

EXECUTIVE

Tuesday 14 July 2015

Present:

Councillor Edwards (Chair)
Councillors Denham, Hannaford, Leadbetter and Morris

Apologies:

Councillors Owen, Pearson and Sutton

Also present:

Chief Executive & Growth Director, Assistant Director City Development, Assistant Director Finance, Corporate Manager - Legal, Corporate Manager Democratic and Civic Support, Principal Project Manager (Infrastructure Management & Delivery), Litigation Solicitor, Major Projects Officer, Scrutiny Programme Officer and Democratic Services Manager (Committees)

71

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

72

MAJOR GRANTS AND NEW HOMES BONUS PANEL MINUTES - 25 JUNE 2015

The minutes of the meeting of the Major Grants and New Homes Bonus Panel held on 25 June 2015 were submitted.

The Principal Project Manager (Infrastructure Management & Delivery) advised of the position with regards to the replacement of Countess Wear Village Hall.

A Member confirmed that Devon County Council was supporting the Countess Wear Village Hall project.

RESOLVED that the minutes of the Major Grants and New Homes Bonus Panel held on 25 June 2015 be received and, where appropriate, adopted.

73

ANNUAL SCRUTINY WORK PROGRAMME REVIEW

The report of the Scrutiny Programme Officer was submitted which provided an annual update to the respective Scrutiny Committees as to the Scrutiny work achieved during the municipal year 2014/2015.

Scrutiny Committee – Community (16 June 2015), Audit and Governance Committee (24 June 2015), Scrutiny Committee – Economy (18 June 2015), and Scrutiny Committee – Resources (1 July 2015) had all considered this report and comments of the Members were noted.

RESOLVED that the Annual Scrutiny Report be noted.

CAPITAL MONITORING 2014/15 AND REVISED CAPITAL PROGRAMME FOR 2015/16 AND FUTURE YEARS

The report of the Assistant Director Finance was submitted reporting on the current position of the Council for the 2014/15 financial year, in respect of the annual capital programme and to seek approval of the 2015/16 revised capital programme, including commitments carried forward from 2014/15. Members were advised that the capital expenditure amounted to £16,502,192, a reduction of £2,772,658 on the planned figure of £19,274,850. The report also included a number of further funding requests including the replacement of the existing roof of the Livestock Centre.

In response to a Member's question, the Corporate Manager Democratic and Civic Support clarified that the internal access doors within Phase 1 were necessary to ensure that the staff accommodation remained secure in light of the first floor being occupied by external organisations.

Scrutiny Committee – Resources considered the report at its meeting on 1 July 2015 and its comments were reported.

RECOMMENDED that Council notes and approves the:-

- (1) overall financial position for the 2014/15 annual capital programme; and
- (2) amendments and further funding requests to the Council's annual capital programme for 2015/16.

OVERVIEW OF REVENUE BUDGET 2014/15

The report of the Assistant Director Finance was submitted to advise Members of the overall financial position of the Housing Revenue Account (HRA) and General Fund Revenue Budgets for the 2014/15 financial year and to seek approval for the General Fund working balance, HRA working balance, a number of supplementary budgets and the creation of new earmarked reserves.

The Assistant Director Finance advised of supplementary budgets including a £100,000 contribution towards the progression of the Innovation Exeter Project and £85,000 to cover overspend in Finance caused by budget pressures owing to cover for a long term sickness and the vacant Procurement Post. It was further noted that an urgent decision had been taken for expenditure of £8,000 to the Exeter Pound for additional staff with match funding and £5,000 to print the notes in the form of an interest free loan to be repaid within one year of the loan.

In response to Members' questions, the Assistant Director Finance clarified that £3.5m had been set aside to pay off debts and the collection rates for council tax for 2014/5 were on course to be back to the normal level.

The Portfolio Holder for Housing Revenue Account thanked all officers involved in the reduction of the expenditure of the Housing Revenue Account (HRA).

Scrutiny Committee – Resources considered the report at its meeting on 1 July 2015 and its comments were reported.

