

**MEMBER Questions for Place Scrutiny Committee – 31 January 2019**

<p><b>Question from Councillor Musgrave</b> Does the administration still deny that converting Clifton Hill into a residential development will positively impact the value of property owned by Exeter Labour Party immediately adjacent to Clifton Hill?</p> <p><u>Supplementary Question</u> Councillor Musgrave reiterated his question on the potential conversion of Clifton Hill to residential.</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He was aware that the Green Party has raised this issue with the Council's Monitoring Officer who has provided a written response and he referred the Member to that correspondence.</p> <p>Councillor Bialyk responded to the supplementary question and advised he had not received any information that the Exeter Labour Party property would increase in value. He advised that all necessary legal advice would be sought and correct procedures followed at Planning Committee at the appropriate time.</p>
<p><b>Question from Councillor Musgrave</b> How much have Legacy/Parkwood contributed to the costs of any refurbishment?</p> <p><u>Supplementary Question</u> He asked if Councillor Bialyk agreed that this was a low sum, and a failure of privatisation.</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He advised that it was in the region of £220,000 for the recent enhancement works.</p> <p>Councillor Bialyk responded to the supplementary question and stated that the sum had been negotiated and was a matter of fact.</p>
<p><b>Question from Councillor Mrs Thompson</b> Has the area been identified, which could be sold for Purpose Built Student Accommodation (PBSA) compared with the much larger area of land to be sold for residential development as these two situations may not be considered to be 'like for like'?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He stated that initial master planning has considered splitting the site into two areas: and had considered alternative uses within these areas such as residential, student, care or build to rent development. At all times the site had been reviewed with the intention of a single disposal of the whole site.</p>

<p><u>Supplementary Question</u>  What was the point of selling the site for a marginal increase, when it would upset so many people, and particularly in relation to the green space and both Ski Clubs which were such valued facilities?</p>	<p>The initial valuation advice indicated that a combined PBSA and open market residential development returns the lowest whole site value of those scenarios considered.</p> <p>Councillor Bialyk responded to the supplementary question and sought further clarity for the comment on the marginal increase from the Member, and he invited Councillor Thompson to develop that question to enable a more detailed answer.</p>
<p><b>Question from Councillor Mrs Thompson</b>  Has the Council calculated the risk of a challenge by a developer seeking to build PBSA on part of the site, who may be able to make an appeal to the Secretary of State given the example of other PBSA considered suitable in nearby locations?</p> <p><u>Supplementary Question</u>  That a challenge could be made if the restriction was removed and the estimated value would not be appropriate.</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>The report to Place Scrutiny Committee had requested delegated authority to the City Surveyor to take the necessary steps to ensure the Clifton Hill land is not used for purpose built student accommodation. The Council is entitled to impose voluntary conditions on the sale of an asset so I am not sure what any challenge would be based on.</p> <p>Councillor Bialyk responded to the supplementary question and stated that would not be the case.</p>
<p><b>Question from Councillor Mrs Thompson</b>  Given the petition handed in at The Guildhall it has been demonstrated Clifton Hill has been a valued facility for the Community and it appears monies generated from the sale will be used to refurbish the Riverside- can the Council confirm if there were any insurance monies received in respect of the Riverside following the fire.</p> <p><u>Supplementary Question</u></p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He responded and stated that Insurance companies were funding works as a result of the fire incident at Riverside Leisure Centre. Part of the capital receipt from Clifton Hill will be used to fund additional works at Riverside which have been discovered during the course of the fire damage repair works.</p> <p>Councillor Bialyk responded to the supplementary question and stated this was not the case.</p>

