

## **EXECUTIVE**

Date: Tuesday 7 October 2014

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, Democratic Services Manager (Committees) on 01392 265275.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

*Membership -*

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

## **Agenda**

### **Part I: Items suggested for discussion with the press and public present**

#### **1 Apologies**

To receive apologies for absence from Committee members.

#### **2 Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

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

It is considered that the Committee would be unlikely to exclude the press and public during consideration of any of the items on the agenda, but if it should wish to do so, the following resolution should be passed:-

**RECOMMENDED** 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 particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1, Schedule 12A of the Act.

- 4 **Rugby World Cup 2015 Update**
- Verbal update from Assistant Director Economy.
- 5 **Delegated responsibilities in respect of new ASB Legislation**
- To consider the report of the Assistant Director Housing. (Pages 5 - 8)
- 6 **Capital Monitoring Statement to 30 June 2014**
- To consider the report of the Assistant Director Finance. (Pages 9 - 24)
- Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and its comments will be reported.
- 7 **Overview of Revenue Budget 2014/15**
- To consider the report of the Assistant Director Finance. (Pages 25 - 38)
- Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and its comments will be reported.
- 8 **The Review of Polling Districts and Polling Places within the Exeter Parliamentary Constituency**
- To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 39 - 64)
- Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and its comments will be reported.
- 9 **Health and Safety at Work Update**
- To consider the report of the Assistant Director Environment. (Pages 65 - 102)
- Scrutiny Committee – Resources considered the report at its meeting on 17 September 2014 and its comments will be reported.
- 10 **Arrangements for the provision for the Joint management of Strata**
- To consider the report of the Deputy Chief Executive. (Pages 103 - 132)
- Scrutiny Committee – Resources will consider the report at its meeting on 2 October 2014 and its comments will be reported.

- 11 **Amendments to the Scheme of Delegation**  
To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 133 - 160)
- 12 **Scrutiny Review Working Group Update Report**  
To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 161 - 164)
- 13 **Freedom of the City**  
To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 165 - 168)
- 14 **Strategy and Governance for European Site Development Impact Mitigation**  
To consider the report of the Assistant Director City Development. (Pages 169 - 178)
- 15 **Delegated responsibilities in respect of the Anti-Social Behaviour Crime and Policing Act 2014**  
To consider the report of the Assistant Director Environment. (Pages 179 - 196)

#### **Date of Next Meeting**

The next scheduled meeting of the Executive will be held on **Tuesday 18 November 2014** at 5.30 pm in the Civic Centre.

**A statement of the executive decisions taken at this meeting will be produced and published on the Council website as soon as reasonably practicable.**

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265115 for further information.

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## REPORT TO EXECUTIVE AND FULL COUNCIL

Date of Meeting: 7<sup>th</sup> October 2014 and 15<sup>th</sup> October 2014

Report of: Assistant Director Housing

Title: Delegated responsibilities in respect of new Anti-Social Behaviour Legislation

### Is this a Key Decision?

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### Is this an Executive or Council Function?

Council

#### 1. What is the report about?

To seek approval for the delegation of authority to the Assistant Director of Housing to terminate secure tenancies, where necessary, by relying on the new absolute ground for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014.

#### 2. Recommendations:

That the Executive recommends to Council an amendment to the Council's Constitution, to update the Scheme of Delegation to give the Assistant Director of Housing authority to:

- Terminate any tenancy or licence, and where necessary, by relying on the new absolute ground for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014 ('the ASBCP Act 2014').

#### 3. Reasons for the recommendation:

The ASBCP Act 2014 received Royal Assent on the 13<sup>th</sup> March, 2014, but not all of the provisions of that Act came into force on that day. The government has made it known that the majority of the provisions of the Act will come into force on the 20<sup>th</sup> October, 2014, and it is believed this will include the new power available to local authority landlords to seek an order for possession based on a mandatory ground, and hence consideration of this power and its delegation is required.

It will be recalled that local authority landlords have been restricted in the availability of and use of mandatory grounds for possession. A mandatory ground is where the landlord only has to prove that the ground is made out rather than also having to persuade the court that it is reasonable for an order to be made even if the ground is made out. However, this council has adopted the Introductory Tenancy regime which does provide, subject to a statutory internal review procedure, a mandatory ground for possession, and also recently adopted the flexible tenancy regime which provides for such a ground, i.e. on the expiry of the fixed term.

The ASBCP act 2014 introduces a new mandatory ground for possession of secure and assured tenancies where anti social behaviour or criminality has already been proven by another court. The purpose of the new power is to expedite the eviction of the most anti social of tenants to bring faster relief to victims.

Section 94 of the ASBCP Act 2014 introduces a new section 84A of the Housing Act 1985 which contains the grounds for obtaining a mandatory order for possession.

Section 83 of the Housing Act 1985 is also amended in that there is a new section 83ZA that imposes a requirement to serve a notice containing the prescribed information relevant to this new ground.

This power can only be used where one or more of the following conditions apply.

The tenant or a member of the tenant's household or a person visiting the property has been:

- Convicted of a serious offence (specified in Schedule 2A of the Housing Act 1985);
- Found by a court to have breached a civil injunction;
- Convicted for breaching a criminal behaviour order;
- Convicted for breaching a noise abatement notice;
- Or the tenant's property has been closed for more than 48 hours under a closure order for anti social behaviour

However, the offence or breach must have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or his or her staff or contractors.

In addition, for secure tenants, there will be a right to request a review of the landlord's decision to seek possession (on the same or similar basis as 'Introductory' tenants).

The government believes that this new power will achieve a number of gains:

- The landlord does not have to prove that it is reasonable to grant possession.
- The court is more likely to determine cases in a single, short hearing.
- It will offer better protection and faster relief for victims and witnesses of anti social behaviour.
- It will save on legal costs and free up court time and resources.
- It will provide new flexibility for landlords.
- The court will not be able to postpone possession to a date later than 14 days after the making of the order save in exceptional circumstances but no later than six weeks.

**4. What are the resource implications including non financial resources.**

Without the appropriate delegated authority being given to the Assistant Director of Housing there is a risk of a legal challenge of a notice being served without authority. This would potentially lead to a costly Court challenge with the resulting loss of monies and reputational damage.

**5. Section 151 Officer comments:**

There are no financial implications arising from approving this recommendation.

**6. What are the legal aspects?**

See paragraph 3 above.

**7. Monitoring Officer's comments:**

This report raises no issues of concern for the Monitoring Officer.

**8. Report details:**

See paragraph 3 above.

**9. How does the decision contribute to the Council's Corporate Plan?**

The recommendation in this report is consistent with the purpose of keeping the city safe

**10. What risks are there and how can they be reduced?**

The new mandatory ground, as the government's Code of Guidance dated July 2014 makes clear, is intended for the most serious cases of anti social behaviour and landlords should ensure that the ground is used selectively. The Code of Guidance suggests that all tenants should be made aware that anti social behaviour or criminality could lead to a loss of their home under this new ground. Steps will be taken, once the power comes into force, and delegated authority has been granted, if that be the decision, to inform the tenants. However, the new tenancy agreement which came into force on the 1<sup>st</sup> October, 2013, already makes it quite clear to tenants that anti social behaviour including criminal behaviour in or near the property will be considered a breach of the tenancy and enforcement action will be taken.

In addition, the council has already in place an Anti Social Behaviour Policy and Procedure for addressing anti social behaviour within its housing stock, and this has also been recently updated. This provides a clear road map for cases involving anti social behaviour and which guides officers in regard to how to identify and pursue the most serious cases. Prevention and early intervention remain at the heart of our approach to dealing with anti social behaviour but the new power will fit within this policy albeit that further amendment to the policy and the procedures may be required.

Finally, the new power is subject to an internal review procedure which is already familiar to officers in the context of Introductory tenancies. Such reviews have been the subject of vigorous scrutiny in the past and have ensured that if a decision to end a tenancy is taken, that it is taken for all of the right reasons. There is no reason to doubt that this approach will apply with the mandatory ground and therefore will reduce the risk of any successful human rights arguments being raised by tenants when the case goes before the court.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

The decision to delegate this power and to exercise it will have a potential impact on those who may have a protected characteristic for the purposes of the Equality Act 2010, and it will also involve decisions that will bring into play the Public Sector Equality Duty under section 149 of the Equality Act 2010. However, the council's policy and procedure in dealing with anti social behaviour within its housing stock already requires officers to be sensitive to the question of vulnerability in regard to both victim and alleged perpetrator.

In cases where the alleged perpetrator is vulnerable and or has a protected characteristic for the purposes of the Equality Act, e.g. disability, prevention and intervention are the key tools in this context albeit that enforcement action may have to be pursued if these methods do not bring about a change in the behaviour. The new power will only be exercised in appropriate cases where senior officers consider that it is both reasonable and proportionate to do so. When such decisions are made it will be with reference to the section 149 duty.

In cases where the victims are vulnerable but the alleged perpetrator is not, it is believed that the use of the power is going to have a positive impact on the health and well being of the community generally and the victims in particular, which is likely to achieve the aims of safeguarding the community, children, the vulnerable etc., and the environment.

**12. Are there any other options?**

No.

**Assistant Director**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

None

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275



**REPORT TO** SCRUTINY COMMITTEE RESOURCES, EXECUTIVE AND COUNCIL  
**Date of Meeting:** Scrutiny Committee Resources - 17 September 2014  
Executive - 7 October 2014  
Council - 15 October 2014  
**Report of:** Assistant Director Finance  
**Title:** Capital Monitoring Statement to 30 June 2014

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

Council

**1. What is the report about?**

To report the current position in respect of the Council's revised annual capital programme and to advise Members of the anticipated level of deferred expenditure into future years.

The report seeks Member approval to amend the annual capital programme in order to reflect the reported variations.

**2. Recommendations:**

**It is recommended that Scrutiny Committee – Resources notes and Council approves:**

**(i) The current position in respect of the annual capital programme.**

**3. Reasons for the recommendation:**

Local authorities are required to estimate the total of capital expenditure that it plans to incur during the financial year when it sets the prudential indicators for capital expenditure. This shows that its asset management and capital investment strategies are affordable, prudent and sustainable.

Capital expenditure is a significant source of risk and uncertainty since cost variations, delays and changing specifications are often features of large and complex capital projects.

In order to manage the risks associated with capital programming the annual capital programme is updated every three months to reflect any cost variations, slippage or acceleration of projects.

**4. What are the resource implications including non financial resources**

The financial resources required are set out in the body of this report.

**5. Section 151 Officer comments:**

This report has been prepared on behalf of the Section 151 Officer to set out the financial position of the Capital Programme as at 30 June 2014.

**6. What are the legal aspects?**

The capital expenditure system is framed by the Local Government and Housing Act 1989.

**7. Monitoring Officer's comments:**

The Monitoring Officer has no issues to raise on the content of this report.

## 8. Report Details:

### CAPITAL MONITORING STATEMENT TO 30 JUNE 2014

#### 8.1 REVISIONS TO THE CAPITAL PROGRAMME

The 2014/15 Capital Programme, including commitments brought forward from 2013/14, was last reported to Scrutiny Committee – Resources on 2 July 2014. Since that meeting the following changes have been made that have increased the programme:

Description	£	Approval/Funding
<b>Capital Programme, as reported to Scrutiny Committee – Resources, 2 July 2014</b>	<b>24,180,130</b>	
Play Area Refurbishments	7,250	Contribution from Bull Meadow Playground Project
Topsham Recreation Ground	30,490	Contribution from Topsham Community Association
Firewalls	18,050	Approved by delegated powers (24 June 2014)
Rennes House Wider Development	280,000	Executive 24 June 2014
St Loyes Extra Care Scheme	231,350	Executive 18 March 2014
<b>Revised Capital Programme</b>	<b>24,747,270</b>	

#### 8.2 PERFORMANCE

The revised capital programme for the current financial year is £24.747 million. During the first three months of the year the Council spent £1.210 million on the programme, which equates to 4.89% of the revised programme. This compares with £2.748 million (13.1%) being spent in the first three months of 2013/14.

The current programme is detailed in Appendix 1. The Appendix shows a total forecast spend for 2014/15 of £24.837 million with £0.204 million of the programme potentially being accelerated from 2015/16.

Appendix 2 shows the overall position for those schemes which span more than one financial year.

#### 8.3 AVAILABLE CAPITAL RESOURCES

The available capital resources for the General Fund for 2014/15 are £1.537 million. An estimated spend of £7.462 million is required of which £5.925 million will have to be funded from borrowing. The available capital resources for the HRA for 2014/15 are £15.855 million. An estimated spend of £14.825 million is required leaving £1.03 million to be carried forward into 2015/16. Appendix 3 sets out the forecast use of the resources

available for the General Fund and the HRA and the likely amounts of borrowing that will be necessary to fund the capital programme over the next two years.

The value of actual capital receipts received in the quarter in respect of the General Fund and the HRA are:

	<b>General Fund £</b>	<b>HRA £</b>
New Receipts	127,095	763,880
Less HRA Pooling		(96,380)
<b>Balance as at 30 June 2014</b>	<b>127,095</b>	<b>667,500</b>

## 8.5 EXPENDITURE VARIANCES

The main variances and issues concerning expenditure in 2014/15 are:

<b>Scheme</b>	<b>Estimated Overspend / (Underspend) £</b>	<b>Reason</b>
Structural Repairs	(70,000)	Savings are projected in respect of underpinning 44 Heath Road, 37 Leypark Road and 129 Beacon Lane as less extensive works have been identified as necessary in order to stabilise the properties.
Flood Prevention Works	(20,000)	Despite prolonged heavy rain in the early part of 2014, no council dwellings experienced problems with flooding. There are therefore no plans to spend this budget in 2014/15. Budgets may be requested in future years for flood prevention measures as and when they are deemed necessary.
Bridespring / Mincinglake Road Works	(16,000)	Alterations to the car park and retaining walls have been completed below their estimated cost, following a re-design of the existing car park drainage rather than installing a new drainage system.
COB Wave 2 – Newport Road	191,606	In overall terms, a budget of £7.5m was approved by Executive in respect of COB Wave 2. The allocation of this budget over the four sites has been adjusted to reflect the latest cash-flow projections, with the budgets for Newport Road, Whipton Methodist Church site and Bennett Square increasing and a corresponding reduction made in respect of Rennes House Car Park – due to a re-design of the scheme. It is projected that all four sites remain deliverable within the overall
COB Wave 2 – Rennes House Car Park	(471,102)	
COB Wave 2 – Whipton Methodist Church	144,549	

COB Wave 2 – Bennett Square	134,947	budget, unless additional affordable units are added to the Rennes House scheme.
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## 8.6 SCHEMES TO BE DEFERRED TO 2015/16 AND BEYOND

Schemes which have been identified as being wholly or partly deferred to 2015/16 and beyond are:

Scheme	Revised 14/15 Budget £	Budget to be Deferred £	Reason
Play Area Refurbishments	182,280	48,010	The schemes at Pinhoe and Crossmead are unlikely to be completed in this financial year.
Northbrook Flood Alleviation Scheme	198,130	198,130	Awaiting further information from the Environment Agency
Newtown Community Centre (2 <sup>nd</sup> Grant)	50,000	40,000	Significant funds need to be raised from other sources before this project can proceed
Wear United	50,000	50,000	This New Home Bonus Grant is for a new community building but it is unlikely the project will be able to commence this financial year
Smoke Detector Replacements	428,230	150,000	The programme of replacing smoke detectors has been incorporated into the new comprehensive Gas Contract, which commenced in July 2014; to be completed over a 12 month period. The budget for works profiled for April to July 2015 will therefore need to be carried forward into 2015/16.
Structural Repairs	279,390	25,000	The stability of 3 Leypark Crescent will be monitored during 2014/15 in order to determine the extent of structural repairs required. Actual works are expected to be deferred until 2015/16 until the outcomes are known.

Common Area Footpath/Wall Improvements	150,000	100,000	The appointment of a Health and Safety Compliance Officer is pending the restructure of Housing Services. It is therefore projected that significant spend of this budget will be deferred until 2015/16 when the new officer will be tasked with identifying a programme of works to improve footpaths and walls. Priority health and safety works will be undertaken in the interim.
COB Wave 2 – Rennes House car park	148,430	(1,504,615)	Significant spend on the Rennes House site was not anticipated until 2015/16, therefore this represents an acceleration of approved funding to 2014/15, as works are now projected to start on site in November.
COB Wave 2 – Newport Road	1,023,560	498,918	In accordance with the latest projections, this scheme is due to complete in August 2015 and therefore this budget will need to be carried forward into 2015/16.
Acquisition of Social Housing	904,580	152,415	The acquisition of three properties on the lower Royal Navy Store Depot site, for social housing, are unlikely to complete until 2015/16 as this phase of the development is not due to start on site until January 2015.

## 8.7 ACHIEVEMENTS

The following schemes have been completed during the first quarter of 2014/15:

- **Play Area Refurbishments**

The Bull Meadow project has been completed and is proving very successful. The new play area at Sylvan Heights has been provided, there is some remaining budget which will fund possible future improvements at the site following further public consultation. Further safety surfacing improvements have been made at Newcourt and this project is now fully complete.

- **Refurbishment and Upgrade of Paddling Pools**

The new Splash Pad at St Thomas Pleasure Ground opened on 23 May. The City Council has replaced the old paddling pool with a brand new water splash play area that is unique to the city.

A series of water fountains, cannons and a tipping bucket now entertain children on top of a brightly coloured rubber surface. There has also been a series of general improvements in the park with an old tarmac area being replaced with freshly laid turf, ideal for picnicking families.

- **Vehicle Replacement Programme**

Exeter City Council has underlined its green credentials by purchasing two Nissan LEAF electric cars for staff to use when out and about on official duty.

The pool cars will replace some of the Council's ageing diesel-powered vans. As well as reducing climate change emissions, moving away from diesel power reduces particulate emissions and this will help improve air quality on Exeter's streets.

**9. How does the decision contribute to the Council's Corporate Plan?**

The Capital Programme contributes to all of the key purposes, as set out in the Corporate Plan.

**10. What risks are there and how can they be reduced?**

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

No impact

**12. Are there any other options?**

No

**David Hodgson, Assistant Director Finance**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:**

None

Contact for enquiries: Democratic Services (Committees), Room 2.3, (01392) 265275

## CAPITAL MONITORING TO 30 JUNE 2014

	2014/15 Capital Programme	2014/15 Spend to 30 June	2014/15 Forecast Spend	2014/15 Budget to be Carried Forward to 2015/16 and Beyond	2014/15 Programme Variances Under ()
	£	£	£	£	£
<b>COMMUNITY &amp; ENVIRONMENT</b>					
<b>KEEP PLACE LOOKING GOOD</b>					
Play Area Refurbishments	182,280	104,609	133,460	48,820	
Replacement of Flowerpot Skate Park	360				(360)
Flowerpot Skate Park Lighting	35,000		35,000		
Heavitree Pleasure Ground Tennis Courts	40,000		40,000		
Topsham Recreation Ground	30,490		30,490		
Refurbishment and Upgrade of Paddling Pools	27,460	25,038	27,460		
Parks Improvements	11,730		11,730		
Neighbourhood Parks & Local Open Spaces	8,020		8,020		
<b>KEEP ME/MY ENVIRONMENT SAFE &amp; HEALTHY</b>					
Vehicle Replacement Programme	426,000	73,885	397,000	29,000	
<b>HELP ME FIND SOMEWHERE TO LIVE</b>					
Disabled Facility Grants	359,100	49,874	359,100		
Warm Up Exeter/PLEA Scheme	163,650		163,650		
Wessex Loan Scheme	15,610		15,610		
Glencoe Capital Works	3,890		3,890		
Private Sector Renewal Scheme	159,080	10,849	159,080		
WHIL Empty Properties	194,000		194,000		
The Haven	63,980	17,106	63,980		
Temporary Accommodation Purchase	300,000		300,000		
Grant to the Red House Hotel	85,000	85,000	85,000		
<b>COMMUNITY &amp; ENVIRONMENT TOTAL</b>	<b>2,105,650</b>	<b>366,361</b>	<b>2,027,470</b>	<b>77,820</b>	<b>(360)</b>

## CAPITAL MONITORING TO 30 JUNE 2014

	2014/15 Capital Programme	2014/15 Spend to 30 June	2014/15 Forecast Spend	2014/15 Budget to be Carried Forward to 2015/16 and Beyond	2014/15 Programme Variances Under ()
	£	£	£	£	£
<b>ECONOMY &amp; DEVELOPMENT</b>					
<b>KEEP PLACE LOOKING GOOD</b>					
Canal Basin and Quayside	79,840		79,840		
Exhibition Way Bridge Maintenance	39,980		39,980		
John Lewis Car Park Refurbishment	2,130	2,130	2,130		
Replacement of Car Park Pay & Display Machines	47,770	1,000	47,770		
Canal Bank Repairs & Strengthening	10,880		10,880		
Northbrook Flood Alleviation Scheme	198,130			198,130	
Major Flood Prevention Works	3,000,000		3,000,000		
National Cycle Network	3,200		3,200		
Repair to Turf Lock Gates	150,000		150,000		
<b>PROVIDE GREAT THINGS FOR ME TO SEE &amp; DO</b>					
Replace Running Track at Exeter Arena	743,000	146,090	743,000		
Sports Facilities Refurbishment	83,890	3,454	83,890		
RAMM Development	384,000		384,000		
Storage of Archives	64,230	9,145	64,230		
Livestock Market Electrical Distribution Boards	55,000		55,000		
Wonford Community Centre Boiler	14,250		14,250		



## CAPITAL MONITORING TO 30 JUNE 2014

	2014/15 Capital Programme	2014/15 Spend to 30 June	2014/15 Forecast Spend	2014/15 Budget to be Carried Forward to 2015/16 and Beyond	2014/15 Programme Variances Under ()
	£	£	£	£	£
<b><i>DELIVER GOOD DEVELOPMENT</i></b>					
Newcourt Community Hall (S106)	29,240	8,739	29,240		
Newcourt Community Association Centre	68,240	35,739	60,240	8,000	
Exe Water Sports Association (Grant Towards Build)	12,240		12,240		
Devonshire Place (Landscaping)	25,000		25,000		
Alphington Village Hall (Repairs & Extension)	50,000		50,000		
St Thomas Social Club (New Roof)	25,000		16,995		(8,005)
St James Forum (Queens Crescent Garden)	8,100	4,550	8,100		
2nd Exeter Scouts & Park Life ('Urban Village Hall' Heavitree Park)	10,000	1,500	10,000		
Citizens Advice Bureau (Building Improvements)	10,000		10,000		
St Sidwells Community Centre	40,000		40,000		
Newtown Community Centre (2nd Grant)	50,000	988	10,000	40,000	
Wear United	50,000			50,000	
Alphington Church	16,000		16,000		
Exeter City Football in the Community	19,800		19,800		
City Centre Enhancements	22,220		22,220		
Well Oak Footpath/Cycleway	740		740		
Paris Street Roundabout Landscaping & Sculptural Swift Tower	62,430	5,553	62,430		
Heavitree Environmental Improvements	22,880		22,880		
Ibstock Environmental Improvements	3,240		3,240		
<b><i>HELP ME RUN A SUCCESSFUL BUSINESS</i></b>					
Science Park Loan	1,000,000		1,000,000		
<b>ECONOMY &amp; DEVELOPMENT TOTAL</b>	<b>6,401,430</b>	<b>218,889</b>	<b>6,097,295</b>	<b>296,130</b>	<b>(8,005)</b>

## CAPITAL MONITORING TO 30 JUNE 2014

	2014/15 Capital Programme	2014/15 Spend to 30 June	2014/15 Forecast Spend	2014/15 Budget to be Carried Forward to 2015/16 and Beyond	2014/15 Programme Variances Under ()
	£	£	£	£	£
<b>RESOURCES</b>					
<b>WELL RUN COUNCIL</b>					
Security Compliance for GCSx & PCI DSS	12,190		12,190		
PC & Mobile Devices Replacement Programme	65,000	23,155	65,000		
Corporate Network Infrastructure	9,490		9,490		
Capita Upgrade	7,500	7,500	7,500		
Firewalls	18,050		18,050		
PARIS Income Management System Upgrade	4,090		4,090		
Upgrade of E-FIMS to v4.1	5,300		5,300		
eTendering System	15,000		15,000		
Invest to Save Opportunities	100,000		100,000		
Energy Saving Projects	1,390,170		1,390,170		
Capitalised Staff Costs	261,000		261,000		
<b>RESOURCES TOTAL</b>	<b>1,887,790</b>	<b>30,655</b>	<b>1,887,790</b>		

## CAPITAL MONITORING TO 30 JUNE 2014

	2014/15 Capital Programme	2014/15 Spend to 30 June	2014/15 Forecast Spend	2014/15 Budget to be Carried Forward to 2015/16 and Beyond	2014/15 Programme Variances Under ()
	£	£	£	£	£
<b>HRA CAPITAL</b>					
<b>MAINTAIN OUR PROPERTY ASSETS</b>					
Adaptations	630,000	157,728	630,000		
Rendering of Council Dwellings	323,500	6,122	323,500		
MRA Fees	35,280		35,280		
Communal Door Entry System	10,000	173	10,000		
Environmental Improvements - General	30,000	173	30,000		
Programmed Re-roofing	65,310	9,128	65,310		
Energy Conservation	70,400	16,321	70,400		
Smoke Detector Replacements	428,230		278,230	150,000	
LAINGS Refurbishments	296,850		296,850		
Kitchen Replacement Programme	2,648,710	169,815	2,648,710		
Bathroom Replacement Programme	1,164,850	45,736	1,164,850		
Other Works	44,620		44,620		
Fire Precautionary Works to Flats	277,090	4,104	277,090		
Communal Areas	191,640		191,640		
Structural Repairs	279,390	3,656	184,390	25,000	(70,000)
Fire Alarms at Sheltered Accommodation	15,300		15,300		
Flood Prevention Works	20,000				(20,000)
Property Entrance Improvements	20,000		20,000		
Rennes House Structural Works	435,840		435,840		
Automatic Doors - Faraday House	15,000		15,000		
Bridespring/Mincinglake Road Works	36,000		20,000		(16,000)
Common Area Footpaths/Wall Improvements	150,000		50,000	100,000	
Higher Barley Mount Improvements	34,000		34,000		
Lift Replacement - 98 Sidwell Street	50,000		50,000		
Replacement of Lead Water Mains	25,000	5,003	25,000		
Communal Garden Retaining Walls	55,000		55,000		
Soil Vent Pipe Replacement	20,000		20,000		
Electrical Central Heating	35,000		35,000		
Capita Upgrade	7,500	7,500	7,500		

## CAPITAL MONITORING TO 30 JUNE 2014

	2014/15 Capital Programme	2014/15 Spend to 30 June	2014/15 Forecast Spend	2014/15 Budget to be Carried Forward to 2015/16 and Beyond	2014/15 Programme Variances Under ()
	£	£	£	£	£
Electrical Re-wiring	899,630	52,878	899,630		
Central Heating Programme	354,190	22,955	354,190		
Boiler Replacement Programme	550,630	27,045	550,630		
<b>HELP ME FIND SOMEWHERE TO LIVE</b>					
COB Wave 2 - Rennes Car Park	148,430	23,870	1,181,943	(1,504,615)	(471,102)
COB Wave 2 - Newport Road	1,023,560	21,865	716,248	498,918	191,606
COB Wave 2 - Brookway (Whipton Methodist Church)	1,149,590	7,056	1,294,139		144,549
COB Wave 2 - Bennett Square	1,011,500	9,996	1,146,447		134,947
St Lyses Design Fees	296,350		296,350		
Phase 3 Professional Fees	9,200		9,200		
Phase 3 St Andrews Road	10,230		10,230		
COB Land Purchase	300,000		300,000		
Rennes House Wide Site Development	280,000		280,000		
Acquisition of Social Housing	904,580	3,212	752,165	152,415	
<b>HRA TOTAL</b>	<b>14,352,400</b>	<b>594,336</b>	<b>14,824,682</b>	<b>(578,282)</b>	<b>(106,000)</b>
<b>TOTAL CAPITAL BUDGET</b>	<b>24,747,270</b>	<b>1,210,242</b>	<b>24,837,237</b>	<b>(204,332)</b>	<b>(114,365)</b>

## CAPITAL SCHEMES SPANNING MORE THAN ONE FINANCIAL YEAR

	Total Capital Budget to end of 2014/15	Total Spend Uo 30 June 2014	Total Forecast Spend to End of 2014/15	2014/15 Budget to be Carried Forward to 2015/16	2014/15 Programme Variances Under ( )
	£	£	£	£	£
<b>COMMUNITY &amp; ENVIRONMENT</b>					
<b>KEEP PLACE LOOKING GOOD</b>					
Refurbishment and Upgrade of Paddling Pools	214,550	212,132	214,550	0	0
<b>HELP ME FIND SOMEWHERE TO LIVE</b>					
Glencoe Capital Works	20,000	16,103	20,000	0	0
The Haven	250,000	203,123	250,000	0	0
<b>COMMUNITY &amp; ENVIRONMENT TOTAL</b>	<b>484,550</b>	<b>431,358</b>	<b>484,550</b>	<b>0</b>	<b>0</b>
<b>ECONOMY &amp; DEVELOPMENT</b>					
<b>KEEP PLACE LOOKING GOOD</b>					
Canal Basin and Quayside	1,870,710	1,790,865	1,870,710	0	0
Exhibition Way Bridge Maintenance	45,000	5,015	45,000	0	0
Replacement of Car Park Pay & Display Machines	230,000	182,229	230,000	0	0
Canal Bank Repairs & Strengthening	40,000	29,121	40,000	0	0
<b>PROVIDE GREAT THINGS FOR ME TO SEE &amp; DO</b>					
Replace Running Track at Exeter Arena	750,000	153,090	750,000	0	0
Storage of Archives	65,000	9,917	65,000	0	0
<b>DELIVER GOOD DEVELOPMENT</b>					
Newcourt Community Hall (S106)	34,900	14,403	34,900	0	0
Newcourt Community Association Centre	69,750	37,245	61,750	8,000	0
Exe Water Sports Association (Grant Towards Build)	50,000	37,758	50,000	0	0
Paris Street Roundabout Landscaping & Sculptural Swift Tower	69,500	12,620	69,500	0	0
<b>ECONOMY &amp; DEVELOPMENT TOTAL</b>	<b>3,244,860</b>	<b>2,292,264</b>	<b>3,236,860</b>	<b>8,000</b>	<b>0</b>
<b>HRA CAPITAL</b>					
<b>HELP ME FIND SOMEWHERE TO LIVE</b>					
COB Wave 2 - Rennes Car Park	205,080	80,520	1,238,593	(1,504,615)	(471,102)
COB Wave 2 - Newport Road	1,112,920	117,453	805,608	498,918	191,606
COB Wave 2 - Brookway (Whipton Methodist Church)	1,307,460	165,330	1,452,009	0	144,549
COB Wave 2 - Bennett Square	1,101,750	100,994	1,236,697	0	134,947
Phase 2 St Andrews Road	10,230	9,574	10,230	0	0
St Loyes Design Fees	529,190	232,844	529,190	0	0
<b>HRA TOTAL</b>	<b>4,266,630</b>	<b>706,715</b>	<b>5,272,327</b>	<b>(1,005,697)</b>	<b>0</b>
<b>CAPITAL AND PROJECT BUDGET TOTAL</b>	<b>7,996,040</b>	<b>3,430,337</b>	<b>8,993,737</b>	<b>(997,697)</b>	<b>0</b>

## APPENDIX 3

GENERAL FUND	2014-15 £	2015-16 £	2016-17 £	Future Years £	TOTAL £
<b>CAPITAL RESOURCES AVAILABLE</b>					
Usable Receipts Brought Forward					0
GF Capital Receipts	572,500				572,500
Revenue Contributions to Capital Outlay	20,000				20,000
Disabled Facility Grant	305,183	290,000	290,000	290,000	1,175,183
Regional Housing Capital Grant	0				0
New Homes Bonus	273,381	218,000			491,381
Other - Grants/External Funding/Reserves/S106	366,058	48,819			414,877
<b>Total Resources Available</b>	<b>1,537,122</b>	<b>556,819</b>	<b>290,000</b>	<b>290,000</b>	<b>2,673,941</b>
<b>GENERAL FUND CAPITAL PROGRAMME</b>					
Capital Programme	7,844,470	3,391,760	1,866,430	489,290	13,591,950
Overspends/(Savings)	(8,365)				(8,365)
Slippage	(373,950)	373,950			0
<b>Total General Fund</b>	<b>7,462,155</b>	<b>3,765,710</b>	<b>1,866,430</b>	<b>489,290</b>	<b>13,583,585</b>

<b>UNCOMMITTED CAPITAL RESOURCES:</b>					
Capital Receipts Brought Forward	0	0	0	0	0
Resources in Year	1,537,122	556,819	290,000	290,000	2,673,941
Less Estimated Spend in Year	(7,462,155)	(3,765,710)	(1,866,430)	(489,290)	(13,583,585)
<b>Borrowing Requirement</b>	<b>5,925,033</b>	<b>3,208,891</b>	<b>1,576,430</b>	<b>199,290</b>	<b>10,909,644</b>
Uncommitted Capital Receipts	0	0	0	0	0

APPENDIX 3

HOUSING REVENUE ACCOUNT	2014-15 £	2015-16 £	2016-17 £	TOTAL £
<b>CAPITAL RESOURCES AVAILABLE</b>				
Usable Receipts Brought Forward				2,057,869
Major Repairs Reserve Brought Forward				3,783,728
Other HRA Sales	176,000	0	0	176,000
RTB sales	750,000	500,000	350,000	1,600,000
Major Repairs Reserve	2,356,390	2,356,390	2,356,390	7,069,170
Revenue Contributions to Capital	6,349,980	5,771,928	5,689,075	17,810,983
External contributions	84,340	0	0	84,340
HCA funding	0	0	700,000	700,000
Commuted sums	296,346	1,605,737	1,897,918	3,800,001
<b>Total Resources available</b>	<b>10,013,056</b>	<b>10,234,055</b>	<b>10,993,383</b>	<b>37,082,091</b>
<b>CAPITAL PROGRAMME</b>				
HRA Capital Programme	14,056,057	7,477,274	8,357,732	29,891,063
St Loyes Extra Care	296,346	1,605,737	4,127,193	6,029,276
COB Wave 2 - Re-profiling	1,005,697	1,267,235	(2,272,932)	0
Overspends / (Savings)	(106,000)			(106,000)
Slippage - June	(427,415)	427,415		0
<b>Total Housing Revenue Account</b>	<b>14,824,685</b>	<b>10,777,661</b>	<b>10,211,993</b>	<b>35,814,339</b>
<b>UNCOMMITTED CAPITAL RESOURCES:</b>				
Usable Receipts Brought Forward	2,057,869	400,665	400,665	2,057,869
Major Repairs Reserve Brought Forward	3,783,728	629,303	85,697	3,783,728
Resources in Year	10,013,056	10,234,055	10,993,383	31,240,494
Less Estimated Spend	(14,824,685)	(10,777,661)	(10,211,993)	(35,814,339)
Uncommitted Capital Resources	1,029,968	486,362	1,267,752	1,267,752
<b>WORKING BALANCE RESOURCES:</b>				
Balance Brought Forward	5,963,219	5,205,489	5,136,819	6,290,296
HRA Balance Transfer - Surplus/(Deficit)	(757,730)	(68,670)	314,023	(839,454)
Balance Carried Forward	5,205,489	5,136,819	5,450,842	5,450,842
Balance Resolved to be Retained	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
	2,205,489	2,136,819	2,450,842	2,450,842
<b>TOTAL AVAILABLE CAPITAL RESOURCES</b>	<b>3,235,457</b>	<b>2,623,181</b>	<b>3,718,594</b>	<b>3,718,594</b>

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## **REPORT TO RESOURCES SCRUTINY COMMITTEE**

**Date of Meeting: 17 September 2014**

## **REPORT TO EXECUTIVE**

**Date of Meeting: 7 October 2014**

## **REPORT TO COUNCIL**

**Date of Meeting: 15 October 2014**

**Report of: Assistant Director Finance**

**Title: OVERVIEW OF REVENUE BUDGET 2014/15**

### **Is this a Key Decision?**

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

- 1.1 To advise Members of the overall projected financial position of the HRA & General Fund Revenue Budgets for the 2014/15 financial year after three months and to seek approval for a number of supplementary budgets.

