



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 21 FEBRUARY 2017**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Ordinary meeting held on 13 December 2016 and the Extraordinary meeting held on 24 January 2017.	3 - 10
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 9 January 2017	11 - 22
4 Planning Committee - 13 February 2017 - To follow	
5 Licensing Committee - 7 February 2017	23 - 26
6 People Scrutiny Committee - 5 January 2017	27 - 32
7 Place Scrutiny Committee - 12 January 2017	33 - 50
8 Corporate Scrutiny Committee - 26 January 2017	51 - 58
9 Audit and Governance Committee - 7 December 2016	59 - 62
10 Strata Joint Scrutiny Committee - 16 January 2017	63 - 66
11 Strata Joint Executive Committee - 16 January 2017	67 - 70
12 Executive - 10 January 2017	71 - 78
13 Executive - 14 February 2017 - To follow	

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14	Amendments to the Constitution including the Scheme of Delegation & Financial Regulations	
	To consider the report of the Corporate Manager Democratic and Civic Support.	79 - 124

A plan of seating in the Guildhall is attached as an annexe

Date: Monday 13 February 2017

Karime Hassan
Chief Executive &
Growth Director

NOTE: Members are asked to sign the Attendance Register

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THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 13 December 2016

The Right Worshipful the Lord Mayor (Cllr Thompson)

Councillors Ashwood, Baldwin, Bialyk, Branston, Brimble, Bull, Denham, Edwards, Foale, Foggin, Gottschalk, Hannaford, Hannan, Harvey, D Henson, Mrs Henson, Keen, Lamb, Leadbetter, Lyons, Mitchell, Morse, Musgrave, Newby, Owen, Packham, Pearson, Prowse, Robson, Sheldon, Sills, Spackman, Sutton, Vizard, Wardle, Warwick and Wood

68 **APOLOGIES**

Apology for absence was received from Councillor Holland.

69 **MINUTES**

The minutes of the meeting held on 18 October 2016 were moved by the Leader and seconded by Councillor Sutton, taken as read and signed as correct.

70 **OFFICIAL COMMUNICATIONS**

The Lord Mayor referred to the devastating fire at Cathedral Yard and the subsequent loss of some historic city centre buildings that had occurred on Friday 28 October. The events of that weekend showed that, in the face of adversity, the City rallied round to ensure life carried on as normal with some tremendous efforts by individuals and organisations. Not least of course, were the efforts of emergency services, particularly the Devon and Somerset Fire and Rescue Service, who managed to control the ever changing situation despite the difficult circumstances, as well as the staff of the City Council, some of whom were on duty, for most if not all, of that weekend in question, as well as in the still ongoing recovery stages. The fund raising for those affected by the fire had been exceptionally generous and much appreciated.

The Lord Mayor advised Ron Crabb the Council's Mace Sergeant would be retiring after over 23 years of working for the Council. Arrangements were currently being made for a formal retirement event and the Councillors would be told of when that would be. As this would be the last Council meeting before Ron's retirement, On behalf of all current Councillors, as well as past Mayors, Lord Mayors and Councillors she wished Ron a well-deserved retirement.

The Leader thanked Ron Crabb for all he had done for the Council over the past 23 years, this was supported by unanimously by the Members. Ron was presented with a gift from the Members.

71 **PLANNING COMMITTEE - 31 OCTOBER 2016**

The minutes of the Planning Committee of 31 October 2016 were presented by the Chair, Councillor Sutton, and taken as read.

In respect of Minute 88 (Planning Application No.16/082/03 – Former B&Q Store Alphington Road, Exeter) and in response to a Member, the Chair welcomed the proposed new pedestrian crossing that would connect Alphington and St Thomas and hoped that the County Highways and Traffic Orders Committee (HATOC) would progress this as soon as possible.

RESOLVED that the minutes of the Planning Committee held on 31 October 2016 be received.

