

FULL COUNCIL

19 NOVEMBER 2018

Present:

Councillors Kerswell (Chairman), Keeling (Vice-Chairman), Austen, Bullivant, Christophers, Clarence, Clemens, Connett, Cook, Cox, Dennis, Dewhirst, Eden, Evans, Fusco, Golder, Goodey, Gribble, Haines, Hayes, Hocking, J Hook (was Brodie), G Hook, Jeffery, Lake, Matthews, Mayne, Morgan, Nutley, Orme, Parker, Peart, Prowse, Rollason, Russell, Smith, Thorne, Winsor and Wrigley

Apologies:

Councillors Barker, Bromell, Colclough, Hockin, Jones and Pilkington

Officers in Attendance:

Phil Shears, Managing Director

Sarah Selway, Democratic Services Manager (Exeter City Council)

232. MINUTES

The minutes of the meeting held on 15 October 2018 were received, and subject to the inclusion of Councillor J Hook as in attendance and the following amendment to minute 200

‘Councillor Clemens read out a press article from Councillor Connett regarding the size of the Country Park planned at Exminster in which Councillor Connett had stated that it was the Council’s intention to cut back the size of the park and open space.

Councillor Clemens refuted this claim and stated that the decisions regarding the size of Country Park were made when the Local Plan was adopted and, subsequently in 2014, when the South West Exeter master plan was approved safeguarding 70 hectares of which 39 are needed currently to mitigate the impact of current development plans.’

It was proposed by Councillor Cox, seconded by Councillor Hook that the minutes were approved as a correct record and signed by the Chairman.

233. CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented how well supported the Remembrance Parade and Service in Newton Abbot had been.

234. DECLARATIONS OF INTEREST

There were no declarations of interest.

235. COUNCILLOR MIKE PILKINGTON

The Council wished Councillor Mike Pilkington a speedy recovery.

236. COUNCILLOR QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(K)

Question submitted by Councillor J Hook:-

I refer to the recent decision of the Ombudsman, in favour of MR X, relating to the enforcement action taken against the unauthorised junction at Larkspur Drive with Mile End Rd.

The Ombudsman concluded that "the Council's delay and lack of incisiveness in dealing with the unauthorised access amounts to fault", and the Council has let the matter "drift". I have also been chasing for the last couple of years for action on this and other matters relating to the discharge of a condition to ensure the management of open space and the provision of allotments, on the Persimmon's part of the Hele Park development. Can the PH for Planning and Housing tell us what action he has taken as a result of the Ombudsman decision to ensure these 2 outstanding matters are now resolved in a prompt manner? We are seeing more and more houses built and our Enforcement staff resource is clearly stretched. Is not the Ombudsman decision a further indication that we need another full time Enforcement Officer in order to fulfil our statutory duties.

Answer by the Portfolio Holder for Housing & Planning

We acknowledge that the combined enforcement and planning process led to delays in the Mile End Road case, however the Team does not expect these circumstances to be repeated as we are trying to take a more pro-active approach to resolving enforcement cases.

Our Planning Enforcement Policy is published online.

We cannot take enforcement action in relation to cases where planning applications remain undecided as this would be unreasonable.

We can only take action where it is expedient and/ or in the public interest to do so.

Since the Ombudsman's decision planning permission has been refused for the retention of the access and an Enforcement Notice has been issued. However, an appeal has been submitted against the Enforcement Notice which means it is currently pending the outcome of the appeal. We are waiting for a start date for the appeal.

The final pieces of information in relation to the provision of the allotments at Hele Park have been submitted and we hope to agree the details shortly. I understand an overarching management company is in place for the open spaces and the spaces are being regularly maintained.

To overcome the particular problems of major development sites the Council amended its adopted Planning Enforcement Policy to include monitoring visits to the larger sites. These include the Case Officer, the Developer and the Ward Councillor and have started taking place in relation to the Linden Homes scheme at Whitehill. These visits should spot concerns early so that remedies can be agreed before development has proceeded too far. It is hoped that this will help prevent long delays in dealing with any issues.

Resources and Benchmarking

Whilst I am sure the team would welcome additional resources, I do not consider that this was the reason for the delay in dealing with the Mile End case.

The Enforcement Team deal with between 450 and 500 complaints each year and the vast majority of these are dealt with quickly. However, one or two complaints may take longer than we would all hope.

Two years ago, the previous Business Manager undertook some benchmarking work in relation to the size and capacity of the enforcement team.

This showed a remarkably consistent number of cases being received each year. It also showed that, compared to nearby authorities, our Officers deal with a similar number of cases each, each year.

There is not considered to be a need for additional resource at this time however it is critical to the effectiveness of the team that decisions continue to be made in a timely manner and that the twin principles of expediency and acting in the public interest are upheld.

Supplementary question

In response Councillor J Hook asked a supplementary question regarding the lack of resources in the enforcement team, the Portfolio Holder for Planning & Housing commented that he would encourage Members to get involved and visit those major planning developments in their areas.

237. GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF PRINCIPLES

The Portfolio Holder for Health & Well-Being presented the report to consider the recommendation from the Executive to approve the Gambling Act 2005 – Statement of Principles. She stated that the Council was required to prepare and keep under review a statement of the principles which it proposed to apply when exercising its functions every three years. The additions included the

safeguarding of children and adaptation of premises to ensure that there was no direct access for gambling.

It was proposed by the Portfolio Holder for Health & Well-Being, Councillor Russell and seconded by the Leader, Councillor Christophers. The proposal was carried by 38 votes for, with one abstention.

RESOLVED the Gambling Act 2005 – Statement of Principles be approved.

238. COMMITTEE MEMBERSHIP

The Leader referred to the report circulated regarding the updating of the Committee political balance figures following the resignation of a Councillor.

It was proposed by the Leader, Councillor Christophers and seconded by Councillor G Hook and unanimously

RESOLVED that the allocation of seats for the committee places be approved as set out in the circulated report and that appointments and substitute Members be approved as advised by the Group Leaders.

239. THE CHAIRMAN WILL ANNOUNCE:

RESOLVED

That the Common Seal of the Council be affixed to any document(s) necessary to give effect to the resolutions passed by the Council at this meeting.

Chairman