#### **2. Recommendations:**

It is recommended that Scrutiny Resources Committee and the Executive note the report and Council notes and approves (where applicable):

- 2.1 The General Fund forecast financial position for the 2014/15 financial year;
- 2.2 The HRA forecast financial position for 2014/15 financial year;
- 2.3 The additional supplementary budgets listed in Appendix C;
- 2.4 The outstanding Sundry Debt position as at June 2014;
- 2.5 The creditors' payments performance;
- 2.6 The Council Tax and Business Rates collection performance.

#### **3. Reasons for the recommendation:**

- 3.1 To formally note the Council's projected financial position and to approve additional expenditure required during the financial year.

**4. What are the resource implications including non financial resources.**

4.1 The impact on the General Fund working balance, HRA working Balance and Council Own Build working balance are set out in sections 8.3.6, 8.2.1 and 8.2.3 respectively.

4.2 A request for supplementary budgets totalling £89,000 has been included in the report.

**5. Section 151 Officer comments:**

5.1 The report represents the projected financial position to 31 March 2015. In respect of the year end projections, the overall position in respect of the General Fund is positive, with a small addition to the working balance. The earmarked reserve to assist with funding the leisure complex now stands at close to £5 million.

**6. What are the legal aspects?**

6.1 There are no issues to raise on the content of this report.

**7. Monitoring Officer's comments:**

7.1 There are no issues to raise on the content of this report.

**8. Report details:**

8.1 Financial Summary

<b>FUND</b>	<b>Planned Transfer (to) / from Working Balance</b>	<b>Budget Variance Over / (under)</b>	<b>Outturn Transfer 2013/14</b>
	<b>£</b>	<b>£</b>	<b>£</b>
General Fund	32,242	(261,527)	(229,285)
HRA	866,550	(108,820)	757,730
Council own Build Houses	(22,670)	0	(22,670)

8.2 Housing Revenue Account (Appendix A)

8.2.1 The first quarter projection shows an improvement against the estimated budget reduction in the working balance. The projected reduction is £757,730 to leave the working balance at £5,205,489.

<b>Movement</b>	<b>2014/15</b>
Opening HRA Balance, as at 01/04/14	£5,963,219
Deficit	(£757,730)
<b>Projected balance, as at 31/3/15</b>	<b>£5,205,489</b>

8.2.2 The key variances are as follows:

Management Unit	Over / (Underspend)	Detail
Management Costs	(£77,600)	<ul style="list-style-type: none"> <li>• Savings in employee costs as certain posts have remained vacant pending the outcome of the restructure of Housing Services</li> <li>• Additional Supporting People Subsidy is receivable for 2014-15 following negotiation of a 12 month contract extension</li> <li>• Less extensive structural repairs to three council properties has resulted in a saving in respect of tenant decant costs.</li> </ul>
Repairs and Maintenance Programme	(£169,000)	<ul style="list-style-type: none"> <li>• Savings are forecast to be made in respect of routine service and maintenance budgets as follows:               <ul style="list-style-type: none"> <li>- Works to UPVC windows and extractor fans will be demand led in response to reported faults, rather than through a routine inspection regime (£32k)</li> <li>- Servicing smoke detectors will not be necessary during 2014-15 as a programme of smoke detector replacements has been incorporated into the new gas servicing contract, which commenced in July 2014 (£20k)</li> <li>- The inspection of ducts for warm air units in communal areas has also been incorporated into the new gas servicing contract and the costs will be absorbed within the approved gas servicing budget (£30k)</li> </ul> </li> <li>• A lower than anticipated general maintenance contract inflationary increase for 2013/14 has also been negotiated</li> </ul>
Revenue Contribution to Capital	£154,780	<ul style="list-style-type: none"> <li>• This represents the additional revenue monies required to finance the acquisition of four flats at Dean Clarke House, as approved by Executive 18 September 2012. It was originally expected that the flats would be acquired in 2013-14 but developer amended the schedule for their conversion to September 2014.</li> </ul>

- 8.2.3 The Council's new properties at Rowan House and Knights Place form part of the overall Housing Revenue Account, but separate income and expenditure budgets are maintained in order to ensure that they are self-financing. There is no projected variance to the projected surplus at the end of the first quarter.

<b>Movement</b>	<b>2014/15</b>
Opening Council Own Build, as at 01/04/14	£103,512
Surplus	£22,670
<b>Balance, as at 31/3/15</b>	<b>£126,182</b>

8.3 General Fund (Appendix B)

- 8.3.1 The Service Committees show projected underspends of £66,290 against a revised budget of £12,372,560. The main variances are:

8.3.2 **Scrutiny Committee Community – (An underspend in total of £2,880)**

Management Unit	Over / (Underspend)	Detail
Health & Safety, Licensing & Commercial	(£5,260)	• Vacancy pay savings
Public Safety	£3,000	• University Contract loss of income
Bereavement Services	(£31,200)	• Backdated NNDR refund Higher Cemetery
Private Sector Housing	£39,170	• Introduction of a new licensing scheme not expected until late 2014/15
Exton Road Overheads and Fleet Management	(£6,260)	• Rate refund and utility savings

8.3.3 **Scrutiny Committee Economy – (An underspend in total of £20,340)**

Management Unit	Over / (Underspend)	Detail
Parking Services	37,070	• Shortfall on Penalty Charge Notice Income • Saving on Non Domestic Rates budget
Economic Development	3,130	• Job evaluation increase
Tourist Information	1,880	• Sickness cover
Engineering & Construction Services	(17,140)	• Vacancy pay savings
Markets & Halls	(38,510)	• Net increase in income from usage
Museum Service	(6,770)	• Vacancy pay savings

#### 8.3.4 Scrutiny Committee Resources – (An underspend in total of £43,070)

Management Unit	Over / (Underspend)	Detail
Revenue Collection/Benefits	(7,500)	<ul style="list-style-type: none"> <li>Revenue contribution to capital expenditure upgrading the Capita system</li> </ul>
Democratic Representation	25,000	<ul style="list-style-type: none"> <li>Members allowances saving will not be achieved</li> </ul>
Unapportionable Overheads	(6,240)	<ul style="list-style-type: none"> <li>Reduced pension costs of former employees</li> </ul>
Financial Services	(9,240)	<ul style="list-style-type: none"> <li>Delays in recruitment for vacancies</li> </ul>
Internal Audit	(7,530)	<ul style="list-style-type: none"> <li>Maternity leave</li> </ul>
Human Resources	(7,280)	<ul style="list-style-type: none"> <li>Delay in recruitment for vacancy</li> </ul>
Corporate Customer Services	(15,000)	<ul style="list-style-type: none"> <li>Savings on Postages due to change of supplier</li> </ul>
Strategic Management	(15,280)	<ul style="list-style-type: none"> <li>Some support work now charged direct to services.</li> </ul>

#### 8.3.5 Other Financial Variations

Other items	Over / (Underspend)	Detail
Net Interest Paid	(65,000)	<ul style="list-style-type: none"> <li>Continued low rates of interest have lowered the cost of borrowing;</li> <li>Better than forecast cashflow position has increased the level of interest received.</li> </ul>
Revenue Contribution to Capital	7,500	<ul style="list-style-type: none"> <li>Revenue contribution to capital expenditure upgrading the Capita system resulting in a saving set out above on Resources.</li> </ul>
Minimum Revenue Provision	(137,737)	<ul style="list-style-type: none"> <li>A significant underspend on the 2013/14 capital programme has resulted in a saving in the amount required to repay debt.</li> </ul>

### 8.3.6 General Fund Balance

In 2014/15 it is projected that there will be an overall net contribution to the General Fund Balance of £229,285. The minimum requirement for the General Fund working balance was approved by Council in February 2014 at £2million.

<b>Movement</b>	<b>2014/15</b>
Opening Balance, as at 01/04/14	£3,364,640
Surplus	£ 229,285
<b>Balance, as at 31/3/15</b>	<b>£3,593,925</b>

### 8.3.7 Supplementary Budgets

There is a small requirement for further supplementary budgets in 2014/15. It is therefore proposed that supplementary budgets totalling £89,000, identified in Appendix C are approved in 2014/15.

## 8.4 COUNCIL TAX AND BUSINESS RATES COLLECTION

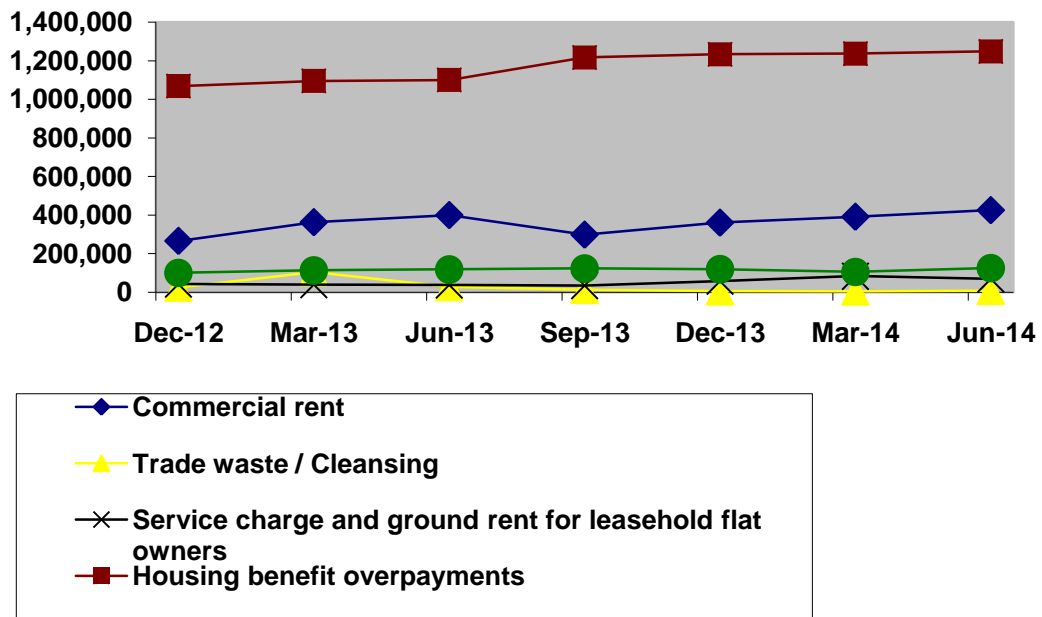
8.4.1 During the first quarter the Council collected 28.7% of the Council Tax due for the year compared to a target of 29.1%. This is slightly down owing to some delays caused by the Council's change of banking provider at the start of the year. Business Rates collection is substantially below target at 31.3% against a target of 33.2%, however changes to allow payments over 12 instead of 10 months are likely to have affected collection, which is expected to recover over the course of the full year.

## 8.5 OUTSTANDING SUNDRY DEBT

8.5.1 An aged debt analysis of the Council's sundry debts is shown in the table below.

<b>Age of Debt</b>	<b>June 2013</b>	<b>March 2014</b>	<b>June 2014</b>
Up to 29 days (current)	£912,068	£1,425,531	£961,767
30 days – 1 Year	£1,015,619	£1,360,144	£1,020,962
1 – 2 years	£419,655	£465,665	£483,753
2 – 3 years	£219,108	£219,889	£271,280
3 – 4 years	£152,105	£107,701	£112,054
4 – 5 years	£74,868	£92,602	£87,808
5 + years	£189,966	£174,446	£181,678
<b>Total</b>	<b>£2,983,240</b>	<b>£3,845,978</b>	<b>£3,120,302</b>

8.5.2 Of the outstanding debt, the graph below sets out the main services and debt trends for debt over 30 days old:



## 8.6 DEBT WRITE-OFFS

8.6.1 The following amounts have been written-off during 2014/15:

	2013/14 Total	2014/15 (Qtr 1)
• Council Tax	£83,940	£0
• Business Rates	£366,058	£0
• Sundry Debt	£138,915	£7,323
• Housing Rents	£ 72,921	£1,841

## 8.7 CREDITOR PAYMENTS PERFORMANCE

8.7.1 Creditors' payments continue to be monitored in spite of the withdrawal of statutory performance indicator BVPI8. The percentage paid within 30 days was 96.41% for the first quarter of 2014/15 compared with 95.69% for 2013/14.

## 9. How does the decision contribute to the Council's Corporate Plan?

9.1 This is a statement of the projected financial position to the end of the 2014/15.

## 10. What risks are there and how can they be reduced?

10.1 The risks relate to overspending the Council budget and are mitigated by regular reporting to the Strategic Management Team and Members.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 Not applicable

**12. Are there any other options?**

12.1 Not applicable

### **Assistant Director Finance**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

None

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275



## HOUSING REVENUE ACCOUNT

ACTUAL TO DATE			YEAR END FORECAST			
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code	APPROVED BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE
£	£	£		£	£	£
826,271	807,575	(18,696)	85A1	3,264,640	3,187,040	(77,600)
91,122	82,743	(8,379)	85A3	287,590	270,590	(17,000)
1,542,792	881,097	(661,695)	85A4	6,175,400	6,006,400	(169,000)
0	0	0	85A5	6,195,200	6,349,980	154,780
0	0	0	85A6	2,356,390	2,356,390	0
(4,836,250)	(4,886,948)	(50,698)	85A8	(19,347,730)	(19,347,730)	0
0	0	0	85B2	1,935,060	1,935,060	0
			85B4	(866,550)	(757,730)	108,820
				<b>0</b>	<b>0</b>	<b>0</b>
			<b>Net Expenditure</b>			
			<b>Working Balance</b>	<b>5,963,219</b>	<b>31 March 2015</b>	<b>5,205,489</b>

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## COUNCIL OWN BUILD SITES

PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code	APPROVED BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE
£	£	£		£	£	£
(1,880)	(1,935)	(55)	H006	(7,540)	(7,540)	0
(3,580)	(4,489)	(909)	H007	(35,150)	(35,150)	0
0	0	0	H008	9,390	9,390	0
0	0	0	H009	10,630	10,630	0
			H010	22,670	22,670	0
				<b>0</b>	<b>0</b>	<b>0</b>
			<b>Net Expenditure</b>			
			<b>Working Balance</b>	<b>103,512</b>	<b>31 March 2015</b>	<b>126,182</b>

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**GENERAL FUND**  
**2014/15 REVENUE ESTIMATES - SUMMARY**  
as at 30 June 2014

	Annual Budget	Supplementary Budgets	Revised Annual Budget	Year End Forecast	Variance to Budget
	£	£	£	£	£
SCRUTINY - COMMUNITY	9,745,370	10,130	9,755,500	9,752,620	(2,880)
SCRUTINY - ECONOMY	(464,880)	219,560	(245,320)	(265,660)	(20,340)
SCRUTINY - RESOURCES	5,634,170	83,620	5,717,790	5,674,720	(43,070)
less Notional capital charges	(2,855,410)		(2,855,410)	(2,855,410)	0
<b><u>Service Committee Net Expenditure</u></b>	<b>12,059,250</b>	<b>313,310</b>	<b>12,372,560</b>	<b>12,306,270</b>	<b>(66,290)</b>
Net Interest	165,000		165,000	100,000	(65,000)
New Homes Bonus	(2,778,000)		(2,778,000)	(2,778,000)	0
Revenue Contribution to Capital	0		0	7,500	7,500
Minimum Revenue Provision	1,470,000		1,470,000	1,332,263	(137,737)
<b><u>General Fund Expenditure</u></b>	<b>10,916,250</b>	<b>313,310</b>	<b>11,229,560</b>	<b>10,968,033</b>	<b>(261,527)</b>
Transfer To/(From) Working Balance	58,448	(90,690)	(32,242)	229,285	261,527
Transfer To/(From) Earmarked Reserves	2,498,000	(132,620)	2,365,380	2,365,380	0
<b><u>General Fund Net Expenditure</u></b>	<b>13,472,698</b>	<b>90,000</b>	<b>13,562,698</b>	<b>13,562,698</b>	<b>0</b>
Formula Grant	(7,715,000)		(7,715,000)	(7,715,000)	0
Council Tax Freeze Grant	(118,000)		(118,000)	(118,000)	0
Pooling of Business Rates	(1,070,000)		(1,070,000)	(1,070,000)	0
<b><u>Council Tax Net Expenditure</u></b>	<b>4,569,698</b>	<b>90,000</b>	<b>4,659,698</b>	<b>4,659,698</b>	<b>0</b>
<b>Working Balance</b>	<b>March 2014</b>		<b>£ 3,364,640</b>	<b>£ 3,593,925</b>	<b>March 2015</b>

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	Funded by	£
<b>Resources</b>		
Budget Consultation	Earmarked Reserve	57,000
Exeter Pound	General Fund Balance	12,000
Office accommodation moves	General Fund Balance	20,000
		<u><u>89,000</u></u>
<b>Community and Environment</b>		
		<u><u>0</u></u>
<b>Economy &amp; Development</b>		
		<u><u>0</u></u>
<b>General Fund Total</b>		<u><u>89,000</u></u>
		0
<b>HRA Total</b>		<u><u>0</u></u>
<b>Overall Total</b>		<u><u>89,000</u></u>

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**REPORT TO: SCRUTINY COMMITTEE RESOURCES AND EXECUTIVE**

**Date of Meeting: Scrutiny Committee Resources – 17 September 2014**

**Executive – 7 October 2014**

**Council – 15 October 2014**

**Report of: Corporate Manager, Democratic & Civic Support**

**Title: The Review of Polling Districts and Polling Places within the Exeter Parliamentary Constituency**

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

Council

**1. What is the report about?**

1.1 This report sets out for consideration by the Scrutiny Resources Committee 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.

**2. Recommendations:**

2.1 To adopt the proposals at below for implementation from a revised register of electors to be published on 1 December 2014.

2.2 For the Council to formally publish 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.

2.3 For the Council to complete a further review by 31 January 2020, as required by the Electoral Registration and Administration Act 2013.

**3. Reasons for the recommendation:**

3.1 The Electoral Registration and Administration Act 2013 requires each Council to carry out a review of polling districts and places for all of the existing Parliamentary Constituencies contained within its boundaries. The review must be carried out between 1 October 2013 and 31 January 2015.

3.2 Each Council is subsequently required to carry out a polling district and polling place review every fifth year. The review must be carried out during a sixteen month period that starts every fifth year after 1 October 2013. The last review was approved by the Council on 18 October 2011.

**4. What are the resource implications including non financial resources.**

4.1 There would be some officer time involved in redrawing the appropriate polling district boundaries to match the proposals contained within this report. This can be contained within existing resources.

4.2 There would be no significant change in the costs of running polling stations if the proposals were adopted as the costs of an additional polling station within Exwick would be more than outweighed by reducing the existing double station at Exwick Community Centre to a single station, as well as removing the need to hire in a temporary station at Orwell Garth.

**5. Section 151 Officer Comments:**

5.1 There are no financial implications contained within this report.

**6. What are the legal aspects?**

6.1 There are no issues to raise on the content of this report.

**7. Monitoring Officer's comments:**

7.1 There are no issues to raise on the content of this report.

**8. Report details:**

8.1 A public consultation phase was carried out between 9 June and 14 July 2014. Additionally, all Exeter City and Devon County Councillors, political parties and other stakeholders such as disability charities were contacted. (See list at Appendix A). Further opportunity to comment on the proposals put forward by the Acting Returning Officers for the Exeter Parliamentary Constituency and the part of the East Devon Parliamentary Constituency which falls within Exeter City Council, was carried out until 1 August 2014.

8.2 Since the last polling district review carried out in 2011, Exeter has grown in terms of residential housing (up 3%) and registered electors (up 4.5%). There continues to be several anticipated housing developments in the pipeline.

8.3 Due to its urban nature, to afford the maximum flexibility in selecting polling stations (particularly if required at short notice), Exeter City Council has always defined its polling places as being coterminous with its polling district boundaries. The only exception to this rule being where the polling station may be located just outside of the ward boundary. It is recommended that this practice be continued.

8.4 Exwick Ward (see Map A)

The number of polling districts in the Exwick Ward was reduced from four to three following the Review carried out in 2007. The Exeter Civil Service Sports Club was subsequently used as a polling station. However, this venue has not been available for a number of years and the Thatched House Inn has been successfully used in its place.

The current number of electors registered to vote in the relevant polling district (DB) is just over 2,000. Although the venue can cope with average turnouts of 30 – 40%, there is some doubt that it will have sufficient space to deal with larger turnouts, particularly with respect to the forthcoming Parliamentary election, where turnout could be as high as 70%.



Therefore it is recommended that Exwick Ward reverts to four polling districts based around the existing three polling stations, together with an additional polling station at Exwick Parish Hall (see Map A). It is estimated that this will reduce the electorate at the Thatched House Inn to a more manageable 1500. In order to balance numbers a reduction of approximately 500 will be made from DC Exwick Community Centre, which will reduce the need to provide a double station at that venue.

#### 8.5 Topsham Ward (Map B)

The residential developments on the site of the Old Royal Navy Stores and adjacent areas continue to become inhabited, with further developments also being proposed.

Since the last Polling District Review in 2011 a Community Room has become available within the Rydon's housing development (See Map B). This would be ideally situated as a polling station and be readily accessible for the residents of the new developments. Therefore it is recommended that a new polling district be created (SD) in addition to the three existing polling districts in Topsham Ward.

It is recommended that, given the distances involved, the polling district at SC based around Topsham AFC as a polling station is retained to take account of the continuing and future residential development in that area.

Given the expected rate of growth over the next few years, the number of electors in this new polling district area will be monitored. Therefore, this may require a further specific review before the next statutory polling district review is due.

#### 8.6 Pinhoe Ward (Map C)

Polling District JA is served by a mobile polling station based at Orwell Garth. Although meeting the geographical needs of the electors in that area, the polling station accommodation itself is unsatisfactory for electors, staff and election tellers. For example, there are no toilet facilities available for staff other than by consent with a nearby resident, or by the provision of temporary facilities. Similarly, it is difficult for the secrecy of those voting to be maintained due to the type of temporary accommodation which is available, which also affects disabled access which is virtually non-existent. Additionally, the costs of providing the temporary structure are significantly higher than for any other polling station.

It is therefore recommended that the Polling Place for JA is extended to include Willowbrook School.

Whilst it is recognised that this is outside the current polling place which would necessitate the polling place area being extended, it is felt that this offers a far more sustainable proposal than that which currently exists. Facilities are available at the school which would allow the school to function as normal on election day without the need to close.

**9. How does the decision contribute to the Council's Corporate Plan?**

9.1 By making polling districts and places coterminous, allows the (Acting) Returning Officer discretion to locate a Polling Station within that area which best meets the needs of the area and the electors within in.

**10. What risks are there and how can they be reduced?**

10.1 There are no risks associated with the proposals.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 By ensuring that polling stations are, within the constraints of the buildings available, as accessible as possible impacts on equality issues especially for the disabled elector.

**12. Are there any other options?**

12.1 An option which has been considered is an overall reduction in the numbers of polling stations used for elections. This could, on paper, give rise to some savings for the Council in terms of lower hire fees for building hire, and staff costs. However, Members will be aware of the issues surrounding queues at polling stations at the last Parliamentary election which, it is understood, were attributable to a reduction in the number of polling stations in those areas, therefore increasing elector numbers beyond that which could be reasonably handled.

12.2 The number of polling stations in the City allows for efficient running of all types of elections, and also for ease of access to them for the City's electors. To this end, it is felt unnecessary, and potentially risky, to reduce the numbers.

**John Street**

**Corporate Manager, Democratic & Civic Support and Returning Officer**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

Correspondence received from consultation exercise

Contact for enquires: Democratic Services (Committees), Room 2.3, 01392 265275

List of Background Papers:

Electoral Registration & Administration Act 2013  
& Consultation Responses

**Appendices/Attachments**

Appendix A

Copy of Original Consultation Document

Appendix B

Copies of correspondence received

Appendix C

Maps A - C

Appendix D

Acting Returning Officer Comments

Appendix E

List of proposed new polling stations and estimated numbers of electors (including postal voters)

Civic Centre, Paris Street, Exeter, EX1 1JN  
www.exeter.gov.uk

Please ask for: Jeff Chalk  
Direct Dial: 01392 265141  
Email: electoral.services@exeter.gov.uk  
Our ref: JC  
Your ref:  
Date: 9 June 2014

## REVIEW OF POLLING DISTRICTS & POLLING PLACES/STATIONS

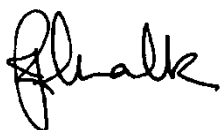
Legislation requires each local authority to undertake a review of all Parliamentary polling districts and places and to consider access arrangements at polling stations. The last review was conducted in 2011.

To this end I am writing to you as a stakeholder, to ask for your assistance in this matter. I would be most grateful, if you have any observations or comments on the current arrangement of polling districts and access to polling stations, that you would let me know by **14 July 2014**.

I have attached a fact sheet, which may help you to consider the issues.

If you have any queries would you please direct them to the Electoral Services Office in the first instance.

Yours faithfully



Jeff Chalk  
Democratic Services Manager (Elections)

# EXETER CITY COUNCIL REVIEW OF POLLING DISTRICTS & POLLING PLACES/STATIONS 2014

## Information Sheet

### General Information

1.1 The last full review of Parliamentary polling districts and places, was undertaken in 2011. The Electoral Registration and Administration Act 2013, introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The next compulsory review must now be started and completed between 1 October 2013 and 31 January 2015 (inclusive).

- The Act requires each local authority to undertake a review every five years, from this review onwards.
- Since 2011, Exeter's electorate has risen to about 92,000 (up 4.5%) and the number of properties has grown to 53,200 (up 3%).
- The Parliamentary polling districts and places are replicated for local government elections.
- It should be noted that Ward boundaries cannot be changed under this process.
- The final decision on the situation of polling stations rests with the Returning Officer.
- A **polling district** is a geographical sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division.
- A **polling place** is a geographical area in which a polling station is located. In Exeter polling places are the same as the polling district to allow a greater degree of flexibility in deciding where a polling station should be .
- A **polling station** is the actual room or building where the process of voting takes place, and must be located within the polling place designated for the particular polling district. The Returning Officer for the particular election must provide a sufficient number of polling stations, and allot the electors to those polling stations in such manner as he or she thinks the most convenient.

## List of Current Polling Stations

<b>REGISTER</b>	<b>WARD</b>	<b>POLLING STATION</b>
AA	Alphington	St Andrews Church Hall, Alphington Road
AB	Alphington	Exeter Sea Cadet HQ, Canal Banks, Haven Road
AC	Alphington	Westex Technology College, Hatherleigh Road
AD	Alphington	Alphington Sports Club, Church Road
AE	Alphington	Alphington Village Hall, Ide Lane
BA	Cowick	Westside Youth Centre, Merrivale Road
BB	Cowick	Bowhill, Dunsford Road
CA	Duryard	University of Exeter, Common Room, Lopes Hall, St Germans Road
CB	Duryard	University of Exeter, The Central Block – Birks Grange, New North Road
DA	Exwick	Redhills Primary School, Landhayes Road
DB	Exwick	The Thatched House Inn, Exwick Road
DC	Exwick	Exwick Community Centre, Kinnerton Way *
EA	Heavitree	Scout Hut, South Lawn Terrace *
EB	Heavitree	South West Baptist Assoc, Wonford Street
FA	Mincinglake	Beacon Heath Church, King Arthur's Road
FB	Mincinglake	Whipton Community Hall, Pinhoe Road
FC	Mincinglake	The Knight Club, Beacon Lane
GA	Newtown	Belmont Chapel, Western Way
GB	Newtown	School of Education, College Road (St Luke's)
GC	Newtown	Belmont Bowling club, The Green, Blackboy Road
HA	Pennsylvania	St. James Church Hall, Mount Pleasant Road*
HB	Pennsylvania	Sylvania Community Hall, Mincinglake Valley Park
JA	Pinhoe	Mobile Station, Orwell Garth
JB	Pinhoe	Trinity Community Centre, Arena Park, Beacon Heath
JC	Pinhoe	The Hall Church, Main Road, Pinhoe
JD	Pinhoe	Pinhoe C of E School, Harrington Lane
KA	Polsloe	Ladysmith Infant School, Pretoria Road, (Parent Room)
KB	Polsloe	St Mark's Church Hall, St Mark's Avenue
KC	Polsloe	Baptist Church Hall, Pinhoe Road
LA	Priory	100 Club, Wear Barton Road
LB	Priory	St Luke's Church Rooms, School Lane
LC	Priory	Wonford Methodist Church Hall, Burnthouse Lane
LD	Priory	Wynstream Primary School, Burnthouse Lane
MA	St. Davids	Community Room, 66 Weaver's Court, Shilhay
MB	St. Davids	Wesley Room, Mint Methodist Church, Fore Street
MC	St. Davids	St. David's Church, Queen's Terrace (off Hele Road)
NA	St. James	St. Sidwell's C of E School, York Road *
NB	St. James	Community Room, York House, Longbrook Street
PA	St. Leonard's	Abbeville Community Room, Abbeville Close
PB	St. Leonard's	Church Hall, Roberts Road

<b>REGISTER</b>	<b>WARD</b>	<b>POLLING STATION</b>
PC	St. Leonard's	St Leonards Church Centre, Topsham Road
PD	St. Leonard's	Victoria Park Tennis Club, Lyndhurst Road
QA	St. Loye's	Clyst Heath Nursery & Community School, Royal Crescent
QB	St. Loye's	Woodwater Academy, Woodwater Lane
QC	St. Loye's	St. Peter's High School, Quarry Lane
RA	St. Thomas	Buller Road Evangelical Church, Buller Road
RB	St. Thomas	Exeter Karate Centre, Church Road
RC	St. Thomas	West Exe Childrens Centre, Cowick Street
SA	Topsham	Matthews Hall, Fore Street *
SB	Topsham	Community Room, Grandisson Court
SC	Topsham	Topsham Town AFC, Coronation Field, Topsham Road, Exeter
TA	Whipton Barton	Hamlin House, Hamlin Gardens
TB	Whipton Barton	Community Centre, Bodley Close
TC	Whipton Barton	Community Room, Russet House, Russet Avenue
TD	Whipton Barton	Community Room, Rennes House, Vaughan Road*

\* Double station

### Current Arrangement of Polling Districts

Maps are available upon request.

### What the Rules say\*.

- (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
- (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled;
- (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place;
- (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate any area wholly or partly outside the district;
- (e) the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.

\*(Representation of the People Act 1983 s.18)

Please also note that the Council must publish any correspondence submitted in respect of this review.

## **Access**

All polling stations should have access facilities for disabled electors. This includes wheelchair users. There are various building regulations which determine how adaptations can be made. It is not always possible for the owners of buildings to make permanent structural changes. Where permanent facilities are not possible, Electoral Services try to make temporary provision, usually by means of a portable ramp. However, it must be remembered that, on occasion these ramps can cause a hazard and thus it is not always a practical solution.

A polling station should be within reasonable walking distance for most electors.

## **Practical Considerations**

### **Availability**

There is no such thing as a purpose built polling station. We have to adapt and use the buildings which are available in the locality. Whilst regulations permit the Returning Officer to use schools, the owners of other buildings (Church halls, sports clubs etc.) have no such obligation.

### **Suitability**

When selecting a polling station there are some basic criteria which need to be considered.

- Geographically central for the majority of the electorate.
- Appropriate for democratic use.
- Health and safety arrangements
- Enough useable space.
- Exclusive use.
- Access (including parking)
- Welfare facilities for staff
- Cost

### **Topography**

Considerations such as steep hills and other natural boundaries, railway lines, busy main roads etc. need to be taken into account.



## **Other Factors**

### **Use of Schools**

The current policy is that schools should not be used, where there is a reasonable and viable alternative.

### **Overall Number of Polling Stations**

The number of polling stations in Exeter was relatively constant over the decade prior to the 2007 review, when two new polling stations were added. Over the past three years the level of new developments has increased.

There are no legislative limits on the number of polling stations an authority can provide. However, when considering numbers, there needs to be sufficient to run efficient and effective elections, which are as accessible to the electorate as possible.

### **Timetable**

Publication of Notice of the Review – 6 June 2014

Consultation period - 9 June – 14 July 2014

Publication of the Returning Officers representations – within 30 days of receipt

Report to Executive Committee – 7 October 2014

Submit to Council – 14 October 2014

Publication of Review Report – 24 October 2014

Implementation of report recommendations – from Register of Electors published on 1 December 2011, to take effect for any subsequent election and for the City Council and Parliamentary elections due 7 May 2015

## **Particular Known Concerns**

There are some situations which are already known and these are shown below, with a suggestion where solutions may have already been considered. Additionally, some questions are raised for consideration and comment.

1. **Exwick Ward** – The use of the Thatched Tavern Inn as a polling station has worked well. However, it may be that the premises is too small to accommodate a larger voter turnout at a Parliamentary election. Therefore, it may be beneficial to redraw the polling district boundaries; with a view to using Exwick Parish Hall as an additional polling station in the Exwick Ward.
2. **Heavitree Ward** – The only available polling station in polling district EB is actually slightly outside of the Ward boundary. The building currently used is suitable in most aspects but it is not geographically well situated. There are currently no known viable alternatives.

3. Pinhoe Ward – The current mobile polling station in Orwell Garth (JA) is unsatisfactory and presents a number of logistical and access problems for disabled electors, along with significant costs. The only known alternative is Willowbrook School. It is suggested that this is adopted as the polling station for JA.
  
4. Topsham Ward - Significant development has taken place on the site of the Old Royal Navy Stores over the past few years and is expected to continue in the next few years. Topsham Town FC have provided a room at their clubhouse for the past few years. However, a new community facility is now in operation in a central location within the polling district. It is suggested that this may prove to be a more accessible polling station.