72

PLANNING COMMITTEE - 5 DECEMBER 2016

The minutes of the Planning Committee of 5 December 2016 were presented by the Chair, Councillor Sutton, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 5 December 2016 be received.

73

LICENSING COMMITTEE - 1 NOVEMBER 2016

The minutes of the Licensing Committee of 1 November 2016 were presented by the Chair, Councillor Spackman, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 1 November 2016 be received.

74

PEOPLE SCRUTINY COMMITTEE - 3 NOVEMBER 2016

The minutes of the People Scrutiny Committee of 3 November 2016 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the People Scrutiny Committee held on 3 November 2016 be received.

75

PLACE SCRUTINY COMMITTEE - 10 NOVEMBER 2016

The minutes of the Place Scrutiny Committee of 10 November 2016 were presented by the Chair, Councillor Brimble, and taken as read.

In respect of Minute 44 (Update on City Centre Strategy) and in response to a Member regarding congestion charges, the Portfolio Holder for Economy and Culture stated that the Council, together with Exeter City Futures, would consider options to reduce traffic congestion in the City which could include sources of income.

RESOLVED that the minutes of the Place Scrutiny Committee held on 10 November 2016 be received.

76

CORPORATE SERVICES SCRUTINY COMMITTEE - 24 NOVEMBER 2016

The minutes of the Corporate Services Scrutiny Committee of 24 November 2016 were presented by the Chair, Councillor Sheldon, and taken as read.

RESOLVED that the minutes of the Corporate Services Scrutiny Committee held on 24 November 2016 be received.

77

EXECUTIVE - 8 NOVEMBER 2016

The minutes of the Executive of 8 November 2016 were presented by the Leader, Councillor Edwards, and taken as read.

RESOLVED that the minutes of Executive held on 8 November 2016 be received and, where appropriate, adopted.

78

EXECUTIVE - 6 DECEMBER 2016

The minutes of the Executive of 6 December 2016 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of Minute 141 (Delivering the Parking Strategy; Tariffs, Designations and Permits - Addition) and in response to a Member, the Portfolio Holder for Economy and Culture stated that the Parking Places Order would be made in line with legislative requirements in due course.

In respect of Minute 143 (Proposals for Restructuring Senior Management) the Leader proposed an additional recommendation:-

In the event that this restructure results in the redundancy (voluntary or otherwise) of a member of the Senior Management Team which gives rise to a severance payment in excess of the cap set out in the Council's Pay Policy Statement 2015/16, the Council hereby approves such payment and authorises the Chief Executive & Growth Director to make that payment.

This was seconded by Councillor Sutton and supported by the Members.

RESOLVED that the minutes of Executive held on 6 December 2016, with the additional recommendation to minute 143, be received and, where appropriate, adopted.

79

NOTICE OF MOTION BY COUNCILLOR NEWBY UNDER STANDING ORDER NO. 6

Councillor Newby, seconded by Councillor Leadbetter, moved a Notice of Motion in the following terms:-

"I ask that this Council through its Leader and Chief Executive write to the Fire Minister Brandon Lewis MP to request under the Fire Service Act 2004 that a member of the Council sit on the County Fire Authority so that a clear voice from this City is heard in how the Fire service is run and how the monies raised through Council Tax are used".

The Leader supported the motion.

The Notice of Motion was put to the vote and carried.

80

NOTICE OF MOTION BY COUNCILLOR MUSGRAVE UNDER STANDING ORDER NO.6

Councillor Musgrave , seconded by Councillor Morse, moved a Notice of Motion in the following terms:-

“Exeter City Council notes that the Government requires 44 Footprint Areas across the UK to prepare NHS Sustainability and Transformation Plans for their area which will:-

i. Contribute to cuts of at least £2.5bn nationally this year, and £22bn within the next five years, to wipe out the NHS so-called financial deficit; and

ii. achieve this by implementing ‘new models of care’ that are set out in NHS England’s 5-Year Forward View (2014).

