

EXECUTIVE

Tuesday 27 January 2009

Present:-

Councillor Fullam (Chair)

Councillors S Brock, Cole, Edwards, R M Hannaford, Mrs Henson, Mitchell, Mrs J Morrish and Wadham

Chief Executive, Director Community and Environment, Director Economy and Development, Director Corporate Services, Assistant Chief Executive, Head of Treasury Services and Member Services Manager

1

MINUTES

The minutes of the meetings of the Executive held on 25 November and 9 December 2008 were taken as read and signed by the Chair as a correct record.

2

DECLARATIONS OF INTEREST

Members declared the following personal (*prejudicial) interests:

COUNCILLOR	MINUTE
S Brock	3 (member of Exeter Arts Council)
Edwards	14* (employee of Stagecoach Devon)
R Hannaford	3 Vice-chairman and Trustee of Exwick Community Association)
Wadham	3 (member of Barnfield Theatre Board, Exeter Arts Council, and trustee and member of Alphington Community Association)

3

GRANTS COMMITTEE

Councillor S Brock declared a personal interest as a member of Exeter Arts Council. Councillor R Hannaford declared a personal interest as Vice-Chairman and Trustee of Exwick Community Association. Councillor Wadham declared a personal interest as a member of Barnfield Theatre Board, Exeter Arts Council, and a trustee and member of Alphington Community Association.

RESOLVED that the minutes of the meeting of the Grants Committee held on 4 December 2008 be received and, where appropriate, adopted.

(Minutes circulated)

4

COUNCIL TAX BASE 2009-2010

The report of the Head of Treasury Services was submitted, setting the 2009-2010 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) Regulations.

RESOLVED that in accordance with the Local Authorities (Calculation of Tax Base) Regulations, the amount calculated by Exeter City Council as its tax base for the year 2009-2010 shall be 37,700.

(Report circulated)

5

HOUSING RENTS 2009-10

The report of the Head of Treasury Services was submitted, recommending a rent increase from 1 April 2009 for Council dwellings. Scrutiny Committee – Community considered the report at their meeting on 20 January 2009 and the support and comments of Members were noted.

The Director Community and Environment reported that the average rise in rent per collection week for 2009/10 would be £4.26 not £3.77 as set out in the report.

In response to a query regarding the Council's policy of collecting rent over 48 weeks, the Director Community and Environment reported that the arrangement had been made in consultation with tenants who welcomed the "rent-free" periods particularly over Christmas.

Some members expressed disappointment at the Government's proposed 6.2% average rent increase for Exeter, since this was significantly above the current level of inflation. Councillor Edwards questioned the ability of the Council to deviate from the Government's rent convergence requirements. He was advised by the Director Community and Environment that the implications of doing so would be very serious and against her professional advice. Seconded by Councillor Mrs Morrish, Councillor Edwards proposed an amendment to the recommendation to agree an average rent increase of 3.2% to include a general increase of 2.5% together with the phased introduction of the Government's rent restructuring proposals. The motion was put to the vote and lost.

RESOLVED that the rents of Council dwellings be increased from 1 April 2009, by an average of 6.2% which includes a general increase of 5.0% together with the phased introduction of the Government's rent restructuring proposals.

(In accordance with Standing Order 43, Councillor Edwards requested that his name be recorded as having voted against the resolution and Councillor Mrs Henson requested that her name be recorded as having abstained)

(Report circulated)

6

HOUSING TENANCY AGREEMENT

The report of the Head of Housing Services was submitted, seeking approval to implement a revised secure tenancy agreement for tenants of Exeter City Council following a comprehensive consultation exercise.

Scrutiny Committee – Community considered the report at their meeting on 20 January 2009 and the support and comments of Members were noted.

Executive members welcomed the revised agreement which they felt provided much greater clarity for tenants. They supported the inclusion of gardens within the responsibilities of tenants since these were often the source of anti-social behaviour. A member sought confirmation of the view of the Guide Dogs for the Blind Association regarding the keeping of guide dogs in flats without separate gardens. Other Members enquired about the number of evictions in the City resulting from the introduction of the Anti-Social Behaviour legislation and whether Housing Associations had adopted equally comprehensive tenancy agreements.

RESOLVED that the implementation and introduction of the revised tenancy agreement from April 2009 be approved.

(Report circulated)

7

AFFORDABLE HOUSING AND THE HOUSING MARKET

The report of the Head of Housing Services was submitted, considering the implications of the housing market downturn and the Council's response, particularly in relation to the provision of affordable housing.