<p>The sale of assets were common but how could the Council confirm that the potential sale was not robbing Peter to pay Paul?</p>	
<p><b>Question from Councillor Matthew Vizard</b>  The Update Report on the Built Sports and Leisure Facilities recommends that a minimum of 10% of the green space on the site should be retained. An area has been identified locally as the primary green space bringing the most significant benefits for wildlife and public health. For the sake of clarity, this is the grassed area of the site containing trees and shrubbery between the rear of the sports centre at one end and the plot currently occupied by the ski slope at the other end, and bordered by the tarmac road to the east and the hedgerow along the rear gardens of the properties on Portland Street to the west. What percentage of the site is this area?</p> <p><u>Supplementary Question</u>  Is the 10% in addition to the other areas of green space such as trees that may be required by the developer?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He advised that this is the existing informal open space area outlined on the attached plan: it measures 4455 m<sup>2</sup>/1.1 acres, being 9.57% of the total site area of 11.49 acres.</p> <p>Councillor Bialyk responded to the supplementary question and advised that the City Surveyor would discuss matters with any developers and they will bring forward plans, and there was a commitment for no less than 10% of green space being retained. The approach would be monitored and overseen correctly.</p>
<p><b>Question from Councillor Matthew Vizard</b>  Did the survey company JLL provide a valuation for the sale and development of just the land currently occupied by the sports centre and adjacent car parks? If this option was ruled out by council officers prior to the commissioning of the survey and therefore not an option considered by</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>Council agreed to include the whole site in the disposal should disposal of the whole site offer best value to the Council. The valuation report would advise on indicative values for both parts of the site and combined and concluded that a combined disposal generates the best value in financial terms.</p>

<p>the survey company, please explain the reasons for this.</p>	
<p><b>Question from Councillor Matthew Vizard</b> Will the trees along the eastern edge of the site, which form a natural barrier with the allotments and Polsloe Road, be retained?</p> <p><u>Supplementary Question</u> Would the Council consider a Tree Preservation Order?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>This was a matter for discussion with the developer and planning authority. However, indicative scheme layouts do suggest advantages in retention for screening, etc.</p> <p>Councillor Bialyk responded to the supplementary question and advised that the he understood the frustration that people wished to have an immediate answer, but Planning Committee would discuss any future application.</p>
<p><b>Question from Councillor Matthew Vizard</b> Given their weight and importance to the debate, officer recommendation and Members deliberations, please could the following reports be appended to the Update Report on Built Sports and Leisure Facilities and made available publicly?</p> <p>a. The Wild Zones public consultation report b. The site survey/feasibility study report</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>a) Yes the document is publically available on the Council website. b) The report was not included in scrutiny papers as it contained commercially sensitive and confidential advice to the Council. We would be disadvantaged in subsequent marketing and negotiations should this report be publically available. The report was available for Elected Members to view on a confidential basis.</p>
<p><b>Question from Councillor Matthew Vizard</b> What is ECC's assessment of the impact on the Riverside Sports Centre and other sports and leisure facilities in the city if members do not support a sale (in some form) of the Clifton Hill site and £9m, or a figure sufficiently close to this sum, is not raised?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>The additional enhancements to the other Leisure facilities and the works at the Riverside Leisure Centre are not financed via a capital receipt, then the funds would have to be borrowed. At today's interest rates it would cost the Council £257,000 a year to service the debt. Of this, £84,000 has been included in the Medium Term Financial Plan meaning the Council will have to identify a further £173,000 of reductions on top of the £2.4 million already required.</p>

	<p>Fully financing all the works through a capital receipt would reduce the reductions required to services to £2.316 million.</p> <p>This decision would have a real impact on the amount of front line services that would have to be cut. For example £257,000 is roughly equivalent to the amount spent on Licensing, Food Health and Safety by the Council</p>
<p><b>Questions from Councillor Prowse</b>  In a report made available to the Council in May 2018, figures show that a third of the patronage was by postcode, local residents. Further as the Clifton Hill Centre was at the time offering sports opportunities and services, e.g. driving range, skiing, squash etc. Why did the Council not consult before deciding to close it?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He made a point of correction that the Clifton Hill Sports Centre did not provide the golf driving range or skiing.</p> <p>Formal public consultation was not an option given the cascade of events and the lack of any alternative to closure being realistically viable to the Council for the reasons set out in the June 2018 report.</p> <p>He referred Councillor Prowse you back to that report and in particular the Monitoring Officers comments on this issue.</p>
<p><b>Questions from Councillor Prowse</b>  Having been a Member of this Committee for quite some time, I recollect that a report was made available after a safety inspection had been completed.</p> <p>a) Did we rectify the problems and faults that were reported?</p> <p>b) Given the age of some of our multi-storey car parks, when is the next inspection due?</p> <p>c) What is the current status of rectifying any instances of ‘spalling’ in any of the car parks?</p>	<p><u>Response made by Councillor Sutton Portfolio Holder Economy, Culture for Councillor Denham Portfolio Holder City Transformation</u></p> <p>Condition surveys have been carried out on the multi-storey car park estate and significant risks identified have been and continue to be resolved. For example beam repairs at Leighton Terrace/King William Street and soffit repairs at Mary Arches. The majority of condition survey items have been rolled up in the wider refurbishment/improvement proposals report which will be presented to committee for approval in due course.</p> <p>As part of the report, further surveys were identified as being required to deliver the refurbishment scheme. These surveys would capture all current defects requiring remediation as part of the wider scheme if approved.</p> <p>Any significant instances of spalling concrete are assessed and either treatment or repair is undertaken. Current areas were being addressed in</p>

