

**EXETER CITY COUNCIL**  
**EXECUTIVE**

**Statement of Decisions**

Tuesday 16 June 2009

**Present:-**

Councillor Adrian Fullam (Chair)  
Councillors S Brock, Cole, Edwards, Mrs Henson, Mitchell, Mrs J Morrish, Newton and Wadham

**Also Present**

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

**Minutes (Minute 60)**

The minutes of the meetings of Executive held on 24 March and 7 April 2009 were taken as read and signed by the Chair as a correct record.

**Declarations of Interest (Minute 61)**

A Member declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
S Brock	62 and 63 (owner of business subject to inspection)

**Food Law Enforcement Plan 2009/10 (Minute 62)**

Councillor S Brock declared an interest as the owner of a business subject to inspection.

The report of the Head of Environmental Health Services was submitted, informing Members of the Council's performance against the previous year's Food Law Enforcement Plan. It also sought approval for the adoption of the Food Law Enforcement Plan 2009/10, which sets out the Council's regulatory function in respect of food safety over the forthcoming year.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

Executive recommended that:-

- (1) the Food Law Enforcement Plan 2009/10 be approved; and
- (2) the Head of Environmental Health Services be authorised to make changes to the Enforcement Plan in the light of centrally issued guidance and/or to meet operational needs.

### **Health and Safety Service Plan 2009/10 (Minute 63)**

Councillor S Brock declared an interest as the owner of a business subject to inspection.

The report of the Head of Environmental Health Services was submitted, seeking approval of the Health & Safety Service Plan for 2009/2010 which sets out the Council's functions for regulating health and safety in businesses for the forthcoming year.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

Executive recommended that:-

- (1) the Health and Safety Service Plan 2009/2010 be approved; and
- (2) the Head of Environmental Health Services be authorised to make changes to the Service Plan in the light of centrally issued guidance and/or to meet operational needs.

### **Policy for the Ethical Care of Human Remains at the Royal Albert Memorial Museum (RAMM) (Minute 64)**

The Head of Leisure and Museums submitted the report, proposing a policy for the ethical care of human remains in the museum collection, in the form of an annexe to the Acquisitions and Disposals Policy 2005-2010.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted. Executive members welcomed the policy.

Executive resolved to adopt the Policy for the Ethical Care of Human Remains as an annexe to the overall Acquisition and Disposal Policy.

### **Replacement of Filters at the Pyramids Swimming Pool (Minute 65)**

The report of the Head of Leisure and Museums was submitted, seeking approval for the replacement of filters at Pyramids, which have reached the end of their useful life. The Director Community and Environment informed Executive of the urgent need to replace the filters in view of the imminent risk of their failure. She also referred to correspondence circulated to Councillors from the Chairman of Exeter City Swimming Club urging the Council to install an Ultra Violet light system at the Pyramids. She advised members that the Council's specialist water consultant considered that the water quality at the pool continued to reach acceptable standards and it was therefore recommended not to install this equipment at the present time.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support of the Committee to the proposal and the comments of members were noted.

Councillor Branston attended this meeting and spoke on this item under Standing Order 44. He urged the Council to proceed with the development of a new pool at Clifton Hill, reminding members of the feasibility study that had previously been undertaken and the reasons why that location had been selected by the Council. He considered that Exeter was under-provided with swimming pools in comparison with cities with similar populations and that the other pools in the city were already operating at capacity. In view of the health and safety concerns regarding water quality, he suggested that it would be appropriate for the

replacement of the filters to be funded through the Asset Improvement and Maintenance (AIM) budget. He considered that further delays would increase the cost of a new pool and that development at Clifton Hill should now proceed, particularly in the light of the anticipated return of some of the money invested in Icelandic banks.

The Chair reminded Executive that, at the request of members, money refunded from the Icelandic banks had been earmarked to restore specific schemes, including improvements to play areas, to the capital programme.

The Portfolio Holder Environment and Leisure urged members to support the replacement of the filters in view of the serious consequences of their failure. He informed members that the Swimming Pool Working Group continued to investigate all options and emphasised that Councillor Branston's involvement in the group would be welcomed.

Whilst supporting the urgent replacement of the filters, other members hoped that this would not be at the cost of progressing plans for a new pool.