Scrutiny Committee – Community considered the report at their meeting on 20 January 2009 and the comments of Members were noted. With regard to the proposal in respect of the definition of minor variations to the terms of existing and proposed Section 106 agreements, Executive noted the particular concern expressed by one member of the Committee. He feared that member involvement would be limited and requested that consideration be given to other ways of involving ward and Planning Committee members. A further report by the Head of Housing Services and the Head of Planning and Building Control addressing the Councillor's concerns was circulated. The report stated that a reduction in the amount of affordable housing, or the percentage of affordable housing for rent, would not be considered "minor" variations which could be made under delegated powers. Members' concern that they might be unaware of additional affordable housing being proposed in their wards was acknowledged but this was not controllable through the Planning system. The Head of Housing Services had undertaken to ensure that the Housing Enabling team kept members aware of changes of this kind. The Director Community and Environment had spoken to the Chair of Scrutiny Committee – Community who felt that the additional report addressed the issues raised at Scrutiny Committee – Community.

Executive members acknowledged the severe threat posed by the downturn in the housing market, particularly in relation to the provision of affordable housing through the use of Section 106 agreements. They welcomed the range of innovative solutions proposed by officers to negate the worst effects of the downturn in the housing market. Members hoped that the Government's proposals enabling the construction of homes by Councils would come to fruition and were advised that the Head of Housing Services was looking into this and members would be kept informed. Another member sought assurance that the design and quality of new building would not be allowed to decline. The Portfolio Holder for Housing and Social Inclusion responded that building regulations required increasingly high specifications, for example in relation to energy efficiency, and recent construction often exceeded required standards.

RESOLVED that:-

- (1) the report and its contents be noted;

- (2) a flexible approach be maintained to renegotiate and vary existing Section 106 agreements and consents to encourage the development of affordable housing wherever possible; and
- (3) variations to the specific terms of S106 agreements regarding affordable housing, where they meet the following criteria, should be treated as minor and therefore delegated to the Head of Planning and Building Control in consultation with the Head of Legal Services and Chair of Planning Committee:-
 - (a) they do not affect the “headline” terms reported to Planning Committee and contained in that Committee’s resolution;
 - (b) they do not result in a reduction in the overall proportion of affordable housing on a site, nor in the proportion of affordable housing for rent;
 - (c) they have the support of the Head of Housing Services; and
- (4) the Head of Housing Services will consult the Portfolio Holder for Housing & Social Inclusion and relevant ward members in relation to the provision of affordable housing on specific sites.

(Report circulated)

8

TREES AND WOODLAND STRATEGY

The report of the Head of Contracts and Direct Services was submitted, presenting to Members the final draft of the Exeter Tree and Woodland Strategy and recommending the strategy for adoption.

Scrutiny Committee – Community considered the report at their meeting on 20 January 2009 and the support and comments of Members were noted.

Members endorsed the importance of trees in the city and welcomed the Strategy which aimed to provide a planned approach to their management, retention and enhancement. Whilst supportive of the volunteer tree warden scheme, members sought assurance that ward Councillors would still be kept informed. The Director Community and Environment assured Councillors of this and undertook to advise them of the contact details of the tree wardens once the scheme was operating.

RESOLVED that the Tree and Woodland Strategy be approved and adopted.

(Report circulated)

9

ARTS AND MEDIA STRATEGY 2009 - 2012

The report of the Head of Economy and Tourism was submitted, providing Members with a summary of the views of the working group on the Draft City Arts and Media Strategy. A copy of the revised Draft Strategy was available on the intranet for Members to review which took account of the response to the external consultation, which finished on 12 January 2009.

Scrutiny Committee – Economy considered the report at their meeting on 22 January 2009 and the support and comments of Members were noted.

The Director Economy and Development proposed that the Action Plan should be reviewed later in the year once the Council's budgetary position had been clarified and the outcome of the local government review in Devon was known.

RESOLVED that the content of the final draft of the Arts and Media Strategy 2009 – 2012 be approved and that the Action Plan be reviewed later in the year.

(Report circulated)

10

EXETER CANAL BASIN REGENERATION SCHEME

The report of the Director Economy and Development and Head of Estates was submitted, informing Members of progress in bringing forward the regeneration proposals for the Canal Basin area. The report assessed the impact of the current economic climate on those proposals, agreed any consequent changes to the City Council's objectives and considered a revised financial assessment of the scheme.

Members noted the feasibility study into the provision of public toilets in the vicinity of Piazza Terracina which had concluded that the proximity of alternative public provision is good and the need for an additional facility is questionable. Whilst acknowledging the substantial capital and revenue costs of providing a facility, however, members felt that the Council should not discontinue its efforts to make additional provision in the area. They considered that current facilities at the Canal Basin would be inadequate given the projected footfall in the area but accepted that the planned residential, office and café-restaurant uses would all provide toilet provision for their own residents, users and customers. They accepted the merits of Community Toilets Schemes whereby local shops and businesses are paid by Councils to provide public access to their toilets but noted the conclusion of the feasibility study that a small-scale scheme of this type was unlikely to provide a localised solution as an alternative to building a toilet block at the Canal Basin.