NHS bodies are severely limited in how they can oppose these cuts because they risk losing access to the £8bn NHS Transformation Fund.

However, local authorities are in an excellent position to make clear their complete opposition to the programme.

Exeter City Council therefore calls on Devon County Council to join together with other Councils and campaign groups to widely publicise the details of all proposed cuts and changes to local NHS services.

We further call on Devon County Council to refuse to sign up to any STP, until the local proposals have been subject to a full and proper consultation.”

In presenting the Notice of Motion, Councillor Musgrave highlighted that he was proud that his party had created the NHS over 60 years ago and that the NHS was vital providing free health for the residents of this country. He hoped that he would get cross party support to resist the Sustainability and Transformation Plans. The NHS was no longer financially sustainable and the closure and relocation of some services in Exeter were affecting local residents and causing stress on local services. The City Council in supporting this motion would therefore assist the County Council in resisting the plan.

A Member stated that the County Council had passed a motion opposing these Government proposals and this motion would help the County Council in challenging the Sustainability and Transformation Plan.

Another Member stated that the provision of social and health care should be combined and all political parties should work together to find a solution to ensure the long term sustainability of the NHS.

All Members fully supported this motion.

The Notice of Motion was put to the vote and carried unanimously.

81 **QUESTIONS FROM A MEMBER OF THE COUNCIL UNDER STANDING ORDER NO. 8**

In accordance with Standing Order No. 8, the following questions were put by Councillor Leadbetter to the Leader.

Question – I would like to ask the Leader of the Council to report on his negotiations with Plymouth City Council, regarding the formation of Devolution Deal for the Southwest, to include an elected Mayor?

Question - Please would he detail who is has been in discussions with.....does this include Torbay Council? Which other Council?

Question – *Is this a precursor to a South Devon Unitary?*

Question – *Finally facing confirmed that such a deal would include a directly elected Mayor - does he think such a person, who in theory could live in Plymouth, would best represent the interests of Exeter and East Devon?*

The Leader thanked Councillor Leadbetter for allowing him the opportunity to clarify what had taken place on the matter of a devolution bid and what has been reported in the media over the weekend. He replied that:-

“All Members would be aware that the Heart of the South West Councils 17 local authority leaders began working on a potential bid for devolution of powers and funding well over a year ago.

In February this year we formally submitted to the Secretary of State a prospectus as an opening position for negotiations for a devolution deal. As John Osman, the lead member for the bid had acknowledged, we had received no response from the Secretary of State. Indeed, further letters had gone unanswered.

The reason was not a mystery. The Secretary of State, Sajid Javid, when recently in Exeter told the Leaders the Devolution of powers and funding would be dependent on the Councils agreeing to sign up to an Elected Mayor/Leader that would be accountable for the new powers and funding that Government would devolve to Council. Currently most Local Government Leaders in the Heart of the South West are ruling out an Elected Mayor model. Therefore, our Heart of the South West (HotSW) submission sits in a pending tray.

In October last year, when the Leaders wrote to the MPs to inform them what we were doing, John Hart and John Osman stated: “We have in our hands a historic opportunity to create jobs and wealth, improve health and social care and deliver better connectivity and resilience for 1.7million people and businesses in Devon, Plymouth, Somerset, and Torbay.” They were right, this was an historic opportunity, but ruling out an Elected Leader/Mayor means we would miss this opportunity.

Accordingly, when the Secretary of State visited Exeter and I had a meeting with him, I asked him would he be willing to consider other options for progressing a Devolution bid. He told me he would consider anything. Both the Leader of Plymouth and I separately came to the conclusion that it was incumbent on us for the sake of our residents, businesses, our communities and our universities that the Councils explore all options. To this end we thought it would appropriate for us to meet the Mayor of Torbay.