RECOMMENDED that Council:-

- (1) approves the net transfer of £800,076 from Earmarked Reserves as detailed in paragraph 8.3.6;
- (2) approves the supplementary budgets of £1,458,610 as detailed in paragraph 8.3.8;
- (3) notes the Earmarked Reserves at 31 March 2015;
- (4) notes the Council Tax account and collection rate;
- (5) notes the outstanding sundry debt, aged debt analysis and debt write-off figures;
- (6) notes the creditor payments performance;
- (7) by taking into account the overall financial position of the Council, approves the General Fund working balance at 31 March 2015 at £3,974,518; and
- (8) approves the Housing Revenue Account working balance at 31 March 2015 at £7,772,403 and approves the Council Own Build working balance at £127,994.

76

TREASURY MANAGEMENT 2014/15

The report of the Assistant Director Finance was submitted reporting on the current Treasury Management Performance for the 2014/15 financial year and the position regarding investments and borrowings at 31 March 2015. The report was a statutory requirement and was for information only with no key decisions required.

Members were advised of the situation with regards to the net interest position and the monies still held in the Glitnir Bank.

Scrutiny Committee – Resources considered the report at its meeting on 1 July 2015 and its comments were reported.

RECOMMENDED that Council approve the Treasury Management report for the 2014/15 financial year.

77

ELECTORAL REVIEW OF EXETER

The report of the Corporate Manager, Democratic & Civic Support, Electoral Registration and Returning Officer was submitted detailing a suggested response to the Local Government Boundary Commission for England (LGBCE)'s Draft Recommendations on new electoral arrangements for the City.

Councillor Prowse, having given notice under Standing Order no.44, spoke on this item. He commented that the Boundary Commission had briefed Members on 12 January 2015 on the proposals for the review and that Council had agreed its submission on 25 March 2015. The Local Democracy, Economic Development and Construction Act 2009 stated that the preferred option for Councils with elections by thirds was three Member wards across the city. He stated that if Duryard was a one Member Ward that would mean that one Councillor could be potentially representing over 5,000 of the electorate which would not be in balance with the rest of the city.

A Member stated that he did not support the response as proposed and his party would be putting forward their own response.

Members discussed proposed amendments to the draft response and the Cross Party Working Group remit. It was agreed that, as there had not been a consensus view forthcoming from the Cross Party Working Group on any comments to be raised on the LGBCE's draft recommendations, Members should submit their comments in writing to the Corporate Manager Democratic & Civic Support prior to Council on 28 July 2015 for its consideration.

In response to a Member's question, the Corporate Manager Democratic & Civic Support clarified that a review of the Polling Districts and polling Stations would take place later in the year once the outcome of the LGBCE's was published.

RECOMMENDED to Council that Members submit proposed amendments in writing to the Corporate Manager Democratic & Civic Support to enable them to be considered by Council on 28 July 2015.

78 **THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015**

The report of the Corporate Manager Legal Services & Monitoring Officer was submitted detailing the requirement set out in Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to amend the Council's Standing Orders to incorporate the new arrangement for taking disciplinary action against the most senior council staff namely;

- The Head of Paid Service
- The Section 151 Finance Officer
- The Monitoring Officer

These Regulations came into force on 11 May 2015 and Councils must give effect to their content no later than the first ordinary Council meeting held after the 7 May 2015 elections.

RECOMMENDED to Council to amend its Standing Orders and in particular Standing Order 54 to give effect to the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 that:-

- (1) the Head of Paid Service, Section 151 Officer and Monitoring Officer may only be dismissed by Council; and
- (2) when considering whether to dismiss any of the officers set out in (1) above, Council must have regard to any view expressed by an Independent Persons Panel.

79 **UPDATE TO DELEGATED POWERS**

The report of the Corporate Manager Democratic & Civic Support was submitted which set out proposals to amend the Scheme of Delegation to Officers to match operational arrangements to reflect the secondment of the Assistant Director Economy to the Innovation Exeter Project; and the changes to the Portfolio Holder responsibilities.

Members were advised that page 114 paragraph 14 would be amended to Portfolio Holder for City Development.

