

## **COUNCIL**

Tuesday 18 December 2018

### **Present:-**

The Right Worshipful the Lord Mayor (Councillor Hannaford)  
Deputy Lord Mayor (Councillor Lyons)  
Councillors Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Holland, Lamb, Leadbetter, Mitchell, Morse, Musgrave, Newby, Owen, Packham, Pattison, Pearson, Pierce, Prowse, Robson, Sheldon, Sills, Sutton, Thompson, Vizard M, Vizard N, Wardle, Warwick and Wood

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### **APOLOGIES**

Apologies were received from Councillors Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright.

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### **MINUTES**

The minutes of the Ordinary and Extraordinary meetings held on 16 October 2018 were moved by the Leader, seconded by Councillor Sutton, taken as read, approved and signed as correct.

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### **OFFICIAL COMMUNICATIONS**

The Lord Mayor congratulated the City of Exeter Partnership which had won the Britain in Bloom South West Tourism Cup and the RAMM, which had recently won a Silver award in the large attraction category of the 2018 Devon Tourism Awards.

The Lord Mayor advised of some of the events he had attended in recent months including the Remembrance Service which marked 100 years since the end of World War I and the tree planting in memory of former Councillors David and Joan Morrish.

The Lord Mayor commented although, disappointingly they did not win, he congratulated the Council's Democratic Services team who were again shortlisted for the team of the year award at the National Association of Democratic Services Officers' awards.

The Lord Mayor informed Members of the receipt of two petitions. The first, an on-line petition containing 327 signatures, related to the proposed disposal of a piece of land at Bull Meadow. This would be reported to the next meeting of the Place Scrutiny Committee in January 2019.

The second, containing 506 signatures, related to the green space at Clifton Hill. Members would be aware that this was a matter for discussion later on the agenda as a Notice of Motion. The Leader presented this petition to the Lord Mayor.

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**PLANNING COMMITTEE - 29 OCTOBER 2018**

The minutes of the Planning Committee of 29 October 2018 were presented by the Chair, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 29 October 2018 be received.

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**PLANNING COMMITTEE - 3 DECEMBER 2018**

The minutes of the Planning Committee of 3 December 2018 were presented by the Chair, Councillor Sutton, and taken as read.

In respect of Min. No. 190 (Planning application No.18/0873/FULL – Land at Ribston Avenue), and in response to Members' questions regarding the Class Use, reconsideration of the application and allowing questions of the speakers at the Planning Committee, the Chair stated that the decision on the planning application would not be reconsidered and that she had taken the decision not to allow questions of the speakers at the start of the meeting.

**RESOLVED** that the minutes of the Planning Committee held on 3 December 2018 be received.

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**LICENSING COMMITTEE - 20 NOVEMBER 2018**

The minutes of the Licensing Committee of 20 November 2018 were presented by the Chair, Councillor Owen, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 20 November 2018 be received.

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**PEOPLE SCRUTINY COMMITTEE - 1 NOVEMBER 2018**

The minutes of the People Scrutiny Committee of 1 November 2018 were presented by the Chair, Councillor Wardle, and taken as read.

**RESOLVED** that the minutes of the People Scrutiny Committee held on 1 November 2018 be received.

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**PLACE SCRUTINY COMMITTEE - 8 NOVEMBER 2018**

The minutes of the Place Scrutiny Committee of 8 November 2018 were presented by the Chair, Councillor Sills, and taken as read.

**RESOLVED** that the minutes of the Place Scrutiny Committee held on 8 November 2018 be received.

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**CORPORATE SERVICES COMMITTEE - 22 NOVEMBER 2018**

The minutes of the Corporate Services Scrutiny Committee of 22 November 2018 were presented by the Chair, Councillor Sheldon, and taken as read.

**RESOLVED** that the minutes of the Corporate Services Scrutiny Committee held on 22 November 2018 be received.

**AUDIT AND GOVERNANCE COMMITTEE - 5 DECEMBER 2018**

The minutes of the Audit and Governance Committee of 5 December 2018 were presented by the Chair, Councillor N Vizard, and taken as read.

