

EXECUTIVE

Tuesday 7 October 2014

Present:

Councillor Edwards (Chair)
Councillors Denham, Fullam, Hannaford, Owen, Pearson and Sutton

Apologies:

Councillor Leadbetter

Also present:

Chief Executive & Growth Director, Assistant Director Economy, Assistant Director Environment, Assistant Director City Development, Assistant Director Finance, Corporate Manager - Legal, Corporate Manager Democratic and Civic Support, Service Lead Housing Customers and Democratic Services Manager (Committees)

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DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

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RUGBY WORLD CUP 2015 UPDATE

The Assistant Director Economy updated Members on the current position with regards to the Rugby World Cup. It was predicated that all three Exeter games would be a sell out. He advised of the anticipated level of visitor spend, marketing activity, the five legacy themes and Fanzone layout. The Local Enterprise Partnership had awarded £33,000 towards the training of volunteers. A successful Business conference had recently been held at Sandy Park and as a result, funds to the sum of £30,000 had been pledged towards marketing the event.

In response to Members' queries, the Assistant Director Economy clarified that the training for the volunteers would count towards part of a NVQ level 2 and that work was also taking place to engage with hard to reach individuals to help them use the experience as a volunteer as a stepping stone to college or employment. There would be joined up approach across the Council regarding security and combating anti social behaviour around the Fanzone.

RESOLVED that the position be noted.

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DELEGATED RESPONSIBILITIES IN RESPECT OF NEW ASB LEGISLATION

The report of the Assistant Director Housing was submitted seeking approval for the delegated authority to the Assistant Director Housing to terminate secure tenancies, where necessary, by relying on the new absolute grounds for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014.

The Portfolio Holder for Housing and Customer Access welcomed this new legislation to speed up the process of dealing with Anti Social Behaviour.

RECOMMENDED to Council that the Assistant Director Housing be given delegated authority to terminate any tenancy or licence and, where necessary, by relying on the new absolute grounds for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014 ('the ASBCP Act 2014').

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CAPITAL MONITORING STATEMENT TO 30 JUNE 2014

The report of the Assistant Director Finance was submitted to update Members on the current position in respect of the Council's revised annual capital programme and the anticipated level of deferred expenditure into future years. Members were advised that during the first three months of the year the Council spent £1.210 million which equated to 4.89% of the revised programme, and that £1.5million was being brought forward from 2015/16 to undertake works on Rennes House car park.

Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and the support and comments of the Members were noted.

RECOMMENDED that the Council notes and approves the current position in respect of the annual capital programme.

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OVERVIEW OF REVENUE BUDGET 2014/15

The report of the Assistant Director Finance was submitted advising Members of the overall projected financial position of the Housing Revenue Account (HRA) and the General Fund Revenue Budgets for the 2014/15 financial year after three months.

A Member stated that total Government Funding received over the past few years had in fact been increasing and questioned why level of reserves were growing whilst the Council's borrowing was rising. The proposed cuts as a result of the forthcoming consultation would have an impact on services.

The Leader stated that we could not guarantee that the New Homes Bonus funding would continue and therefore it has not been used to support the revenue account and was being spent on the growth of the city.

Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and the support and comments of the Members were noted.

RECOMMENDED that Council approve the:-

- (1) General Fund forecast financial position for the 2014/15 financial year;
- (2) HRA forecast financial position for 2014/15 financial year;
- (3) additional supplementary budgets listed in Appendix C;
- (4) outstanding Sundry Debt position as at June 2014;
- (5) creditors' payments performance; and
- (6) Council Tax and Business rates collection performance.

THE REVIEW OF POLLING DISTRICTS AND POLLING PLACES WITHIN THE EXETER PARLIAMENTARY CONSTITUENCY

The report of the Corporate Manager Democratic and Civic Support was submitted setting out the proposals for new polling district and polling places arrangements recommended as a result of the Council's responsibilities under the Electoral Registration and Administration Act 2013 and Schedule A1 of the Representation of the People Act 1983.

The Leader stated that the moving of the Pinhoe Ward polling station based at Orwell Garth to Willowbrook School would not meet the geographical needs of the electors and cause them to have to cross a busy main road.

Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and the support and comments of the Members were noted.