Councillor Edwards reminded Executive of the consistent aspiration of his group to seek a new pool and the reasons for selecting Clifton Hill as the appropriate site. He moved an amendment to the recommendation, seconded by Councillor Mrs Morrish that plans be drawn up to build a new swimming pool at Clifton Hill. The amendment was put to the vote and lost.

The Portfolio Holder Business Transformation and Human Resources reminded members of the range of alternative swimming facilities available in the city. She considered that it would be irresponsible for the Council to borrow significant amounts of money at the present time, particularly in advance of the decision on the local government review. Whilst no-one disputed the desirability of a new pool when the financial situation permitted it, the Chair emphasised the importance of sound financial management in the current economic climate.

Executive resolved that:-

- (1) the filters and associated pipework at Pyramids Swimming Pool be replaced as soon as practicable;
- (2) the work be funded from budget remaining from the new pool project; and
- (3) equipment to disinfect water using ultraviolet light not be installed.

#### **Empty Homes Strategy 2009 - 2014 (Minute 66)**

The report of the Head of Housing Services was submitted, informing Members of the consultation results for the draft Empty Homes Strategy 2009-2014 and recommending approval of the amended version.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted. Executive members supported the proposed amendments and welcomed the revised Strategy.

Executive resolved that:-

- (1) the actions and revisions to the Empty Homes Strategy as set out in paragraph 4 of the report be approved;
- (2) the revised action plan contained in Appendix 1 of the report be approved;

- (3) Scrutiny Committee – Community receive an annual update on progress against the action plan; and
- (4) in accordance with the Local Government and Public Involvement in Health Act 2007, the Empty Homes Strategy and action plan be placed on the website and further comments invited from the community.

### **Fire Safety Policy for Housing Properties (Minute 67)**

The report of the Head of Housing Services was submitted seeking Members approval for a new policy regarding the management of fire safety in the Council's housing stock.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

The Director Community and Environment reported that whilst the safety of residents was paramount, the Council planned to adopt the policy sensitively and in consultation with tenants and leaseholders. Members supported this approach and acknowledged the safety hazards posed by the storage of objects in communal areas. They requested that particular consideration should be given to the storage of vehicles including mobility scooters. It was agreed to involve ward councillors in discussions regarding properties in their local area. The installation of sprinklers was suggested and the Director Community and Environment agreed to explore this further.

Executive resolved that the Fire Safety Policy for the Council's housing stock be approved and that ward Councillors be involved in consultations relating to properties in their wards.

### **Crime and Disorder (Overview and Scrutiny) Regulations 2009 (Minute 68)**

The report of the Assistant Chief Executive was submitted advising Members of the new Regulations under the Police and Justice Act 2006 establishing overview and scrutiny of the work of the Crime and Disorder Reduction Partnerships (CDRPs).

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and supported its enhanced role to scrutinise the Exeter Community Safety Partnership.

Executive recommended that:-

- (1) the enhanced role of Scrutiny Committee – Community to encompass scrutiny of the Exeter Community Safety Partnership be approved;
- (2) an addition be approved to the terms of reference of the Scrutiny Committee – Community, enabling that Committee to discharge the functions of a Crime and Disorder Committee to oversee and scrutinise the work of the Exeter Community Safety Partnership, and the Constitution be amended accordingly.

### **Response to the Recession (Minute 69)**

The report of the Director Economy and Development was submitted, advising Members on a range of possible initiatives intended to respond to the impact of the recession on businesses and individuals in Exeter.

Scrutiny Committee – Economy considered the report at their meeting on 11 June 2009 and the support and comments of members were noted.

Executive welcomed the report and endorsed the range of positive measures proposed by the Council. They particularly welcomed the Trinity Project which aimed to provide debt advisers in the Council's Customer Service Centre and Exeter County Courts.

Executive resolved to proceed with the proposals outlined in Section 3 of the report.

### **Use of Bedford Square (Minute 70)**

The joint report of the Director Economy and Development and the City Centre Manager was submitted seeking guidance from Members on the use of Bedford Square by political organisations.

The Director Economy and Development clarified that Bedford Square comes within the remit of the City Council and not Land Securities as had been reported in the press.