A meeting was put in the Mayor of Torbay diary by Plymouth and three weeks, later on the eve of the meeting, he informed us he would not meet. Through his Chief Executive, he suggested a Unitary Devon without Plymouth is probably the best option for the future. Instead of meeting the Mayor, Plymouth and Exeter City Councils met the Torbay Chief Executive and David Thomas, Leader of the Conservative group in Torbay. We had a single conversation to discuss whether there was any merit in considering an Elected Leader model for the basis of a devolution deal that would unlock the powers and funding from government. I have also had breakfast with the Leaders of East Devon and Teignbridge. On the basis of these single conversations - someone had sought an advantage through the press to suggest that we were proposing a super Council and breaking up Devon.

I can categorically state this is not a pre-cursor to a South Devon Unitary. I have repeatedly stated, and indeed, Council had agreed this Council's presence in a devolution bid should only be on the basis of no change to the structure of Local Government.

Also, any suggestion of a unitary council for this area showed a fundamental misunderstanding of the devolution agenda. A Solent combined authority was being set up by Southampton, Portsmouth and The Isle of Wight; a West of England combined authority was being set up Bristol, Bath and South Gloucestershire. Neither of these combined authorities was forming a super, unitary council. But they were looking forward to around £1bn of funding, new powers and an Elected Leader who would represent their various interests.

At the Leaders' meeting at Padbrook last Friday, John Osman sought to tie the Council's hands from exploring any other options from the one that was simply not going anywhere. I was not prepared to do this. If it was an historic opportunity last year, it was still an historic opportunity today. The Council badly need this investment in infrastructure. A potential £1 billion of funding demands the Council take it seriously and with some pace. Targeted investment in urban areas which were magnets for growth was a proven model that the Council could ill afford to reject even being able to talk about.

Turning to the question could a person living in Plymouth represent the interests of Exeter and East Devon. Currently your Leader of Devon County Council, Councillor John Hart, lived on the doorstep of Plymouth and I assume you were content that he looked after the interests of all of us in Devon. Likewise the Chairman of the Local Enterprise Partnership (LEP) lived outside Exeter and looked after the interests of businesses from Plymouth to Sedgemoor. If I may say so, this was a shallow point to make, when the Council was trying to find a way to unlock powers and funding from Government. Can I just remind all of us, when the Council went cap in hand to Devon County Council (DCC) for funding to build a new bus station to serve the rural communities in Devon, the County Council said they did not have the funding. Moreover, even with your apparent support, the Council still could not get any funding from the LEP. Indeed, DCC would not borrow for capital investment full stop. Hence why a £billion funding was so important to all of us.

For the record, all that had happened is the Council have said it must explore the option on an Elected Mayor if this was the price the Government had set to access devolution powers and a £billion funding."

In response to two supplementary questions from Councillor Leadbetter, the Leader clarified that the Leader of Devon County Council, Councillor John Hart, had responded to himself that he had no ambition for a Unitary Devon but would consider this option if he was asked to by a Government Minister. No brochure had been produced setting out plans with regards to the talks that were currently taking place.

(The meeting commenced at 6.00 pm and closed at 6.45 pm)

Chair

THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 24 January 2017

The Right Worshipful the Lord Mayor (Cllr Thompson)
The Deputy Lord Mayor (Cllr Holland)
Councillors Bialyk, Branston, Brimble, Bull, Denham, Edwards, Foale, Hannaford, Hannan, Harvey, Mrs Henson, Keen, Lamb, Leadbetter, Lyons, Mitchell, Morse, Musgrave, Owen, Packham, Robson, Sheldon, Sills, Spackman, Sutton, Vizard, Wardle, Warwick and Wood

10

APOLOGIES

Apologies for absence were received from Councillors Baldwin, Foggin, Gottschalk, D. Henson, Newby and Prowse.

11

EXECUTIVE - SPECIAL - 17 JANUARY 2017

The minutes of Executive – Special held on 17 January 2017 were presented by the Leader and taken as read.

The Leader, seconded by Councillor Sutton, moved the minutes.