Councillor Harvey, having given notice under Standing Order no.44, spoke on this item. He commented that it was important that the range of powers covered by the scheme of delegation were carefully scrutinised and raised the following issues:-

- Page 101 – paragraph 6 under the ‘General’ heading a formal process for reporting back of such decisions was required to Scrutiny Committees, perhaps in terms of a regular brief summary document.
- Page 102 – paragraph 6 under the heading ‘Deputy Chief Executive, Assistant Directors and Corporate Managers’. There was a case for a clear timetable for the Annual Health and Safety report to Scrutiny – Resources to appear at a set time during the year.
- Pages 108, 109, 110 & 112 – heading ‘Assistant Director Environment’. As a wide range of powers were covered, there should be a mechanism for a summary report on how these powers have been used whilst not wanting to over burden officers
- Understand that the Corporate Manager, Democratic & Civic Support has been tasked with leading a review of the Constitution during the current municipal year. This would be an opportunity for the Council to look at the Scheme of Delegation and an opportunity to shift the Licensing Committee agenda towards a more strategic agenda and away from one that often overly focussed on nuts and bolts issues. This would ensure a focus on licensing objectives for the benefit of the City
- Page 115 – paragraph 14 under the heading ‘Assistant Director, Public Realm’ required the detail of objections to the parking places order and any amendments to the order to be reported to the Economy Scrutiny Committee.

The Corporate Manager Corporate & Civic Support responded that the reporting of delegated decisions and the operational function of Licensing Committee would be addressed through the Review of the Constitution currently being undertaken. An Annual Health and Safety report at a set time in the committee cycle would be built into the work programme. The comments regarding reporting on licensing activity for Scrutiny would be raised with the Assistant Director Environment. A reporting mechanism relating to objections to parking places orders and amendments would be discussed with the Assistant Director Public Realm.

RECOMMENDED that Council approve the changes to the Scheme of Delegation to Officers as set out in the Appendix to this report.

80

STAFF CAPACITY IN CITY DEVELOPMENT

The report of the Assistant Director City Development was submitted which identified the need for further investment in staff capacity in City Development and identified the proposed additional budget requirements. Members were advised of the context of the change of the redesign process and the income implications to the Council.

Members supported the way forward.

RECOMMENDED that Council:-

- (1) approves the creation of an additional post of Principal Project Manager (Planning) (Grade 11) and 1.6 fte additional posts of Project Support Officer (Grade 4), and funding for a series of temporary agency and a consultancy appointments; and

- (2) approves adjustment of the relevant budgets - the total additional expenditure was proposed to be up to £200,000 in 2015/16, it may be less and there will be ongoing revenue costs of about £24,000 in 2016/17, £49,000 in 17/18 and £75,000 pa from 2018/19 as grant funding reduces.

81

CREATION OF NEW POST

The joint report of the Corporate Manager Legal Services and Assistant Director City Development was submitted seeking approval for the deletion of the vacant part time Conveyancer Post and the creation of a new full time Conveyancer/Planning Solicitor post.

RECOMMENDED that Council:-

- (1) approve the deletion of post CS05105, Conveyancer, from the establishment and the creation of a new post of Conveyancer and Planning Solicitor with immediate effect; and
- (2) approve an increase in the Legal Services budget by £28,900 per annum.

82

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

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

83

MONKERTON LOCAL ENERGY NETWORK

The report and update of the Principal Project Manager Development – City Development was submitted to advise Members of the request made by Developers at Monkerton that Exeter City Council accepts an assignment of Master Agreement setting out the parties' obligations relating to the provision of a District Heating System to be entered into. The Master Agreement was still in draft form. The update to the second part of the recommendation in the report set out a proposal by the developers at Monkerton that a management company be formed by Exeter City Council and the developers to hold the head lease of the heat pipe network and the obligations.

Members were advised of the proposed way forward and the potential areas of budgetary risk.

RESOLVED that:-

- (1) the City Council continues to use best endeavours to work with Devon County Council, Teignbridge District Council, East Devon District Council, The University of Exeter, the Royal Devon and Exeter NHS Trust Exeter to establish a public sector Joint Venture Company whose objectives include the continuation of the supply of heat through the various District Heating Systems in the event of operator underperformance. It is anticipated that the Monkerton Master Agreement will be assigned to this body.

- (2) the Leader of the Council, Chief Executive & Growth Director, the Section 151 Officer and the Corporate Manager - Legal Services be authorised to enter into a management company as described in the update sheet (once the relevant agreements have been satisfactorily drafted).
- (3) as a condition of the Growth Point Delivery Team Funding they be requested to discharge the administration of that management company on behalf of the City Council.

(The meeting commenced at 5.30 pm and closed at 6.50 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 28 July 2015.