In respect of Minute No.40 (Review of Corporate Governance Risk Register) and in response to a Member, the Chair stated that the issue of the Risk Register being published would be considered at the next meeting.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 5 December 2018 be received and, where appropriate, adopted.

**EXECUTIVE - 13 NOVEMBER 2018**

The minutes of the Executive of 13 November 2018 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of Minute No.113 (Revision of the Air Quality Action Plan), Councillor Musgrave raised questions relating to the survey in the report on the work place parking levy and proposed an amendment to the recommendation in respect of (2) that a work place parking levy be taken forward, this was seconded by Councillor Mitchell.

The amendment was put to the vote and lost.

**RESOLVED** that:-

- (1) Council adopts the Air Quality Action Plan; and
- (2) the feasibility of a work place parking levy be kept under review and an update be brought back to Place Scrutiny Committee as part of the annual review of the Air Quality Action Plan.

**RESOLVED** that the minutes of Executive held on 13 November 2018 be received and, where appropriate, adopted.

**EXECUTIVE - 11 DECEMBER 2018**

The minutes of the Executive of 11 December 2018 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of **Minute No.120 (Leisure Complex and Bus Station)**, the Leader stated that the project did provide value for money, which was reiterated in the value for money report November 2018, whilst accepting that the costs had gone up, this proposal would now free up the whole of the site and provide city centre office space and homes on the site.

Some Members spoke against the recommendation. They raised concerns regarding the value for money of the project and better use of the £52 million, the high interest payments on the loan, that money should be spent on increasing recycling and air quality improvements and that the project was flawed and was not financially sound.

The Portfolio Holder for Health & Well-being, Communities & Sport commented that the Council had been prudent with its monies, had already set aside 65% of the

funds for the project and there was a robust business case. The proposal would provide housing, two hotels, retail units, office space, excellent leisure facilities and improve the public realm.

Those Members supporting the recommendation stated that the project had a strong business case and would be a world class facility for everyone to enjoy.

**RESOLVED** that:-

- (1) Members welcome the conclusions of Jones Lang LaSalle on the development demand and potential for the Sidwell Street and bus and coach station site and authorise the City Surveyor to progress work to identify options and, potentially, a preferred development partner, or partners, for a comprehensive scheme for the redevelopment of the wider Sidwell Street/Bus Station site (including options for the redevelopment of the Civic Centre site, Paris Street) and fund up to £300,000 to cover the associated costs of this work;
- (2) funding up to £90,000 be made available to cover the costs associated with exploring the potential, opportunity and viability to provide a multi-purpose performance venue as part of the wider development of Sidwell Street/Paris Street;
- (3) the allocation of an additional £11.88m to cover the programme costs and contract price of building a new leisure complex and bus station be approved; and
- (4) the Chief Executive & Growth Director be authorised to enter into written contracts with the successful tenderer for the construction of both projects

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

Voting for:- Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Lamb, Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Robson, Sheldon, Sills, Sutton, Vizard M, Vizard N, Wardle, Warwick and Wood.

(22 Members)

Voting against:- Holland, Leadbetter, Mitchell, Musgrave, Newby, Pierce and Thompson.

(7 Members)

Abstentions:- The Lord Mayor and Prowse.

(2 Members)

Absent:- Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright

(8 Members)

In respect of **Minute No.121 (Heart of South West Joint Committee Report)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that:-

- (1) the progress report setting out the work of the Heart of the South West (HotSW) Joint Committee since its establishment in March 2018 be noted;
- (2) the development and endorsement of the HotSW Local Industrial Strategy (LIS) be delegated to the HotSW Joint Committee (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government) subject to reassurance that the Greater Exeter Industrial Strategy will be reflected in the HoTSW LIS;
- (3) the Budget statement for 2018/19 as set out in Appendix B be noted and that, in accordance with the decisions taken at the time the Committee was established, the Council will be asked to make an annual budgetary provision to meet the support costs of the Joint Committee in line with the 2018/19 contribution. Final clarification on any additional 2019/20 budget requirement will be provided following the completion of the review of the Joint Committee's role, function and management support arrangements and development of its work programme for 2019/20; and
- (4) agree the Budget and Cost-sharing Agreement set out in Appendix B to the circulated report.