RESOLVED that the Minutes of the Special Executive held on 17 January 2017 (as below) be received and adopted:-

- (1) the proposals as set out at paragraphs 8.4 – 8.13 of the report presented to the Executive, for implementation from a revised register of electors to be published on 1 February 2017;
- (2) its final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency by 27 January 2017, as required by the Representation of the People Act 1983 (RPA 1983), be formally published; and
- (3) a further review by 31 January 2020, as required by the RPA1983; or as necessary, in relation to the 2018 Review of Parliamentary Constituencies, be completed.

(The meeting commenced at 6.00 pm and closed at 6.02 pm)

Chair

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PLANNING COMMITTEE

Monday 9 January 2017

Present:

Councillor Sutton (Chair)

Councillors Lyons, Bialyk, Edwards, Foale, Gottschalk, Harvey, Morse, Newby, Prowse and Spackman

Apologies:

Councillors Denham and Mrs Henson

Also Present:

Chief Executive & Growth Director, Assistant Director City Development, City Development Manager, Principal Project Manager (Development) (PJ) and Democratic Services Officer (Committees) (HB)

1

MINUTES

The minutes of the meetings held on 31 October and 5 December 2016 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

PLANNING APPLICATION NO. 16/1210/03 - HONITON INN, PARIS STREET, EXETER

The Principal Project Manager (Development) (PJ) presented the application for the demolition of the former Honiton Inn to build a mixed use development scheme comprising of a ground floor cafe bar for public use (Use Class A4) with 107 bed space student accommodation above including common room, gym, cinema, laundry, office and bike stores.

Members were circulated with an update sheet - attached to minutes and updated on the number of representations.

Councillor Branston attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- Will focus on some of the 25 objection issues received;
- suggestions of alternative uses such as a gateway feature or tourist attraction into the City Centre, hotel, hostel for the homeless or affordable housing are not in accord with Government legislation and are not grounds for a refusal;
- valid planning objections have been made in respect of the height of six/seven floors and the density of an overbearing featureless monolith, unflattering architecture and a soulless modern husk which is inappropriate and oppressive;
- Historic England have stated that that the lack of space and limited articulation makes an uninspiring building and that the gateway to the City Centre should at least have some reference to better quality and do not feel that this design

would make a positive contribution to the character and appearance of the Conservation Area;

- a similar application for the Radmore and Tucker site was refused on grounds of height and density;
- the statement that the site is removed from residential areas is not correct as directly opposite on the corner of Western Way is Eaton House, Eaton Drive and Sir John Hannam House which provides accommodation for 104 elderly residents including 23 disabled residents;
- application includes a gym, cinema and public cafe and bar which will be used by students located at the St Lukes Campus, Rowancroft and the new student accommodation next to Waitrose returning at night and will walk past the accommodation for the elderly at Eaton House etc.;
- objections 16, 18 and 19 all contain objections from local residents on the impact on their quality of life;
- anti-social behavior has occurred in Western Way near the Printworks and Kingfisher accommodation blocks, most recently on 3 December, but the University have stated that it is not the responsibility of the estate patrollers to deal with incidents outside the student blocks;
- with a goal of securing 75% student accommodation in purpose built accommodation on or close to the City Centre, the University is not prepared to accept responsibility for off campus students and concerns are raised that the City Centre is becoming a university campus – the University should provide accommodation on its own campus;
- this block could become a popular late night venue and impact adversely on the quality of life of elderly residents;
- this gateway city centre site so close to residential accommodation is unsuitable for a student development;
- the Honiton Inn is an iconic landmark building and its demolition would lead to the loss to the City history of a building that survived World War Two bombing – it remains one of the few historic buildings that still exist in the City;
- the building is listed in the Southernhay Conservation Area report as one which makes a positive contribution and it is suggested that its demolition would be more likely to amount to substantial harm to the conservation area;
- Historic England state that the historic Paris Street is all but lost and that the Honiton Inn with its windows and timber framing provides a distinctive frontage and that its survival at the corner of the Conservation Area would have been the reason for the designated boundary line. It is recognised by Historic England as having heritage value;
- student developments are always contentious - 2,297 objections show that local residents believe that the height and design do not meet planning criteria. Historic England also object to the demolition and the proposal for a café and bar would impact adversely on the quality of life of elderly residents in the area;
- there is already an over concentration of student accommodation in the area including the Printworks, James Owen, Kingfisher and at the Football Club and City Council policy states that there should be no over concentration in any one area; and
- application should be refused.