	<p>Princesshay 2 and Mary Arches. All minor areas would be addressed as part of the wider refurbishment proposals if approved.</p>
<p><b>Questions from Councillor Prowse</b>  The report as in Q1 above exposes the fact that half a million pounds worth of repairs &amp; maintenance were outstanding (backlog).</p> <p>Did works orders exist in respect of any of this backlog before the arrival of storm 'EMMA'?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>There were no works orders.</p>
<p><b>Questions from Councillor Prowse</b>  This site was only ever at the time going to cope with green bin contents of this City (one Council). The site is now receiving waste from less than seven surrounding Councils. It is evident that serious investment is required. Exeter City Council's re-cycling rates are disappointing compared with neighbouring Councils.</p> <p>Can the Portfolio Holder detail what we can expect in the next 12 months?</p>	<p><u>Response made by Councillor Harvey Portfolio Holder Place &amp; Commercialisation</u></p> <p>He stated that the Material Recycling Facility (MRF) was intended to have the capacity to process 10,000 tonnes per year of mixed recycling. He welcomed the business acumen and dedication of staff at the MRF. Less than 8,000 tonnes per year was collected from residents and businesses in Exeter. We currently process additional material in varying quantities from four other local authorities; we have dealt with seven local authorities at various different times. Our ability to sort materials into separate streams makes them more valuable and therefore contributes towards our net income. When necessary, sorting of mixed plastics and cans from neighbouring authorities is carried out outside core hours so this does not affect our capacity to process Exeter's material.</p> <p>Investment in the MRF will improve recycling rates and reduce the net cost of recycling. Different options for investing in the plant and increasing recycling were currently being modelled, and this would be followed by a business case for investment, to be presented to Executive and then Full Council.</p>

	<p>The main reason for Exeter’s recycling rate being lower than that of neighbouring authorities was that Exeter does not offer a separate food waste collection. The Resources and Waste Strategy for England, published in December 2018, announced that there will be a consultation in mid-2019 on food waste collection being mandatory for local authorities. The Council’s own business case would include the result of modelling the cost of food waste collection and positive impact on recycling rates.</p>
<p><b>Question from Councillor Prowse</b>  The report that is the subject of today’s extraordinary meeting does not detail the fact that the lease for the Ski Club does not lapse until 2022. This is a period of at least three years. This glaring omission from the report does not detail whether this Council or the new developer (s) is to compensate for the early closure of this lease. Can the Portfolio Holder confirm that the good news is that the Ski Club is to remain?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>As stated previously our intention was not to close down the Ski Club and we would like to discuss options with the Ski Club about the possibility of a state of the art virtual ski training facility and a new home for the Ski Club within our proposals for Exeter Arena.</p> <p>There was no recommendation for the early termination of the Ski Club lease. The report recommends that the resolution of the existing tenancies for the Golf Driving Range and Ski Slope are passed to the successful developer, who will be able to provide sufficient evidence (grant of planning permission, proof of funding and intention to develop) to satisfy the requirements of Landlord &amp; Tenant Law to obtain vacant possession. This minimises the period during which the site has to be managed as vacant, and gives the developer the ability to phase development around these existing occupations.</p>
<p><b>Question from Councillor Prowse</b>  What consultation, informal or otherwise took place with the Adaptive Ski Club before the Executive meeting of the 12 June?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He confirmed that there had been both email correspondence and telephone calls with the ski club.</p>
<p><b>Question from Councillor Prowse</b>  The disturbing lack of transparency involving the hasty decision to permanently close the Centre</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p>