### **Point of Contact**

Electoral Services Office  
Exeter City Council  
Civic Centre  
Paris Street  
EXETER  
EX1 1JN

(01392) 265141

[electoral.services@exeter.gov.uk](mailto:electoral.services@exeter.gov.uk)

[www.exeter.gov.uk](http://www.exeter.gov.uk)

## List of Consultees

The (Acting) Returning Officer, Exeter City Council (Exeter Constituency)  
The (Acting) Returning Officer, East Devon District Council (East Devon Constituency)  
The Returning Officer, Devon County Council  
All Exeter City Councillors  
All Devon County Councillors for Exeter  
Ben Bradshaw MP (Exeter Constituency)  
Hugo Swire MP (East Devon Constituency)  
Exeter Labour Party  
Exeter Conservative Association  
Exeter Liberal Democrats  
Exeter Liberal Party  
Exeter Green Party  
Exeter UKIP  
East Devon Labour Party  
East Devon Conservative Association  
East Devon Liberal Party  
East Devon Liberal Democrats  
East Devon Green Party  
East Devon UKIP  
Age UK Exeter  
RNID South West  
Devon County Association for the Blind  
Exeter Society for the Blind  
Living Options Devon  
St.Loye's Foundation, Exeter  
Scope



**Exeter Labour Party**

26b Clifton Hill

Exeter,

EX1 2DJ

01392 275004

## **Exeter City Council**

### **Review of Polling Districts & Polling Places/Stations 2014**

This is the Exeter Labour Party's submission to the review of Polling districts & Polling places/Stations 2014. We are generally happy with the preliminary findings of the review in the information sheet though we would like to submit thoughts about the issues that the Review calls "Particular Known Concerns."

1. Exwick Ward

We have no real objections to the re-drawing of the polling district boundaries to include a fourth polling district within the Exwick Ward. However before the decision is taken we believe that the proposed new boundaries are made public and are open to consultation.

2. Heavitree Ward

We are happy with the current polling place location for the Heavitree polling district EB. We ourselves cannot think of a viable alternative for the polling station.

3. Pinhoe Ward

We believe that the current polling place in Orwell Garth is the best available location for the polling station. We agree that its temporary nature and limited disabled access are unfortunate but these disadvantages are overridden by its location in the heart of the Summerway area and JA polling district.

By moving the polling station to Willowbrook School it would not only take the polling station out of ward it would significantly increase the distance that electors have to travel to vote. This new route would include the crossing of the busy, especially during school run times, Summer Lane. This has the potential of reducing turnout by increasing the amount of time and effort that it takes an elector to vote. There is also the potential disruption to the school and their day while accommodating a busy polling station such as JA.

Although it has its limitations and disadvantages we believe the mobile polling station located at Orwell Garth is ideally placed to effectively serve the democratic needs of the residents of the JA polling district.

4. Topsham Ward

We have no objections to the proposal to alter the location of the polling station.

Regards,

Dom Collins

Election Agent

Exeter Labour Party

01392 424420

campaigns@exeter-labour.org.uk



Councillor Percy Prowse Councillor for Duryard Ward



Civic Centre, Paris Street, Exeter, EX1 1JN  
www.exeter.gov.uk

Please ask for:

Direct Dial: 01392 209024

Email:

Our ref:

Your ref:

Date: 7th July 2014

Polling Stations, Duryard.

Dear Jeff,

Thankyou for the circular regarding the above.

I see no issues with Lopes.

Still had many moans re Moberly versus Birks. Birks offers versatility for those not able bodied but the West Garth Estate were content for fourty yrs with Moberly. I am open minded on this and leave it to your judgement for the Birks coninuancee.

Yours sincerely,

Copy C'11' / Mottram

182 Topsham Road, Exeter, EX2 4SH

Tel: 01392 209024

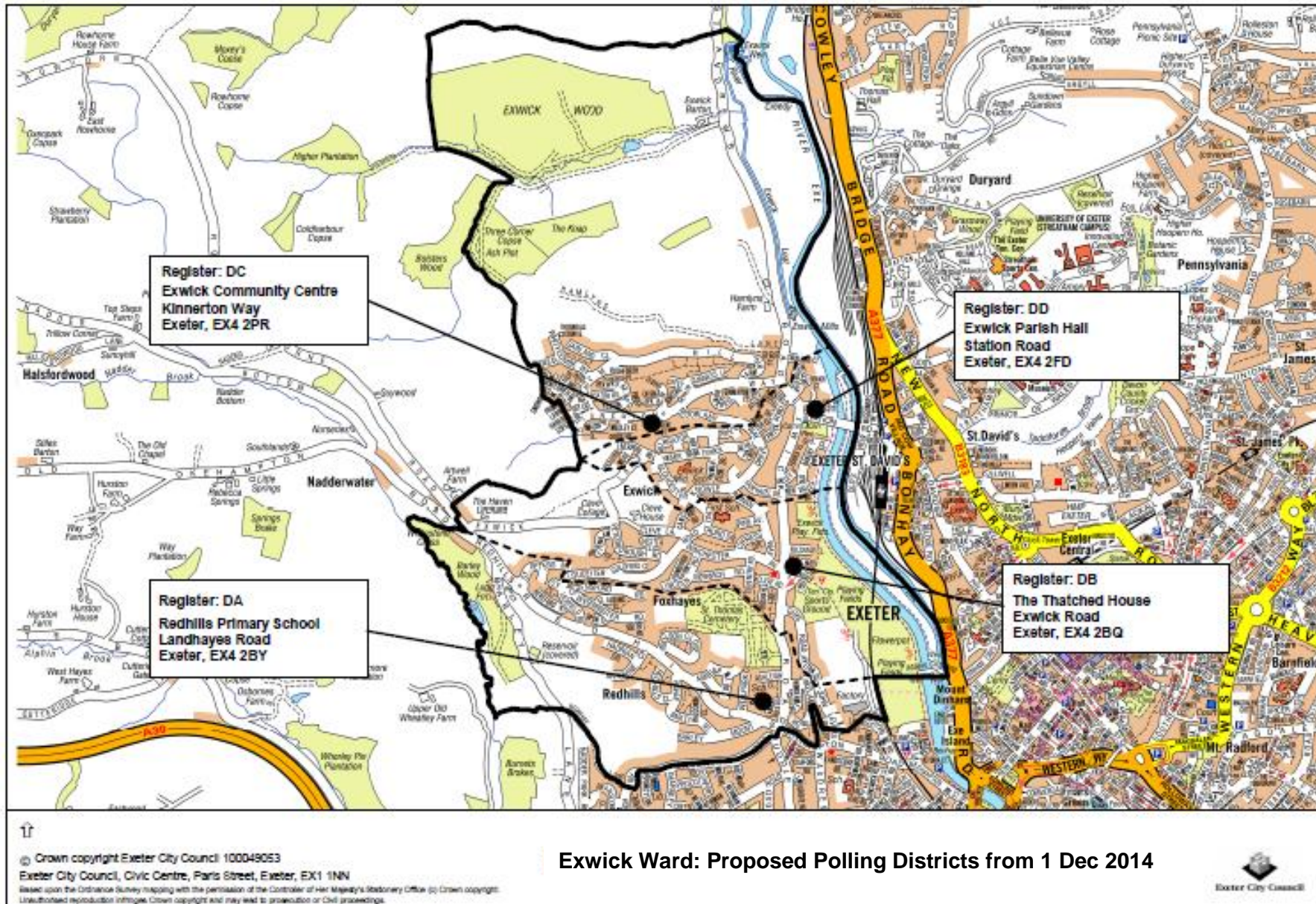
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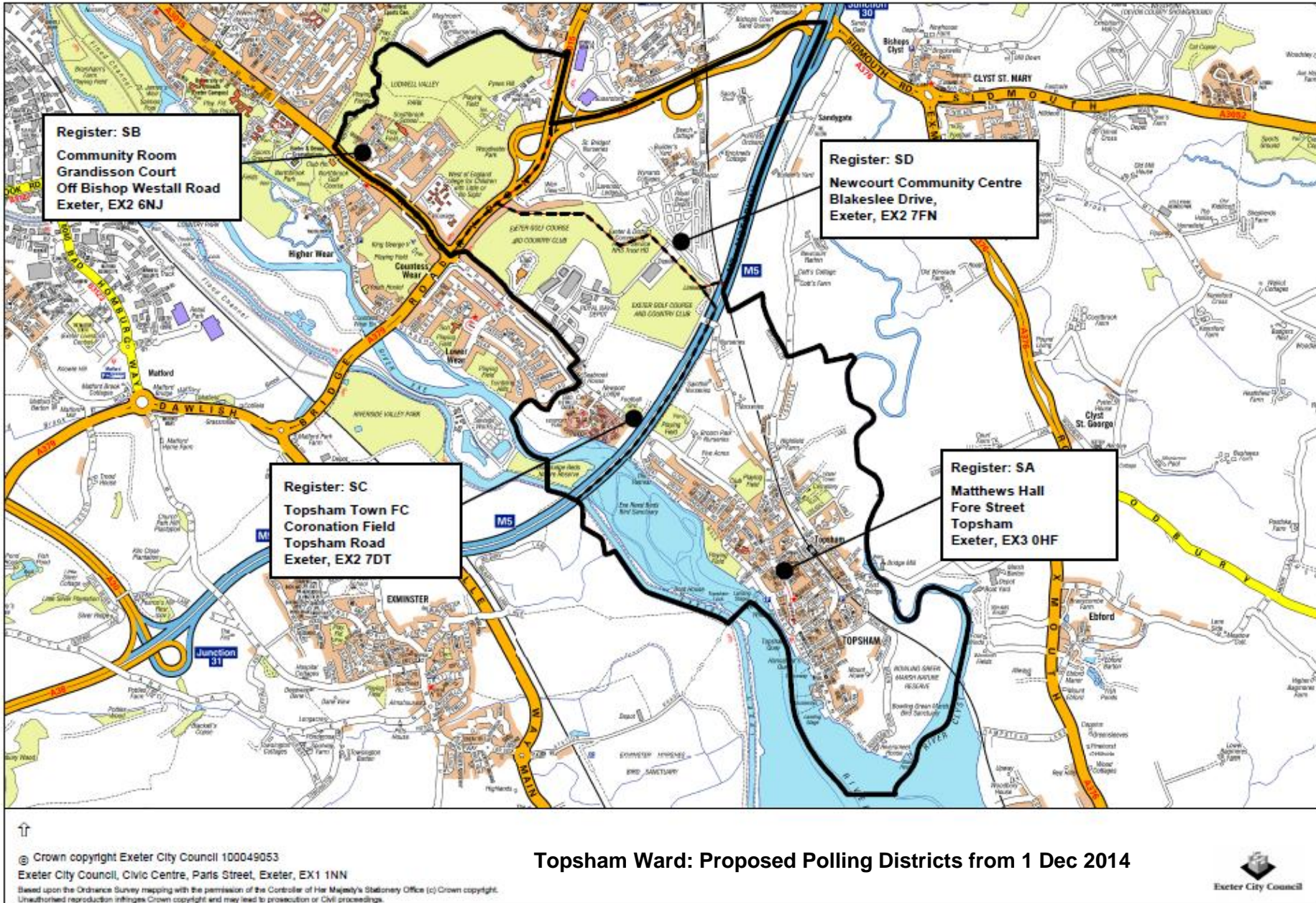
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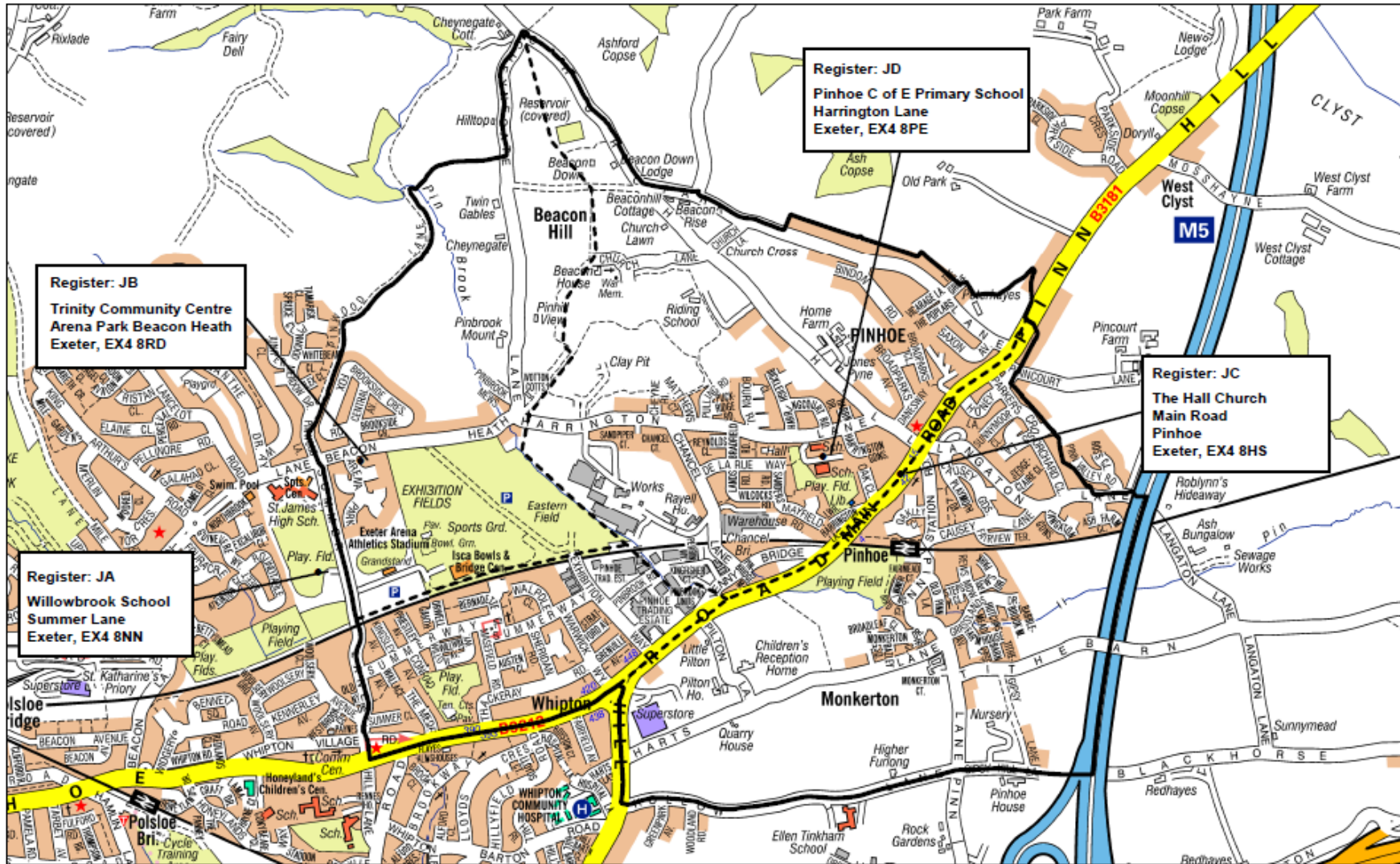






**Topsham Ward: Proposed Polling Districts from 1 Dec 2014**





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Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

**Pinhoe Ward: Proposed Polling Districts from 1 Dec 2014**

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**ELECTORAL REGISTRATION & ADMINISTRATION ACT 2013****Review of Parliamentary Polling Districts & Polling Places July 2014****Report of the Acting Returning Officer concerning existing polling arrangements in the Exeter Constituency.**

<b>Polling District</b>	<b>Polling place</b>	<b>Station</b>	<b>Comments</b>	<b>Proposals</b>
<b>AA</b>	<u>Alphington</u>	St Andrews Church Hall, Alphington Road	Satisfactory	None
<b>AB</b>	Alphington	Exeter Sea Cadet HQ, Canal Banks	Satisfactory	None
<b>AC</b>	Alphington	Westexe Technology College, Hatherleigh Road		None
<b>AD</b>	Alphington	Alphington Sports Club, Church Road	Satisfactory	None
<b>AE</b>	Alphington	Alphington Village Hall, Ide Lane	Satisfactory	None
<b>BA</b>	Cowick	Westside Youth Centre, Merrivale Road	Satisfactory	None
<b>BB</b>	Cowick	Bowhill, Dunsford Road	Satisfactory	None
<b>CA</b>	Duryard	University of Exeter, Common Room, Lopes Hall, St Germans Road	Not an ideal polling station, but no readily available alternatives	None
<b>CB</b>	Duryard	University of Exeter, Central Block, Birks Grange, New North Road	Not an ideal polling station, but no readily available alternatives	None
<b>DA</b>	Exwick	Redhills Combined School, Landhayes Road	Satisfactory	None
<b>DB</b>	Exwick	The Thatched House Inn, Exwick Road	Satisfactory but maybe too small to accommodate an increased turnout at a Parliamentary election	Suggest return to using Exwick Parish Hall and creating an additional polling district/place in the Ward.

<b>Polling District</b>	<b>Polling place</b>	<b>Station</b>	<b>Comments</b>	<b>Proposals</b>	
<b>DC</b>	Exwick	Exwick Community Centre, Kinnerton Way	Satisfactory	None	
<b>EA</b>	Heavitree	Scout Hut, South Lawn Terrace *	Satisfactory	None	
<b>EB</b>	Heavitree	South West Baptist Assoc, Wonford Street	Satisfactory polling station but is not centrally located. Currently no viable alternatives	None	
<b>FA</b>	Mincinglake	Beacon Heath Church, King Arthur's Road	Satisfactory	None	
<b>FB</b>	Mincinglake	Whipton Community Hall, Pinhoe Road	Satisfactory	None	
<b>FC</b>	Mincinglake	Knight Club, Beacon Lane	Satisfactory	None	
<b>GA</b>	Newtown	Belmont Chapel, Western Way	Satisfactory	None	
<b>P 58 58</b>	<b>GB</b>	Newtown	School of Education, College Road (St Luke's)	Satisfactory polling station, but situated a long way from main college entrance. No viable alternative	None
	<b>GC</b>	Newtown	Belmont Bowling Club, The Green, Blackboy Road	Satisfactory polling station, but situated just outside polling district	None
	<b>HA</b>	Pennsylvania	St. James' Church Hall, Mount Pleasant Road	Satisfactory, though slightly outside of ward	None
	<b>HB</b>	Pennsylvania	Sylvania Community Hall, Mincinglake Valley Park	Satisfactory	None

<b>JA</b>	Pinhoe	Mobile Station, Orwell Garth	Unsatisfactory. Mobile station used, numerous complaints received from candidates, agents, electors and staff. No disabled access. Currently no viable alternative situated within Ward	Although the site is conveniently located, strong consideration should be given to moving to Willowbrook School, even though it is marginally outside of the ward. This would be considerably more cost effective and provide better facilities and disabled access. It is unlikely to affect the school as it could remain in operation for the day.
<b>JB</b>	Pinhoe	Trinity Community Centre, Arena Park, Beacon Heath	Satisfactory	None
<b>JC</b>	Pinhoe	The Hall Church, Main Road, Pinhoe	Satisfactory	None
<b>JD</b>	Pinhoe	Pinhoe Church School, Harrington Lane	Satisfactory	None
<b>KA</b>	Polsloe	Parent Room, Ladysmith Infant School, Pretoria Road	Satisfactory but disabled access could be improved	In the process of redevelopment work.
<b>KB</b>	Polsloe	St Mark's Church Hall, St Mark's Avenue	Satisfactory	None
<b>KC</b>	Polsloe	Baptist Church, Pinhoe Road	Satisfactory	None
<b>LA</b>	<u>Priory</u>	<u>100 Club, Wear Barton Road</u>	Satisfactory	None
<b>LB</b>	Priory	St Luke's Church Rooms, School Lane	Satisfactory but disabled access could be improved	Consider improvement of disabled access as circumstances allow.
<b>LC</b>	Priory	Wonford Methodist Church Hall, Burnthouse Lane	Satisfactory	None
<b>LD</b>	Priory	Wynstream Primary School, Burnthouse Lane	Satisfactory.	None
<b>MA</b>	St. Davids	Community Room, 66 Weaver's Court, Shilhay	Satisfactory	None
<b>MB</b>	St. Davids	Lecture Room, Mint Methodist Church, Fore Street	Satisfactory	None
<b>MC</b>	St. Davids	St. David's Church, Queen's Terrace	Satisfactory polling station, some access difficulties but no viable alternatives.	<u>None</u>
<b>NA</b>	<u>St. James</u>	St. Sidwell's Combined School, York Road *	Satisfactory	None

<b>NB</b>	St. James	Community Room, York House, Longbrook Street	Satisfactory	None
<b>PA</b>	St. Leonard's	Abbeville Community Room, Abbeville Close	Satisfactory	None
<b>PB</b>	St. Leonard's	Church Hall, Roberts Road	Satisfactory	None
<b>PC</b>	St. Leonard's	St Leonards Church Centre, Topsham Road	Satisfactory	None
<b>PD</b>	St. Leonard's	Victoria Park Tennis Club, Lyndhurst Road	Satisfactory	None
<b>QA</b>	St. Loye's	Clyst Heath Nursery School, Royal Crescent	Satisfactory	None
<b>QB</b>	St. Loye's	Woodwater Academy, Woodwater Lane	Satisfactory	None
<b>QC</b>	St. Loye's	St. Peter's High School, Quarry Lane	Satisfactory	None
<b>RA</b>	St. Thomas	Buller Road Evangelical Church, Buller Road	Satisfactory	None
<b>RB</b>	St. Thomas	Exeter Karate Centre, Church Road	Satisfactory but building requires some updating	None
<b>RC</b>	St. Thomas	West Exe Children's Centre, (Cowick First School), Cowick Street	Satisfactory	None
<b>SA</b>	Topsham	Matthews Hall, Fore Street *	Satisfactory	None
<b>SB</b>	Topsham	Community Room, Grandisson Court	Satisfactory	None
<b>SC</b>	Topsham	Topsham Town FC, Coronation Field, Topsham Road	Satisfactory	Given the progress of the housing development at the Old Navy Store, Newcourt and surrounding areas, along with significant future proposed development, it may be that an additional polling district could be created (with the Newcourt Community Room as a polling station).
<b>TA</b>	Whipton Barton	<u>Hamlin House, Hamlin Gardens</u>	Satisfactory	None
<b>TB</b>	<u>Whipton Barton</u>	Community Centre, Bodley Close	Satisfactory	None
<b>TC</b>	Whipton Barton	Community Room, Russet House, Russet Avenue	Satisfactory	None

<b>TD</b>	Whipton Barton	Community Room, Rennes House	Satisfactory, although the polling station itself is small	None
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Note: Comments relating to St. Loye's & Topsham polling stations are given in the context of the wider polling district review consultation and as Returning Officer for other elections held within the Exeter City Council area.

The (Acting) Returning Officer for the East Devon Constituency has agreed the contents of this report where applicable.

John Street  
Acting Returning Officer  
Exeter Constituency  
Civic Centre,  
Paris Street,  
EXETER  
EX1 1JN  
10 July 2014

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**List of Proposed Polling  
Stations From 1 December 2014**

**Appendix E**

<b>Reference</b>	<b>Address</b>	<b>Electorate</b>
AA	St Andrew`s Church Hall, Alphington Road, Exeter, Devon, EX2 8HP	723
AB	Sea Cadet HQ, Canal Banks, Haven Road, Exeter, EX2 8DU	1500
AC	West Exe Technology College, Hatherleigh Road, Exeter, EX2 9JU	1261
AD	Alphington Sports Club, Church Road, Exeter, Devon, EX2 8SW	1268
AE	Alphington Village Hall, Alphington Community Assoc, Ide Lane, Exeter, Devon, EX2 8UT	2154
BA	Westside Youth Centre, Merrivale Road, St Thomas, Exeter, Devon, EX4 1PT	2094
BB	Bowhill, Dunsford Road, Exeter, Devon, EX4 1LQ	2501
CA	University of Exeter, Common Room - Lopes Hall, St. German`s Road, Exeter, EX4 6TH	2098
CB	University of Exeter, The Central Block - Birks Grange, New North Road, Exeter, EX4 4PQ	3376
DA	Redhills Primary School, Landhayes Road, Exeter, Devon, EX4 2BY	2253
DB	The Thatched House Inn, Exwick Road, Exeter EX4 2BQ	1549
DC	Exwick Community Centre, Kinnerton Way, Exeter, Devon, EX4 2PR	1817
DD	Exwick Parish Hall, Station Road, Exeter	970
EA	Scout Hut, South Lawn Terrace, Heavitree, Exeter, Devon, EX1 2SN	2886
EB	South West Baptist Assoc., Wonford Baptist Chapel, 36-38 Wonford Street, Exeter, Devon, EX2 5DL	1708
FA	Beacon Heath Church, King Arthur`s Road, Exeter, EX4 9BE	1592
FB	Whipton Community Hall, Pinhoe Road, Exeter, Devon, EX4 8AG	834
FC	The Knight Club, Beacon Lane, Exeter, Devon, EX4 8LZ	1819
GA	Belmont Chapel, Western Way, Exeter, Devon, EX1 2DB	1709
GB	St Luke`s Campus, College Road, Exeter, Devon, EX1 2LT	1246
GC	Belmont Bowling Club, The Green, Blackboy Road	944
HA	St. James' Church Hall, Mount Pleasant Road, Exeter, EX4 7AH	2299
HB	Sylvania Community Hall, Mincinglake Valley Park, Exeter, Devon	1786
JA	Willowbrook School, Summer Lane, Exeter EX4 8NN	1342
JB	Trinity Community Centre, Arena Park, Beacon Heath, Exeter, Devon, EX4 8RD	586
JC	The Hall Church, Main Road, Pinhoe, Exeter, Devon, EX4 8HS	1542
JD	Pinhoe C of E Primary School, Harrington Lane, Exeter, Devon, EX4 8PE	1664
KA	The Parent Room, Ladysmith Infant School, Off Pretoria Road, Heavitree, Exeter, Devon, EX1 2PS	1098
KB	St Marks Church Hall, St Marks Avenue, Exeter, Devon, EX1 2PX	1994
KC	Baptist Church Hall, Pinhoe Road, Exeter, Devon, EX4 7HZ	1301
LA	100 Club, Wear Barton Road, Countess Wear, Exeter, Devon, EX2 7EH	1633
LB	St. Luke`s Church Rooms, School Lane, Countess Wear, Exeter, Devon, EX2 6LB	743

**List of Proposed Polling  
Stations From 1 December 2014**

**Appendix E**

<b>Reference</b>	<b>Address</b>	<b>Electorate</b>
LC	Wonford Methodist Church, Church Hall, Burnthouse Lane, Exeter, EX2 6NF	2042
LD	Wynstream Primary School, Burnthouse Lane, Exeter, EX2 6AY	2583
MA	Community Room, 66 Weavers Court, Shilhay, Exeter, EX2 4EF	528
MB	Wesley Room, Mint Methodist Church, Fore Street, Exeter, Devon, EX4 3AT	2477
MC	St. David`s Church, Queen`s Terrace, (Off Hele Road), Exeter	1675
NA	St.Sidwell`s C of E Primary School, York Road, Exeter, Devon, EX4 6PG	3014
NB	Community Room, York House, Longbrook Street, Exeter, EX4 6AU	2238
PA	Community Room, Abbeville Close, Topsham Road, Exeter, Devon, EX2 4SJ	1114
PB	Church Hall, Roberts Road, Exeter, Devon, EX2 4HD	916
PC	St Leonard`s Church Centre, Topsham Road, Exeter, Devon, EX2 4NG	802
PD	Victoria Park Tennis Club, Lyndhurst Road, Exeter, Devon, EX2 4NX	1205
QA	Clyst Heath Nursery &, Community Primary School, Royal Crescent, Exeter, Devon, EX2 7QT	2059
QB	Woodwater Academy, Woodwater Lane, Exeter, Devon, EX2 5AW	1523
QC	St.Peter`s High School, Quarry Lane, Exeter, Devon, EX2 5AP	1311
RA	Buller Road Evangelical Church, Buller Road, Exeter, EX4 1BJ	1703
RB	Exeter Karate Centre, Church Road, St.Thomas, Exeter, Devon, EX2 9BQ	2218
RC	West Exe Children`s Centre, Cowick Street, Exeter, EX4 1HL	1126
SA	Matthews Hall, Fore Street, Topsham, Exeter, Devon, EX3 0HF	2961
SB	Community Room, Grandisson Court, Off Bishop Westall Road, Exeter, EX2 6NJ	770
SC	Topsham Town AFC, Coronation Field, Topsham Road, Exeter, EX2 7DT	450
SD	Newcourt Community Centre, Blakeslee Drive, Exeter EX2 7FN	900
TA	Community Room, Hamlin House, Hamlin Gardens, Exeter, EX1 3AA	641
TB	Community Centre, Bodley Close, Exeter, EX1 3LG	1252
TC	Community Room, Russet House, Russet Avenue, Exeter, EX1 3QB	1636
TD	Community Room, Rennes House, Vaughan Road, Exeter, EX1 3JW	2410

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**REPORT TO:** SCRUTINY COMMITTEE RESOURCES, EXECUTIVE AND COUNCIL  
**Date of Meeting:** Scrutiny Committee Resources – 17 September 2014  
Executive – 7 October 2014  
Council - 15 October 2014  
**Report of:** Assistant Director Environment  
**Title:** Health and Safety at Work Update

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

Council

**1. What is the report about?**

This quarterly update forms part of the Corporate Health and Safety Management System and is designed to provide Members with an all-round briefing on the 'state of play' in corporate health and safety.

More detailed information on the items raised can be obtained from Robert Norley, Assistant Director Environment and Paul Barton, Principal Health and Safety Officer.

**2. Recommendations:**

1. That Members note the quarterly update in Appendix I, the revised Council Health and Safety Policy at Appendix II and the Annual Health and Safety Report 2013 / 2014 at Appendix III; and
2. That the Executive recommends to Council the approval of the changes to the Council's Health and Safety Policy as set out in Appendix II to the report.

**2. Reasons for the recommendation:**

To provide the Council with a quarterly update on strategic health and safety at work matters and help ensure that Members are aware of key health and safety considerations affecting the Council.

The quarterly update may also assist and advise Members of priority remedial actions needed to control risks arising from workplace hazards, and the implications of such mitigations in terms of resources and change management.

**3. What are the resource implications including non financial resources.**

For the purposes of this information report, there are no financial implications.

**4. Section 151 Officer comments:**

As per above, there are no financial implications contained in this report. However the report forms an important part of the Council's plans to mitigate financial loss through insurance claims citing negligence on behalf of the Council.

5. **What are the legal aspects?**

This report informs Members of the organisation's systems for health and safety at work, in compliance with the Health & Safety at Work etc. Act 1974. The Council's Health and Safety Policy at Appendix II is a requirement of section 2(3) of the Act.

6. **Monitoring Officer's comments:**

The Monitoring Officer has no issues to raise on the content of this report.

7. **Report details:**

The following matters of importance are highlighted from Appendix I, Appendix II and Appendix III:

- Minor amendments to the Council's Asbestos Policy are detailed in Appendix I;
- The Council's Health and Safety Policy has been revised to reflect changes in organisational structure. It is attached at Appendix II. The Policy Statement signed by The Chief Executive Officer and The Leader dated September 2013 remains valid and does not require updating. The key changes in the policy concern organisational structure:
  - ❖ Joint Consultative Group is now merged with Key Partners for Health and Safety Group to consolidate meeting time and reduce paperwork;
  - ❖ Lead officer with the key responsibility for asbestos safety moves from AD Housing and Contracts to AD Environment
  - ❖ Lead officer with the key responsibility for water hygiene safety (Legionella risk management) moves from AD Housing and Contracts to CM Property Services.
- The Annual Health and Safety Report for the year 2013 / 2014 is attached at Appendix III;
- Use of 'AssessNET' modular safety management system has been extended to cover Display Screen Equipment Assessment and training of managers and supervisors is in progress;
- Accident and injury trends show no unusual patterns across the services, although a Street Scene employee was physically assaulted on 15<sup>th</sup> July 2014. The incident was reported to the police and some of it captured on CCTV;
- Noise risk assessment reviews for Parks and Open Spaces and the MRF are planned for the Autumn / Winter of 2014/ 2015.

**9. How does the decision contribute to the Council's Corporate Plan?**

To help maintain a safe and healthy city, and run an efficient Council.

**10. What risks are there and how can they be reduced?**

The Council's health and safety management system examines risks and prioritises mitigation of these risks.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

This report informs Members of the Council's health and safety management system, which contributes to health & wellbeing. There are no impacts on the other criteria.

**12. Are there any other options?**

Not applicable to this report

**Paul Barton - Principal Health and Safety Officer  
Robert Norley - Assistant Director Environment**

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None



## APPENDIX I

### Corporate Health and Safety – August 2014

#### **Revitalising Health and Safety: ‘AssessNET’**

As part of the Revitalising Health and Safety Programme, the Council procured ‘AssessNET’, a modular safety management system that monitors compliance in Workplace Safety Inspection, Workplace Safety Audit and Control of Substances Hazardous to Health Risk Assessment. The Council has recently extended this modular system to include Display Screen Equipment Assessment monitoring. Managers and Supervisors are in the process of being trained in use of the system.

#### **Health and Safety Training**

The revised ‘Health and Safety Training and Competency’ policy document has been submitted to HR for comment prior to consultation. The policy revitalises general guidelines on employee health and safety training, giving clear indication of intervals for refresher training in health and safety. The current e-learning programme, Learning Pool, is to be replaced by Nexus as a cost saving to the e-learning aspect of health and safety training.

#### **Accident and Incident Monitoring**

Accident and injury trends show no unusual patterns across the services.

#### **Key Partner Group for Health and Safety**

The Key Partner Group for Health and Safety (the Group) is the Council’s main staff side and union side health and safety committee. The Group meets on average once a month. Topics currently being reviewed include arrangements for lone worker safety, with each service providing an update, with recommendations as necessary, on their risk assessment of lone worker safety.

#### **Annual Health and Safety Report 2013 / 2014**

The Annual Health and Safety report is produced at Appendix II. The report provides a synopsis of key facts from the year and key tasks for the coming year.

#### **Annual Asbestos Health and Safety Policy Review**

There are two minor amendments to the Asbestos Policy this year: it notes the change in the approved code of practice for six monthly reviews of management plans to change to twelve monthly reviews (inserted into section C, page 7) and provides guidance in the event that employees or other people become exposed to asbestos fibres when working in Council premises (inserted into section 5.5, page 10). The full revised policy is available from the Safety and Asbestos Officer and will be placed on City Net during the first week of November 2014.

#### **Employee Health and Wellbeing**

Monitoring of vibrating workplace equipment is ongoing using the HAVS meter acquired for the purpose. Fleet keep test results on a database. Where employees’ exposure is at or above the action level health surveillance is also undertaken in conjunction with occupational health.

#### **Risk Assessment Review: Noise at Work**

Noise risk assessment reviews in this financial year are planned for Parks and Open Spaces, Cemeteries and the MRF.

#### **Control of Substances Hazardous to Health**

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Plans of work on non-licensable work with asbestos, including task risk assessments, were found to be insufficient for a number of contractors working in Council properties. The result places a vicarious liability on the Council. The Safety and Asbestos Officer (SAO) has formatted a clear template to assist contractors with their plans of work, including cross-reference throughout to relevant sections of the regulations. The SAO has sent the template to contractors with a letter advising them to produce suitable and sufficient plans of work for tasks in Council properties.