In respect of **Minute No.123 (Overview of Revenue Budget 2018/19)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that:-

- (1) General Fund forecast financial position for the 2018/19 financial year be approved;
- (2) HRA forecast financial position for 2018/19 financial year be approved;
- (3) additional supplementary budget set out in 8.3.7 of the circulated report be approved;
- (4) outstanding Sundry Debt position as at November 2018 be noted; and
- (5) creditors' payments performance be noted.

In respect of **Minute No.124 (2018/19 Capital Monitoring Statement – Quarter 2)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the revision of the annual capital programme to reflect the reported variations detailed in 8.1, 8.4 and 8.5 of the circulated report be approved.

In respect of **Minute No.126 (Safeguarding Policy)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the revised safeguarding policy be adopted.

In respect of **Minute No.127 (Council Tax Support Scheme 2019/20)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the Council Tax Scheme for 2019/20 be approved and continue without substantive changes from the current year scheme.

In respect of **Minute No.128 (Council Tax Long Term Empty Premium 2019/20)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the increase in the Council Tax Long-Term Empty Premium from 50% to 100% from the 1 April 2019 be adopted.

**RESOLVED** that the minutes of Executive held on 11 December 2018 be received and, where appropriate, adopted.

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

Councillor Bialyk, seconded by Councillor Newby, moved a Notice of Motion in the following terms:-

*Exeter City Council notes with concern that:-*

1. *On 11 October 2018 it was announced that 74 crown post offices across the UK, will be franchised to WHSmith. Taken together, successive franchise announcements mean the loss of 60% of the crown office network since 2013.*
2. *These privatisations are financed using millions of pounds of public money, despite the fact that the public has never endorsed the closures, indeed they have only ever protested against them. In 2014/15 alone, £13 million of public money was used to pay compensation to get rid of post office staff, and the CWU estimates the staff compensation cost of the latest privatisation will be at least £30 million, affecting as it does, 800 staff.*
3. *Reports by Consumer Focus (2012) and Citizens Advice (2016) have identified issues with the franchising of post offices to WHSmith including poor accessibility for people with mobility impairments, longer queuing times, and inferior service and advice on products.*
4. *Franchising means the loss of jobs with good terms and conditions at the Post Office. WHSmith replaces experienced post office staff with new employees in typically minimum wage part time roles. This is clearly bad for jobs in the local area and the Post Office workers, many of whom are CWU members*
5. *The closure of Crown post offices and relocation to a WHSmith, also means the loss of prime high street stores and this contributes to the demise of town centres. No explanation has been given as to why the profit-making Crown post offices are being handed to a failing retailer with an uncertain future, and what will happen to these services if WHSmith folds.*
6. *All Crown post offices are under threat of closure and/or franchising in future, and if the latest round of privatisations, are allowed to go ahead, it could prove the tipping point for the viability of the entire post office network.*

*This Council believes that:-*

7. *Our post offices are a key asset for the community and the expertise and experience of staff there is invaluable*
8. *The relentless franchising and closure programme of the profit-making Crown post offices, points to a lack of vision rather than the plan for growth and innovation that is needed.*
9. *Government should therefore halt these closures and bring together stakeholders, including the CWU, and industry experts to develop a new strategy that safeguards the future of the Post office.*

*This Council resolves to:-*

10. *Write to Government to raise concern about the apparent managed decline of the post office network across the UK and the impact on high streets, as well as the service in the franchised premises, and the poor quality jobs that result*
11. *To join campaigns to raise awareness of the value of our Post Office and the need for it to remain an asset of and for the people.*

In presenting his Notice of Motion, Councillor Bialyk stated that it was important that the Council defended the Post Offices as they were an essential part of the community and not everyone had access to the internet nor did they have bank accounts. It was therefore important that Post Offices were retained.

During discussion, Members' concerns regarding the relocation of the Post Office to WH Smith's in the city centre included access for the disabled, as there was no nearby parking, lack of trained staff and poor working conditions for employees, including those on a minimum wage for a skilled position. It was also noted that the Crown Post Offices were already making vast profits.