<p>has been picked up by a number of residents and users. As a Member of this Committee I accepted an invitation to the site on Tuesday 29<sup>th</sup> January. The Council is offering a retention of 10% green space to the residents on the site which is to be offered for sale.</p> <p>As this is a nominal offer on a ten acre site is this the best that can be achieved?</p>	<p>He confirmed there was a 10% is a minimum requirement. The valuation advice suggests that a developer would be able to plan around the proposed green space creating more density elsewhere on the site and therefore preserving value. Retaining a greater percentage of the site for green space may have an adverse impact on the value that could be achieved for the site. It will be for the planners to decide whether this was a sufficient amount of green space.</p>
<p><b>Questions from Councillor Prowse</b> The Newtown Community Association offered to facilitate a meeting as an attempt to feel 'consulted' over the closure decision. Did such a meeting take place?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He confirmed that meetings took place in the Newtown community co-ordinated by Wild Zones with around 80 to 100 people participating. He also believed that members of Newtown Community Association were invited to participate and had done so.</p>
<p><b>Question from Councillor Prowse</b> Local concerns have been expressed about the future of the many healthy mature trees on the site.</p> <p>What active steps has the Council taken to give a six month temporary Tree Preservation Order on the entire site? This would allow a good assessment as to their future?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He advised that in simple terms we would never TPO trees in our ownership as we are the responsible public body.</p> <p>TPOs should only be used when the trees are under immediate threat which is not the case and one doesn't need to declare a TPO to require "an assessment". As part of any planning application on land part or fully occupied by trees the planners will insist on an Arboricultural report from a qualified person assessing the health and amenity value of the trees which would inform the planning decision. This site would be no different.</p>
<p><b>Question from Councillor Prowse</b> In a series of emails received by the Council prior to the Executive meeting of the 12 June 2018, one such email detailed the following statement</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>The statement was not true.</p>



<p>“Development of the site will have a serious negative impact on the area”.</p> <p>In addition, I am concerned that demolition and not repair of this facility gives the message that the Labour Party group governing Exeter City Council is too concerned with their signature project of St Sidwell’s Point, as their “legacy” and are happy to sacrifice the current needs of the community to that long-range future project.</p> <p>The lack of maintenance which led to the snow damage and the opportunistic way in which that was seized on as an excuse for prolonged closure both give that impression. The extended failure to repair Riverside and the poor state of Northbrook Pool add to the impression.</p> <p>Is any of the above statement correct?</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; font-weight: bold;">DRAFT</p>
<p><b>Question from Councillor Prowse</b> As part of this scheme the County Council recently revoked the pay &amp; display parking that runs parallel to Bampfylde Street and replaced it with an extended bus bay.</p> <p>Did the County Council ask the City Council for recompenses for the lost revenue at this location?</p>	<p><u>Response made by Councillor Sutton Portfolio Holder Economy, Culture for Councillor Denham Portfolio Holder City Transformation</u></p> <p>She had spoken to officers and no such request has been made to our knowledge.</p>
<p><b>Questions from Councillor Prowse</b> Given the decision taken to close Clifton Hill which was recommended to the Full Council and such a decision was taken at the Executive meeting on the 12 June 2018. Were any</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p>

<p>budgetary provisions made in the budget for 2018/19 for loss of income due to the unexpected loss of revenue stream with its closure and the full implications of such a decision?</p>	<p>He said that no, we were unaware of these issues when the 2018/19 budgets were set. The budgets are agreed in February and the snow unfortunately came after that, in March. Councillor Prowse was advised that the Section 151 Officer was not at the meeting as he was annual leave.</p>
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