Mr Pollintine spoke in support of the application. He raised the following points:-

- the design of the proposed building has developed in extremely close consultation with the planning department. During design development the scheme was reduced in terms of the overall height and number of student bedrooms to respond directly to the input of the planning team. This reduction in the overall size of the development was contrary to the recommendations of an

independent RIBA design review panel which suggested a taller building would be more appropriate;

- the proposed design is of a high quality which has been achieved through numerous iterations. The scheme has been considered both in terms of its surroundings, overall form and at a detailed level. Much care has been taken to consider the building both in its immediate context and how it is viewed in its wider surroundings. The specific materials chosen will complement the existing family of buildings within Southernhay;
- the scheme has been developed to reflect the importance of keeping in line with the Leisure Complex and Bus Station Scheme opposite, taking the opportunity to revitalise a site which is in a poor state and has long since ceased to be an economical going concern;
- photographs taken in the 1960s show the Honiton Inn was originally part of a remaining terrace of buildings which survived the Blitz. When the inner bypass was developed and the adjoining buildings were demolished this was when the Honiton Inn became an isolated building. The original street pattern upon which the Honiton Inn was originally built has been irrevocably changed;
- the option simply to leave the existing building and develop behind would only compound the mismatch between the Honiton Inn and its surroundings. The exposed flank walls of the old inn should not be visible as it was not conceived as a free standing building, hence it now looks sad and brutalised, simply not a building worthy of its setting. This area is a significant entry point to central Exeter as proven by the council's own plans for the Leisure Complex and Bus Station Scheme opposite. It deserves a building which relates positively to the location and the Southernhay Conservation Area;
- the construction period for the proposed building will allow an opportunity for the site to be properly investigated from an Archaeological perspective rather than merely allowing anything to remain buried beneath a deteriorating unused building; and
- a direct comparison of the front-of-house areas of both the existing Honiton Inn and the proposed cafe/bar shows the proposed cafe bar is 95m², whereas the existing Honiton Inn is only 68m². The new cafe will relate strongly to the public realm with much glass and an open inviting aspect. This will contribute in a positive way in comparison to the existing older building.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and County Planning Act 1990 securing a student management plan and a financial contribution towards the delivery of district heating in the area and a traffic regulation order, planning permission to demolish the former Honiton Inn to build a mixed use development scheme comprising of a ground floor cafe bar for public use (Use Class A4) with 107 bedspace student accommodation above including common room, gym, cinema, laundry, office and bike stores be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C57 - Archaeological Recording
- 5) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by this

planning permission and satisfactory evidence to that effect has been produced to the Local Planning Authority.

Reason: In the interests of the appearance of the Conservation Area.

- 6) The residential accommodation shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.
- 7) No part of the development hereby approved shall be brought into its intended use until the loading bay as indicated on *Drawing Number 1188/PL05 Rev B* (of at least 2.5m in width) on Paris Street, and raised pedestrian crossing at the vehicular access have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To provide suitable facilities for the traffic attracted to the site.
- 8) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities as indicated on *Drawing Number 1188/PL05 Rev B* and an external door into the cycle store, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site,
- 9) No development shall commence until a noise assessment report, including noise from the any plant machinery has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of future residential amenity.
- 10) No development shall take place, including any works of demolition, until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a) the parking of vehicles of site operative and visitors
 - b) loading and unloading of plant and material;
 - c) storage of plant and materials used in the constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h) construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the occupants of nearby buildings.