Councillor Owen proposed two amendments to the Notice of Motion:-

- *2. CWU to be in full Communication Workers Union (CWU)*
- *In the resolution 11. Replace join with support*

These were accepted by the proposer Councillor Bialyk and seconder Councillor Newby.

In seconding the Notice of Motion, Councillor Newby stated that, currently, the post office staff received good training and had a wealth of experience and knowledge, which would be lost and WH Smiths staff would receive inadequate training of just two days.

Councillor Bialyk welcomed the united support of the Council Chamber on this Notice of Motion.

**RESOLVED** that the Council:-

- (1) write to Government to raise concern about the apparent managed decline of the post office network across the UK and the impact on high streets, as well as the service in the franchised premises, and the poor quality jobs that result; and
- (2) to support campaigns to raise awareness of the value of our Post Office and the need for it to remain an asset of and for the people.

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

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

Councillor Mitchell, seconded by Councillor Musgrave, moved a Motion in the following terms:-

*Exeter City Council notes that:*

1. *Green spaces within the city boundary are highly valued by residents and enhance our environment.*
2. *The green space surrounding the Clifton Hill Sports centre is approximately nine acres and provides an inner-city haven for wildlife and residents.*
3. *The “Save the Clifton Hill Green Space Group” has campaigned to keep the green space in public ownership, and to enhance biodiversity and community use of the site.*
4. *The Council is planning its Physical Activity strategy, which will inform future use of all green spaces and related amenities.*

*The Council therefore resolves that the whole of the green space surrounding the Clifton Hill Sports Centre will remain in Exeter City Council ownership and form part of the city-wide Physical Activity strategy.*

In presenting the Notice of Motion, Councillor Mitchell stated that it was important to safeguard the urban public green space to encourage residents to be more active and to protect wildlife, flora and fauna. This green space was vitally important to the local community which had been demonstrated by the petition presented to Council tonight and should be protected for generations to come. If there was no intention to sell the site then Members should support this motion and put local residents' minds at rest.

The Local Ward Members acknowledged the local residents' concerns regarding this valuable community green public space. They were engaging with the local community on the matter and had attended a public consultation which had been a valuable exercise. Until the outcome of the feasibility study of the site and the Physical Activity Strategy had come forward they stated that this Notice of Motion was premature.

Members supporting the Notice of Motion commented that it was important that green space within the city centre should be protected and did not see why that decision could not be taken now. Whilst other Members felt that the outcomes of the feasibility study for the site and the Physical Activity Strategy should be considered before any decisions were taken.

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

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

Voting for:-

Holland, Leadbetter, Mitchell, Musgrave, Newby, Pierce, Prowse and Thompson.

(8 Members)

Voting against:-

Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Lamb, Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Robson, Sheldon, Sills, Sutton, Vizard M, Vizard N, Wardle, Warwick and Wood.

(22 Members)

Abstentions:- The Lord Mayor.

(1 Member)

Absent:- Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright

(8 Members)

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**NOTICE OF MOTION BY COUNCILLOR MUSGRAVE UNDER STANDING ORDER NO 6**

Councillor Musgrave, seconded by Councillor Mitchell, moved a Motion in the following terms:-

*Exeter City Council notes that:-*

- 1. On 13th June 2018, the Council resolved that Minute 56 of the Executive held on 12 June, concerning the Clifton Hill Sports Centre and surrounding land, be received and adopted.*
- 2. The decision to close the Clifton Hill Sports Centre, demolish the building and sell the land; as well as to delegate authority to the City Surveyor "to include the sale of the adjacent driving range, ski slope and Exeter Small Bore Rifle Club areas of the Clifton Hill site as a single development site if this offers the best value to the Council", without consultation, has proved highly controversial.*
- 3. The report presented to the Executive on 12th June contained several inaccuracies and appears to have underestimated the number of residents who made use of the sports centre facilities. In addition, the report failed to describe the land surrounding the sports centre, including its size and amenity value.*
- 4. A city-wide petition opposing closure of the sports centre, signed by 1,800 supporters of the "Save the Clifton Hill Sports Centre" campaign group, was received by the Council on October 16th 2018; and a further petition calling for the council to retain ownership of the land surrounding the sports centre and "keep it green", with 500 signatures collected door-to-door by the Save the Clifton Hill Green Space group, was received by Cllr. Pete Edwards on 13th November 2018.*
- 5. The Council plans to hold a consultation before presenting its Physical Activity and Built Facilities strategies, clearly demonstrating that the above*