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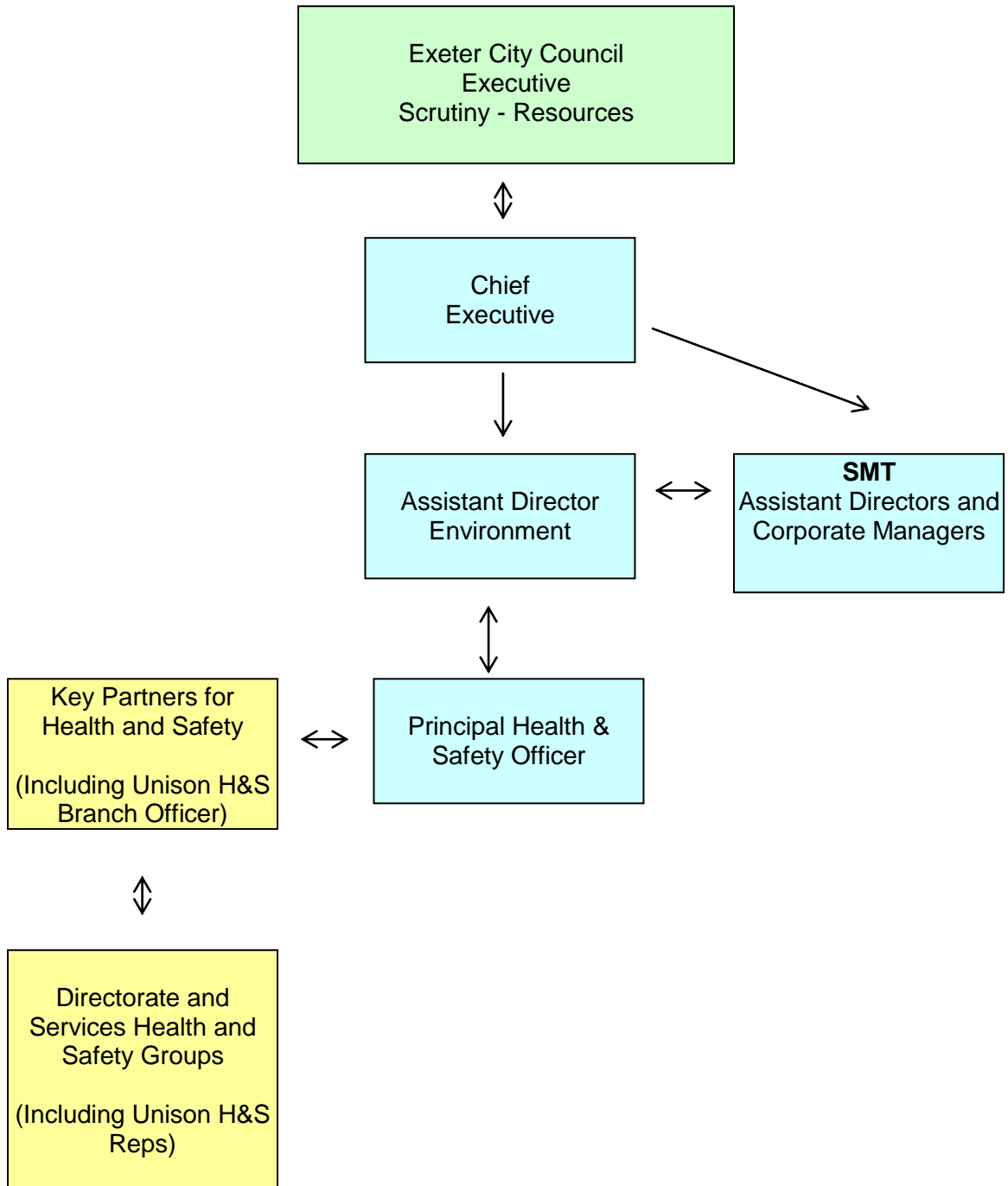
## EXETER CITY COUNCIL HEALTH AND SAFETY POLICY

1. The law requires that ultimate responsibility for health and safety rests with the highest level of management. The Council must comply with the Health and Safety at Work etc Act 1974. In practice the Chief Executive with other key staff, are responsible to the Council for ensuring successful management of the Council's health and safety policy. Key staff responsibilities are set out in this policy and are reflected in job descriptions. A structure chart shows the line of management.
2. The Council's health and safety obligations and responsibilities fall within the terms of reference of its Executive Committee.
3. The Chief Executive is responsible for the implementation of the Council's Health and Safety Policy and ensuring compliance with the Council's legal duties.
4. The Assistant Director Environment is responsible to the Executive Committee for:
  - (a) Advice on the Council's duties under the Act; and
  - (b) Ensuring that the Health and Safety Policy is being implemented.
5. The Assistant Director Environment is responsible for advising the Executive Committee on the personnel aspects of advice and policy implementation under 4 above.
6. Assistant Directors are responsible to the Chief Executive for ensuring compliance with the Council's Health and Safety Policy within their Directorate including at all buildings, sites and activities for which they are responsible.
7. Corporate Managers and Business Managers are responsible to the Deputy Chief Executive for ensuring compliance with the Council's Health and Safety Policy within their services including at all buildings, sites and activities for which they are responsible.

8. The Corporate Manager Democratic & Civic Support is also responsible in the Civic Centre for compliance with the Council's Health and Safety Policy throughout the parts used in common, and for the communal building services.
9. The Assistant Director Environment will advise on the measures necessary to manage asbestos, and the Corporate Manager Property will advise on measures for the control of Legionella bacteria in water systems.
9. Each Assistant Director, Corporate Manager and Business Manager is responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area.
10. The Principal Health and Safety Officer acts as the Corporate Health and Safety Adviser.
11. The Building Control Manager will provide technical assistance with the fire risk assessment process and help verify the adequacy of assessments.



## HEALTH & SAFETY - ORGANISATIONAL STRUCTURE





## KEY RESPONSIBILITIES - THE COUNCIL

The Executive Committee has responsibility for:

1. Ensuring the health, safety and welfare at work of all Council employees.
2. Taking all proper steps to ensure that no one else is exposed to risks to their health and safety, arising from any activity of the Council.
3. Ensuring that where the Council exercises control over any non-domestic premises, made available to anyone else as a place of work, they are safe and without risks to health. This includes access and exit pathways and any plant or substance supplied for use.

In order to meet these responsibilities the Committee shall:

1. Ensure there is an effective overall policy for the health, safety and welfare of employees and the health and safety of others.
2. Ensure that the policy is reviewed, at least every three years, sooner if there is a need, due to changes of law, guidance or activity.
3. Ensure that suitable and sufficient assessments of the risks to the health and safety of employees and others are made, recording the significant findings of the assessments.
4. Ensure that the preparation of additional topic specific policies and guidance, as appropriate to ensure effective health and safety management.
5. Ensure an annual Corporate Health and Safety Action Plan is approved by April each year.
6. Ensure that staff are fully consulted and informed on Health, Safety and Welfare matters.
7. See that reasonable steps are taken to investigate reported adverse events, e.g. accidents, incidents, reportable dangerous occurrences and reportable disease, and that the findings are taken into account in revising relevant risk assessments.
8. Ensure that appropriate health and safety information is included in an annual published report on the Council's activities and performance. Performance is to be assessed by a programme of monitoring and audit.

## **KEY RESPONSIBILITIES - CHIEF EXECUTIVE (Growth Director)**

The Chief Executive, as head of the paid service and Growth Director, will:

1. Be directly responsible for the implementation of the City Council's overall health and safety policy and topic specific policies.
2. Ensure that the Deputy Chief Executive, the Assistant Directors, The Corporate Managers and Business Managers fulfil their responsibilities for health, safety and welfare.
3. Ensure that the responsibilities for health, safety and welfare are properly allocated and accepted at all levels.
4. Plan for adequate staffing, finance and resources to meet the Corporate Health and Safety Action Plan.
5. Promote a positive 'health and safety culture' by taking a direct interest in the Corporate and Directorate Action Plans, and lend support to the people carrying them out. Aiming to reflect the 'Exemplar' status expected of the Council.
6. Ensure that appropriate liability insurance is put in place.
7. Review at least annually the implementation of the Corporate Health and Safety Policy and agree an annual action plan.
8. Ensure that reasonable steps are taken to investigate reported adverse events, e.g. hazards, accidents, reportable dangerous occurrences and reportable disease, and that the findings are taken into account in revising relevant risk assessments.
9. Ensure that appropriate health and safety information is included in an annual published report on the Council's activities and performance.

## **KEY RESPONSIBILITIES – DEPUTY CHIEF EXECUTIVE (Run the Council Well)**

As System Lead Run the Council Well the Deputy Chief Executive will:

1. Actively promote a positive 'health and safety culture', by setting an example to others in all health and safety matters, at all times.
2. Be directly responsible to the Chief Executive for the implementation of the Corporate Health and Safety Policies.
3. Put systems into place to ensure that all Assistant Directors, Corporate Managers and Business Managers receive adequate training to enable them to co-operate in carrying out policies, and understand their own duties under the Act. Training will cover the purpose of 'risk assessment' and the need for and how to apply safe systems of work e.g. 'safe working practices' and 'permit to work'.
4. Ensure consultation takes place with the Principal Health and Safety Officer and the relevant appointed health and safety representative before the introduction of a new or revised health and safety management strategy.
5. Ensure that an annual health and safety action plan is prepared for the Directorates reflecting both the needs of the Corporate Plan and of the individual Directorates, each year.
6. Take positive action when it can be demonstrated that health and safety rules have been broken. Disciplinary procedures should be considered in all cases.
7. Ensure that adequate first-aid provision is available to all staff across their service areas. This can take into account provision within other directorates.
8. Take an active part in the review of Council's Health and Safety Policies, as they affect the operations carried out within, or under the control of, their Directorate.
9. Ensure that there is appropriate evaluation of all reported adverse events e.g. hazards, incidents, accidents, and reported ill-health, involving work activity, in their Directorate where they involve actual or potential injury, health risks, loss or damage to City Council property, and risks to the public, ensuring that the findings are taken into account in revising any relevant risk assessment. Besides an evaluation by the Head of Service for each

reported event, a review of adverse events should take place at regular intervals by the relevant Directorate Management Team Meeting.

10. Ensure that Assistant Directors have implemented written safe systems of work e.g. 'safe working practices' and 'permit to work' in those areas of work where the 'risk assessment' indicates that a significant risk of injury or ill health will still be present despite existing controls.
11. Appoint 'key partners' from the directorates to work with the Principal Health and Safety Officer towards successful health and safety and risk management.
12. Submit information where necessary to contribute towards the preparation of an annual report on the Council's health and safety activity and performance, for publication to the Principal Health and Safety Officer.

## **KEY RESPONSIBILITIES – ASSISTANT DIRECTORS, CORPORATE MANAGERS and BUSINESS MANAGERS**

Assistant Directors, Corporate Managers and Business Managers will:

1. Actively promote a positive 'health and safety culture', by setting an example to staff in all health and safety matters, at all times.
2. Be directly responsible to the Chief Executive (Assistant Directors) and Deputy Chief Executive (Corporate and Business Managers) for the implementation of Health and Safety Policies and appropriate guidance, contributing to fulfilment of the Directorate action plan in so far as it affects their Service.
3. Execute annual action plans for health and safety for their service(s) in consultation with the Chief Executive (Assistant Directors) or Deputy Chief Executive (Corporate and Business Managers)
4. Ensure that they and all other staff within their service(s) receive adequate information, instruction and training, to enable them to carry out their job without risks to their own and others health and safety. Training will enable staff to understand the purpose of 'risk assessment' and the need for and how to apply safe systems of work e.g. 'safe working practices' and 'permit to work'.
5. Ensure that there is a systematic approach to carrying out suitable and sufficient assessments of risks to health and safety of staff and others, for the purpose of identifying measures to comply with the requirements imposed by law. Risk Assessment is to be applied to all activities in the Service.
6. Initiate, as necessary, the preparation of written safe systems of work e.g. 'safe working practices' or 'permit to work' are prepared and implemented in those areas of work where the 'risk assessment' indicates that a significant risk of injury or ill health will still be present despite existing controls.
7. Consult with the Principal Health and Safety Officer and relevant appointed health and safety representatives before the introduction of a new or revised safe system of work.
8. Take positive action when it can be demonstrated that health and safety rules have been broken. Disciplinary action should be considered in all cases.

9. Evaluate all reported adverse events, i.e. hazards, incidents, accidents and reported ill health, involving work activity, within their Service where they involve actual or potential injury, health risks, loss or damage to City Council property, and risks to the public. Ensure that any findings are taken into account in revising any relevant risk assessment. Sign off all completed internal ECC Accident/Incident Report forms within their service(s) to demonstrate this has been done.
10. Ensure that a completed internal ECC Accident/Incident Report form is given to the Principal Health and Safety Officer, without delay, in all cases of adverse events, e.g. hazard, accident, ill health or incidents, arising in the course of Council activities in the Service.
  - i. A full procedure for reporting adverse events using the ECC Accident / Incident Report form is set out in CityNet Health and Safety pages. There is also a flow chart displayed on the wall of all Council buildings adjacent the Health and Safety Policy Statement.
  - ii. In the case of a fatality, 'dangerous occurrence' or 'major injury', arrange immediate contact with the PHSO, and with an appointed health and safety representative – trade union or non-union).
11. Ensure that the contractors they engage work safely and comply with health and safety legislation, policies and procedure. (A 'Health and Safety Code of Practice' for Contractors is available on City Net page 4682 or from the Principal Health & Safety Officer).
12. Contribute, as requested, towards the preparation of an annual report on the Council's health and safety activity and performance, for publication.
13. Additionally cooperate with the Internal Audit Manager in audits to check for compliance with health and safety legislation, council policies, etc.

## **KEY RESPONSIBILITIES – ASSISTANT DIRECTOR ENVIRONMENT**

The Assistant Director for Environment will, in addition to normal responsibilities as an assistant director, be responsible for:

1. Implementing a programme of monitoring, based on risk, of all the City Council operational premises, sites and activities.



2. Ensuring that the Principal Health and Safety Officer effectively undertakes Health and Safety activities.
3. Advising the Chief Executive on the health and safety implications of any unsatisfactory work practices or working conditions that affect staff or others that are not remedied as required.
4. Effective liaison with the Health and Safety Executive and occupational health advisers, as required.
5. Ensuring a report to the Health and Safety Executive of all reportable injuries, dangerous occurrences and cases of ill health.
6. Assisting the Business Manager HR in provision of training for all staff on Health and Safety issues, in particular with the review of the Health and Safety Training Policy.
7. Ensuring that there is a systematic approach by managers to carrying out suitable and sufficient assessment of risks to the health and safety of staff and others, for the purpose of identifying measures to comply with requirements imposed by law.
8. Evaluating all reported adverse events e.g. hazards, accidents, incidents and reported ill-health, arising from the work activities of the Council where they involve injury, health risks, loss or damage to property, and risks to the public; ensuring that the findings are effectively communicated to others and that proposals to strengthen the risk control systems are made where necessary.
9. Advising on the content and review of Health and Safety Policies, action plans, and appropriate guidance.
10. The preparation of an annual report, for publication, covering the Council's health and safety activity and performance.
11. Advising the Council of the measures necessary to ensure successful management of asbestos containing materials within buildings owned or occupied by the Council and on land owned or occupied by the Council. This includes the content of any policy and the organisation and arrangements necessary to ensure, as far as is reasonably practicable,

that the activities are conducted without risks to the health and safety of employees, customers and others.

## **KEY RESPONSIBILITIES – BUSINESS MANAGER HUMAN RESOURCES**

The Business Manager Human Resources, in addition to the normal responsibilities of Business Manager, will be responsible for:

1. Advising the Council on the implications of its Health and Safety Policy in so far as they relate to personnel and training matters.
2. Consultation and negotiation with representatives of the staff on those aspects of the Policies affecting the staff and their conditions of employment.
3. The provision of suitable training for staff in Health and Safety matters in accordance with a Health and Safety Training Policy.
4. Contributing to an annual report on the health and safety activities and performance of the Council by supplying statistical data. This will include total employee days lost due to all causes of workplace injury, physical and mental illness, disability or other health problems, and assistance in data for total cost calculations.

## **KEY RESPONSIBILITIES – CORPORATE MANAGER PROPERTY**

The Corporate Manager Property, in addition to the normal responsibilities of Corporate and Business Managers, will be responsible for:

1. Advising the Council of the measures necessary to ensure successful control of Legionella bacteria and similar organisms in water systems within buildings owned or occupied by the Council and on land owned or occupied by the Council. This includes the content of any policy and the organisation and arrangements necessary to ensure, as far as is reasonably practicable, that the activities are conducted without risks to the health and safety of employees, customers and others. These duties are to be carried out in consultation with Principal Health and Safety Officer and the Safety and Asbestos Officer.

## KEY RESPONSIBILITIES - PRINCIPAL HEALTH AND SAFETY OFFICER

The Principal Health and Safety Officer (PHSO) will be responsible to the Head of Environmental Health Services, to:

1. Prepare the Council's overall Health and Safety Policy, other topic specific policies and guidance, monitoring arrangements to implement them.
2. Keep the policy and implementation arrangements under review, assess effectiveness and recommend changes as necessary to discharge the Council's duties under the Health and Safety at Work Act 1974.
3. Promote suitable and sufficient assessments of risk to the health and safety of staff and others to identify the measures needed to eliminate or control risk, and to comply with health and safety law.
4. Advise Management at all levels on the Council's duties under the Act, including those for induction training.
5. Assist others in the risk assessment process, when necessary, and carry out proactive and reactive assessments over a range of Council activities to monitor the effectiveness of the management of health and safety.
6. Advise on preparation and implementation of risk control systems.
7. Carry out workplace inspections, at the request of (and with) appointed health and safety representatives (both union and non-union), to identify unsafe plant, premises or working conditions.
8. Consider a direction to anyone undertaking work for the Council, to stop work in extreme circumstances where there is an imminent risk of serious personal injury, or a dangerous occurrence ('extreme circumstance' means where in the opinion of the PHSO, an enforcement officer would consider service of a Prohibition Notice). Immediate contact will then be made with the appropriate Assistant Director, Corporate Manager or the most Senior Officer available in the Directorate for them to take control of the situation.
9. Advise on the safety, design and use of plant, equipment and materials.

10. Advise on the selection of protective clothing and all equipment.
11. Arrange for the reporting, recording and analysis of all reported adverse events, e.g. hazards, accidents, incidents, cases of ill health and relevant incidents arising in the course of Council activities; evaluating the report, investigating the circumstances, as necessary; ensuring the findings are effectively communicated to others and that proposals to strengthen risk control systems are made where necessary. Reporting includes forwarding statutory RIDDOR 2013 reports to the HSE.
12. Promote a health and safety awareness programme, to include training of staff and accident prevention techniques in conjunction with the Business Manager Human Resources.
13. Audit systems to monitor and evaluate the health and safety performance of prospective contractors and those employed by the Council on a proactive and reactive basis.
14. Give advice on standards, methods of work to be specified in contracts.
15. Advise Members and Strategic Management Team via a quarterly report, with a monthly report table of outstanding health and safety actions from the Performance Monitoring Table spreadsheet.
16. Promote proper arrangements to carry out risk assessment required by fire legislation, fire training and practical evacuations, engaging the Building Control Manager in the direct provision of technical advice regarding Council owned or occupied buildings and sites.
17. Collate the available information necessary for and prepare an annual report for publication on the Council's health and safety activities and performance.

## **KEY REPONSIBILITIES – BUILDING CONTROL MANAGER**

The Building Control Manager will in addition to his normal responsibilities provide:

1. Technical assistance to fire risk assessors to enable assessment of the adequacy of fire precautions in Council owned or occupied buildings and sites. This will take account of the Fire safety risk assessment guides - Department for Communities and Local Government publications, as well as specific legal requirements.

2. Verify that the assessments are suitable and sufficient to meet the requirements of the law.

These duties to be carried out in consultation with Principal Health and Safety Officer.

## **HEALTH AND SAFETY 'KEY PARTNER' GROUP**

Each Assistant Director and Corporate Manager will appoint one or more of their service(s) managers to act as a 'Key Partner' to assist in the review of and implementation of Health and Safety Policy and good risk management practice. Aiming to promote the 'Exemplar' health and safety practice status expected of Councils.

Each 'Key Partner' will:

- meet with the Principal Health and Safety Officer from time to time and effect liaison within their Directorate
- establish ownership of responsibility for health and safety and risk management in the Directorate, to assist in drawing up implementation plans for health and safety policy and risk management initiatives
- advise on the allocation of tasks and duties in the Directorate
- monitor progress in implementation of policies, good practice and initiatives

They may also, from time to time, be asked to assist other managers, towards achieving our goal of successful management of health and safety and good risk management practice.

The 'Key Partner' Group will:

- prepare an annual health and safety action plan including detail of specific areas for review for reference in the Corporate Risk Register, in agreement with Directorate Management Teams
- receive and monitor reports from Units regarding progress in their health and safety, relevant risk management and insurance challenges. In particular in respect of high risk health and safety topics e.g. required annual tasks, risk assessments,
- receive and address health and safety, relevant risk management, insurance issues,

- Report to the Directorate Management Teams any health and safety and risk management issues considered to be possible Corporate Risk register entries.

A list of current members is available on City Net page 2617 or from the Principal Health and Safety Officer on extension 5456.

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APPENDIX III



**Exeter City Council**

# **Internal Health and Safety Report 2013 – 2014**

A handwritten signature in black ink that reads "R. Norley". The signature is written in a cursive style and is positioned above the printed name and title.

Robert Norley  
Assistant Director (Environment)

Author: Paul Barton, Principal Health & Safety Officer  
Issue Date: July 2014

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## INTRODUCTION

This document is Exeter City Council's Internal Health & Safety Report for the financial year 2013-2014.

The Council's management of health & safety at work during this period is examined via the components of successful health & safety management as determined by the Health & Safety Executive (HSE)<sup>1</sup>.

### I. KEY FACTS

- Following a review of the Council's Health and Safety Management System in 2012-2013 a decision was made by the Senior Management Team to 'Revitalise' Health and safety Management
- The Council was acquitted at Crown Court on a charge of breach of the Health and Safety at Work Act etc. 1974 section 3. The Jury were sent out after failing to reach a unanimous verdict and returned the following day with a not guilty verdict in majority.
- One injury was reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013) that kept staff off work for more than seven days as a direct result of the injury and two diagnosed occupational diseases were reportable under the same regulations. This is half the number of RIDDOR reports made last year (i.e. six reports last year).
- There were ninety-four safety incidents reported during the year compared to last year's count of one hundred and twenty-four and these are detailed in section 3.3.
- This year no members of the public were conveyed to hospital from the scene of an accident on Council property.

### II. KEY TASKS

- The Corporate Health & Safety Action Plan is driven by the 'Revitalising Health and Safety' drive. Progress to date is shown in table 1 of this report.
- Further key tasks of a proactive nature were identified throughout this period and these appear on the Health & Safety Monitoring Matrix, which is sent via email to all managers throughout the Council on a quarterly basis.
- Tasks of a reactive nature that have arisen during the period covered by this report are also shown on the Health & Safety Monitoring Matrix.
- Key tasks are discussed in detail in Section 3, 'CHECK'.
- Key tasks for the forthcoming year, 2014 / 2015, are summarised as follows:
  - Maintain commitment to the Corporate Health & Safety Action Plan via the 'Revitalising Health and Safety' drive
  - Reduce the incidence of accidents & injuries through ongoing risk assessment & safety management commitment

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<sup>1</sup> HSE Guidance HSG65 refers.

- Review work at height safety throughout the organisation
- Review fire risk assessor competence throughout the organisation in line with new certification for competencies in this field
- Complete noise at work risk assessment reviews throughout the organisation
- Continue close monitoring of contractors to ensure their compliance with health and safety regulation and with particular regard to the Control of Asbestos Regulations 2012.

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## **SECTION 1 – PLAN**

### **1.1 STATEMENT OF GENERAL POLICY**

- 1.1.1 The Council's Statement of General Policy and the organisation & arrangements necessary to carry it out are available for viewing on the Council's websites – external internet page <http://www.exeter.gov.uk/index.aspx?articleid=4833> and intranet link on <http://intranet/index.aspx?articleid=2629>.
- 1.1.2 The Statement of General Policy is dated 2012 but is to be reviewed in September 2014 to reflect recent restructures. The organisation and arrangements to carry out the policy were revised in August 2012 to reflect the change of senior management structure, but a further review is necessary in September 2014 to reflect further recent organisational restructures.

### **1.2 PROCEDURES**

- 1.2.1 Procedures are identified through various risk control measures, some of which are detailed in Safe Working Practices that are in place throughout the Council. Risk control measures, including Safe Working Practices (SWP), are arrived at through risk assessment.
- 1.2.2 A Corporate Risk Assessment 'register' is operated through City Net, our on-line intranet system and trained Risk Assessors are in place across services.
- 1.2.3 All employees following SWPs within their respective services must sign the SWP with their line manager. A list of current SWPs is also found on City Net, our on-line intranet system.

### **1.3 PLANNING FOR ACTIVE MONITORING**

- 1.3.1 Team Health & Safety reviews take place as part of the active monitoring process and are carried out by the Principal Health and Safety Officer (PHSO) and the Safety and Asbestos Officer (SAO). Reviews during year 2013 / 2014 have focussed on noise at work compliance within selected services, use of display screen equipment in Customer Services, manual handling of loads in the Bulky Collection Service, a

review of telephone headset users throughout the Council, a Control of Substances Hazardous to Health (COSHH) review of Graffiti Cleaning Services and machinery vibration monitoring.

- 1.3.2. Reviews planned for next year intend to focus on continued monitoring of noise at work risk assessment and work at height.
- 1.3.3. Health & Safety audits are carried out by Internal Audit and planned into their work schedule accordingly.
- 1.3.4. The ECC Contractors Code of Practice was brought into force to ensure contractors comply with health and safety in ECC sites and projects.

#### **1.4 PLANNING FOR EMPLOYEE HEALTH AND WELLBEING**

- 1.4.1 A programme of low key health surveillance for the Materials Reclamation Facility (MRF) employees is ongoing. A schedule of health monitoring includes lung function tests (lower level), a general health questionnaire and hand skin health inspection. This is led by the Environment Directorate.
- 1.4.2 Ongoing monitoring of radon gas takes place at the Underground Passages, with the Facilities Manager trained as a Radon Protection Supervisor. Detailed records are kept of employee time spent in the Passages and Visitor Centre and an information briefing is handed to all contractors that visit to work in the Passages regularly or for 'one-off' contracts. This is led by the Economy Directorate.
- 1.4.3. Parks and Open Spaces and Fleet continue to lead on risk control of hand arm vibration syndrome (HAVS) with monitoring equipment procured last year to keep accurate record keeping of machine ratings and, if necessary, monitor individual employees identified as potentially vulnerable through health surveillance questionnaire returns to Occupation Health. Full use of the monitoring tool is being realised as the ongoing programme is applied to machines in Parks, Cemeteries and Street Scene. The database for the equipment record keeping is controlled by the Fleet Office. This is jointly led by the Public Realm Directorate (Parks, Cemeteries and Street Scene) and the Environment Directorate (Fleet).
- 1.4.4 Under the Control of Asbestos Regulations 2012 Council employed tradesmen will be undergoing health surveillance from April 2015 in relation to certain non-licensed work with asbestos that must nowadays nonetheless be notified to the Health and Safety Executive. The Safety and Asbestos Officer (SAO) has arranged for an approved physician to undertake the health surveillance in readiness and approval has been obtained from their line manager. This is jointly led by the Environment Directorate and the Corporate Manager Property Services.

## SECTION 2 – DO

### 2.1 RISK PROFILE – IDENTIFICATION OF PRIORITIES

#### 2.1.1. FIRE RISK MANAGEMENT

Fire remains the risk with greatest likelihood of killing the most number of people in the shortest space of time in a workplace. The severity remains high but the likelihood has been greatly reduced over many decades by improvements to buildings design, fire protection systems, and fixtures and fittings standards. Notwithstanding, fire safety training remains a mandatory requirement for all employees. Different levels of training are required for different levels of fire safety management responsibility – for example, a Building Manager's fire safety training is more extensive than that of a Customer Services Officer and so on. Fire evacuation drills constitute a part of mandatory training for all employees. A list of fire and emergency evacuation drill compliance dates during 2013 – 2014 for Council buildings containing employees is given in Table 2.

#### 2.1.2. ASBESTOS

Asbestos is a risk if its fibres are released into the air. Past exposure to asbestos currently kills around 4,000 people a year and this number is expected to go on rising at least until 2016. There is no cure for asbestos related diseases (*HSE INDG 223, 2013*). Many Council buildings contain asbestos. To manage the risks associated with asbestos fibre release a number of key officers have received training to help services manage asbestos in their buildings, as well as to coordinate and monitor the work of contractors in Council premises where asbestos is present. A series of incidents in Housing relating to asbestos release have occurred this year. A meeting took place between the Council and the main contractor for Housing Repairs and Maintenance. Improvements to training of their operatives and their Plans of Works and Risk Assessments were required. A general letter reiterating this requirement and providing a template example was sent to all contractors engaged in asbestos work for the Council that is not licensed or not licensed but must nonetheless be notified to the Health and Safety Executive. Spot checks of contractors working on Council premises, especially social housing stock, should remain a priority during the forthcoming year. The Safety and Asbestos Officer (SAO) is the corporate lead adviser on asbestos related matters and able to provide Council services with a mobile site response advisory service during weekday office hours.

#### 2.1.3. MACHINE SAFETY

##### 2.1.3.1

Safety reviews and inspection prompted a review of lift motor rooms in Council buildings this year, with particular emphasis on guarding of hazardous machine parts such as rotating wheels and belts. Recommendations to improve guarding of machinery in some lift motor rooms have been made.

#### 2.1.3.2

Noise risk assessments were reviewed in Waste Operations and Street Scene in relation to work with Refuse Collection Vehicle noise (Drivers and Loaders) and Mechanical Sweeping Machine Operatives. Minor changes were made to one of the Applied Sweeping Machines as a result

#### 2.1.4. NEEDLESTICK AND OTHER SHARPS INJURY

There were four needle stick injuries (inoculation injuries) during this twelve-month period. This year saw the introduction of the Health and Safety (Sharp Instruments in Healthcare) Regulations 2013. These regulations put greater responsibility on healthcare employers to ensure safe management of sharps. Although Exeter City Council has no 'healthcare workers', it does have Clinical Waste and other Waste Collection services, including Street Sweepers and Car Park Cleaners, that collect sharps as a regular part of their job. Increased discarding of needles by drug users in the City has increased risk of inoculation injury. Although safe working practices have largely eliminated the need to pick up objects by gloved hands, needles and other potentially contaminated sharps carelessly discarded are occasionally found secreted in a variety of places that may cause injury.

#### 2.1.5. TRANSPORT MANAGEMENT PLANS UPDATE

The Transport Management Plan for Exton Road (Oakwood House and MRF Site) was reviewed and resulted in some alterations to signage to ensure improved safety segregation between pedestrians, refuse collection vehicles, articulated lorries, mechanical sweepers and large goods and the JCB telescopic-loader.

#### 2.1.6. DISPLAY SCREEN EQUIPMENT USAGE

A series of requests for detailed workstation assessments in Customer Services prompted a review of this service and followed on from last year's headset health and safety survey. The review concentrated on use of shared workstations and recommendations were made for minor alterations to shared workstations. Training in postural health and awareness was made available to all Customer Services employees.

### 2.2 ORGANISE AND IMPLEMENT ACTIVITIES AND PLANS

#### 2.2.1. MANAGEMENT SYSTEM IMPROVEMENTS (REVITALISING HEALTH AND SAFETY)

In June 2013 the Senior Management Team committed to 'Revitalising Health and Safety' within the organisation. 'Revitalising Health and Safety' details a 'roadmap' to successful health and safety management across the organisation via ten key compliance proposals:

- Policy and Communications;
- Organisational Planning;
- Control and Competence;
- Performance Management;
- Governance Arrangements;
- Political Engagement;
- Formulation of Priorities;
- Investment in Infrastructure;
- Internal Regulation; and
- The Role of Audit.

The key compliance proposals are ongoing into next financial year (2014 / 2015) and an Action Plan provides progress at monthly intervals to the Key Partners Group for Health and Safety. Table 1 details progress to date with 'Revitalising Health and Safety'.

**Table 1: 'Revitalising Health and Safety'. Our progress to date**

<b>Revitalise (Organise / Identify controls)</b>	<b>Implementation to Date</b>
Policy and Communications	<p>Terms of reference for Key Partners for H&amp;S revised to reflect new link to SMT for issues overdue for action.</p> <p>Monthly report to SMT on overdue H&amp;S actions.</p> <p>Improved dedicated notice boards in ECC buildings displaying regularly updated information for staff and visitors (contractors) to obtain advice and guidance from.</p> <p>Draft revisions to H&amp;S Training Policy and Alcohol and Drug Policy.</p>
Organisational Planning	<p>Programme of reviews in key health and safety risk areas: Noise at Work risk assessment review; Health surveillance for NNLW workers completing the main Asbestos Policy Review from last year (2012 / 2013). Shadowing Operatives and Officers – Street Scene, Environmental Protection, Housing Visiting Officers.</p> <p>AssessNET allows for advanced scheduling of active monitoring tasks. (see 2.2.2 below)</p>
Control and Competence	<p>A Buildings Survey is being undertaken by Property Services with assistance from Audit and Health and Safety to ascertain the levels of control and competence exercised</p>

	<p>by our various Buildings Managers or others with building services and control responsibilities. This exercise will be completed in the next financial year.</p>
Performance Management	<p>The Corporate Health and Safety Performance Matrix is sent quarterly to all SMT Members, relevant Council Officers, Trade Union H&amp;S Reps and Key Partners for H&amp;S on a quarterly basis. Outstanding actions are brought to SMT for scrutiny on a monthly basis.</p> <p>A quarterly report is submitted to the Scrutiny Resources Committee for information only via SMT.</p> <p>AssessNET allows for performance mapping across all existing modules within the licence (Safety Audit, Safety Inspection, COSHH Assessment and DSE Assessment).</p>
Governance Arrangements	<p>Merging of Unison H&amp;S representatives meeting (JCG) with Key Partners for H&amp;S (non-union H&amp;S representatives) ensures more direct arrangements and improved .</p>
Political Engagement	<p>Meetings with Portfolio Holder and other Elected Members as necessary. Minutes from Key Partners for H&amp;S copied to the Modern Government portal.</p>
Formulation of Priorities	<p>Priorities are identified via risk assessment. The key document driving these priorities is the H&amp;S Performance Matrix, which is tabled at SMT monthly performance meetings.</p> <p>The mitigation actions in response to the priorities are the H&amp;S Plan, so that although the Plan may change from month to month as actions are completed and new actions identified, the focus of the H&amp;S Plan will be on corporate health and safety priorities.</p>
Investment in Infrastructure	<p>In terms of the Capital Programme, where there is a clear health and safety risk to address, then information on risk rating in terms of corporate (health and safety) is used to prioritise the required work in terms of any risk posed to health and safety, and also identify other options to mitigate</p>

	<p>any risk. Any decision to prioritise funding, or otherwise, can then be properly informed and justified. An example of this in practice thus far includes the resurfacing of Leighton Terrace Car Park before winter 2013/2014.</p>
Internal Regulation	<p>A corporate procedure has been devised which requires a response within a reasonable timescale to any health and safety deficiencies identified, with an escalation process for non-compliance.</p> <p>This is driven through the H&amp;S Performance Matrix, the SMT Monthly report and the Quarterly Report to Scrutiny Resources.</p> <p>AssessNET allows for the monitoring of regulatory compliance through the Safety Audit Module. Use of this tool will be increased throughout the coming year. The longer term plan is to use this tool as the predominant medium for internal regulation, replacing the Performance Matrix spreadsheet, which is controlled by one person.</p> <p>The Principal Health and Safety Officer (PHSO) and Safety and Asbestos Officer (the two 'internal regulators') retain their collaborative approach to workplace assessments, but any assumptions there may be that the compliance recommendations are optional are being gradually being removed.</p>
The Role of Audit	<p>Internal Audit continue to review health and safety systems and processes. Their role in supporting the work of the PSHO has been further strengthened by involvement in the revision of new systems, such as AssessNET, and in auditing the operation of such.</p>

### 2.2.2 'ASSESSNET': OUR NEW COMPLIANCE MONITORING TOOL

'AssessNET' is a modular health and safety compliance system. The Exeter City Council licence for AssessNET went live in July 2013. Other public sector organisations on the AssessNET client portfolio include the Houses of Parliament and The Met Office. Nearly all of our Health and Safety Management System can be run through AssessNET. Data is owned by Exeter City Council but stored and backed up remotely. The plan is to add further modules of AssessNET to the corporate licence,



should this be acceptable to the Council. This is discussed further in this report under section 4 'Act'.