Councillor Wadham, seconded by Councillor R Hannaford moved the amendment of the third recommendation to delete the proposal to take no further action in respect of the provision of public conveniences and to propose that efforts continue to identify a suitable site. The motion was put to the vote and agreed.

Councillor Edwards queried whether Devon County Council would maintain its funding for the new Haven Banks Outdoor Education Centre regardless of the outcome of the local government review in Devon. Councillor R Hannaford responded that, since the Centre was regarded as a regional facility, his understanding was that Devon County Council's contribution would not be affected by the decision.

RESOLVED that:-

- (1) progress to date on the delivery of the Exeter Canal Basin Regeneration Strategy be noted;
- (2) the Head of Estates Services, in consultation with the Portfolio Holder Economy & Tourism, be authorised to agree the variation of the terms of the Development Agreement and lease for the old electricity building to facilitate its speedy refurbishment;
- (3) the Public Conveniences feasibility study be noted and a site be identified for the provision of toilets;

- (4) the changes to the Exeter Canal Basin Regeneration Delivery Strategy rehearsed in the report be approved; and
- (5) the proposed spending levels for 2008/9 and 2009/10, as set out in paragraph 4.6 of the report, be approved and that revisions to the financial implications to the project be noted with any significant increases to be reported back to Executive.

(Report circulated)

11

WAVELENGTH 18 - SURVEY RESULTS

The report of the Assistant Chief Executive was submitted, presenting the main findings of the Wavelength 18 survey to Executive.

It was noted that the survey results had been passed to the commissioning directorates and other relevant parties for appropriate actions to be taken. Results from the Wavelength surveys are posted on the Council's website and a summary sent to Wavelength panellists.

RESOLVED that the contents of the report be noted.

(Report circulated)

12

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

The report of the Assistant Chief Executive was submitted, on the appointment of representatives to serve on outside bodies.

RESOLVED that Councillor Cole be appointed as the Council's representative on Exeter Women's Aid.

(Report circulated)

13

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

14

CONCESSIONARY TRAVEL: THREE YEAR FINANCIAL SETTLEMENT WITH STAGECOACH

Councillor Edwards declared a prejudicial interest as an employee of Stagecoach Devon and left the meeting for the duration of this item.

The report of the Director Economy and Development and Head of Parking, Engineering and Business Support was submitted, seeking a decision from Members on a proposed three year financial settlement with Stagecoach which would fix the costs of concessionary travel arrangements for older people and people with disabilities. Executive members also noted the advice on the issue of the independent specialist consultancy.

Members expressed grave concern about the financial impact of the scheme on the Council but concluded that the proposed arrangement offered a degree of certainty and was therefore in the Council's best interests. The Director Economy and Development gave his assurance that the contract would require guarantees to protect the Council's position in the event of any significant proposal by Stagecoach to cut bus routes.

RESOLVED that:-

- (1) the Director Economy and Development, in consultation with the Leader of the Council and the Portfolio Holder for Sustainable Development and Transport be authorised to reach a fixed sum settlement with Stagecoach in respect of the national concessionary travel scheme; and
- (2) the deep concern of Executive be noted in respect of the Government's funding formula for the scheme which left a very substantial risk with the Council.

(Report circulated to Members)

15

RESTRUCTURING OF ARCHAEOLOGICAL FIELD UNIT

The report of the Director Economy and Development was submitted, considering the permanent staffing structure of the Archaeological Field Unit (AFU) and outlining proposals for the restructuring of the Unit in the light of current and future financial conditions. These measures aimed to ensure that the AFU could operate more effectively in a competitive environment. A further report was circulated updating members on the outcome of staff consultations and related matters and revising the recommendations.

Scrutiny Committee – Economy considered the report at their meeting on 22 January 2009 and the support and comments of Members were noted.

RESOLVED that:-

- (1) the existing structure of the AFU be deleted and the revised structure set out in Appendix I to the supplementary report be approved, subject to any variations arising out of the conclusion of negotiations on the implementation of the structure;
- (2) delegated authority be given to the Director Economy and Development, in consultation with the Leader and Portfolio Holders, for any modifications that arise from (1) above;

- (3) the employment of postholders referred to in paragraph 3.3 of the revised report be not renewed or terminated as appropriate on 6 April 2009 with the holders paid, where relevant, a compensation payment in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006 with a payment also made in respect of any notice period due to the employee at 6 April 2009;
- (4) the revised structure be implemented with the new arrangements to be in place by 6 April 2009;
- (5) the arrangements for recruiting temporary staff outlined in paragraph 3.7 of the main report be agreed; and
- (6) the employment of the holder of the post of the Head of the Archaeological Field Unit (ED06100) be terminated in the interests of the efficient exercise of the Council's functions and he be afforded benefits under the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.40 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 24 February 2009.