*decision relating to the Clifton Hill Sports Centre -- and the other facilities and land surrounding the centre -- was taken prematurely.*

*Exeter City Council, therefore, resolves that the decision taken at the Council meeting of 13th June be reversed.*

Councillor Musgrave stated that the decision to close Clifton Hill Sports Centre had been made in haste and was based on an inaccurate report. He did not believe that the roof was beyond repair and disputed the figures for its repair. A number of independent contractors had suggested that a new roof could have extended the life of the sports centre by another 25 years. He was also concerned that more funding had been approved for the new Leisure Centre and Bus Station development (Minute 76 above refers) to the detriment of other facilities in the city. He referred to the local community aspirations and their concerns regarding the decline of the sport offer in the city and called on Members to support the motion.

Councillor Mitchell, in seconding the motion, stated that local residents had not only expressed concern about the loss of the Clifton Hill Sports Centre, but believed that the St Sidwell's Point facility had the potential for inequality. He expressed disappointment at the request for further funding of £11.88 million for St Sidwell's Point.

A Local Ward Member stated that it was unfortunate that Clifton Hill Leisure Centre was no longer open and he shared the disappointment of many of the local residents. He referred to the difficult decisions having to be made by Members, but of the need to secure the other leisure sites and also build much needed social housing for the residents of Exeter. He welcomed the approval of 80% of the build cost for the new community hut in Belmont Park. The Leisure Complex and the Bus Station would provide new community facilities, particularly for the residents of Newtown and St Leonards.

The Leader reminded Members that, despite the loss of significant Government funding, the Sports Centre would be built with a combination of prudent financial management, and a small level of borrowing. He acknowledged the loss of Clifton Hill Leisure Centre to the area, but it was no longer fit for purpose and the brand new sports centre would benefit all.

The Portfolio Holder for Health & Well-being, Communities & Sport stated that the report of 12 June did not contain inaccuracies and that Members had access to all of the details. He referred to the difficult decision taken in closing Clifton Hill Leisure Centre, but with overwhelming evidence and financial sustainability, Members had little choice other than to accept its permanent closure. He invited Members to visit the refurbished facilities at Wonford Leisure Centre, the Riverside and the Arena, and referred to the effort made to improve the wider leisure estate. St Sidwells Point would be delivered and provide a facility in the city centre to be used by all.

Members supporting the Motion referred to a reversal of a decision by Devon County Council in relation to adjacent land at Stoke Hill Primary School, the increased use of Clifton Hill Leisure Centre between 2011 and 2017 and also that the Centre should have been kept in good repair. Members not supporting the Motion confirmed that the Riverside Leisure Centre was open (it was just the pool that remained closed) and benefited from the investment in new facilities along with the other council sports facilities.

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

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

Voting for:-

Holland, Leadbetter, Mitchell, Musgrave, Newby, Pierce, Prowse and Thompson.

(8 Members)

Voting against:-

Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Lamb, Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Robson, Sheldon, Sills, Sutton, Vizard M, Vizard N, Wardle, Warwick and Wood.

(22 Members)

Abstentions:-

The Lord Mayor.

(1 Member)

Absent:-

Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright

(8 Members)

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#### **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 Thompson to the Leader.

*Question - Is the Leader able to please confirm how much of the Community Infrastructure Levy (CIL) is being set aside from the major housing developments to fund the Bus Station redevelopment/ St Sidwell's Point?*

The Leader responded that in accordance with the Executive Resolution on 10th February 2015 a total of £8m of Community Infrastructure Levy (CIL) had been set aside for the St Sidwell Project and the new Bus Station: £4 million was being set aside for the Leisure Complex and £4 million for the bus station making £8 million of CIL in total. He added that Devon County Council had not offered any contribution.