### 2.2.3. WORKER INVOLVEMENT

During this year our Join Consultative Group was merged with our Key Partners for Health and Safety Group. The merger was done under the 'Revitalising Health and Safety' drive with the intention of bringing trade union and non-trade union representatives together on health and safety matters as one group. The merger met with approval from both the Unison Health and Safety Branch Officer and Local Health and Safety Representatives (union and non-union) that sit on the Key Partners Group. The minutes of the Key Partners Group for Health and Safety are available on the Modern Government portal

### 2.2.4 LOCAL IDENTIFICATION AND IMPLEMENTATION OF CONTROL MEASURES

Local meetings in higher risk services take place to review and implement control measures. The meetings serve both active and reactive monitoring. An example of active monitoring includes 'risk mapping' as part of risk assessment review and an example of reactive monitoring is examination of accidents to look into ways of preventing recurrence. Other topics include examination of health and safety aspects of new workplace equipment by a variety of employees of all grades, the PHSO, Trade Union Safety Representatives and non-union Workplace H&S Representatives. The meetings take place quarterly and the current groups are 'Cleansing, Waste and Recycling' and 'Waterways'. A recommendation to add another group, 'Parks, Open Spaces and Cemeteries' has been made. Others such as 'Housing' may follow.

## SECTION 3 – CHECK

### 3.1 CORPORATE HEALTH AND SAFETY PERFORMANCE MONITORING MATRIX

3.1.1. The Corporate H&S Performance Monitoring Matrix (the Matrix) is sent to the Deputy CEO, Assistant Directors, Corporate Managers, Unison and relevant Middle Managers every quarter throughout the year. Entries onto The Matrix are primarily arrived at through the health and safety audit and review process. This is termed 'active monitoring'. Other types of 'active monitoring' reach the Matrix via routes such as Key Partner Group for Health and Safety or the Quarterly Service Health and Safety Meetings. Similarly, an Assistant Director or a Corporate / Team Manager may identify (usually through risk assessment) a safety control measure that requires action to eliminate or reduce risk. If the PHSO concurs with the risk control measure then this too may appear on the matrix under active monitoring.

3.1.2 Conversely, some entries arrive onto the Matrix through accidents, incidents and near misses. These are termed 'reactive monitoring'. Reactive monitoring will usually seek to implement risk management measures to prevent recurrence of an accident, or provide a target date for investigation into a particular trend in accident or injury patterns.

3.1.3. A copy of the Matrix at all four quarter stages during 2013/2014 is available from the PHSO. The final quarter Matrix for the year 2013/2014 contains sixty-eight entries, ten of which were new entries during the quarter. Thirty-five entries were fully completed during the final quarter. The column indicating whether entries were 'reactive monitoring' or 'active monitoring' was removed this year on request from SMT.

3.1.4. Team Managers, Corporate Managers and Assistant Directors are encouraged to use the matrix as a support mechanism in their health and safety management. Timely confirmation to PHSO of actions that have been completed, in part or whole, help to demonstrate 'at a glance' the current corporate status of health and safety management within the Council.

## 3.2 ACCIDENT & INCIDENT MONITORING AND INVESTIGATION

3.2.1 The accident and incident spreadsheets at Appendix I for notifications by type<sup>i</sup> and Appendix II for notifications by detail. The spreadsheets show that there were ninety-four safety incidents reported during the year, compared to one-hundred and twenty-four last year. Of the total ninety-four, three were reportable to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) compared to six last year.

3.2.2. The three RIDDOR reportable incidents comprised of two cases of a reportable occupational disease and one injury that caused an employee to be absent from work for over seven days. This year there were no injuries to members of the public in which they had to be conveyed to hospital from the scene of an accident on Exeter City Council premises or land. Table 2 provides details.

**TABLE 2: A BREAKDOWN OF THE RIDDOR INCIDENTS 2013-2014 AND MANAGEMENT RESPONSE**

RIDDOR Classification	Injury	Employment Group	Date	Location details &	Remedial Action / Response
Occupational Disease	Symptoms of HAVS	Public Realm: Parks and Open Spaces	Diagnosed 26/09/2013	HAVS confirmed by OH	Restricted use of machinery to below 100 points per day and increase in ongoing health surveillance from annual to six monthly check ups.
+7	Haematoma in right leg	Public Realm: Street Sweeper	26/09/2013	Missed footing when stepping up onto kerb, stumbled and fell to the ground. Landed on right	No defect in footway, full PPE was being worn. No indication of any health problem at the time of the fall. Operative had received training into trip and fall hazards that may be present during the normal course of

RIDDOR Classification	Injury	Employment Group	Date	Location details &	Remedial Action / Response
Occupational Disease	Symptoms of HAVS	Public Realm: Parks and Open Spaces	Diagnosed 18/03/2014	foot and elbow. HAVS confirmed by OH	street sweeping. Restricted use of machinery to below 100 points per day and increase in ongoing health surveillance from annual to six monthly check ups

3.2.3. Manual handling injuries increased slightly this year (twenty-six this year, compared to twenty-two previously), but slips-trips-fall injuries significantly reduced to twenty, compared to twenty-nine last year. The number of incidents involving contractors and asbestos fell from ten to eight. Injuries involving members of the public dropped from fifteen to ten.

3.2.4 There were fewer incidents of personal threats to employees this year: ten, down from last year's nineteen. There was one physical assault on a Council Officer.

3.2.5 No voluntary workers were injured this year.

3.2.6. Six workers were injured when working under contract for Exeter City Council and seven workers were exposed to a substance hazardous to health when working under contract for Exeter City Council. In all of the seven latter cases the substance hazardous to health was asbestos.

3.2.7 Exeter City Council incidence rate for over-seven day injuries is 155.03 and significantly below the national average of 233.1 per 100,000 employees<sup>2</sup>. However, because of the two HAVS diagnoses during this year, our incidence rate for 'ill health [diagnosed] by doctors and specialist physicians' is at 310 per 100,000 employees, which is higher than the national average of 130 per 100,000 employees. These figures are based on our full time equivalent employee establishment of 645 at 31<sup>st</sup> March 2014.

3.2.8 All accidents and incidents are investigated and risk assessments are reviewed following accidents and incidents. Where risk assessments and safe working practices are reviewed, all employees involved must be consulted on any changes proposed to reduce risk. Indeed, employees are often the most valuable source of information on how tasks are progressing and are best placed to contribute ideas for improvements in safety.

### 3.3 FIRE AND EMERGENCY ACTION DRILL COMPLIANCE

All buildings that are places of work are required to exercise at least one fire evacuation drill a year, preferably a minimum of two. In certain Exeter City Council buildings evacuation drills are problematic and where this is the case other measures to ensure training and awareness of what to do in the event of a fire are implemented. Table 3 details dates of compliance and other information.

<sup>2</sup> HSE Annual Statistics Report for Great Britain 2012 /2013 (NB 2013 / 2014 is not available at the time of writing)

**Table 3. Fire evacuation drill returns during financial year 2013 / 2014**

<b>Building</b>	<b>Evacuation / Evacuation Drill Date</b>	<b>Comments / Observations</b>
Belle Isle Depot	26/03/2013	
Bridge Rd Tractor Depot	See comments	Less than 5 at any one time. All briefed on separate fire procedure. Fire action plan displayed
Civic Centre	28/03/2014	All clear in 2 min 37 seconds
MRF	15/07/2013 27/09/2013	Other drills carried out as well. The two listed were small fires.
RAMM Queen St	02/01/2014 (x2)	
RAMM Ark	23/01/2014	
RAMM St Nix	July 2013	
The Guildhall	31/07/2013 28/02/2014	
Underground Passages & Tourist Information Centre	10/09/2013 11/03/2014	Land Securities control planning of fire drills and control the main panels.
Quay House Visitor Centre	10/06/2013	Includes adjoining commercial.
Multi Storey and Underground Car Parks	See comments	Extensive drills carried out during 2012 / 2013. Awaiting review of fire action plans as CEOs have become County Council employees on a different radio network.
The Corn Exchange	26/09/2013 06/03/2014	Thanks again extended to the Dance Club that helps to make the drills realistic in terms of evacuee numbers.
The Matford Centre and the Livestock Centre	15/05/2013	
Oakwood House	13/12/2013 February 2014	February was a genuine activation
Glencoe STA	29/07/2013	
Exeter Business Centre	26/06/2013	
Workshop Exton Rd	See comments	Less than 5 at any one time. All tradesmen briefed in fire procedure. Fire action plan displayed

Older and Vulnerable Persons Accommodation (Faraday House, Rennes House, Russet House, Weirfield House)	See comments	Procedures under review in terms of stay-put policy or autonomous evacuation – NB most buildings have visiting Wardens or Housing Officers and no permanent Warden on site.
Higher Cemetery Staff Room	See comments	Less than 5 at any one time. All operatives briefed in fire procedure. Fire action plan displayed
Exwick Cemetery Staff Room & Sweeper Shed	See comments	Less than 5 at any one time. All Operatives briefed in fire procedure. Fire action plan displayed

## SECTION 4 – ACT

### 4.1 INTERNAL AUDIT

4.1.1 Internal Audit completed an investigation into the Display Screen Equipment Assessment (DSE) System. Their report published in October 2012 contained recommendations that are anticipated to achieve completion with the full introduction of the AssessNET DSE module.

### 4.2 INSURANCE

4.2.1 Zurich Insurance undertook a risk survey of the Council in October 2012. Elements of this pertained to health and safety management. A training presentation on liability awareness was held in which an emphasis on correct and timely workplace safety inspection was highlighted. The introduction of the AssessNET system this year facilitates a uniform corporate approach to workplace safety inspection. All building managers are to be trained in use of AssessNET for workplace safety inspections during 2014 / 2015.

### 4.3 TOWARDS OHSAS 18001

4.3.1 OHSAS 18001 has been developed to be compatible with the ISO9001 (Quality) and ISO 14001 (Environmental) management systems standards. This was developed in order to facilitate the integration of quality, environmental and occupational health and safety management systems into organisations, should they wish to attain this accreditation.

4.3.2 The specification gives requirements for an occupational health and safety management system that enables an organisation to control its health and safety risks and improve its performance. It does not state specific performance criteria, nor does it give detailed specifications for the design of a management system.

4.3.3 Should the Council wish to gauge its current health and safety culture, the Council may choose to seek an external audit in order to attain RoSPA gold/silver/bronze or the British Safety Council Five Star rating; by the end of 2017, the Council would then be in a position to decide whether to proceed with external audit for OHSAS 18001.

#### **4.4 CONCLUSION**

4.4.1 One aim of the Health and Safety Management System is to ensure a more consolidated centralised approach to protect the Council and its employees alike. Comparative data from the previous three financial years is available from the PHSO.

4.4.2 Clear improvements are noted in areas like accident and incident trends. However, this should be kept in perspective when considering the reduction in the employee full-time equivalent establishment from that of last year and may signify no real change.

4.4.3 The Council over the last three financial years has achieved a good reporting culture and a good proactive management culture in health and safety. This is reflected in the minutes of the key health and safety committee: Key Partners for Health and Safety Group. The 'Revitalising Health and Safety' drive has forged a stronger link to Senior Management ensuring they have a broad overview of the health and safety risks and priorities for the Council. The 'Revitalising Health and Safety' drive will continue into the next financial year.

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## REPORT TO SCRUTINY RESOURCES COMMITTEE, EXECUTIVE, COUNCIL

**Date of Meeting: 2 October, 7 October, 15 October 2014**

**Report of: Corporate Manager - Legal Services**

**Title: Arrangements for the Provision for the Joint Management of Strata**

**Is this a Key Decision?**

YES

**Is this an Executive or Council Function?**

Both - please see the recommendations set out in paragraph 2 below.

### **1. What is the report about?**

- 1.1 Members will know that Teignbridge District Council, Exeter City Council and East Devon Council have formally resolved to implement a shared ICT service through a wholly owned company to be known as "Strata".
- 1.2 The purpose of this report is to set up a structure for the governance and scrutiny of Strata as follows:
  - (a) A Joint Executive Committee (JEC) to govern Strata and
  - (b) A Joint Scrutiny Committee (JSC) to scrutinise Strata.
- 1.3 In order to achieve this, each authority is asked to amend its Constitution to establish the joint committees with terms of reference set out below in this report.
- 1.4 The proposed 'go-live' date for Strata is 1 November 2014.
- 1.5 The Executive of each Council has power to delegate powers to the JEC but the amendments to the Constitution to create and delegate powers to the JSC is a Full Council Function.

### **2. Recommendations:**

#### **2.1 That Teignbridge District Council, Exeter City Council and East Devon District Council jointly agree following:**

- 2.1.1 That the Executive/Cabinet of each authority resolves to:
  - (a) Appoint a Joint Executive Committee (JEC) together to govern Strata with effect from the go live date on the 1 November 2014.
  - (b) Appoint its Leader to the JEC.
  - (c) Agree the JEC's terms of reference set out in the Appendix and summarised in paragraph 9 of this report.
  - (d) Adopt the Rules of Procedure for the JEC set out in the Appendix to this report.

- (e) To agree the composition and delegation to the Strata Management Board as set out in paragraph 13 to this report.

2.1.2 That Council for each authority resolves to amend its Constitution to:

- (a) Appoint a Joint Scrutiny Committee (JSC).
- (b) Agree the JSC Terms of Reference as set out in paragraph 10-12 of this report.
- (c) To nominate a total of 3 members from each authority to sit on the JSC in compliance with the rules on political balance.
- (d) To adopt the Rules of Procedure for the JSC set out in the Appendix to this report.

2.1.3 Each hosting authority will convene and support the meeting.

### **3 Reasons for the recommendation:**

To enable the joint management of Strata by Teignbridge, Exeter and East Devon District Council.

This structure is designed to allow decisions to be taken once by the Joint Committee and will be binding on all Councils. This will speed up the decision-making process and eliminates the possibility that a Council may take conflicting decisions.

### **4. What are the resource implications including non financial resources.**

In July 2014, the Council agreed a joint ICT shared service business plan and implementation plan. The implementation plan included the need to bring back to the Executive and Council this report on the proposed structure and scrutiny arrangement of Strata.

Proposals and implementation to date are on track and within the approved budget.

The Council will be responsible for agreeing an annual budget to be passed to Strata and the JEC will receive financial monitoring reports to ensure the company is operating within the approved overall budget allocated to it from the three councils.

### **5. Section 151 Officer Comments:**

There are no financial implications contained within the report, however it does contribute towards the successful set up of the Joint IT Company, which is forecast to generate savings for the Council.

### **6. What are the legal aspects - basic principles of Joint Committees?**

- 6.1 Section 101 of the Local Government Act 1972 enables a local authority to enter into arrangements for the discharge of its functions jointly with, or by one or more other authority.



- 6.2 Section 102 of the Local Government Act 1972 contains a power to appoint Joint Committees.
- 6.3 Teignbridge, Exeter and East Devon all operate an Executive / Cabinet and Leader model and each has a slightly different mechanism for amending its Constitution.
- 6.4 A JEC and JSC will comprise members from each of the Councils and, within the powers delegated to it by each Council, the Joint Committees can take a decision, or make recommendations in the case of scrutiny, on behalf of each of the Councils.
- 6.5 A decision is taken once by the Joint Committee and will be binding on all Councils. This speeds up the decision-making process and eliminates the possibility that a Council may take conflicting decisions.
- 6.6 Decision making at the JEC level will require unanimity of vote.
- 6.7 The appointment of members to the JEC is not subject to the usual requirement of political balance but a JSC would be.
- 6.8 A JEC can only do what its participating Councils authorise it to do. It can only act within the powers delegated to it and, within each of the Council's area, within the budget and strategic policy framework approved by that participating Council.
- 6.9 Executive functions can only be exercised within the budget and strategic policy framework set by each of the Councils. Any proposed decision which is contrary to the Council's approved budget or strategic policy framework must be referred to each Full Council for decision.
- 6.10 Where, Executive functions will be delegated to the JEC, it operates as a Committee of the Executive of the participating Councils, which means that it operates under the Executive Decision Procedure Rules.

This means that the hosting authority will need to publish a Forward Plan of anticipated "Key Decisions" and meetings will need to be held in public. Paragraph 29 of the Rules of Procedure set out as in the Appendix to this report deal with this requirement.

- 6.11 As for all local authority meetings, every member of the Joint Committees (except co-opted non-voting members) will have an equal vote.
- 6.12 **Who can be appointed to a joint committee?**
- 6.13 Only Executive members of each authority may be appointed to the JEC.
- 6.14 The JSC may not have an Executive member from any of the three authorities appointed to it. The members to be appointed to the JSC will be chosen by the Party Leaders of each of the Councils.

## **7. Monitoring Officer's comments:**

- 7.1 The Head of Law from each authority met to agree these joint provisions and are happy to put these joint arrangements forward as the most prudent way to jointly manage and scrutinise Strata.

- 7.2 Advice has been taken from Bevan Brittan solicitors who strongly recommend that each of the Councils each make identical delegations.
- 7.3 A delegation can be revoked or amended at any time by the person or body which made the initial delegation of powers to the joint committee.
- 7.4 The JEC will not be able to enter the contract with Strata in its own name but can recommend that each of the participating Councils will enter the contract. In practice, each participating Council can enter the contract, accepting joint and several liability for the whole of the contract, but the Shareholder Agreement will share out the contractual liabilities between the participating Councils and indemnify each other for any losses which they cause each other.

## **8. BACKGROUND**

- 8.1 In order to be able to commence on 1 November 2014, it is essential that the governance and scrutiny arrangements are agreed by each of the three authorities through their full Council and Executive meetings scheduled to take place shortly.

The completion of the following three key documents is dependent on agreeing the governance and scrutiny arrangements:

- Articles of Association - these are Strata's constitution and the rules about running the company and cover, for example, how decisions are made and the roles of the directors and the shareholders.
- Shareholder Agreement - the agreement governing the relationship between the Councils including how budget surpluses may be dealt with, dispute resolution and exit arrangement.
- Service Contracts - the agreements between Strata and the Councils governing the provision of the services.

## **9. Suggested Structure of the Joint Executive Committee.**

### **9.1 Composition**

- The Leaders of each of the Councils, each with an equal vote and
- The three Chief Executives (as co-opted non-voting members)

### **9.2 Nominees**

Leaders or Chief Executives may send nominees in their absence provided not less than 24 hours notice is given to the Proper Officer of the hosting authority.

In the case of Leaders, any nominee must also be an Executive member.

### **9.3 Meetings**

The JEC should meet bi-monthly for the first year of operation of Strata and quarterly thereafter. This frequency can be adjusted to suit the nature, amount and urgency of business.

Meetings must be held in public and therefore they should be conducted at publicly accessible buildings, which also enable disabled access. It is therefore proposed that the venues for meetings of the JEC are the three Councils' offices, hosted on a rotational basis.

Although meetings are to be held in public, it is still possible to discuss exempt and confidential matters in Part II. This is subject to the usual resolution procedure and the same criteria set out in sections 100A and 100I and schedule 12A of the Local Government Act 1972. These provisions enable the public and press to be excluded from meetings and from access to reports and are equally applicable to the JEC.

#### **9.4 Chair**

As with the venue, the Leaders will rotate chairmanship of each meeting to be appointed for not more than 12 months unless otherwise agreed by the JEC.

The Chair shall not have a casting vote.

#### **9.5 Quorum**

Decisions must be taken on a unanimous basis and so a meeting of the JEC is quorate with three voting members present.

The presence of non-voting co-opted Chief Executives will not affect whether a meeting of the JEC is quorate.

#### **9.6 Powers**

JEC will have delegated to it all those powers which, in the absence of the JEC, would be held by the respective Executives to enable the operation of Strata, with the exception of the following decisions which are reserved to the Councils as shareholders:

- Permitting the registration of any additional shareholders into Strata;
- Passing any resolution for its winding up or presenting any petition for its administration;
- Changing the company's name;
- Issuing shares;
- Amalgamating or merging with any other company or business undertaking;
- Forming any subsidiary or acquiring shares in any other company or participating in any joint venture;
- Decisions to extend the scope and nature of services to be provided by Strata, for example to provide HR, Accountancy or Legal services;
- Decisions over a capital or revenue expenditure outside the approved budget.

- Decisions to provide ICT services (or any other services) commercially for external clients or decisions that have an impact on the ability to use the Teckal procurement exemption;
- Declaring or making dividends or distributions of assets of any kind; and
- Ceasing involvement in Strata as a participating shareholder.

## **10. Suggested Structure of the Joint Scrutiny Committee Composition**

- 10.1 The JSC will be made up of 9 members, (3 from each Council).
- 10.2 The JSC will be politically balanced to reflect the political balance of each of the three authorities.
- 10.3 A determination of the allocation of the seats of the JSC must give effect to the following principles which are set out in Section 15 of the Local Government and Housing Act 1989:
- (a) that not all the seats are allocated to the same political group;
  - (b) that the majority of seats are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
  - (c) subject to (a) and (b), that the total number of all seats allocated to a particular political group reflects the group's proportion to the membership of the Council;
  - (d) subject to (a) – (c), that the number of seats allocated to a particular political group reflects that group's proportion of the membership of the Council.
- 10.4 Executive members may not be appointed to the JSC.

## **11. Quorum**

- 11.1 The JSC will be quorate if at least three members are present, provided that there is one member from each of the Councils present.

## **12. The JSC's Terms of Reference shall be to:**

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the JEC's functions;
- make reports and/or recommendations to the Full Council of each Council and/or the JEC in connection with the discharge of any functions;
- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the JEC;

- consider the decisions of the JEC that have been called-in and make recommendations to the JEC;
- appoint sub-committees, working parties and review groups for particular matters; and
- report annually to each Full Council on its workings and make recommendations for amended working methods if appropriate.

### **13. Delegation to the Board**

The Articles of Association will set out the power of the directors acting as a Board. The model Articles provide that the directors may exercise all the powers of the company. Strata's Articles will need to be amended from the model articles so that directors' powers are restricted. Ordinarily Directors would have more powers than are being proposed here.

The Strata Board comprises three directors, one from each Council, together with the Chief Operating Officer as a non-voting director.

It is suggest that the JEC delegates to the directors all the powers that are delegated to the JEC, except for decisions relating to:

- Appointing Strata management or materially altering the staffing structure;
- Any capital or revenue expenditure not contained within the approved budget and business plans.
- Agreeing the Business Plans;
- Changes to the location(s) from which Strata will operate; and
- Amendments to the terms of the Service Contracts.

### **14. How does the decision contribute to the Council's Corporate Plan?**

This joint arrangement supports the Corporate Plan's objectives of having a well run Council.

### **15. What risks are there and how can they be reduced?**

There are risks associated with this proposal namely:

- The fact that 3 authorities are coming together to share and manage a shared service, particularly a service that is so fundamental to the delivery of services in each authority.
- The implementation of a combined ICT service using one data centre.

However, no risks are identified in the recommendation to manage Strata in the joint way suggested.

Risks will be mitigated through the careful setting up of the company and associated agreements and through effective project management.

It is considered there is greater risk to each council in “doing nothing”. This proposal reduces overall risk by having a larger ICT team with less reliance on key individuals and more time to manage more complex technologies.

**16. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

No impact is identified in supporting the recommendations in this report.

**17. Are there any other options?**

Whilst each of the three authorities could in theory try to manage and scrutinise Strata separately through each of its Executive and Scrutiny meetings, this option is not recommended for the reasons set out in the Monitoring officer section to this report.

**Baan AL-Khafaji**  
**Corporate Manager - Legal Services & Monitoring Officer**

**Local Government (Access to Information) Act 1972 (as amended)**  
**Background papers used in compiling this report:-**

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Strata

Terms of Reference and Rules of Procedure for the Joint Executive Committee and Joint Scrutiny Committee

**1. Introduction**

1.1 The Delegation of Functions and Rules of Procedure set out in this document regulate the proceedings of the Joint Executive Committee (JEC) and Joint Scrutiny Committee (JSC), both of which were created by East Devon District Council, Exeter City Council and Teignbridge District Council to govern and scrutinise the operation and performance of Strata.

1.2 In this document the following words have the following meanings:

**“Board”** means the Strata board of directors;

**“Chief Executive”** means the Chief Executive of a Council and together the **“Chief Executives”**;

**“Committee”** means both the JEC and JSC (where the Rules differ between the two Committees, this will be explained);

**“Council”** means East Devon District Council, Exeter City Council or Teignbridge Council and together the **“Councils”**;

**“Executive”** means the Executive or Cabinet of the Councils;

**“Leader”** means a Leaders of a Council and together the **“Leaders”**;

**“Proper Officer”** means Democratic Services Manager, Corporate Manager, Democratic and Civic Support

**“Relevant Council”** means the Council at which the next Committee meeting will be held;

**“Solicitor”** means the Solicitor to the Council, the Corporate Manager- Legal Head of Legal Services or for the Councils; and

**“Strata”** means Strata Service Solutions Ltd.

Section A – Delegation of Functions

**1. Joint Executive Committee (JEC)**

The Councils have appointed the JEC which will be responsible for the strategic governance of Strata. The JEC will make operational decisions for Strata in accordance with the business plan and service plans, which it will agree. The JEC will provide strategic direction to the Board and be accountable to the Councils as shareholders. The JEC's responsibility

for governance and performance includes budget monitoring, all of which will be supported by the JSC.

The Councils have each delegated to the JEC all those powers necessary to enable the proper operation of Strata, with the exception of the following decisions which are reserved to the Executive of each of the Councils acting as shareholders of Strata (except for decisions over a capital or revenue expenditure outside the approved budget and business plan which shall specifically be reserved for Full Council to decide):

- Permitting the registration of any additional shareholders into Strata;
- Passing any resolution for its winding up or presenting any petition for its administration;
- Changing the company's name;
- Issuing shares;
- Amalgamating or merging with any other company or business undertaking;
- Forming any subsidiary or acquiring shares in any other company or participating in any joint venture;
- Decisions to extend the scope and nature of services to be provided by Strata, for example to provide HR, Accountancy or Legal services;

Decisions to provide ICT services (or any other services) commercially for external clients or decisions that have an impact on the ability to use the Teckal procurement exemption;

- Declaring or making dividends or distributions of budgetary savings or assets of any kind; and
- Ceasing involvement in Strata as a participating shareholder.

## **2. The Joint Scrutiny Committee (JSC)**

The Councils have appointed the JSC to scrutinise the operation and performance of Strata and its governance arrangements. More specifically the JSC's role is to:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the JEC's functions;
- make reports and/or recommendations to the Full Council of each Council and/or the JEC in connection with the discharge of any functions;
- exercise the right to call-in, for reconsideration decisions made but not yet implemented by the JEC;
- consider the decisions of the JEC that have been called-in and make recommendations to the JEC;



- appoint sub-committees, working parties and review group for particular matters; and
- report annually to each Full Council on its workings and make recommendations for amended working methods if appropriate.

## **Section B - Rules of Procedure**

### **Contents**

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### **1. General**

- 1.1 These Rules of Procedure (Rules) have been written to provide one set of bespoke procedural rules to govern the meetings of the Joint Committees established to govern and scrutinise Strata. They are designed to augment the existing constitutions of the Councils.
- 1.2 The Chairman of the Committee's view on the interpretation of these Rules is binding at the particular Committee.
- 1.3 These Rules may be reviewed at any time and any amendments must be made unanimously by the Councils following their respective decision making processes.

### **2. Ordinary Meetings**

- 2.1 Ordinary meetings of the Committees will:
- (i) elect a person to chair the meeting which shall be on a rotational basis between the Councils with Chair to be appointed for 12 months unless agreed otherwise by the Committees;
  - (ii) deal with any business required by statute to be done before any other business;
  - (iii) approve the minutes of the last meeting;

- (iv) deal with business expressly required by statute to be done;
- (v) receive any communications or announcements from the Chairman or the Leaders;
- (vi) deal with any business from the last meeting;
- (vii) consider motions;
- (viii) consider any other business specified in the summons to the meeting;

In addition to (i) – (viii) above the JEC shall:

- (ix) receive reports from the Board;
- (x) consider referrals made to it by the JSC;
- (xi) receive questions on the operation of Strata from members of the Councils and members of the public and provide answers to those questions

In addition to (i) – (viii) above the JSC shall:

- (xii) receive reports on performance from the JEC and auditors; and
- (xiii) report to each Full Council of the Councils annually on the performance of the JEC and Strata.

2.2 The Committees may vary the order of business so as to give precedence to any business. However such a variation shall not displace business falling under items (i) and (ii) in this rule.

### **3. Extraordinary meetings**

#### **3.1 Calling extraordinary meetings**

Those listed below may request a meeting of the Committee in addition to ordinary meetings:

- Any of the Councils by resolution;
- the Chairman of any of the Councils
- the Monitoring Officer of any of the Councils having first notified the Chairman of the Councils; and
- the Board;
- any five Members of any of the Councils if they have signed a requisition presented to the Chairman of their respective Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

At an extraordinary meeting of the Committees the business to be conducted shall be limited to a single item in the form of a motion full details of which shall be set out on the summons calling the meeting.

#### **4. Frequency, time and place of meetings**

- 4.1 In the first year of operation of Strata, there shall be at least six meetings of the Committees.
- 4.2 From the second year of operation of Strata, the JEC and JSC can determine the frequency of the meetings following consideration of the Committee's projected workload. Extraordinary meetings of the Committees can be called in accordance with Section 3 above.
- 4.3 Meetings shall take place at the offices of the Councils on a rotational basis; the first of each Committee shall meet at the offices of East Devon District Council. Thereafter, the locations shall be Exeter City Council and then Teignbridge District Council.
- 4.4 The time and place of meetings will be determined by the Chief Executive of the Relevant Council and notified in the summons.

#### **5. Notice of and summons to meetings**

- 5.1 The Chief Executive of the Relevant Council will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **6. Chairing of meetings**

- 6.1 The Chair of the Committee will be rotated and selected from the members of the Committee. The Chair will be appointed for a maximum period of 12 months unless otherwise agreed by the Committee.
- 6.2 The Chairman does not have a casting vote.

#### **7. Committee Composition**

##### **7.1 JEC**

The JEC shall comprise of three members being the Leaders of the Councils, each with an equal vote together with the Chief Executives as non-voting co-opted members.

##### **JSC**

The JSC shall comprise three members of each of the Councils, to be appointed by the group leaders of the Councils. Each member of the JSC shall have an equal vote.

7.2 The Leaders and Chief Executives may nominate a substitute to attend a meeting of the JEC provided that at least 24 hours notice is given to the Proper Officer. Nominees of the Leaders must be members of the Council's Executive.

7.3 The members of the JSC may also nominate a substitute to attend a meeting of the JSC provided that at least 24 hours notice has been given to the Proper Officer.

## **8. Quorum**

8.1 For the JEC the quorum is the three Leaders or their nominees.

8.2 For the JSC the quorum is three with at least one member from each Council.

8.3 During any meeting, if the Chairman declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Voting**

9.1 Voting will be taken by a show of hands.

9.2 Each member has an equal vote.

9.3 The Chairman does not have a casting vote.

9.4 For a decision taken at the JEC, a decision must be unanimous. At the JSC, a decision may be made by the majority of members present.

9.5 There will be no opportunity for a ballot vote.

9.6 If the meeting so decides (prior to a vote being taken) the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

9.7 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. (This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations)

## **10. Questions and statements by the public**

10.1 For both the JEC and JSC, subject to Paragraph 10.2, there shall be a fifteen minute period at the commencement of Committee meetings for members of the public to ask questions. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of three minutes.

- 10.2 Where a question does not relate to an agenda item, and a response is required from a member or an officer, the question must be submitted in writing to the Proper Officer of the Relevant Council not less than two working days before the meeting to give time for a response to be prepared. Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
- 10.3 The Chairman of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.

## **11. Questions by Members**

- 11.1 A member of the Councils may ask the Leader or Chairman any question without notice upon an item of the report to the Committees when that item is being received or under consideration.
- 11.2 A member of any of the Councils may ask a question on notice relating to any function of Strata not to be considered at the Committee meeting provided that they have given at least two working days' notice in writing of the question to the Proper Officer or, where the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the proper Officer of their Council by 9.15am on the day of the meeting.
- 11.3 An answer may take the form of:
- (a) a direct oral answer;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 11.4 A member asking a question under Rule 11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## **12. Motions on notice**

### **12.1 Notice**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least five members of a Council, must be delivered to that Council's Proper Officer not later than ten working days before the date of the meeting. These will be entered in a book open to public inspection.

### **12.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### 12.3 Clarification of motion on notice

Where a motion on notice has been submitted in accordance with this Rule, and prior to the despatch of the agenda, the Chief Executive of the relevant Council may seek to clarify the purpose and/or wording of such a motion (such action may include recommending its rewording) so as to ensure that any such motion, if approved, is compliant with the Committee's legal and administrative powers.

### 12.4 Referral of motion to relevant committee

Where the wording of the motion is not immediately relevant to the business of the Committee, the presumption is that it will be referred to the relevant Committee in the first instance to enable research to be properly carried out into the issue to facilitate a relevant and informed debate.

### 12.5 Leader's response to motion

The Chairman, at his discretion, may invite the Leader or his nominee to respond to a motion or a question.

### 12.6 Scope

Motions must be about matters for which the Committee has a responsibility.

## 13. **Motions without notice**

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

- (m) to suspend a particular procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by these Rules.

#### **14. Rules of debate**

##### 14.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

##### 14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

##### 14.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

##### 14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

##### 14.5 When a Member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 14.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 14.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion that he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations that could be made as an amendment may be made.

#### 14.8 Withdrawal of motion

A member may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 14.9 Right of reply



- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. The proposer of the amendment shall also be entitled to reply
- (c) A member exercising a right of reply shall not introduce new matter.