RECOMMENDED that Council approves:-

- (1) the adoption of the proposals outlined in the report, with the omission of paragraph 8.6 (Pinhoe Ward – Orwell Garth to remain in situ) for implementation from a revised register of electors to be published on 1 December 2014;
- (2) the formal publication of its final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency on 16 October 2014, as required by the Electoral Administration Act 2006; and
- (3) the completion of a further review by 31 January 2020, as required by the Electoral Registration and Administration Act 2013.

HEALTH AND SAFETY AT WORK UPDATE

The report of the Assistant Director Environment was submitted providing Members with an all-round briefing on corporate health and safety. He reported an amendment to p.72 with the Building Control Manager to be changed to the Assistant City Development Manager.

Members thanked staff for their diligence in maintaining the Council's excellent Health and Safety record.

Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and the support and comments of the Members were noted.

RECOMMENDED that Council approve the changes to the Council's Health and Safety Policy as set out in Appendix II of the report.

ARRANGEMENTS FOR THE PROVISION FOR THE JOINT MANAGEMENT OF STRATA

The report of the Corporate Manager Legal was submitted which outlined a proposed structure for the governance and scrutiny of Strata, as part of the organisational arrangements for a shared ICT service through a wholly owned company with East Devon District Council and Teignbridge District Council, with a proposed commencement date of 1 November 2014. There would be a requirement to set up a Joint Executive Committee (JEC) to govern Strata and a Joint Scrutiny Committee (JSC) to scrutinise Strata.

The main provisions of the governance structure were included in the terms of reference and rules of procedure for the JEC and JSC, which were included in an Appendix to the report. Each of the partner authorities had to consider the proposals and agreed to amend their individual constitutions.

It was noted that East Devon District Council and Teignbridge District Council had supported this proposed way forward.

In response to a Member's question, the Corporate Manager Democratic and Civic Support stated that any expenses incurred by Councillors travelling to meetings outside of the city boundaries would be taken into consideration by the Independent Remuneration Panel who were currently undertaking a review of Members Allowances.

Scrutiny Committee – Resources considered the report at its meeting on 2 October 2014 and the support and comments of the Members were noted.

RESOLVED that:-

- (1) a Joint Executive Committee (JEC) to govern Strata be appointed with effect from the go live date on the 1 November 2014;
- (2) the Leader of the Council be appointed to the JEC;
- (3) the JEC's terms of reference, as set out in the Appendix and summarised in paragraph 9 of the report, be agreed;
- (4) the Rules of Procedure for the JEC as set out in the Appendix, be adopted;

RECOMMENDED that Council approve the following and that the Constitution be amended accordingly:-

- (5) a Joint Scrutiny Committee (JSC) be appointed;
- (6) the JSC Terms of Reference, as set out in paragraph 10-12 of the report, be agreed;
- (7) a total of three Members from each authority sit on the JSC in compliance with the rules on political balance; and
- (8) the Rules of Procedure for the JSC, as set out in the Appendix to the report, be adopted.

AMENDMENTS TO THE SCHEME OF DELEGATION

The report of the Corporate Manager Democratic and Civic Support was submitted which updated Members on amendments to the Scheme of Delegation to Officers to match operational arrangements.

RECOMMENDED that Council approve the changes to the Scheme of Delegation to Officers as set out in the Appendix to the report and that the Constitution be amended accordingly.

SCRUTINY REVIEW WORKING GROUP UPDATE REPORT

The report of the Corporate Manager Democratic and Civic Support was submitted to update Members as to the implementation of the new Scrutiny arrangements one year on following the report of the cross party Scrutiny Review Working Group dated 9 April 2013.

The Leader thanked the Scrutiny Programme Officer for the work being undertaken to improve and enhance the scrutiny process.

RECOMMENDED that Council support the new Scrutiny arrangements as set out in the cross party report of 9 April 2013 which had been implemented successfully.

FREEDOM OF THE CITY

The report of the Corporate Manager Democratic and Civic Support was submitted setting out a proposal to offer the Freedom of the City to Mrs Yolonda Henson in recognition of her dedication to the serving the City for over 32 years of elected representation. It also suggested that the Freedom of the City be offered to Jo Pavey (the athlete), as well as Liam Tancock (the swimmer) for their outstanding services to the field of sport which had led to Exeter's name being known around the world as one which supports sport.

The report also gave details of an on-line petition suggesting that the Freedom of the City be given to Chris Martin (of Coldplay) as well as suggesting that future nominations for such an honour be considered against set criteria.

