropriate to go into specifics regarding this case, as it is a matter for a Licensing Sub-Committee to determine at a later date.

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

Councillor Hannaford, seconded by Councillor Lyons, moved the following Notice of Motion:-

‘That Exeter City Council celebrates the recent centenary of the Women’s Institute. We celebrate and recognise the wide ranging and important contribution that this great British institution has made directly to local communities, public life in general through its many campaigns and individuals with its offer of fellowship.

We acknowledge that these have included promoting equal pay and treatment , better access for women to education and healthcare, universal suffrage, a broad range of activities and crafts encouraging members to acquire new skills and nurturing unique talents, family life in all its broadest and most inclusive forms, and a huge amount of charity fund raising. Over the past hundred years the Women’s Institute has continued to stay relevant and forward-thinking.

As the Women’s Institute continues to grow and develop we welcome the recent revival that has occurred with many new branches being established to provide the same positive sisterhood that previous generations enjoyed, yet moving with the times to pick up contemporary issues that need addressing, such as saving the honey bee, supporting food banks, and resisting cuts to midwifery services. We are confident that in 2015 it continues to demonstrate that it can make a real difference to the lives of women of all ages and cultural backgrounds, in a spirit of friendship, cooperation and support.

Exeter City Council resolved to:-

To assess the possibility of a centenary exhibition at the Guildhall in tandem with some craft activities , and that the Lord Mayor of Exeter hosts a special thank you reception and high tea at the Guildhall , on behalf of the City Council for Women’s Institute representatives from across the city to mark this significant anniversary.’

Members supported the valuable contribution that the Women’s Institute had made to the city over the years and supported an exhibition and reception to be hosted in the Lord Mayor of Exeter in its honour.’

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

(The meeting commenced at 6.00 pm and closed at 7.35 pm)

Chair