#### 14.10 Motions that may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 19.2 or to exclude them from the meeting under Rule 19.3.

#### 14.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Chairman thinks the item has not been sufficiently discussed or cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 14.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

#### 14.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member that may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

### **15. Previous decisions and motions**

#### 15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a Committee meeting within the past six months cannot be moved unless the notice of motion is signed by at least 15 members, from a Council or the Councils.

#### 15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a Committee meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members from a Council or the Councils. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **16. Minutes**

#### 16.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### 16.2 There is no requirement to sign minutes of previous meeting at an extraordinary meeting.

#### 16.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting

(being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations

**17. Record of attendance**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

**18. Exclusion of public**

Members of the public and press may only be excluded either in accordance with Rule 28 (Access to Information Rules) or Rule 20 (Disturbance by Public).

**19. Members' conduct**

**19.1 Chairman standing**

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

**19.2 Member not to be heard further**

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

**19.3 Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

**19.4 Disclosable Pecuniary Interest**

Unless a dispensation has been granted, a member shall not participate in any discussion of, or vote on, any matter in which they have a Disclosable Pecuniary Interest and having first declared to the meeting the existence and nature of that interest shall withdraw from the room where the meeting is being held at the commencement of the consideration of that business, or (if later) the time at which the interest becomes apparent.

Where the Disclosable Pecuniary Interest is sensitive (as defined on the Member Code of Conduct of the respective Councils) the member need not disclose the nature of that interest but must still state there is a Disclosable Pecuniary Interest and otherwise follow the requirements of the previous paragraph.

## 19.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

## 20. Disturbance by public

### 20.1 Removal of member of the public

If a member of the public interrupts proceedings or is found to be recording the proceedings of the meeting (by video or otherwise) in a manner that is disruptive to business, the Chairman will warn the person concerned. If they continue to interrupt or record the meeting contrary to the Chairman's instructions, the Chairman will order their removal from the meeting room and the forfeiture of the unauthorised recording.

### 20.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## 21. Suspension and amendment of the Rules

### 21.1 Suspension

All of these Rules except Rule 9.7 and 16.3 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Committee are present. Suspension can only be for the duration of the meeting.

### 21.2 Amendment

Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of each of the Councils.

## 22. Motions affecting Staff

If any question arises at a meeting of the Committee to which the Local Government Act 1972 applies by virtue of Section 100(A)(4) concerning the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by Strata or the Councils, such question shall not be the subject of discussion until the Committee has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

## 23. Call-in

23.1 A decision is made by the JEC but the decision does not come into effect until a Call-in period has elapsed.

23.2 Within two working days of the decision being made, the Proper Officer (which in this context means the Proper Officer of the Council whose members have exercised the power of call-in) will notify all members of the Councils of the decision. The notice

will include the date of the notification and the date the decision will come into effect if there is no Call-in. The “effective date” of the decision which will be 09.00 am on the day after the expiry of three clear working days from the notification to members (Saturdays, Sundays and Bank Holidays are excluded). For example, in respect of a decision made by the JEC on a Wednesday, notification will be given to all members by Friday of the same week and the effective date of the decision will be 09.00 am on the following Thursday.

23.3 A request for a call-in of the decision must be received by the Proper Officer between the date of notification to members and the effective date of the decision.

23.4 For the call-in to be valid, the request must satisfy all of the following provisions:-

- (i) Be in writing (on paper or e-mail);
- (ii) Specify the relevant decision that is to be the subject of the Call-in;
- (iii) Be supported by at least five members;
- (iv) Written confirmation that such members have each considered all of the following matters before requesting a call-in of the decision:
  - (a) whether the decision is likely to cause distress, harm or significant concern to a local community, or to prejudice individuals within it;
  - (b) whether the matter has been subject to consultation or debate with relevant interested parties;
  - (c) whether the delay in implementing the decision is likely to cause significant harm to the Councils or others;
  - (d) whether the decision is against an approved policy or budget provision of the Councils or Strata;
  - (e) whether the decision was made against the advice of professional staff; or
  - (f) whether the views of the members requesting the call-in were taken into account in arriving at the decision.
- (i) Stating the reasons for the call-in of the decision.

23.5 Once the Proper Officer is satisfied that the request is a valid request, they shall arrange for the JSC to consider the call-in at the next scheduled meeting or if the Proper Officer and Chairman of the JSC consider that the matter cannot wait until the next scheduled meeting, the Proper Officer shall convene a JSC as soon possible on a date which is acceptable to the Chairman of the JSC.

23.6 If having considered the decision, the JSC is still concerned about it, the Committee may refer it back to the JEC for reconsideration, setting out in writing the nature of its concerns.

23.7 If referred to the JEC, the JEC shall consider the concerns, amending the decision or not, before adopting a final decision.

#### Exceptions

23.8 In order to ensure that call-in is not abused, nor causes unreasonable delay certain limitations are placed on its use. These are:

- (i) only decisions involving expenditure or reductions in service over a value of £10,000 may be called in;
- (ii) If in the opinion of the Proper Officer the power of call-in is being abused with the apparent intention of unreasonably disrupting the JEC's decision making process they may refuse to accept any or all requests.

#### Urgent Decisions

23.9 Urgent decisions shall be excluded from the call-in process. What constitutes an urgent decision will be agreed between the Chief Executives and the Leaders and the Chairman of the JSC. The reason why the decision was urgent shall be recorded.

#### Referral to Councils

23.10 When considered by the JSC, the matter may be referred back to the JEC for further consideration or in exceptional circumstances, i.e. a matter of significance for the Councils affecting the strategic direction of Strata, referred to the Councils for further consideration and referral back to the JEC. Whether the matter is considered exceptional will be agreed between the Chief Executives and the Leaders and the Chairman of the JSC or if not fewer than three quarters of the JSC members consider the matter is exceptional. When considered by the Councils or the JSC, the matter will need to go back to the JEC in the form of a report with recommendations in the name of the JSC or the Chairmen of the Councils.

23.11 A matter which has been the subject of a call-in may not be the subject of a second call-in unless requested by at least one third of the total membership of a Council. In those circumstances, the matter will be referred back to the Full Council of each of the Councils. It will be subject to decision by Full Council only if it is outside of the budget or policy framework for Strata. If it falls within the budget and policy framework it will be referred back to the JEC for a decision.

#### **24. Inspection of documents**

24.1 A member of the Council may for the purposes of his duty as a member but not otherwise inspect any document that contains material relating to any business to be transacted, or which has been considered, at a meeting of the Committee. If copies are available they shall be supplied on request.

- 24.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested; or has a Discloseable Pecuniary Interest within the meaning of the Code of Conduct for members.
- 24.3 This Rule shall not preclude a Chief Executive or Solicitor from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client or where it appears to the Chief Executive that a document discloses exempt information of a description set out in Section 100F(2) of the Local Government Act 1972.
- 24.4 All minutes of the Committees shall be open for the inspection of any member of the Councils during office hours.

**25. Inspection of land, premises etc**

A member of a Council unless authorised to do so by a Council or Committee, shall not have the right to inspect any lands or premises which the Councils have the right or duty to inspect, or enter upon or issue any order respecting any works which are being carried out by or on behalf of the Councils.

**26. Proceedings at meetings**

- 26.1 No person shall disclose "confidential information" or "exempt information" in any circumstances. However this Rule shall not forbid disclosure of the resolution or any recommendation which has been made or other contents of the relevant minute.
- 26.2 In the event of any member disclosing such information, he/she shall be liable to investigation by their Council's Monitoring Officer and report to the Standards Committee.

**27. Attendance when not a Committee Member**

- 27.1 A member who has proposed a motion which has been referred to a Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion, and if he attends, shall have an opportunity of explaining it.
- 27.2 A member of the Council may attend all proceedings of the Committees.
- 27.3 A member who wishes to raise any matter appropriate to a Committee of which he is not a member, may do so by giving notice in writing to the Proper Officer of their Council at least two clear days before the next ordinary meeting of the appropriate Committee. The member may also attend a special meeting if the matter in which he is interested is to be discussed by that special meeting. Such notice shall contain particulars of the matter that they wish to raise. They shall then have the right to explain and discuss the matter.
- 27.4 Any member attending a Committee meeting of which he is not a member shall not be able to propose or second any motion nor to vote at that meeting. Except as otherwise provided in this Rule they shall not be entitled to speak at that meeting (except with the consent of the Chairman).

## **28. Access to Information**

### **28.1 Additional Rights to Information**

These Rules do not affect any more specific rights to information afforded by law.

### **28.2 Rights to Attend Meetings**

Members of the public may attend all public meetings subject only to the exceptions in these Rules.

### **28.3 Notices of Meeting**

At least five clear days' notice will be given of any meeting by posting details of the meeting at the Councils' offices and placed on the Councils' websites.

### **28.4 Access to Agenda and Reports before the Meeting**

The Council hosting the Committee meeting will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting and on its website. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer for the Council shall make each such report available to the public as soon as the report is completed and sent to members) will be open to inspection for the time the item was added to the agenda.

### **28.5 Supply of Copies**

The Council hosting the meeting will supply copies of:

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the Chief Executive or Monitoring Officer of the Council hosting the Committee meeting think fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs.

### **28.6 Access to minutes etc after the meeting**

The Council which hosted the Committee meeting will make available copies of the following for six years after a meeting:

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;



- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

## 28.7 Background Papers

List of background papers

The proper officer of the Council hosting the Committee meeting will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- disclose any facts or matters on which the report or an important part of the report is based; and
- which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

## 29. Key Decisions

29.1 A "Key Decision" means a decision of the JEC which is likely:

- (a) to result in Strata or the Councils incurring expenditure which is, or the making of savings which are, significant having regard to Strata's or the Councils' budgets for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Councils' areas;

29.2 In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of "significant" regard shall be had to any guidance for the time being issued by the Secretary of State

29.3 A decision taker may only make a key decision in accordance with the requirements of these Rules.

29.4 Only the JEC may take Key Decisions.

29.5 The JEC shall publish a forward plan of anticipated Key Decisions.

29.6 Notice of Key Decision

Subject to the general exception and urgency provisions below, no Key Decision may be taken unless:

- (i) a notice (called here a "Notice of Key Decision") has been published in connection with the matter in question;
- (ii) at least 28 clear days have elapsed since the publication of the Notice of Key Decision; and

- (iii) where the decision is to be taken at a meeting of the JEC notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

#### 29.7 Contents of Notice of Key Decision

The Notice of Key Decision will state that a key decision is to be taken by the JEC and it will describe the following particulars:

- (i) the matter in respect of which the decision is to be made;
- (ii) the date on which, or the period within which, the decision is to be made;
- (iii) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (iv) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (v) that other documents relevant to those matters may be submitted to the decision maker; and
- (vi) procedure for requesting details of those documents (if any) as they become available.

#### 29.8 Publication of the Notice of Key Decision

The Notice of Key Decision must be made available for inspection by the public at the offices of the Relevant Council of the next JEC meeting at which the Key Decision is to be made.

#### 29.9 Exempt information need not be included in a Forward Plan and confidential information cannot be included.

#### 29.10 The Forward Plan

The Councils are not required by law to publish a forward plan. However, the Notice of Key Decision published by the relevant Council set out not just details of specific key decisions, but also details of key decisions over a four month period (including important decisions to be made by the JEC).

#### 29.11 General Exception

If a Notice of Key Decision has not been published, then subject to Rule 29.13 (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (ii) the Proper Officer of the relevant Council has informed the Chair of the next JSC Committee meeting the matter about which the decision is to be made;

- (iii) the Proper Officer of the relevant Council has made copies of that notice available to the public at the offices of the relevant Council and on the Councils' websites; and
- (iv) at least five clear days have elapsed since the Proper Officer complied with 29 (ii) and 29 (iii)

29.12 As soon as reasonably practicable after the Proper Officer of the relevant Council has complied with Rule 29.11, they must make available at the Councils' offices and publish on the Councils' websites the reasons why compliance with issuing a Notice of Key Decision was impractical.

29.13 Special Urgency

If by virtue of the date by which a Key Decision must be taken Rule 29.11 (general exception) cannot be followed, then the Key Decision can only be taken if the Chief Executive of the relevant Council obtains the agreement of the Chair of the next JSC Committee meeting.

29.14 As soon as reasonably practicable after the Chief Executive of the relevant Council has obtained agreement under Rule 29.13 they must make available at the Councils' offices and publish on the Councils' websites the reasons why the meeting is urgent and cannot reasonably be deferred.

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## **REPORT TO Executive & Council**

**Date of Meeting: 7 October 2014 & 15 October 2014**

**Report of: Corporate Manager, Democratic & Civic Support**

**Title: AMENDMENTS TO THE SCHEME OF DELEGATION**

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

#### **Council**

#### **1. What is the report about?**

1.1 This report sets out proposals to amend the Scheme of Delegation to Officers to match operational arrangements.

#### **2. Recommendations:**

That the Council be asked to approve the changes to the Scheme of Delegation to Officers set out in the Appendix to this report.

#### **3. Reasons for the recommendation:**

3.1 To ensure that the Scheme of Delegation to Officers is up to date and matches the operational arrangements of the Council.

#### **4. What are the resource implications including non financial resources.**

4.1 None

#### **5. Section 151 Officer comments:**

5.1 No comment.

#### **6. What are the legal aspects?**

6.1 No comment.

#### **7. Monitoring Officer's comments:**

7.1 No comment.

#### **8. Report details:**

8.1 The Scheme of Delegation to Officers is the working document which sets out what decisions and powers officers have on a day to day basis. It therefore needs to be up to date to match operational arrangements.

8.2 This latest amendment to the Scheme of Delegation has been necessary following minor changes in the management structure within the Council; to pick up changes in legislation; and also to improve internal efficiency.

8.3 There are several other proposed changes to the Scheme of Delegation recommended elsewhere on this agenda, and if approved, they shall be included in the revised version.

**9. How does the decision contribute to the Council's Corporate Plan?**

9.1 It ensures that the Council is working as efficiently as possible.

**10. What risks are there and how can they be reduced?**

10.1 There are no risks associated with the proposals.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 None

**12. Are there any other options?**

12.1 No.

**John Street**  
**Corporate Manager, Democratic & Civic Support**

**Local Government (Access to Information) Act 1972 (as amended)**  
**Background papers used in compiling this report:-**

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275

# Delegation to Officers

## GENERAL

1. The Strategic Management Team (JNC Officers) and all officers with delegated authority must ensure that relevant Executive members are consulted on all matters of a controversial or sensitive nature. Where appropriate, these matters must be referred to the Executive for a decision/guidance.
2. If a delegated decision requires prior consultation with a specific portfolio holder and that person is not available, if the decision cannot wait, the consultation shall be with the Leader or other portfolio holder.
3. Where any decision proposed under delegated powers is likely to involve a departure from Council policy or any instruction of the Council, Committee or Executive, the officer must refer the matter to the Executive for a decision/guidance after consultation with the Assistant Director Finance where a budgetary issue is involved.
4. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme or AIM process, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
5. Where reference is made in the scheme of delegation to an exercise of a function under specific legislation, this shall be deemed to include any statutory extension, amendment, modification and re enactment and any Statutory Instrument, rule, order, or bylaw made thereunder, provided that the nature of the function delegated remains the same.
6. All decisions delegated from the Executive and made under delegated authority shall be recorded by each officer with delegated authority in order that the Scrutiny Committees can properly examine any decision reached.
7. The Deputy Chief Executive, Assistant Directors and Corporate Managers are responsible for the day to day management of operational issues. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each officer's job description. Without prejudice to the above, the following powers have been specifically delegated to the following officers:-

## CHIEF EXECUTIVE & GROWTH DIRECTOR

1. In consultation with the Leader of the Council, (or in his/her absence the relevant Portfolio Holder), and the Chair of the relevant Scrutiny Committee, to authorise any emergency action required, on any matter which shall include incurring of expenditure, including those falling within the jurisdiction of a

Committee, subject to a report then being submitted to the Executive (or relevant Committee).

2. In cases of emergency and in consultation with the Leader of the Council, the power to prohibit public processions under section 13 of the Public Order Act 1986.
3. In consultation with the Leader of the Council, to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Anti-Social Behaviour Act 2003.
4. To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre.
5. *Subject to approved budget and in consultation with the Leader of the Council, Executive member with relevant portfolio to agree redundancies in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Executive, Resources Scrutiny Committee and Audit and Governance Committee.*

#### **DEPUTY CHIEF EXECUTIVE, ASSISTANT DIRECTORS AND CORPORATE MANAGERS**

1. To be responsible for the effective and efficient day-to-management of the services for which he/she is responsible in accordance with the Council's agreed priorities and strategic objectives. This shall include authority to sign agreements/contracts in order to fulfil the powers, functions and duties of the service for which the officer is responsible. This power shall only be exercisable where expenditure is included in the approved annual budget, capital programme or AIMs process.
- ~~2. To be responsible for all directorate resources (including staffing) and to manage and operate the directorate department budget to ensure efficient and effective use of financial resources.~~
3. To ensure that all policies adopted by the Council, which shall include those relating to its workforce are implemented.
4. In agreement with the Corporate Manager Legal Services, authority to institute legal proceedings under any statute, by law or agreement (which shall include authority to appeal any decision made by a County or Magistrates Court) in the areas for which the Assistant Director/Corporate Manager is responsible.
5. Where appropriate, to defend any proceedings brought against the Council (which shall include the power to defend any appeal lodged against any decision or determination made under delegated authority).



- 6 To authorise the Assistant Director Environment, Assistant Director Public Realm, Assistant Director Finance, Assistant Director Customer Access and Corporate Manager Legal Services to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000.
7. To be responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area and for all buildings and sites for which they are responsible.
- ~~8 Subject to budgetary allocation and in consultation with the Executive member with relevant portfolio, the Human Resources Manager (or DP deputies for Human Resources), to determine the need for new posts (temporary or otherwise), extensions to temporary contracts and planned overtime.~~
- ~~9. To be responsible for authorising the filling of vacant posts where there is no change in circumstances and in compliance with the Council's recruitment and selection procedures.~~
- ~~10. To take any necessary disciplinary action in accordance with the Council's established policy and procedures (this function may also be exercised by other Officers of the Council as set out in the relevant employment policy.~~
11. Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation.
12. Authority is required for the removal of goods from Assistant Director Customer Access, Assistant Director Finance, Chief Executive or Deputy Chief Executive.
13. *To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of his/her service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Chief Executive) including but without prejudice to the generality of the foregoing:*
  - *Authorising the filling of posts within the approved budget (i.e. within the Council's establishment) and in accordance with the Council's employment policies.*
  - *The taking of any necessary disciplinary action short of dismissal in accordance with the Council's established policy and procedures (this function may also be exercised by other Officers as set out in the relevant employment policy); and to determine, in consultation with the Human Resources Business Manager/Partner, suspension and/or dismissal of an employee.*
  - *The approval of changes to the establishment structure subject to existing budgetary provision, in consultation with the Leader of The Council, the*

*Executive member with relevant portfolio, and Human Resources Manager/Partner and the approval of the Head of Paid Service.*

## **HUMAN RESOURCES BUSINESS MANAGER**

- ~~1. In consultation with the Executive member with relevant portfolio, and the relevant Assistant Director/Corporate Manager :-
  - ~~(a) to review the salary levels of posts as they become vacant~~
  - ~~(b) to administer the recruitment and selection procedures of the Council~~
  - ~~(c) to advise on the establishment and where appropriate, the extension of temporary contracts~~~~
- ~~2. In consultation with the Executive member with relevant portfolio and the relevant Assistant Director/Corporate Manager, to administer and manage the grading of posts through the job evaluation process.~~
- ~~3. In consultation with the relevant Assistant Director/Corporate Manager, to advise on and administer the implementation of:-
  - ~~(a) the allocation of car user status~~
  - ~~(b) the provision of car loans~~
  - ~~(c) the relocation scheme~~
  - ~~(d) incremental progression~~
  - ~~(e) variation of employment contracts including contractual hours~~
  - ~~(f) the payment of honoraria~~
  - ~~(g) the re-designing of posts~~~~

## **ASSISTANT DIRECTOR CUSTOMER ACCESS**

1. To operate and administer the scheme of housing benefit on behalf of the Council, to include residual council tax benefit including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme *and the collection and recovery of Housing Benefits Overpayments.*

2. ~~To determine cases of exceptional hardship in respect of rent allowances (private sector).~~ *To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund'*
3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of national non-domestic rates and council tax.
4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of national non domestic rates and council tax.
5. To operate and administer the local scheme for Council Tax support for working age claimants on behalf of the Council, including taking all decisions or actions required under the Council's local policy *and to make administrative amendments to the Council's S 13A policy under LGFA 1992.*
6. To operate and administer the scheme for Council Tax support for pension age claimants on behalf of the Council, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme.
7. In accordance with the Council's approved conditions, policies and allocation scheme to:-
  - (a) Accept/refuse applications for housing. This authority shall include the power, in consultation with Executive member with relevant portfolio, to review any decision affecting an applicants right or eligibility for housing assistance and entry onto the Council's Statutory Housing Register.
  - (b) Where appropriate and in consultation with Executive member with relevant portfolio to accept applications outside those conditions and policies.
8. (a) To undertake all the statutory duties imposed by the Housing Act 1996 utilising temporary accommodation, bed and breakfast accommodation, private sector accommodation and making nominations to registered providers as required.
- (b) In consultation with the Corporate Manager Legal Services and the Assistant Director Finance, to enter into or determine leasing agreements with private landlords to provide accommodation to homeless households as required to meet the Council's statutory requirements.
9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.
10. In consultation with the Corporate Manager Legal Services, to take legal action to obtain possession of any dwelling occupied by a person

accommodated in accordance with the Housing Act 1996 who has refused a reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.

11. In consultation with the Executive member with relevant portfolio to make any necessary amendment to the housing scheme.
12. ~~The Service of Notice of Intention to Seek Possession.~~ *To authorise the Service of Notice of Intention to seek Possession (secure tenancies) and Notice to Quit ( non-secure tenancies)*
13. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.
14. In consultation with Human Resources, the allocation of accommodation in respect of service tenancies which shall include the power to refuse allocation of accommodation to personnel whose employment has been terminated.
15. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Assistant Director Finance.
16. To deal with and determine homelessness reviews in accordance with the Housing Act 1996.
17. In accordance with the Housing Act 1980 and the Council's agreed policy to accept/refuse applications for mortgages, including further advances to administer and monitor payments of mortgage instalments and where necessary issue possession proceedings for mortgage arrears in consultation with the Corporate Manager Legal Services
18. To accept payment of arrears of rent by instalments.
19. *Authority to apply for a warrant for Possession of Property.*
20. *Authority to approve financial assistance in the form of relief from Business Rates in respect of Charities/Good Causes and cases of hardship.*
21. *Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.*
22. *To grant discretionary and mandatory rate reliefs within the agreed policy of the Council*
23. *To appoint enforcement agents for the recovery of any outstanding debts.*
24. *In consultation with Corporate Manager Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Housing Benefit, Council Tax Support, Council Tax and Business Rates.*

25. *Power to impose penalties under LGFA 1992 for the failure to supply requested information in relation to Council Tax liability, discount and exemption and Council Tax Support*
26. *In consultation with the Executive member with relevant portfolio and Chief Executive, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.*

## **ASSISTANT DIRECTOR CITY DEVELOPMENT**

1. Powers, responsibilities and decisions related to the Council’s role as a local Planning Authority and its purpose ‘Deliver Good Development’ including those related to planning, building control and land charges but excluding: Functions of the Planning Committee, Executive and Council.

The following functions are delegated subject to consultation or agreement with/of other postholders/group.

<b>Function</b>	<b>Consultation or Agreement</b>	<b>With Postholders/Group</b>
<u>Applications</u> Applications (including TPO confirmations) that Ward Members have requested to be brought to the Delegation Briefing.  City Council applications not subject to any objections.  Applications that have been subject to objections based on material planning considerations that Officers are minded to approve under delegated powers.	Consultation  “  “	Delegation Briefing  “  “
<u>Enforcement</u> Issue of Enforcement Notice, Stop Notice (inc Temporary), Urgent Works and Repairs Notices and commencement of injunction, prosecution or other	Agreement	Corporate Manager Legal Services and Portfolio City Development

formal legal proceedings. Hazardous substance contravention notice.		
<u>S106 Planning Obligations</u> Minor variations of existing s106 agreements, new agreements involving sums of less than £10,000 and those considered necessary with regard to planning appeals.  Decisions on use of S106 funding where the terms are not prescribed by the agreement.	Consultation  Agreement	Chair of Planning Committee  Portfolio City Development
<u>Neighbourhood Planning</u> Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums.	Agreement	Portfolio City Development
<u>Local Infrastructure Fund</u> Decisions not considered by the Panel	Agreement	Chair of the Major Grants and New Homes Bonus Panel or of any group that replaces it.
<u>Assets of Community Value</u> Decisions on listing assets	Agreement	Portfolio City Development
<u>Community Infrastructure Levy</u> Governance arrangements and allocation of funds	To be determined	Arrangements as directed by Executive in due course

## **ASSISTANT DIRECTOR ECONOMY**

1. The alteration of market days required as a result of statutory holidays.

2. To establish/vary tolls, fees and charges in respect of the Matford Centre, Corn Exchange and the various markets authorised by Exeter City Council.
4. The effective day to day running of the City Museums and to determine the casual use of the Museum buildings in connection with events promoted by or supported by the City Council..
5. To exercise the powers and functions of the Council under Sections 9, 10, 11 and 26 of Exeter City Act 1987.
6. To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation.
7. The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities.
8. In consultation with the Assistant Director Finance, the power to vary the fees and charges in respect of the Council's recreational and sports facilities (this shall exclude any facilities which may have been outsourced by the Council).
9. In consultation with the Executive member with relevant portfolio and the Assistant Director Finance to make advances/loans to Social, Cultural and Sporting organisations in accordance with the Council's agreed policy, provided that such advances/loans are within the Council's agreed budgetary allocations.
10. In consultation with the Portfolio Holder Economy and Culture to decide on bids for the use of the Bowling Green Marshes Fund, in accordance with the agreed criteria and having sought the views of ward members.
11. In consultation with the Portfolio Holder Economy and Culture to approve items for de-accession from the museum collection, unless the item is of a significant nature or monetary value.

## **ASSISTANT DIRECTOR ENVIRONMENT**

1. To carry out functions, duties and responsibilities of the Council in respect of the following matters:
  - drainage
  - pest control
  - air and noise pollution
  - properties that are overcrowded, unfit for human habitation or in disrepair
  - abandoned vehicles/waste/refuse
  - control of dogs
  - skin piercing
 (this power shall include authority to take remedial action where necessary).
2. The licensing of:
  - Dog tracks and Guard dogs
  - Dog breeding establishments

- Dangerous wild animals
  - Pet shops
  - Riding establishments
  - Animal boarding establishments
  - Performing animals
  - Scrap metal dealers
  - Hackney carriages and private hire vehicles
  - Street trading
  - Licensable activities (as permitted under the Licensing Act 2003 and the Gambling Act 2005)
3. To appoint Inspectors and authorise officers to carry out any function, power or duty within the remit of the Assistant Director Environment.
  4. Without prejudice to the generality of the above, where appropriate in consultation with the Corporate Manager Legal Services, the Assistant Director Environment is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceeding, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and payment and recovery of costs:
    - 4.1 Caravan Sites and Control of Development Act 1960
    - 4.2 Caravan Sites Act 1968
    - 4.3 Clean Air Act 1993
    - 4.4 Environmental Protection Act 1990 including authorisation and service of notices pursuant to Section 46.
    - 4.5 Food Safety Act 1990 which shall include service of “minded to notices” introduced by the Deregulation and Contracting Out Act 1994 and any Orders or Regulations or other instruments: (i) made thereunder, or (ii) relating thereto, or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety.
    - 4.6 Prevention of Damage by Pests Act 1949
    - 4.7 Public Health Acts 1936 and 1961 and the Public Health (Control of Disease) Act 1984.
    - 4.8 Local Government (Miscellaneous Provisions) Act 1976 requisition for Information in accordance under section 16
    - 4.9 Local Government (Miscellaneous Provisions) Act 1976, Transport Acts 1980 and 1985 and the Town Police Clauses Act 1847 – to grant hackney carriage and Private Hire operator, vehicle and driver licences in accordance with the Council’s agreed policy.



- 4.10 Road Traffic Act 1991 (Access to Criminal Records)
- 4.11 Zoo Licensing Act 1981
- 4.12 Litter Act 1983
- 4.13 Control of Pollution Act 1974
- 4.14 Animal Boarding Establishments Act 1963
- 4.15 National Assistance Acts 1945 and 1951
- 4.16 Breeding of Dogs Act 1973 and 1991
- 4.17 Riding Establishments Act 1964-1970
- 4.18 Game Act 1831
- 4.19 Game Licences Act 1860
- 4.20 Dangerous Dogs Act 1991
- 4.21 Guard Dogs Act 1975
- 4.22 Dogs Fouling of Land Act 1996, which shall include enforcing the provisions of the Act including the power to authorise officers of the Council to issue fixed penalty notices in respect of failure to remove faeces from designated land.
- 4.23 The Environmental Protection (Stray Dogs) Regulations 1992 which shall include, in cases of exceptional hardship, the power to waive payment of the recoverable fees and expenses levied in respect of dogs seized and detained as strays.
- 4.24 Water Industry Act 1991 and relevant regulations in relation to:
  - (a) functions with regard to the wholesomeness and sufficiency of public and private drinking water supplies
  - (b) entry into premises for the purpose of analysis of samples of water within Exeter City Council's district
  - (c) receiving and determining applications for authorisation for relaxation of Part III of the private water supplies regulations and the revocation or modification of such authorisations
- 4.25 Health & Safety at Work etc. Act 1974 and any supporting regulations.
- 4.26 Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:
  - Sections 59, 60, 64-66(drainage)
  - Sections 70 (food storage), 72 (means of escape fire), 76 (defective premises), 84 (drainage of yards)

- 4.27 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
- 4.28 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Housing Act 1985, the Housing Act 1988, the Local Government Housing Act 1989 and the Housing Act 2004 – to investigate and take appropriate action under these enactments.
- 4.29 Housing Acts 1985, 1988, 1989, 1996, the Home Energy Conservation Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein.
- 4.30 Noise Act 1996
- 4.31 Noise and Statutory Nuisance Act 1993
- 4.32 Local Government (Miscellaneous Provisions ) Act 1976
- 4.33 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council’s agreed policies)
- 4.34 Licensing Act 2003 (to the extent permitted by section 10). In particular to determine:
- applications for Personal Licences, where no police objection is made;
  - applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
  - applications for provisional statements, where no relevant representations have been made;
  - applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
  - applications to vary designated Premises Supervisor, where no police objection has been made;
  - requests to be removed as designated Premises Supervisor;
  - applications for transfer of Premises Licences where no police objection has been made;
  - applications for interim authorities where no police objection has been made;
  - decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
  - to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.
  - the giving of a counter notice for Late Temporary Event Notices
  - whether to make representations as a Responsible Authority
  - the issue of a notice of suspension of licence for non payment of the Annual Fee
- 4.35 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) - to determine applications for the renewal of a sex shop licence

- 4.36 Refuse (Disposal) Amenity Act 1978
- 4.37 Pollution Prevention and Control Act 1999
- 4.38 Clean Neighbourhoods and Environment Act 2005
- 4.39 Health Act 2006 and the Smoke-Free Enforcement Policy - To authorise appropriate Officers under the provisions of Chapter 1 therein
- 4.40 Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002
- 5 Enforcement of local bylaws.
- 6 Granting financial assistance in accordance with the Council's policy for the repair/improvement of properties. This shall include the power in consultation with the Executive member with relevant portfolio and Assistant Director Finance to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.
- 7. To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003.
- 8. To deal with and enforce compliance with the provisions of Sections 43 to 45 and 47 of the Anti-Social Behaviour Act 2003, with the exception of sub-section 44(f), which deals with offences contrary to the Town and Country Planning Act 1990 which will be dealt with by the Assistant Director City Development.
- 9. To deal with the provisions of and enforce compliance with sections 55 and 56 of the Anti-Social Behaviour Act 2003, where appropriate in consultation with the Corporate Manager Legal Services.
- 10. To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries and house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

**SECTION 151 OFFICER (CURRENTLY ASSISTANT DIRECTOR FINANCE)**

- 1. In Consultation with the Executive Member with relevant portfolio, to deal with applications for discretionary rate relief to sports clubs not in receipt of mandatory relief, as registered charities.
- 2. In consultation with the Executive member with relevant portfolio, to determine in accordance with the Council's agreed policy, applications for discretionary rate relief under sections 47 and 49 of the Local Government and Finance Act 1988.

## **ASSISTANT DIRECTOR FINANCE**

1. To determine interest rates and their applicable dates in respect of new and existing mortgages.
2. In consultation with the Corporate Manager Legal Services to initiate court proceedings for the recovery of arrears in respect of mortgages.
3. To be responsible:
  - a. For all day to day decisions on short term borrowing, investment and financing in accordance with the CIPFA Code of Practice “Treasury Management in the Public Services”.
  - b. In consultation with the Executive member with relevant portfolio for decisions on long term borrowing in accordance with the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice “Treasury Management in the Public Services”.
4. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.
5. To approve all housing advances for purchase or improvement.
6. To be responsible for undertaking the role of Money Laundering Reporting Officer in accordance with the Money Laundering Regulations 2003.
7. The execution and administration of treasury management decisions, in accordance with the Council’s policy statement and treasury management practises and, if a CIPFA member, with CIPFA’s Standard of Professional Practice on Treasury Management.
8. *In consultation with the Leader of the Council and the Human Resources Business Manager authorize the application of the Councils Local Government Pension Scheme Employer Discretions.*

## **ASSISTANT DIRECTOR HOUSING**

1. Adaptation of Council Properties for disabled persons.
2. In agreement with the Leader of the Council and the Portfolio Holder for Housing and Customer Access (or their substitutes nominated by the Leader) and the Assistant Director Economy, following receipt of professional property management advice, the identification for disposal at market value or less than best value of small areas of land no longer required for the housing unit's purposes, in accordance with the agreed scheme.
3. (a) To administer the scheme for Housing Capital Grant.

- (b) In consultation with the Assistant Director Finance, to authorise payment of the Housing Capital Grant in accordance with 14(a) above.
  - (c) To negotiate and enter into Nomination Agreements in accordance with 14 (a) and (b) above.
  - (d) Where this does not prejudice the Authority's capital receipt, to seek maximum nomination rights on disposal of land to registered social landlords.
4. In consultation with the Corporate Manager Legal Services to enter into releases of covenants affecting former Council rented or shared ownership dwellings.
  5. To deal with and approve applications for grant in accordance with section 24 and 25 of the Local Government Act 1988.
  6. In consultation with the Corporate Manager Legal Services, to:-
    - (i) institute injunction proceedings in respect of anti-social behaviour pursuant to section 13 of the Act;
    - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant to section 14 of the Act;
    - (iii) institute proceedings in the County Court to obtain possession orders pursuant to section 16 of the Act; and
    - (iv) In consultation with the Portfolio Holder for Housing and Customer Access and the appropriate Deputy Chief Executive, to make minor amendments to the Contract Regulations to reflect changes in legislation.
  7. In consultation with the Portfolio Holder Housing and Customer Access and Finance and Estates officers, to acquire suitable premises under the Housing Asset Management Plan framework using receipts generated by the disposal of assets.
  8. In consultation with the Portfolio Holder for Housing and Customer Access, to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use.
  9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.
  10. The Service of Notice of Intention to Seek Possession.

11. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.
12. Grant, administer and, where necessary, terminate any flexible tenancy.
13. Approve the use of commuted sums, as required, to acquire new affordable housing in consultation with the Portfolio Holder for Housing and Customer Access and Finance and Estates Officers.
14. Approve the use of consultants to assist the Housing Development Team in undertaking viability appraisals and the appraisal of new forms of affordable housing delivery in consultation with the Portfolio Holder for Housing and Customer Access.

### **ASSISTANT DIRECTOR PUBLIC REALM**

1. All matters relating to the day-to-day management of the River Exe and Canal.
2. The day-to-day management, lettings and allocation of harbour mooring and to issue consents to use landings, slipways, pontoons and berthing subject to such charges and policies approved by the Council.
3. In consultation with the Corporate Manager Legal Services, the regulation and enforcement of Harbour by-laws.
4. To exercise the Council's powers under Section 6-8, 25 and 30 of the Exeter City Act 1987.
5. In consultation with the Corporate Manager Legal Services, to agree/refuse requests for road closures.
6. To discharge the powers conferred on the City Council by the following sections of the Exeter City Council Act:-  
  
Section 19 – Restriction of vehicles in certain residential streets; and  
Section 30 – Prohibiting of parking of vehicles on footways, verges and central reservations.
7. To agree requests for the adoption of land and facilities provided by a developer for the Parks and Open Spaces service pursuant to a planning obligation.
8. In consultation with other Assistant Directors as appropriate, the letting of parks and open spaces for special events where this does not have a negative financial impact on the Council.

9. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public health (Control of Diseases) Act 1984.
11. Where appropriate, to serve Notices to Quit terminating allotment tenancies.
12. In consultation with the Corporate Manager Legal Services and the Portfolio Holder Environment, authority to make amendments to the Allotment Gardens Rules and Conditions.
13. The identification for disposal of small areas of land no longer required for leisure purposes.
14. In consultation with the Leader of the Council and Portfolio Holder for Economy and Culture to consider objections to Exeter City Council Parking Places Orders and amendments hereto.

### **CORPORATE MANAGER LEGAL SERVICES/MONITORING OFFICER**

1. To act as the Council's Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.
2.
  - (a) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.
  - (b) Where power to institute proceedings in the Magistrates Court is given by statute to the Council, the Corporate Manager Legal Services/Monitoring Officer shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
  - (c) In consultation with Assistant Director concerned, authority to issue formal cautions where he/she considers this appropriate.
3. To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls.
4. In consultation with the Assistant Director Finance and Assistant Director Economy following receipt of professional property management advice, authority to agree the release of any covenants imposed on former council houses where such release is in the interests of the Council.
5. To apply to the Justices to authorise entry into land or premises by persons named by the Assistant Director City Development under the Town & County Planning Act 1990 (as amended).
6. In conjunction with the Assistant Director Public Realm, to approve orders under Section 21 of the Town Police Clauses Act 1847, for the temporary closure of streets, subject to consultation with police and the County Council.

7. To attest the Common Seal of the Council and sign other legal documents. In his/her absence, this may also be undertaken by the Chief Legal Executive or in their absence by the Chief Executive & Growth Director.
8. To provide and sign statements of truth in accordance with the Civil Procedure Rules.
9. To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Corporate Manager Legal Services considers that such action is necessary to protect the council's interest.
10. To discharge the functions of the Monitoring Officer as set out in Articles 11 and 14 of Part 2 of the Constitution.
11. To approve minor administrative/typographical corrections to the Constitution in consultation with the Leader of the Council.
12. In consultation with the Council's appointed independent person, to deal with any complaint received, alleging a breach of the Members Code of Conduct in accordance with the complaints procedure, including the authority to decide whether an allegation merits investigation.
13. To determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare, and where there is conflict, for another member of the Audit and Governance Committee to be consulted.

## **CORPORATE MANAGER DEMOCRATIC/CIVIC SUPPORT**

- 1 (a) Designated as the "proper officer" for the purpose of the following sections of the Local Government Act 1972:-
  - (i) Section 100B(2) - determination of the agenda items and reports which are likely to be dealt with in part 2
  - (ii) Section 100B(7)(C) - supply of papers to the press
  - (iii) Section 100C(2) - summaries of the proceedings held in part 2
  - (iv) Section 100F(2) - determination of documents not available for inspection by members
- (b) Designated as the "proper officer" in respect of The Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.



2. In consultation with the leaders of the Political Groups, to implement minor variations of numbers of members of Committees/Sub-Committees, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.
3. To exercise the powers set out in section 31 of the Exeter City Act 1987 in respect of the restriction on the use of armorial bearings.
4. To authorise the use of the Guildhall for private functions.
5. To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer's duties.

#### **BUILDING CONTROL MANAGER**

1. To take all necessary action to comply with and control the Council's obligation in accordance with the Building Act 1984, the Building Regulations 2000 (as amended), the Building (Approved Inspector etc) Regulations 2000 and the Building (Local Authority Charges) Regulations 1998.
2. To exercise all the Council's functions and duties in respect of dangerous or unsafe buildings unless specifically delegated to another officer.

#### **PROJECTS AND BUSINESS MANAGER**

1. In relation to Assets of Community Value – "The Community Right to Bid":
  - (i) to maintain the list of assets of community value, and to consider and decide the technical correctness of nominations for inclusion of assets on the list; and
  - (ii) in consultation with the Portfolio Holder for Housing and Customer Access, to consider and decide the merits of nominations for inclusion of assets on the list.

#### **CORPORATE MANAGER POLICY, COMMUNICATIONS AND COMMUNITY ENGAGEMENT**

1. To conduct listing reviews and compensation reviews in respect of assets of community value.

## **CORPORATE MANAGER PROPERTY**

In respect of every single decision/transaction, the Corporate Manager Property or the officer appointed for the purpose shall exercise the authority delegated to him/her in accordance with the following:

- 1) In undertaking decisions/transactions the following authority and decision processes will apply:
  - (a) Where the cost or equivalent value to the Council does not exceed £25,000 per annum - The Corporate Manager Property or the officer appointed for the purpose.
  - (b) Where the cost or equivalent value to the Council is between £25,000 and £50,000 per annum - Corporate Manager Property or the officer appointed for the purpose in consultation with the Deputy Chief Executive.
  - (c) Where the cost or equivalent value to the Council is between £50,000 and £100,000 per annum - Corporate Manager Property or the officer appointed for the purpose in consultation with the Executive member with relevant portfolio and the Deputy Chief Executive.

Provided always that any decision/transaction which may involve expenditure over £100,000 in value shall be reported to the Executive for a decision.

For the avoidance of doubt no delegated authority shall be exercised unless in accordance with 1 (a) to (c) above

2. Authority to enter into and grant leases, licenses, tenancies at will and wayleave agreements.
3. To consent to the assignment, sub-letting or surrender of existing leases and to approve amendments to the terms of existing leases, licence or agreement.
4. Where appropriate in consultation with the Corporate Manager Legal, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.
5. In consultation with the Assistant Director Finance and Corporate Manager Legal, to take legal/court action to enforce payment of rent and other charges due to the Council.
6. To approve the revision of rent and licence fees either in accordance with the formula set out in the lease or in accordance with the open market value. This shall include authority to agree not to increase the rent where appropriate.
7. In consultation with the Corporate Manager Legal, authority to institute proceedings for the removal of trespassers on City Council land.

8. In consultation with the Corporate Manager Legal, authority to exercise the powers contained under Section 77 and 78 of the Criminal Justice Public Order Act 1994.
9. Authority to submit planning applications for the development or redevelopment of Council owned sites.
10. In accordance with any procedures required by the Asset Management Plan and in consultation the Assistant Director Finance, where this is deemed to be in the overall best interests of Exeter City Council, and where such disposal is of no strategic importance to the Authority, the disposal by freehold sale of land and/or buildings at open market value.
11. Authority to vary or release freehold covenants where such release is not likely to prejudice the Council's existing land holding or any future development proposals.
12. In consultation with the Assistant Director Finance and Corporate Manager Legal, to pay or accept compensation where appropriate.
13. In consultation with the Assistant Director Finance, authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme and the AIM process.
14. To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996.
15. In consultation with the Assistant Director Finance and in agreement with the other relevant Assistant Director(s), to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.

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## Deputies for Delegated Powers

OFFICER WITH DELEGATED AUTHORITY	DELEGATION NUMBER	DEPUTY
ASSISTANT DIRECTOR CITY DEVELOPMENT	1 – 38  32 (General)	Development Manager  Projects and Business Manager
ASSISTANT DIRECTOR CUSTOMER ACCESS	1 – 18	Revenues Collection Manager Housing Benefit Manager Housing Options Manager
ASSISTANT DIRECTOR ECONOMY	1 – 3, 5 – 11  4	Events, Facilities and Markets Manager,  Museums Manager
ASSISTANT DIRECTOR ENVIRONMENT	1 - 7  8-9  10	Environmental Health Manager (Commercial), Environmental Health Manager (Private Sector Housing), Environmental Health Manager (Environmental Protection)  Environmental Health Manager (Environmental Protection)  Principal Licensing Officer
ASSISTANT DIRECTOR FINANCE	1 - 9	Principal Accountant
ASSISTANT DIRECTOR HOUSING	1 – 11	Service Lead Housing Assets, Service Lead Housing Customers, Housing Development Manager

	12	Service Lead Housing Customers
	13 – 14	Housing Development Manager
ASSISTANT DIRECTOR PUBLIC REALM	1 – 4, 11 - 12	Service Manager, Business and Commercial Operations
	5 – 6	Service Manager, Community Safety and Enforcement
	7 – 8, 13	Service Manager, Public and Green Space
	9	Service Managers, Public and Green Space or Business and Commercial Operations
CORPORATE MANAGER LEGAL SERVICES	2(a)	Chief Legal Executive or in his/her absence either the Planning or Litigation Solicitor
	2(c), 8	Litigation Solicitor
	3, 4, 6, 7, 9	Chief Legal Executive
	5	Planning or Litigation Solicitor
	10	Corporate Manager Democratic/Civic Support
CORPORATE MANAGER DEMOCRATIC/CIVIC SUPPORT	1 – 2	Democratic Services Manager (Committees)
	4	Mayoral Support Officer
	5	Democratic Services Manager (Elections)
CORPORATE MANAGER POLICY, COMMUNICATIONS AND COMMUNITY ENGAGEMENT	1	

CORPORATE MANAGER PROPERTY	1 - 15	Project Officer
BUILDING CONTROL MANAGER	1 – 2	Senior Building Control Officers
PROJECT AND BUSINESS MANAGER	1	As nominated by Assistant Director City Development
HUMAN RESOURCES BUSINESS MANAGER	1(b & c), 2, 3 (d, e, f & g)	Transactional Services Manager / HR Business Partners

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**REPORT TO:** EXECUTIVE & COUNCIL  
**Date of Meeting:** 7 October 2014 & 15 October 2014  
**Report of:** Corporate Manager, Democratic Services and Civic Support  
**Title:** Scrutiny Review Working Group Update Report

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

Council

**1. What is the report about?**

To update the Executive 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<sup>th</sup> April 2013.

**2. Recommendations:**

- That the Executive note this report.
- That the Executive recommend to Council that the new Scrutiny arrangements as set out in the cross party report dated 9<sup>th</sup> April 2013 have been implemented successfully.
- That there is no need to revise or change these arrangements which should continue.

**3. Reasons for the recommendation:**

- To ensure that Members remain fully informed of the changes to the operation of the Scrutiny function during the past year and that the new arrangements have been successfully implemented.
- That the new arrangements have been reviewed in line with the recommendations of the cross party working group report dated 9<sup>th</sup> April 2013 approximately one year following implementation.
- That there is no need to revise or change the new arrangements which should continue to ensure the continued smooth and effective running of the Scrutiny Function at Exeter City Council.

**4. What are the resource implications including non financial resources:**

None.

**5. Section 151 Officer comments:**

This report raises no issues for the Section 151 officer to consider.

**6. What are the legal aspects?**

None.

**7. Monitoring officer Comments**

This report raises no issues for the Monitoring officer to consider.

## **8. Report Details:**

Members will recall that in April 2013, Council agreed to some new arrangements regarding the future of Scrutiny within the Council. These included:-

- The formation of an Audit and Governance Committee;
- A realignment of the services which reported to each Scrutiny Committee so that they better matched the revised senior management structure;
- The appointment of a part time Scrutiny Programme Officer;
- An annual meeting to discuss Scrutiny's work programme so as to ensure
- An annual review of these arrangements so as to ensure that they still met the Council's requirements

All of the above arrangements have been successfully introduced, with a full range of Scrutiny Task and Finish Groups having taken place including:-

- Cost of Living in the City
- Financial Reporting
- Housing Allocation
- The Future of Exeter Quay
- Income Generation Measures

These meetings have been facilitated and led by the Scrutiny Programme Officer and have included engagement with outside organisations who have been able to bring their expertise and knowledge to the matter. This work would not have been undertaken without this dedicated officer.

The formation of a separate Audit and Governance Committee has been welcomed by all, particularly both internal and external auditors, therefore raising the profile of audit matters within the authority, and separating it from its previous inclusion in the remit of the Scrutiny Resources Committee.

For ease of Members reference, a flow diagram showing the scrutiny reporting lines, is attached as Appendix A.

## **9 What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, Economy safety and the environment?**

Not applicable.

**John Street : Corporate Manager, Democratic Services and Civic Support**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:**

None

Contact for enquiries: John Street, Corporate Manager, Democratic Services and Civic Support  
Room 2.2, (01392) 265106

**Scrutiny Reporting Lines**

<b><u>Committee</u></b>	<b><u>Services</u></b>	<b><u>AD/CM's</u></b>	<b><u>Portfolio</u></b>
<b>Resources</b>	HR _____	DCX	----- Enabling Services
	IT _____		
<b>Community</b>	Finance _____	AD (F)	----- Leader
	Corporate Manager's Services _____	CM (x4)	
	Housing _____	AD (H)	----- Housing & Customer Services
	Community Engagement _____		
	Customer Services, Council Tax, Housing Benefits, some of Housing _____	AD (CS)	
	Environmental Health (inc. Cleansing) _____	AD (Env)	----- Environment & Health & Wellbeing
	River & Canal _____		
	Parks & Open Spaces _____		
	Bereavement Services _____	AD (PR)	
	CCTV/Home Call _____		
<b>Economy</b>	Car Parks _____	AD (PR)	
	Technical Services/Flooding _____		
	Tourism _____		
	Economic Development _____	AD (Econ)	----- Economy & Culture
	Leisure & Museums _____		
	Markets and Events _____		
<b>Audit &amp; Governance Committee</b>	Planning _____	AD (CD)	----- City Development
	Transportation _____		
	Audit (Internal & External) _____	AD (F)	----- Leader
	Risk Assessment/Management _____	Cm (X3)	----- Enabling Services
	Constitution _____		
	Code of Conduct _____		
	Contract and Financial Regulations _____		
Annual Statement of Accounts _____			

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**REPORT TO: EXECUTIVE & COUNCIL**

**Date of Meeting: 7 October 2014 & 15 October 2014**

**Report of: Corporate Manager, Democratic & Civic Support**

**Title: FREEDOM OF THE CITY**

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

**Council**

**1. What is the report about?**

- 1.1 This report sets out a proposal to offer the Freedom of the City to Mrs Yolonda Henson in recognition of her dedication to the serving the City over 32 years of elected representation.
- 1.2 It also suggests 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 has led to Exeter's name being known around the world as one which supports sport.
- 1.3 The report also gives 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.

**2. Recommendations:**

- 2.1 That in accordance with Section 249 of the Local Government Act 1972, an Extraordinary meeting of the Council be arranged, on the rising of the Ordinary meeting of the Council on 15 October 2014, to consider granting the Freedom of the City to Mrs Yolonda Henson, Mrs Jo Pavey and Mr Liam Tancock.
- 2.2 That officers draw up a list of criteria against which future nominations can be considered.

**3. Reasons for the recommendation:**

- 3.1 Section 249 of the Local Government Act 1972, gives Councils the power to grant "Freedom of the City" to any individual who it feels has given eminent service to the City.
- 3.2 To this end, an Extraordinary meeting of the full Council must be convened to specifically consider this matter, with two thirds of those present, voting in favour.
- 3.3 If the recommendation contained in this report is accepted by The Executive and subsequently adopted by full Council, an Extraordinary meeting of the Council will therefore be organised immediately after the ordinary meeting of the Council scheduled for 15 October 2014, when Members will be asked to consider granting the Freedom of the City to Mrs Yolonda Henson, Mrs Jo Pavey and Mr Liam Tancock.

3.4 It is also suggested that so as to maintain the dignity associated with the award of such an honour, a set of criteria be drawn up against which future nominations can be considered.

**4. What are the resource implications including non financial resources.**

4.1 Other than a small cost in preparing a suitable ceremonial scroll and hosting a small reception, there are no resource implications.

**5. Section 151 Officer comments:**

5.1 No comment.

**6. What are the legal aspects?**

6.1 No comment.

**7. Monitoring Officer's comments:**

7.1 No comment.

**8. Report details:**

8.1 In the case of Mrs Yolonda Henson, the Council is asked to consider bestowing this honour due to her unstinting duty of public service over a total of 32 years elected service on the City Council, including a number as the Leader of the Conservative Group, as well as Mayor of the City in 1992. Throughout that time, she always put the best interests of the residents of the City and the future of the City itself first.

8.2 In the case of Mrs Jo Pavey, the Council is asked to consider bestowing the honour to her due to her services to sport, particularly athletics, which culminated in her winning the Gold Medal in the 2014 European Championships, as well as a Bronze Medal in the 2014 Commonwealth Games. She has been a member of the Exeter Harriers Athletics Club since 1987, and has been the 5000m national champion on no less than 6 occasions. She regularly trains at the Exeter Arena.

8.3 As to Liam Tancock, the Council is asked to consider bestowing the honour on him, due to his services to sport, particularly swimming, where he has amassed a series of 3 world and 5 commonwealth championships, as well as holding the world record for the 50m backstroke. He has been a member of the Exeter Swimming Club for a number of years.

8.4 It is felt appropriate that Mrs Pavey and Mr Tancock are awarded the honour now, as it reflects the Council's on-going commitment to sport within the City and its aspirations for the City to be nationally recognised as such.

8.5 It would be appropriate at this point, to mention that the position of Freeman of the City of Exeter has been awarded since 1266 for a variety of reasons. Originally, many paid a fine to the City to take up the honour, whilst others provided work for an apprentice; and others have been awarded the honour for various acts of local or national importance (for example, the Captain of HMS Exeter which was involved in the Battle of the River Plate in 1939, was given the Freedom of the City). These

days, the majority of applications for Freeman of the City have been hereditary as the Council allows a relative of a previous Freeman to apply to take up that honour by proving their lineage. Most recently, the Council has awarded the honour to those who have served the City in a public role (former Member of Parliament Sir John Hannam; David Morrish and Mrs Saxon Spence).

- 8.5 Whilst there is no reason why such awards shouldn't continue to be made (as is the case suggested here with Mrs Henson), it is suggested that maybe now is the time to consider widening the opportunities for the honour to be given. This would allow those, such as Mrs Pavey and Mr Tancock, and others who have done a lot for the City and/or promoted Exeter to a wide audience, to also be considered.
- 8.6 This is particularly pertinent now considering the recent on-line petition which received 89 signatures requesting the Council to consider giving the honour to Chris Martin of Coldplay. This e-petition was backed up by a world-wide social media campaign which received over 2,000 supporters.
- 8.7 There are no hard and fast rules as to the grounds for nomination with the Council being given the ability to award it to whomever it sees fit. It is suggested that this is an appropriate time to consider setting some criteria by which future applications can be considered. Officers will therefore undertake the necessary research and report back their findings with suggested criteria to the next meeting of the Executive.

**9. How does the decision contribute to the Council's Corporate Plan?**

- 9.1 Consideration of widening the remit for nominations for the Freedom of the City will help promote the City as a regional capital and one which supports those who support and promote the City as such.

**10. What risks are there and how can they be reduced?**

- 10.1 There are no risks associated with the proposals.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

- 11.1 Consideration of widening the remit of nominations for the Freedom of the City will encourage nominations from all aspects of City life. The approval of criteria against which such nominations will be considered, will ensure that all nominations are treated equally and judged appropriately.

**12. Are there any other options?**

- 12.1 Continue with the existing scheme where nominations rarely come forward other than in respect of public service.

**John Street**  
**Corporate Manager, Democratic & Civic Support**

Local Government (Access to Information) Act 1972 (as amended)  
Background papers used in compiling this report:-

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275



## REPORT TO EXECUTIVE

Date of Meeting: 7 October 2014

Report of: Assistant Director City Development

Title: Strategy and Governance for European Site Development Impact Mitigation

### Is this a Key Decision?

No

### Is this an Executive or Council Function?

Executive

## 1 What is the report about?

- 1.1 This report seeks Executive 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.

## 2 Recommendation:

- 2.1 That Members agree proposals to establish a joint committee that would oversee and prioritise funds for mitigation projects. Mitigation projects should be approved on the basis of unanimous agreement between committee members. Further discussion at the next meeting of Council Leaders should address how the committee will operate before it is first convened.

## 3 Reasons for Recommendation:

- 3.1 It is a statutory requirement for the Council to mitigate the impacts of new development on European Sites. A cross boundary approach is considered the most effective solution to achieving this.

## 4. What are the resource implications including non financial resources?

- 4.1 The proposed approach will have implications for future decisions on the use of Community Infrastructure Levy funding. The proposed approach (including joint committee) would be resourced using funds from the mitigation moneys that are being secured.

## 5. Section 151 Officer comments:

- 5.1 There are no additional financial implications for the Council contained in this report.

## 6. What are the legal aspects?

It is a statutory requirement for the Council to mitigate the impacts of new development on European Sites. The approach of using a Joint Committee seems a logical and justifiable approach to ensuring that the impacts on all of the European Sites are properly and fairly mitigated. There are specific legal requirements in terms of establishing such a committee (set out in Section 102 of the Local Government Act 1972 and associated Regulations) which will need to be adhered to when setting up the Committee and formulating its remit/terms of reference. In that regard the Council (along with the partner authorities) will need to formally delegate the appropriate powers to it once it has been established. There will be further work and authorisations required and further approval from Executive will be necessary.

## **7. Monitoring Officer Comments:**

7.1 Monitoring Officer is happy with the principle of establishing a Joint Committee. However, careful consideration will need to be given to issues such as:

- a) The committee's terms of reference?
- b) The composition of the committee?
- c) Will member substitution be accepted?
- d) Will the committee be politically balanced?
- e) What will be the scrutiny arrangements?
- f) Who will support the committee in terms of committee admin workload?
- g) Where will the meetings take place?

## **8. How does the decision contribute to the Council's Corporate Plan?**

8.1 The proposed joint committee would make decisions relating to conserving natural habitats and wildlife that would contribute towards implementation of the Green Infrastructure Strategy.

## **9 Background**

8.1 The Habitat Regulations 2010 protect important wildlife on designated 'European Sites'. Whilst building directly on any designated wildlife site can typically result in the greatest adverse impacts it is also the case that development some distance away can have adverse impacts. Of greatest relevance in respect of this report is where new house building will lead to greater population levels and therefore increased human activity on or at the designated sites.

8.2 Under the Habitat Regulations it is not just the impacts that development in Exeter will have on the European Site in Exeter (the Exe Estuary) that need to be considered. All authorities need to consider impacts of development on designated sites within and beyond their boundaries. In this respect, and for Exeter, East Devon, and Teignbridge, there are three critical sites that are vulnerable to adverse impacts and on which a common approach to mitigation is appropriate, these are:

- the Exe Estuary (falling in Exeter, East Devon and Teignbridge);
- the Pebblebed Heaths (in East Devon only); and
- Dawlish Warren (in Teignbridge only).

8.3 The Exeter Core Strategy already commits to securing mitigation for the impacts of new development on the European Sites. Projects that would achieve this feature at the top of the Council's list of CIL funded infrastructure.

## **9. Evidence of Impacts**

9.1 Of great importance at all three sites are the bird populations they support. The sites are key feeding, roosting and breeding locations and human activity on, at or close to the sites can cause significant disturbance to birds, the death of birds and population decline. With a projected increase in human population levels, resulting as a consequence of more houses being built, clear evidence has been prepared for the Councils that predicts more activity on the European Sites. If mitigation is not put in place this will lead to greater adverse impacts.

9.2 To help understand more about the nature, scale and location of human impacts, and the underlying ecology of the sites, the three councils, in partnership with Natural England and the Royal Society for the Protection of Birds (RSPB) (the 'stakeholders'), have commissioned a series of reports. These

have culminated in the South-East Devon European Site Mitigation Strategy. Extensive research and survey work has gone into the production of this report and it establishes the appropriateness of a 10 kilometre buffer around the designated sites within which new residential development should contribute to mitigation. This buffer is informed by the distance beyond which the visit rate per house to sites falls off to a very low proportion of the whole (see appendix 1).

## 10 Mitigation Measures

10.1 The mitigation strategy also sets out recommendations in respect to approaches to mitigation. Therein, it proposes specific projects. Mitigation measures need to be put in place to ensure that impacts in the future, after any new housing is built, will not exceed those that are occurring at present. Rather than each separate planning application needing to be accompanied by its own assessment and package of mitigation measures, the Mitigation Strategy takes into account the cumulative impacts of all planned developments and provides for a collective approach that can be applied to all (relevant) applications.

10.2 Mitigation measures fall into two categories. These are:

- a) **On Site Works** – works on, at or directly related to the designated site. These for example might relate to access to, or use of, a site.
- b) **SANGs** - or Suitable Alternative Natural Greenspaces. These involve works to create or upgrade less sensitive areas away from the designated site, which will then attract users who would otherwise cause adverse impacts to the European site.

### On Site Measures

10.3 In respect of on-site projects, the mitigation strategy identifies schemes that include:

- a) reducing access to more sensitive areas and promoting access to less sensitive areas and to locations outside of designed sites;
- b) planting and screening of sensitive areas;
- c) controlling/regulating access on to and through sensitive areas;
- d) public education initiatives and signposting;
- e) better and more warden service; and
- f) changing by-laws and other means to control/influence user activity

### SANGs

10.4 In terms of SANGs there are three proposals that relate to Exeter. One is for a new country park in Teignbridge between Alphington and Exminster and north of the M5 motorway at South West but it is not proposed that the Council collect funds for this project on the basis that more cost effective solutions can be achieved within Exeter's existing valley parks.

- a) **Clyst Valley Regional Park** – this park proposal is in and around the 'West End' of East Devon. The park will cover an extensive area and within it will be a number of areas that will qualify as SANGs. It needs to be stressed that the park in totality provides a far wider role and function than just being a SANGs. A Green Infrastructure Strategy has already been produced for the Growth Point area and the Clyst Valley Regional Park sits within this overarching strategy. A dedicated officer post is in place to help deliver this park.
- b) **Riverside and Ludwell Valley Parks** - utilising the existing Valley Parks, the intention is to enhance the attractiveness of a series of linked areas and spaces that function as SANGs. In respect of relevance to habitat mitigation the key output from these SANGs will be their

ability to attract recreational users away from the Exe (beyond Bridge Road), in particular this will mean dogs and dog walkers; and to some extent walkers, cyclists and others. An Expression of Interest has been submitted to the HCA for funding of a masterplan and a dedicated officer post is in place to help deliver these improvements

### Mitigation Officer Post

10.5 The Mitigation Strategy is clear that mitigation projects will only succeed if there is staff resource available to implement the projects and monitor impacts. Within the three authorities there is not currently a staff resource to undertake these functions and for this reason it is proposed that a new post is created. The collective view from all stakeholders is that this post would best sit within the New Growth Point Team. The proposal is that post holder would be responsible to a new cross-authority Committee and it is proposed that an initial contract would be for a three year period. The cost of the post would be met proportionate to the mitigation monies collected and as such there would be no direct budget implications/costs for the three local authorities.

## **11 Joint Mitigation Committee**

11.1 The stakeholders also agree that it would be appropriate to establish a Committee to oversee the mitigation proposals and work. This would be similar to an established approach in Dorset in respect of management of impacts on the Dorset Heaths European site. The expectation is for a Committee that would meet on an occasional basis, would be advised by the mitigation officer and other officers, and that could draw on experts from other interest areas that could, for example, include recreation bodies, the Environment Agency and the Exe Estuary Management Partnership who are already responsible for managing different aspects of the Exe Estuary. The Committee could meet on the same day as the existing Green Infrastructure Board.

11.2 The proposal is that the voting powers of the Committee will rest with three elected members, one drawn from each constituent authority. The Members will receive recommendations for projects and expenditure of monies and set priorities for future action. It is considered that it would be most desirable if it were a new formal Committee that has decision making powers, rather than making recommendations to the constituent authorities' Executive Committees. This option has been considered, but it is proposed to build on the joint work that has already been undertaken by the three authorities.

11.3 The approach of using a Joint Committee seems a logical and justifiable approach to ensuring that the impacts on all of the European Sites are properly and fairly mitigated. Before the Committee can proceed, further work and authorisation will be required, including further approval from Executive.

## **12 Funding for Mitigation**

12.1 The three constituent authorities are already securing mitigation under the Habitat Regulations, through Section 106 agreements. It is a legal requirement (we have no choice) that Habitat Regulations are complied with. There is an existing interim approach whereby £350 per dwelling is collected based on initial simple cost assessments. The new Mitigation Strategy now justifies and requires that higher levels of money are secured.

12.2 The Mitigation Strategy costs now identified mean an increase in the costs of securing habitat mitigation. Clearly this will have a bearing on the amount of funding available for other infrastructure but mitigation must be secured if planning permission for new housing is to be granted. As a result the payment of the habitat mitigation contribution through CIL will have to be prioritised with monies relating to each qualifying development dedicated directly from CIL receipts.

12.3 The South-East Devon European Site Mitigation Strategy identifies development of 30,170 new homes in the current/emerging local plans, across the three local authority areas and within the buffer zones shown on the map at Appendix A. The mitigation projects in the strategy are estimated at £23,533,767.

12.4 Of the total cost some £14.4 million is accounted for through SANGs and £9.15 million through On-Site measures. The Mitigation Strategy tabulates costs per dwellings for on-site measures, providing a breakdown for the various zones at Appendix 3 of this report.

On Site Costs

12.5 The Strategy identifies on site costs for mitigating impacts on each European Site and divides them by the number of dwellings planned for within that site’s ‘zone’. The Exe zone covers the entire city and the Pebblebed zone encompasses all land north of the River Exe and east of a line running approximately between ‘Millbrook Village’, Topsham Road and Polsloe Bridge Station (see appendix 1). Charges relevant to both zones would apply to the Newcourt and Monkerton/Hill Barton strategic allocation but not where planning permission has already been granted.

SANGs

12.6 For the SANGs measures the mitigation strategy does not show overlapping SANGs zones (see Appendix 2). The mitigation strategy shows a total SANGs cost of £14.4 Million. This divided by the 30,170 homes gives an average cost per home of £477. However, City Council officers have provided cost estimates for making improvements to the Riverside and Ludwell Valley Parks (as an alternative to a new country park proposed in Teignbridge at SW Exeter. These suggest a cost of £220 per dwelling in Zone B.

12.7 The figure for Zone B may be subject to future revisions arising from the proposed valley parks masterplan. Work is also ongoing to review the cost figure for Zone C but it is recommended that £477 per dwelling is set aside in the meantime. Based on the current costs however, it is proposed that the Council set aside the following amounts per dwelling depending on development location.

Total Costs in Exeter

12.8 Across all three authority areas there will be 9 separate charging zones with costs per dwelling ranging from £343 to £1420. The following table combines the SANGs and on-site zones relevant to Exeter and sets out the various costs applicable to each. Appendix 3 illustratively maps the 4 charging zones

**Table 1 : Costs per dwelling in Exeter**

Zone (See Appendix 3)	Charge for On-Site Measures	Charge For SANGs	Total Charge Per New Dwelling
A	£123	£220	£343
B	£272	£220	£492
C	£272	£477	£749
D	£123	£477	£600

When?	What?
September / October 2014	Agreement of all three local authorities is being sought for: <ul style="list-style-type: none"> <li>- establishment of the Committee (in principle)</li> <li>- employment of the Mitigation Officer</li> <li>- all other required measures.</li> </ul>
October 2014	The new charging approach will be applied across all three authority areas
October 2014	Advertisement placed for the mitigation officer post, interviews are expected in September 2014
Autumn 2014	Officer in post and the Committee formally established
Winter 2014/2015	Executive formally delegate the appropriate powers to the Joint Committee

#### 14 **Planning Member Working Group**

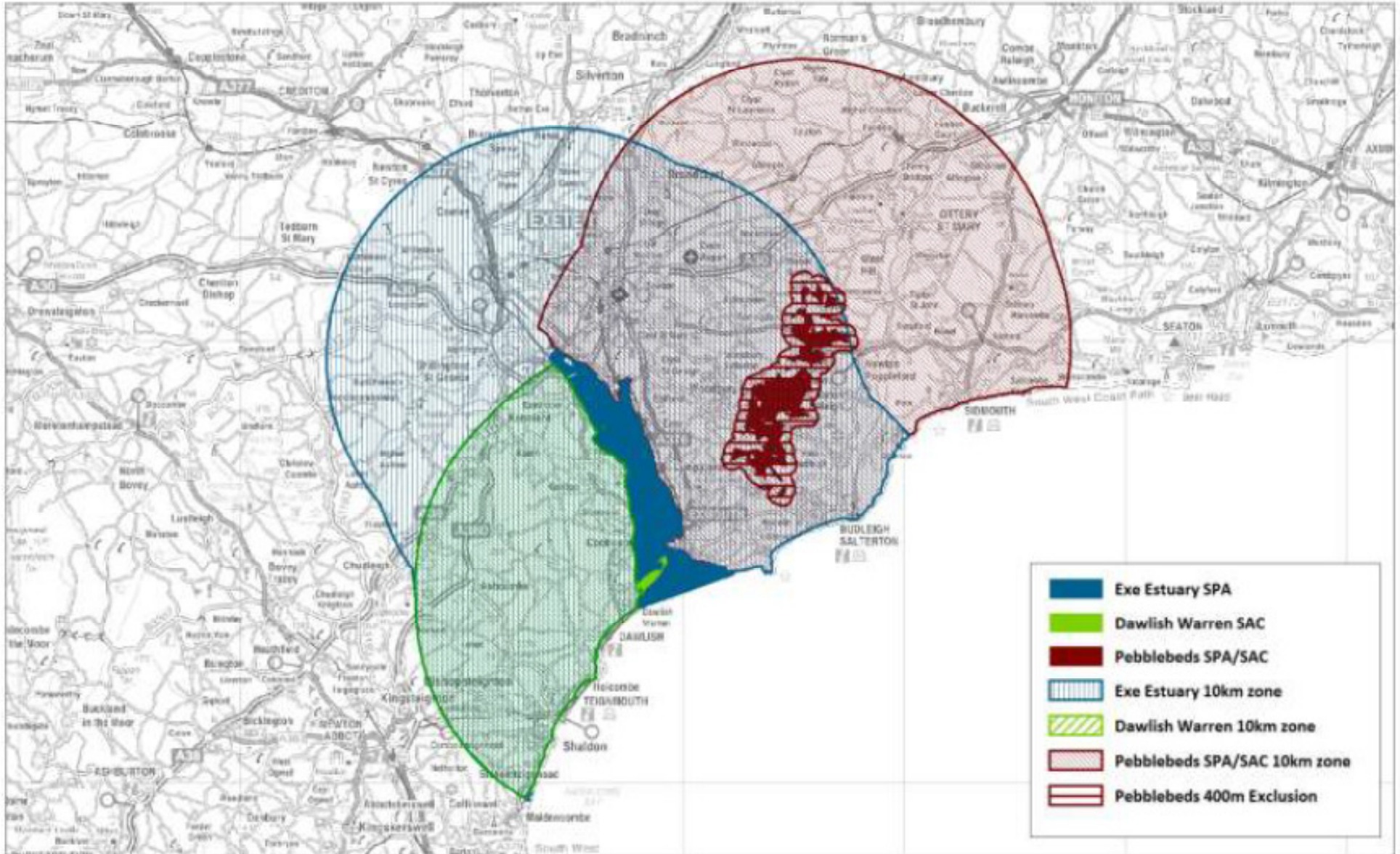
Planning Member Working group considered a version of this report on 26 August 2014 and offered support for the joint mitigation strategy and proposed joint committee. It was suggested that discussions between the Leader and respective Leaders of East Devon and Teignbridge District Councils would help to finalise the structure, procedures and constitution of the committee before the appropriate powers are formally delegated. Members indicated a preference for the committee's approval of mitigation projects to rely on unanimous agreement.