*Councillor Thompson asked a supplementary question and referred to the level of development in Pinhoe and said that they would also like to benefit from CIL. She enquired what percentage of CIL was set aside for Pinhoe.*

The Leader advised that he was unable to advise what the percentage was, but the resolution was that the CIL would be shared around the city rather than be given to one particular area. The new Leisure Complex and Bus Station would benefit everyone in the city. He agreed to provide the requested information on the breakdown of the CIL in due course.

*Question - In the absence of a Planning Solicitor at a meeting of the Planning Committee, is the Leader able to confirm who would be the appropriate person able to give legal advice and interpret the Constitution at Planning Committees should a legal query or point of order be raised as per the example queried on 3 December 2018 by Councillor Yolonda Henson?*

The Leader responded that the Planning Officers were experts in the planning field, and there was no reason why they should not be able to deal with any planning related questions which may be posed. It was part of the duties of the Democratic Services Officer, who is in attendance at all committee meetings, to offer any necessary procedural advice.

*Councillor Thompson asked a supplementary question and said that one of the questions that she would have asked and which was not clarified clearly at the Planning meeting, was the argument of the classification of C2 and C2A, in relation to the Ribston Avenue application. She wished to seek legal clarification on whether it was possible, giving the circumstances of moving from one class to another, that class use for C2 was for a residential institution and C2A was for a secure residential institutions and not clarified in a legal context. She asked if it was possible through the scheme of delegation to move from C2 to C2A and if that matter could that be clarified.*

The Leader stated that the officers at the Planning meeting had made it clear what was being voted for. It was not a secure unit and that was what the officers advised and Members voted upon.

*Question - Could the Leader please confirm how many agreed Planning Consents for housing developments in this municipal year have not met the City Council's policy of 35% affordable housing?*

The Leader responded that there has been one application approved since 1 April 2018 that did not achieve 35% affordable housing. This was the Royal Academy for the Deaf Education site, and reduced affordable housing (28%) was agreed due to the application of Vacant Building Credit. He referred to recent legislation in relation to the level of social housing that could be built where there were already existing buildings.

One further application has been approved since 1 April 2018, however it is still subject to a Section 106 agreement so technically does not have permission yet. This is land at Sandrock, Gipsy Hill Lane and 23% affordable housing was agreed due to viability issues.

Councillor Thompson declared an interest in respect of Sandrock, Gipsy Hill Lane, Exeter.

*Question - Could the Leader please confirm if Chairs of Committees when chairing meetings are able to effectively unilaterally override all other Standing Orders by way of Standing Order 49?*

The Leader responded that Chairs of Committees were trusted to run committee meetings appropriately and fairly given the circumstances presented to them. Put simply, they were asked to act reasonably and it was therefore highly unlikely, that any Chair would unilaterally override standing orders.

*Councillor Thompson stated that she understood that Standing Order 49 allowed the Chair not to be challenged, and her question was in respect of the Planning*

*Committee meeting held on 3 December where there was not the opportunity to ask any questions in accordance with Standing Order 19A. In view of the response from the Leader, it seems that approach was incorrect and there should have had been the opportunity to use Standing Order 19A. Councillor Thompson asked the Legal Officer to comment.*

The City Solicitor and Head of HR stated that the Chair of the Committee was entitled to run the Committee as they saw fit.

Question - I note the Planning Application 18/0873/FUL for the secure unit was deemed Class Use C2 in the presentation. Are you able to confirm how this was established given the guidance as attached? This was a point of clarification which I wished to seek from one of the speakers but I was denied this opportunity by the Chairman.

[https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use)

The Leader responded that the officer report laid out in some detail why the use was considered C2. This was on page 26 of the report.

*Councillor Thompson asked a supplementary question and stated that the classification was a variance to the Delegated Briefing, such meetings are held in private. She understood that the minutes were available for public perusal, but she sought information as to how that could happen.*

The Leader repeated his response and stated that the officer report set out in detail the classification of C2 and he had nothing further to add.

Question - Would the Planning Application 18/0873/FUL re applicant Cygnet Health Care presented to the Planning Committee 3 December 2018 for consideration within Use Class C2 Residential Institutions and NOT Use Class C2a Secure Residential Institutions, allow the facility to accept patients detained under the Mental Health Act for admittance to a Secure Residential Institution (if the Consent obtained re. 18/0873/FUL is not defined as a Secure Residential Institution within the Use Class under the Town & Country Planning Act)?