The Leader supported a list of criteria against which future nominations could be considered.

In response to a Member, the Corporate Manager Democratic and Civic Support clarified that about half a dozen people over the past couple of decades had been given Freedom of the City.

RECOMMENDED to Council that:-

- (1) the title of Honorary Freeman of the City Status be conferred on Mrs Yolonda Henson, Mrs Jo Pavey and Mr Liam Tancock; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held on the rising of the ordinary meeting on 15 October 2014, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

STRATEGY AND GOVERNANCE FOR EUROPEAN SITE DEVELOPMENT IMPACT MITIGATION

The report of the Assistant Director City Development was submitted seeking Members approval of a joint approach with East Devon and Teignbridge District Councils to securing mitigation of adverse impacts that could arise from development on the key wildlife sites of the Exe Estuary, Dawlish Warren and the East Devon Pebblebed Heaths.

Members were advised of the two categories of the mitigation measures On Site Works and Suitable Alternative Natural Greenspaces (SANG), and the costs per dwelling in Exeter which ranged from £343 to £749. A Joint Mitigation Committee would be established to oversee the mitigation proposals and work. The voting powers of the Committee would rest with the three elected members, one drawn from each authority.

The Portfolio Holder for City Development commented that these funds would help to improve existing facilities and provide new recreational areas in the city.

RESOLVED that the proposals to establish a joint committee with East Devon and Teignbridge District Councils to oversee and prioritise funds for mitigation projects be agreed. A detailed report would be brought back early in 2015 to agree how the committee would operate.

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DELEGATED RESPONSIBILITIES IN RESPECT OF THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

The report of the Assistant Director Environment was submitted informing Members of the powers available to the local authority under the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), and to update them of the joint-agency work that was taking place across Devon and Cornwall to develop a consistent approach in respect of these powers. The report also sought the delegation of authority under Part 4 of the Act to implement relevant powers and delegate these to appropriate officers to enable their effective use from 20 October 2014.

The Assistant Director Environment advised of an amendment to the recommendation to include delegated authority to the Assistant Director Environment and Assistant Director Public Realm to issue Fixed Penalty Notices in respect of breaches of Public Spaces Protection Orders, and further that the penalty fee for Fixed Penalty Notices in respect of Community Protection Notices and Public Spaces Protection Orders be set at a £100. This amount was the maximum allowed under the new legislation.

In response to Members' questions the Assistant Director Environment clarified:-

- complaints made before 20 October would count towards the Community Trigger threshold of three triggers in a six month period
- the Council had its own communication channels and does not rely solely on calls to '101'
- when a request to use a Community Trigger was received, agencies must decide whether the threshold has been met
- a review of the impact of the new powers would be reported in six months time
- if there is a need for consultation with appropriate bodies or individuals then the existing Anti Social Behaviour Action Team (ASBAT) would perform this function in most instances.

In response to a comment from a Member raising concerns regarding the appropriate use of the new powers, the Portfolio Holder for Housing and Customer Access stated that whilst ASBAT did take a tough line with regards to Anti Social Behaviour they did take a balanced view when considering each individual's personal circumstances.

RESOLVED that:-

- (1) the Community Trigger procedure described in this report be adopted with effect from 20 October 2014; and

RECOMMENDED that Council approve the following and that the Constitution be amended accordingly where appropriate:-

- (1) the Assistant Director Environment (ADE) and Assistant Director Public Realm (ADPR) be authorised under S.53 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act), from the 20 October 2014, for issuing Community Protection Notices (CPN), and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN;
- (2) the Assistant Director Environment and Assistant Director Public Realm be given delegated powers under Part 4 Chapter 2 of the Act from the 20 October 2014 relating to the implementation of Public Spaces Protection Orders (PSPO), following agreement in each case at the multi-agency Antisocial Behaviour Action Team (ASBAT), and related Fixed Penalty Notices of £100 penalty fee in respect of breaches of a PSPO;
- (3) the Assistant Director Environment be given delegated powers under Part 4 Chapter 3 of the Act from the 20 October 2014 relating to the issuing of a Closure Notice of no longer than 24 hours, following appropriate consultation.
- (5) the principle of utilising the joint collaborative work of the Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships in developing consistent procedural mechanisms for the powers introduced by the Act be agreed.

(The meeting commenced at 5.30 pm and closed at 6.50 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 15 October 2014.