Executive members agreed on the profound importance of freedom of speech as one of the overriding principles of democracy. However distasteful the views of certain political parties may be considered, members felt that it was important for society to have the opportunity to hear, rather than suppress, those views. It was acknowledged that many charities now had lobbying roles and it would be very difficult to define "political organisations".

The threat to public safety was also taken seriously, particularly since social media now provided the opportunity for greater levels of organised protest. Since Community Safety was the responsibility of the Police, it was agreed that it was most important to take into account their advice in respect of any threats to public safety. It was proposed that the police should be consulted on any requests for bookings where it was considered there may be public disorder considerations and that the final decision on whether to approve these applications be made by the Chief Executive in consultation with the Leader of the Council. It was also agreed to amend the Bedford Square usage guidelines to clarify that proposed changes to the guidelines would be decided by the City Centre Management Partnership Board

Executive resolved that:-

- (1) political organisations be permitted to use Bedford Square;
- (2) the advice of the police be sought on bookings where there was considered to be any threat to public order, the final decision to be made by the Chief Executive in consultation with the Leader of the Council; and
- (3) the Bedford Square Usage Guidelines be amended to clarify that proposed changes to the guidelines would be approved by the City Centre Management Partnership Board.

### **Corporate Plan 2007-2010 (2009/10 Update) (Minute 71)**

The report of the Strategic Management Team was submitted seeking Members' approval of the Council's Corporate Plan 2007-2010 (2009/10 update).

Executive recommended that the draft Corporate Plan 2007-2010 (2009/10 update) be endorsed and that any necessary drafting amendments before publication be delegated to the Chief Executive, in consultation with the Leader of the Council.

### **Local Development Framework - Amendments to the Constitution (Minute 72)**

The report of the Head of Legal Services was submitted recommending amendments to the Council's Constitution, to update it in relation to the Local Development Framework.

Planning Committee considered the report at their meeting on 1 June 2009 and the support and comments of members were noted.

Executive recommended that the Constitution be amended to reflect changes to the Regulations in respect of the approval of the Local Development Framework as set out in Appendix 1 to the report.

### **Appointment of Representatives to serve on Outside Bodies (Minute 73)**

A schedule of appointments to outside bodies was circulated.

Executive resolved that the appointments to outside bodies be agreed and recommended that outstanding appointments, as indicated in bold on the Appendix to the minutes, be agreed by Council.

### **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public (Minute 74)**

Executive 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 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

### **Re-Tendering of the Housing Responsive Maintenance Contracts - Procurement Strategy (Minute 75)**

The joint report of the Head of Housing Services and Head of Contracts and Direct Services was submitted seeking approval to the proposed procurement strategy for the re-tendering of the housing responsive maintenance contracts.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

Executive welcomed the proposals for the packaging and tendering of the housing responsive maintenance contracts. Members particularly welcomed the opportunity to make use of mobile working and electronic communication to improve the efficiency of the service.

Executive resolved that:-

- (1) the preferred contract packaging option as described in paragraph 3.9 of the report be approved;
- (2) provided that value for money can be clearly evidenced, the management and administration of the electrical testing and re-wire programme be awarded to the in-house team (BEST) from 1 October 2010; and

- (3) the final decision on contract packaging following contractor interviews be delegated to the Head of Housing Services and the Head of Contracts and Direct Services in consultation with the Portfolio Holder for Housing and Social Inclusion and the Leader of the Council.

#### **Post of City Arts and Festivals Manager (Minute 76)**

The report of the Head of Economy and Tourism was submitted seeking approval of the merger of the City Arts Officer post (ED05127) and the Festivals and Events Manager post (ED05111) to become the City Arts and Festivals Manager (post ED05127).

Scrutiny Committee – Economy considered the report at their meeting on 11 June 2009 and the support and comments of members were noted.

Executive resolved that the proposals set out in paragraph 3.3 of the report be approved and the functions and responsibilities of the posts of City Arts Officer (ED05127) and Festivals and Events Manager (ED05111) be merged into the post of City Arts and Festivals Manager (ED05127) at Grade 10 from 1 July 2009, with the post of Festivals and Events Manager (ED05111) being deleted.

(The meeting commenced at 5.30 pm and closed at 7.20 pm)

**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 14 July 2009.**