#### **Assistant Director City Development**

Contact for enquiries  
Democratic Services (Committees)  
Room 2.3  
01392 265275



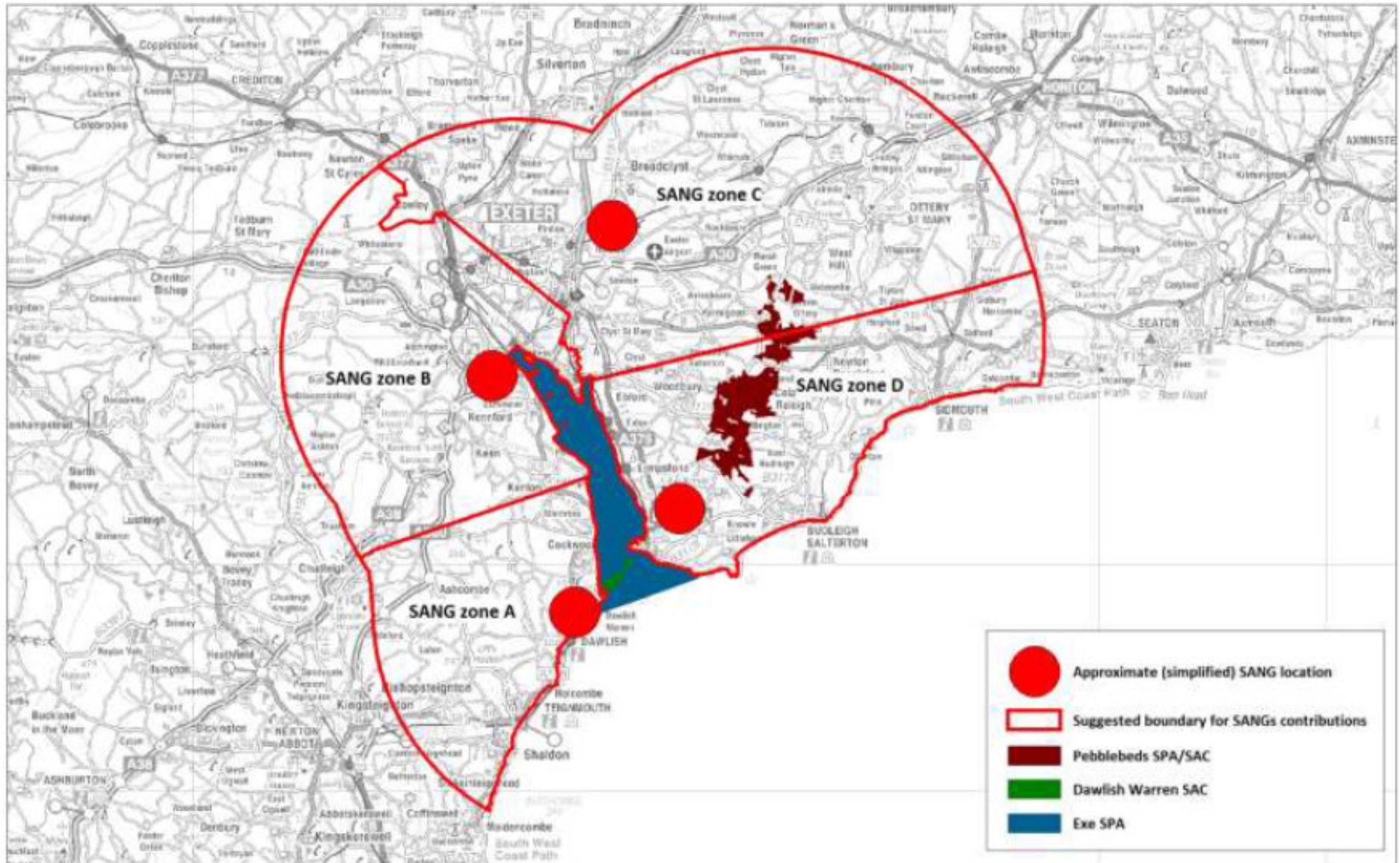
# Appendix 1: 'On Site' Zones



**Map 19: Suggested Zoning for Developer Contributions**

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## Appendix 2: 'SANGs' Zones

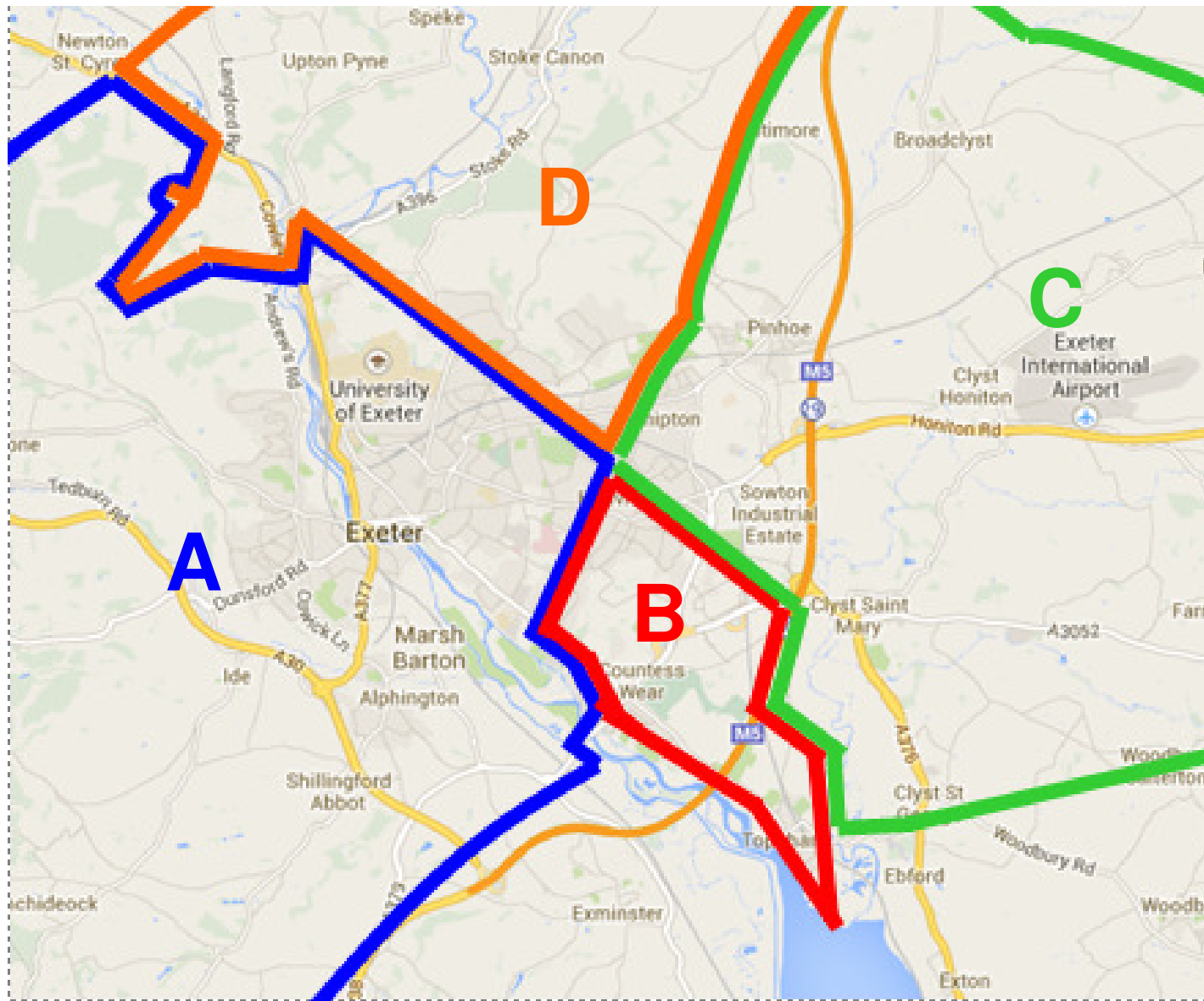


Map 20: Geographic breakdown of areas for SANGs contributions

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Appendix 3: Indicative Combined Charging Zones in Exeter



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## **REPORT TO EXECUTIVE AND FULL COUNCIL**

**Date of Meeting: 7<sup>th</sup> October 2014 and 15<sup>th</sup> October 2014**

**Report of: Assistant Director Environment**

**Title: Delegated responsibilities in respect of the Anti-Social Behaviour Crime and Policing Act 2014**

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

- 1.1 To inform 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 is taking place across Devon and Cornwall to develop a consistent approach in respect of these powers.
- 1.2 To seek 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<sup>th</sup> October 2014..

#### **2. Recommendations:**

- 2.1 That the Assistant Director Environment (ADE) and Assistant Director Public Realm (ADPR) are authorised under S.53 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act), from the 20th October 2014, for issuing Community Protection Notices (CPN), and related Fixed Penalty Notices in respect of breaches of a CPN.
- 2.2 That the Assistant Director Environment and Assistant Director Public Realm are given delegated powers under Part 4 Chapter 2 of the Act from the 20th October 2014 relating to the implementation of Public Spaces Protection Orders, following agreement in each case at the multi-agency Antisocial Behaviour Action Team (ASBAT).
- 2.3 That the Assistant Director Environment is given delegated powers under Part 4 Chapter 3 of the Act from the 20th October 2014 relating to the issuing of a Closure Notice of no longer than 24 hours, following appropriate consultation.
- 2.4 That the Community Trigger procedure described in this report is adopted from 20<sup>th</sup> October 2014.
- 2.5 That Executive and Council agree with 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.

#### **3. Reasons for the recommendation:**

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 came into force in March 2014 and is intended to introduce simpler, more effective powers to tackle anti-social

behaviour to provide better protection for victims and communities. The relevant powers under the Act will be enacted on 20<sup>th</sup> October 2014, therefore it is timely to ensure these powers become available from that date if required. In the interim, and beyond October 20<sup>th</sup> 2014, the development and refinement of a consistent application of the various powers will continue between local authorities, the Police and relevant agencies in the Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships, and these will be applied by the Council. A recent update on the progress of this collaborative work is contained in Appendix I.

**4. What are the resource implications including non financial resources.**

- 4.1 In terms of the new powers introduced by the Act, some (such as the Public Spaces Protection Order) will replace existing powers, whilst others may expedite a process (e.g. Community Protection Notice) and achieve an earlier resolution, so potentially reducing overall demand on resources. Where there is a need for consultation amongst appropriate bodies or individuals, then the existing ASBAT mechanism will perform that function in many cases, although not all.
- 4.2 In terms of the Community Trigger, there will be a need for a mechanism to review cases; this will involve ASBAT, but it is not envisaged that the volume of cases will be significant. Therefore it is not clear at this stage, what extra demand, if any, will be placed on Council resources.
- 4.3 Should additional resource be required to ensure that CPNs are served and enforced effectively, it is anticipated that this will be met from existing budgets within Environment Services and Public Realm.

**5. Section 151 Officer comments:**

- 5.1 There are no additional financial implications arising from this report.

**6. What are the legal aspects?**

This report focuses on the delegation of authority to senior officers in order to implement the new enforcement tools as set out in the Act, from October 20<sup>th</sup> 2014; these are outlined in paragraph 8 below.

**7. Monitoring Officer's comments:**

This new Act brings into force provisions that are likely to require additional legal resource should enforcement action other than on "an exceptional basis" be required.

**8. Report details:**

**8.1 Community Protection Notices**

- 8.1.1 Part 4 of the Act, introduces the Community Protection Notice (CPN) which can be issued by authorised council officers, the Police or registered providers of social housing, (if designated by the relevant local authority), if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

8.1.2 Any notice served must clearly state what the behaviour or action is that is having a detrimental effect on the quality of life of those in the local community and what action is required from the individual to resolve the impact on others. It may direct the individual, business or organisation responsible to stop causing the problem and can also require the person responsible to take reasonable steps to ensure that it does not occur again.

8.1.3 For example, Exeter citizens could benefit from the additional powers that a CPN provides where there is an ongoing and easily resolvable disturbance, but the level of annoyance or prejudice to health is not sufficient for an officer to determine that a statutory nuisance exists. It could be used for such issues as a householder storing rubbish in his garden over several months, or a busker continuing to play loud music outside a high-street shop, despite being asked by an officer to stop.

8.1.4 Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a fixed penalty notice not exceeding £100, or prosecution. On summary conviction an individual would be liable to a fine not exceeding level 4 on the standard scale (currently set at £2,500). An organisation is liable to a fine of up to £20,000.

## **8.2 Public Spaces Protection Order**

8.2.1 Part 4, Chapter 2 of the Act introduces Public Spaces Protection Orders (PSPO's). A PSPO can be made where:

- activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

and that the effect, or likely effect, of the activities—

- is, or is likely to be, of a persistent or continuing nature,
- is, or is likely to be, such as to make the activities unreasonable, and
- justifies the restrictions imposed by the notice.

8.2.2 Any proposed PSPO's will only be introduced following review and agreement at ASBAT, and final sign-off by the ADE or ADPR. Where the relevant AD considers a proposed PSPO particularly sensitive or contentious, then the AD will advise the PfH and Chief Executive.

8.2.3 A PSPO can prohibit specified matters from being carried out within a defined area (such as failing to pick up dog faeces and place it in a waste container) or specifies

things to be done by persons carrying on specified activities in a defined area (such as controlling the number of dogs walked by an individual).

- 8.2.4 Breach of a PSPO without reasonable excuse would be a criminal offence, subject to a fixed penalty notice not exceeding £100 or prosecution. On summary conviction, an individual would be liable to a fine not exceeding level 3 on the standard scale (currently set at £1,000). The cost of the fixed penalty notice can be agreed locally.
- 8.2.5 The implementation of a PSPO will only take place following review and agreement at ASBAT and consultation with appropriate individuals or bodies (e.g. community representatives likely to be affected by the PSPO).

### **8.3 Closure Notices**

- 8.3.1 The closure power is to allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. The Closure Notice can be used by the council or the police out of court, (e.g. to close a premises that is planned to be used for a large rave party). Following the issuing of a Closure Notice, an application must be made to the magistrates' court for a closure order, unless the Closure Notice has been cancelled.
- 8.3.2 A closure order can subsequently be issued if the court is satisfied:
- that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
  - that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; or
  - that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.
- 8.3.3 A Closure Notice cannot prohibit access in respect of anyone who habitually lives on a premises. This means that the notice cannot prohibit those who routinely or regularly live at those premises. It is therefore unlikely to disallow access to, for example, students who live away from the family home for part of the year but routinely return to the family home or those who spend the majority of the week living at the pub in which they work. However, a closure order, granted by the court, can prohibit access to those who routinely live at a premises.
- 8.3.4 Before issuing a Closure Notice, the Council will need to ensure that anybody or individual the Council thinks appropriate has been consulted (e.g. this may include the victim and other people that may be affected by the closure); for that purpose any proposal for a Closure Notice will normally be tabled and agreed by ASBAT, and the appropriate bodies or individuals invited to attend ASBAT for that purpose, prior to a Closure Notice being made. However, should the matter be so urgent that it needs expediting between ASBAT meetings, the AD will report back on the use of the Closure Notice at the next ASBAT. Under the Act, the Chief Executive is designated as the appropriate Council officer to sign a Closure Notice over 24 hours duration, although that function can be delegated to an appropriate senior officer.

8.3.5 An offence is committed when a person, without reasonable excuse, remains on or enters a premises in contravention of a closure notice or a closure order. Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

#### **8.4 Community Trigger**

8.4.1 This Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution. The relevant bodies and responsible authorities in respect of the Community Trigger includes the Council, Police, Clinical Commissioning Group and registered provider of social housing.

8.4.2 The threshold for the trigger should be defined by the local agencies but not more than:

- three complaints in the previous six month period.

It may also take account of:

- the persistence of the anti-social behaviour;
- the harm or potential harm caused by the anti-social behaviour;
- the adequacy of response to the anti-social behaviour.

8.4.3 When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim. If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken.

8.4.4 The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour. The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales. There will be an appeal process where the victim is dissatisfied with the application of the threshold or the outcome.

8.4.5 The Community Trigger can be initiated by a victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor. The victim can be an individual, a business or a community group.

8.4.6 The draft guidance and proposed mechanism for the Community Trigger is shown in Appendix II and III.

**9. How does the decision contribute to the Council's Corporate Plan?**

9.1 The implementation of the new powers contained in the Act, will contribute towards making the City safe, and help protect the living environment, and citizens' health and wellbeing.

**10. What risks are there and how can they be reduced?**

10.1 There are risks associated with the inconsistent or flawed application of these powers, leaving the Council open to challenge and facing a consequential financial and reputational risk. These risks can be mitigated by utilising the procedures and associated documentation jointly developed by the Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships, which have had the input of both Force Legal and legal services from councils, as well as experienced officers.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 The decision to delegate these powers and to exercise them will have a potential impact on those who may have a protected characteristic for the purposes of the Equality Act 2010, and it will also involve decisions that will bring into play the Public Sector Equality Duty under section 149 of the Equality Act 2010. Officers will need to be sensitive to the question of vulnerability in regard to both victim and alleged perpetrator.

11.2 In cases where the alleged perpetrator is vulnerable and or has a protected characteristic for the purposes of the Equality Act, (e.g. disability), prevention and intervention are the key tools in this context albeit that enforcement action may have to be pursued if these methods do not bring about a change in the behaviour. The new powers will only be exercised in appropriate cases where officers consider that it is both reasonable and proportionate to do so. When such decisions are made it will be with reference to the section 149 duty.

11.3 In cases where the victims are vulnerable but the alleged perpetrator is not, it is believed that the use of the power is going to have a positive impact on the health and well being of the community generally and the victims in particular, which is likely to achieve the aims of safeguarding the community, children, the vulnerable etc., and the environment.

**12. Are there any other options?**

12.1 No, ignoring the implementation of these new powers would not be tenable.

**Assistant Director Environment**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

None



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## Appendix 1

### **Update on Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships Anti-social Behaviour Crime & Policing Act 2014 Powers**

New powers are being introduced by the Antisocial Behaviour, Crime and Policing Act 2014 (ASBCPA 2014). The following provides a summary of these powers and indicates the part played by the Council in respect of these powers.

#### **Civil Injunction**

Purpose: To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.

Applicants: Local councils, Social Landlords, Police, Environment Agency and NHS Protect.

- Forms & processes in development.
- No power of arrest
- From a housing perspective the breach of a Civil Injunction (where proven in court) gives social landlords and private rented sector landlords an absolute ground for possession of secure and assured tenancies.
- Implications for partnership working.

#### **Criminal Behaviour Order**

Purpose: Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.

Applicant: The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or Council.

- ASB Escalation process can be used to support the application for a CBO.
- Service Level Agreement with CPS being developed.
- Procedural guidance in development.
- Unlikely to be used as widely to address alcohol problems as the DBO.
- Link with CPN – Prosecution of breach of a CPN by Police/Partners followed by an application for a CBO.

### **Community Protection Notice**

Purpose: To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.

Who can issue a CPN: Council officers, Police officers, Police Community Support Officers (PCSOs) and Social landlords (if designated by the Council).

- As a force we have no system for the receipt of fines as all current penalty notices and conditional cautions are dealt with by HMCTS and their central finance unit. It is not possible to adapt the PentiP system to process CPNs.
- Mini out of court ASBO – Police will only issue a CPN through the ASB Escalation process.
- Warning issued & if an FPN is to be issued the officer will inform the offender then instruct the appropriate Local Authority to issue the FPN. The full process would stay in the hands of the Local Authority and the officer would supply a statement.
- Guidance for police Call Management & Communications Unit & Police Officers for environmental issues dealt with by Local Authority being developed.
- Process & procedures being developed to update Force briefing pages.

### **Public Spaces Protection Order (PSPO)**

Purpose: Designed to stop individuals or groups committing anti-social behaviour in a public space.

Who can make a PSPO: Councils issue a PSPO after consultation with the police, Police & Crime Commissioner and other relevant bodies.

- This tool will replace the Designated Public Place Order, Gating Orders, and Dog Control Orders and so should make things more streamlined and therefore more effective, especially if it can now be used more widely than previous legislation permitted. Previously a Local Authority could not issue an order such as this without having it signed off by the Secretary of State. Now it can be done at a local level, and it is hoped that Local Authorities and Local Police can work together to achieve improved quality of life in public spaces, not just to issue an order but to ensure compliance with it.
- Work yet to be progressed to support the introduction of the PSPO

### **New Closure Order**

Purpose: To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.

Applicants: Local council; Police.

- Forms & processes in development.
- Met with Magistrates to resolve Closure notice & court issues.

### **Police Power to Disperse**

Purpose: Requires a person committing or likely to commit ant-social behaviour, crime or disorder to leave an area for up to 48 hours.

Used by: Police officers in uniform; and Police Community Support Officers (if designated the power by the chief constable)

- Forms & processes in development
- Pre-planned dispersal areas – ENTE
- Process available for tactical use – ASB
- Training package in development

### **Community Trigger**

Purpose: To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.

Relevant bodies and responsible authorities: Councils; Police; Clinical Commissioning Groups; Registered providers of social housing who are co-opted onto this group.

- Minimum standards of service have been in place with all CSPs for a number of years. Each partner agency will review their own processes and procedures to deal with complaints.
- 101 Service will provide a single point of contact for the peninsula to initiate the Community Trigger. The 101 service will pass details to the relevant CSP Community Trigger lead for progression.
- Email box – Devon, Cornwall, Plymouth & Torbay
- Identify CSP leads.
- Guidance written, forms & processes in development.
- The Police & Crime Commissioner will monitor the use of the Community Trigger and provide the route for an appeal.

## Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships Community Trigger

### Draft Guidance

Table 1: Community Trigger Overview

Purpose	To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.
Relevant bodies and responsible authorities	<ul style="list-style-type: none"> <li>• Councils</li> <li>• Police</li> <li>• Clinical Commissioning Groups</li> <li>• Relevant registered providers of social housing</li> </ul>
Locally Defined Threshold	<p>To be defined by each Community Safety Partnership (CSP) but not more than:</p> <ul style="list-style-type: none"> <li>• Three complaints in the previous six month period.</li> </ul> <p>May also take account of:</p> <ul style="list-style-type: none"> <li>• The persistence of the Anti-Social Behaviour (ASB);</li> <li>• The harm or potential harm caused by the ASB;</li> <li>• The adequacy of the response to the ASB.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• The relevant CSP chair or a person nominated by the CSP chair will be the lead for the Community Trigger.</li> <li>• When a request to use the Community Trigger is received, the agencies must decide whether the threshold has been met and communicate this to the victim.</li> <li>• If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible.</li> <li>• The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of ASB.</li> <li>• The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.</li> </ul>
Who can use the Community Trigger?	<ul style="list-style-type: none"> <li>• A victim of ASB or another person acting on behalf of the victim such as a carer or family member, MP or councillor.</li> <li>• The victim could be an individual, a business or a community group.</li> </ul>

**Table 2: Community trigger summary**

ASB	Community Trigger	Community Safety Partners	Action Plan	ASB Resolution
<p>Repeat incidents of ASB reported to agencies. Minimum standards already in place with CSPs. Each partner to review their own processes and procedures. Problem persists because no action/inadequate action taken. The victim feels ignored by agencies.</p>	<p>Victim uses the Community Trigger. The 101 service will provide a single point of contact for the peninsula for the Community Trigger. The 101 call takers will then contact the relevant CSP chair or Local CSP Community Trigger lead who will progress the work. Victim provides details of incidents.</p>	<p>Local CSP Community Trigger Lead collects/collates information using existing ASB structures and writes a report. Local Community Safety Partner agencies decide whether their local threshold is met. If it is, partner agencies share information and review the case. If it is not suitable for a trigger the reasons will be recorded and communicated to the victim along with details of how to appeal the decision or refer the case for scrutiny to a Peninsula level panel chaired by the Police &amp; Crime Commissioner.</p>	<p>Collectively the agencies decide whether further action can be taken and produce an action plan.</p>	<p>The action plan is discussed with the victim and a resolution to the problem is found. The Community Trigger Lead and relevant CSP partners will review the case every 28 days to monitor the service provided and to decide if the actions taken have addressed the reason/s for the Community Trigger being used.</p>

**Purpose**

Community Safety Partnerships (CSP) across Devon, Cornwall and the Isles of Scilly bring together local councils, housing providers, police and other agencies to tackle crime, disorder and anti-social behaviour. The range of local agencies involved in tackling anti-social behaviour can, in some circumstances, lead to uncertainty as to whose responsibility

it is to deal with a particular problem. As a result, victims can sometimes find themselves being passed from the police to the council to their landlord and back again, or reporting the same problem over and over again.

The Community Trigger provides additional accountability to ensure that Community Safety Partnership agencies work together to meet the needs of victims.

It gives victims and communities the right to require agencies to deal with persistent anti-social behaviour and places a new duty on agencies to undertake a case review when someone requests one and the case meets a locally defined threshold. The Community Trigger builds on existing good practice and promotes partnership working between the police, councils, housing providers and other agencies to tackle anti-social behaviour within our communities.

### **Who can use the Community Trigger?**

The Community Trigger can be used by a victim (of any age) of anti-social behaviour or by any person on behalf of a victim, such as a family member, friend, carer, councillor MP or other professional person. The victim's consent should be sought by the person using the Community Trigger on their behalf.

The victim could be an individual, a business or a community group.

### **Relevant bodies and responsible authorities**

"Relevant bodies" are those organisations which have a statutory duty to have a Community Trigger procedure and to undertake case reviews when a person asks for one (and the threshold is met). The relevant bodies are:

- Devon & Cornwall Police
- Cornwall Council
- Plymouth City Council
- Torbay Council
- Exeter City Council
- Mid Devon District Council
- East Devon District Council
- North Devon District Council
- Torridge District Council
- South Hams District Council
- West Devon Borough Council
- Teignbridge District Council

- Northern, Eastern & Western Clinical Commissioning Group
- South Devon & Torbay Clinical Commissioning Group
- NHS Kernow Clinical Commissioning Group
- Social Housing Providers who are co-opted into the group

There must be arrangements for the inclusion of local providers of social housing among the relevant bodies in an area.

Housing providers should be involved in the Community Trigger when a case involves one of their tenants. For the purposes of the Community Trigger, a “local provider of social housing” includes:

A private registered provider of social housing that:

- grants tenancies of dwelling-houses in that area; or
- manages any house or other property in that area.

### **Role of the Police and Crime Commissioner**

The Police and Crime Commissioner for Devon and Cornwall will chair a Peninsula Scrutiny Panel that will:

- audit case reviews;
- monitor the use of the Community Trigger to identify any learning and best practice;
- provide a route for victims to query the decision on whether the threshold was met or the way the Community Trigger review was carried out.

### **Threshold**

The relevant bodies should work together through the designated local Community Safety Partnership to agree an appropriate Community Trigger threshold, taking into consideration the nature of anti-social behaviour experienced by victims in their area and working practices of the agencies involved. The threshold must be no higher than three complaints of anti-social behaviour in a six month period.

The threshold may also take into account:

- the persistence of the anti-social behaviour;
- the harm or potential harm caused by the anti-social behaviour;
- the adequacy of the response from agencies.

Agencies may wish to consult the local community about what they would consider to be an appropriate threshold in their area.

## **Local Community Safety Partnerships in Devon & Cornwall**

Safer Cornwall  
Isles of Scilly Community Safety Partnership  
Plymouth Community Safety Partnership  
Safer Communities Torbay  
Safer North Devon  
South Devon & Dartmoor Community Safety Partnership  
Exeter Community Safety Partnership  
East & Mid Devon Community Safety Partnership

### **Qualifying Complaints**

The legislation sets out what will be considered a “qualifying complaint” for using the Community Trigger. The purpose of this is to prevent someone reporting historical incidents of anti-social behaviour in order to use the Community Trigger. The legislation sets out the following standards but agencies can set different levels if appropriate for their area as long as it does not lower the standard as set out:

- The anti-social behaviour was reported within one month of the alleged behaviour taking place; and
- The application to use the Community Trigger is made within six months of the report of anti-social behaviour.

For the purposes of the Community Trigger, anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member, or members, of the public. However, when deciding whether the threshold is met, agencies should consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

The Community Trigger is specifically designed to deal with anti-social behaviour. However anti-social behaviour can often be motivated by hate and agencies may wish to include reports of these incidents in their Community Trigger.

### **Information sharing**

The effective operation of the legislation requires agencies to share relevant information for the purpose of carrying out the case review. This may include details of previous complaints made by the victim, information about the effect the problem has had on others in the area, and details of what action has previously been taken. Agencies should therefore have agreements in place for information sharing, risk assessments and a common understanding of the aims of the Community Trigger.

Agencies may request any person to disclose information for the purpose of a Community Trigger review. If the request is made to a person who exercises public functions and they possess the information they must disclose it. The only exception to that is where to share the information would be either:

- in contravention of any of the provisions of the Data Protection Act 1998; or
- prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.



Other than these two exceptions, disclosing information for the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.

Housing providers undertake several functions, including some that are public in nature and some that are not. If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

Information sharing agreements are in place for the sharing of perpetrator data through the Crime & Disorder Act 1998. Vulnerability is covered in the Vulnerable Adults information Sharing Agreement. The owners of these agreements are Devon & Cornwall Police and our partners in the Community Safety Partnerships throughout Devon, Cornwall and the Isles of Scilly.

As the single point of contact for the peninsula for the Community Trigger, the 101 service will inform the person wishing to initiate the Community Trigger that the police work in partnership with other agencies and that the police and partner agencies will share information. This is in accordance with the fair processing of information.

### **Publishing the Community Trigger procedure and contact details**

The responsible bodies must publish the Community Trigger procedure, including the point of contact for making an application to use the Community Trigger. The 101 service will provide a single point of contact for the peninsula for making an application for the Community Trigger. The 101 call takers will then contact the relevant CSP chair or Local CSP Community Trigger Lead who will progress the work.

### **The Community Trigger procedure**

It is intended that this guidance document will form the basis of the procedure for the Community Trigger for the Community Safety Partnerships throughout Devon, Cornwall and the Isles of Scilly. Each Community Safety Partnership will be responsible for ensuring that there is a process in place with an appropriate level of support from Community Safety Partners to progress a response in relation to a request for the Community Trigger to be used. The Police and Crime Commissioner for Devon and Cornwall will provide a route for a person to request a review of the way an application for a Community Trigger was dealt with, and also the way their Community Trigger review was carried out.

### **Basic procedure for a Community Trigger**

Each Community Safety Partnership within Devon & Cornwall should agree a procedure to progress Community Trigger request that suits the needs of victims and communities within their local areas. The basic outline of that procedure will include the following steps:

1. A victim of anti-social behaviour (or someone acting on their behalf) makes an application to use the Community Trigger through the 101 service. The relevant CSP chair or person nominated by the relevant CSP chair will be informed via the 101 service of the request for a community trigger.

2. The local CSP Community Trigger lead will ensure that local relevant bodies decide whether the threshold is met.
3. If it has been, then the relevant bodies share information about the case, consider whether any new relevant information needs to be obtained, review previous actions taken and propose a response. The victim is informed of the outcome or agencies will work with the victim to devise and implement an action plan.
4. If necessary, escalation and review.

### **The Case Review**

Each CSP will have an agreed procedure for carrying out the Community Trigger review. The review will look at what action has previously been taken in response to the victim's reports of anti-social behaviour.

Each CSP within Devon and Cornwall has well established structures for working collaboratively to tackle ASB. Existing regular anti-social behaviour meetings and forums may be best placed to undertake case reviews. Alternatively CSPs may decide that it is more appropriate to have a separate forum to discuss case reviews. Where perpetrators are under the age of 18 the youth offending team should be invited to attend the review.

### **Making recommendations**

The relevant bodies who undertake a case review may make recommendations to other agencies. The legislation places a duty on a person who carries out public functions to have regard to those recommendations. This means that they are not obliged to carry out the recommendations, but they should acknowledge them and may be challenged if they choose not to carry them out with good reason.

The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour. Whenever possible, agencies should involve the victim in devising the action plan to help ensure it meets the needs of the victim. Agencies will not be able to recommend the Crown Prosecution Service (CPS) take action. The CPS is independent and must make decisions in accordance with the Code for Crown Prosecutors.

### **Responding to the victim**

The Act places a duty on relevant agencies to respond to the victim at particular points in the process. These include:

- The decision as to whether or not the threshold is met;
- the outcome of the review; and
- any recommendations made as an outcome of the review.

The local CSP Community Trigger lead will be responsible for timely and consistent communication with the victim/s.

The local CSP Trigger Lead will be responsible for the annual publication of the following information on behalf of all agencies represented within the local CSP:

- the number of applications for Community Triggers received;
- the number of times the threshold for review was not met;
- the number of anti-social behaviour case reviews carried out; and
- the number of anti-social behaviour case reviews that resulted in recommendations being made.

### **Who can use the Community Trigger**

Individuals, businesses and community groups can all use the Community Trigger. Agencies may decide to have a different threshold for the community to use it collectively to encourage them to work together to share and find solutions to problems. Forums such as neighbourhood Watch, residents associations, community groups and Neighbourhood Policing community meetings are among the ways in which communities can share experiences and problems.

# Appendix III: Flowchart for Community Trigger