The Leader responded that the matter of whom the hospital admits was entirely separate from planning considerations. It was a matter for the NHS Trust as commissioner and Cygnet as care provider. He understood that along with all other units of this type, the majority of patients would have been detained under the Mental Health Act although some may attend voluntarily.

In respect of the use class, he advised that the Council took legal advice before concluding that the hospital would fall within use class C2.

*Councillor Thompson asked a supplementary question about there being no guarantee that the C2A classification would not change through delegated authority.*

The Leader stated said that the proposal for the Ribston Avenue application was a C2 classification.

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

Question - *Exeter City Council believes that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse.*

*The council is committed to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.*

*“Will the Leader of the Council help me understand how this important policy was then applied to the decision to grant Planning Permission for a secure unit in Ribston Avenue barely 7 days later?”. Will the Leader of the Council agree that Safeguarding is a Material Consideration on matters of planning?*

The Leader responded that the safeguarding obligations do not apply to the Council's role as Planning Authority. Planning decisions had to be in accordance with all relevant national and local planning policy and other material considerations (which have largely been historically established through case law). Safeguarding per se had not been heard of as being a material consideration.

Even if it was material, the officer recommendation would have been no different. All patients at the hospital would have been subject to a risk assessment which would be the appropriate way to mitigate this concern.

The Safeguarding Policy was concerned with protecting **children, young people and adults with care and support needs** from harm under the Care Act 2014. This clearly included vulnerable adults with mental health needs who may require residential care within a community setting.

Given that 1 in 4 adults in the UK are diagnosed with a mental illness each year; that suicide was the leading cause of death amongst men over 50; and the South West had the highest suicide rate of any region in England; this Council should welcome the addition of new specialist mental health facilities and be at the forefront of efforts to reduce prejudice towards those suffering from mental illness.

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

*Question – What is the current position of the Riverside pool? Can the Leader update the Council?*

The Leader responded that the majority of the repairs from fire damage were nearing completion. However the building contractor had uncovered defects to the building structure in the pool area and the roof that would require additional works. These defects could not have been identified earlier as they had only come to light as materials have been removed to prepare for fire damage repairs. A further building survey was underway to ensure that any further defects were identified now so that we would be able to rectify the situation and get the pool open as soon as was practicable.

*Question - Does the Leader know of a date of the likely re-opening of the Riverside pool ?*

The Leader stated he did not but he expected to be able to give more detail about timeframes early in the New Year when officers had assessed the technical reports and agreed the work programme with the contractors.

*Question - Who is the current builder engaged in the re-instatement ?*

The Leader responded that Faithfull and Gould are the Council's project managers and Kier are the main building contractor.

*Question - Pursuant to my questions at the previous full Council meeting is the Leader able to report on any progress on Chester Long Court. What date did the first tenant move in ?*

The Leader responded that the first nine tenants moved into Chester Long Court on 10 December 2018 – the letting process was continuing for all properties;

*Question - Given the delay is it the case that the Council has in effect lost revenue from unoccupancy as a result of the builder's error?*

The Leader responded that the building was not accepted by the Council (Practical Completion) until all works had been completed – the general construction works and the automatic opening vents (AOV) which caused the delay. As such, the rent accounts only become live at the point of Practical Completion. Additionally, the contractor did not charge preliminaries to the end of the last agreed extension of time due to the further delays in completing all construction works; and

*Question - Are we likely to seek recompense?*

The Leader responded that the Council was currently assessing the liability position regarding the failure to install AOV's. Account needs to be taken of the Liquidated Ascertained Damages (LADs) which the Council could charge for late delivery, but this would be off-set by the agreement of the contractor to charge full preliminaries to the end of the last agreed extension of time (July 2018).

*Question – Since the decision was taken to dispose of the Clifton Hill site, has there been any enquiries from speculative developers?*

The Leader responded that there had been

(The meeting commenced at 6.00 pm and closed at 8.45 pm)

Chair