- 11) Before the cafe/bar hereby permitted opens, a scheme for the installation of equipment to control the emission of fumes and smell from the cafe/bar use shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be thereafter be operated and maintained in accordance with the manufacturer's instructions.
Reason: To protect the amenity of nearby occupants.
- 12) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.
- 13) Prior to occupation of any dwelling hereby approved, details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 14) C70 - Contaminated Land
- 15) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy Statement (Report Ref. -, Rev. P01, dated November 2016) and the Strategic SW Drainage Layout Drawing (Drawing No. 1004, Rev. P01, dated 28th November 2016).
Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 16) No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- 17) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the cafe/bar refuse area have been provided has been submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details:

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

- 18) No development shall commence until an air quality assessment report, has been submitted to and approved in writing by the Local Planning Authority providing details of any mitigation measures required and shall thereafter be provided in accordance with such details:

Reason: Insufficient information has been submitted with the application and in the interests of future residential amenity.

4 **PLANNING APPLICATION NO. 16/1505/03 - HERITAGE HOMES, TOPSHAM ROAD, EXETER**

The Assistant Director City Development presented the application for the construction of seven residential units (flats), access and associated infrastructure works.

Members were circulated with an update sheet - attached to minutes.

Councillor Baldwin attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- the objections are from 129 separate individuals regarding land where previous applications have been refused because of the adverse impact on the Topsham Gap;
- the size and scale of this application differs little from the previous applications other than it is for housing;
- this application is the final phase of a three phase history of this and two adjoining sites, all strategically important in terms of the Topsham Gap open space which should be considered as a whole and not as isolated applications. It is therefore “creep”;
- Heritage Homes circulated an information leaflet as part of its public consultation, for the land fronting Exeter Road (Phase I) stating that it would provide affordable, eco-friendly homes, taking account of the character and local distinctiveness of the Gap and that the frontage would be screened by semi mature trees and would enhance the area;
- following the granting of permission for Phase I, in which the number of homes increased from 23 to 28, Phase II, where the number of homes increased from nine to 22 was also granted permission – a play area was not included on the grounds that open space would be provided throughout the site to give the requisite 10%;
- now have a further seven units bringing the total to 57 all without the play area needed;

- this four storey block is next to the M5 motorway, the top floor being close to the height of the motorway. Although environmental health state that the quality of life will not be affected road traffic noise and pollution will affect the health of the residents;
- an objector has stated that the noise assessment is inaccurate and the appropriate information has not been fed into the acoustic modelling – also stating that the development is too close to the motorway;
- Retreat Road is used by commercial vehicles so parking of vehicles associated with this development will be hazardous;
- The application should be refused as the density is greater than the initial proposals and the lack of open space provision;
- the previous application for an office block was refused as it was contrary to policies LS1 and CP16 and this application should be refused on similar grounds; and
- a four storey block is unsuitable and a far cry from the original concept and is in a sensitive environmental location.

Responding to a Member's question, she confirmed that, contrary to the original claim of the applicant, there had been no consultation with the local community, on the proposed use of a commuted sum for open space provision.

Mr Burley spoke against the application. He raised the following points:-

- Members previously refused development of this land on the basis of the LS1 designation, Heritage Homes clear manipulation of the application process and the earlier Section 106 legal under the Town and Country Planning Act 1990 agreement prohibition of development of this land;
- the applicant has previously stated that this site is unsuitable for recreation use. How can it be suitable for housing? Both the air quality and noise surveys are based on highly dubious data as set out in a detailed objection by Dr Graham-Cumming;
- the proposal is highly urban and significantly taller/bulkier than the majority of the previously approved adjoining Exeter Rd houses. It is an ugly, brutal "lump" and grossly unsuitable for this small town fringe location;
- whilst the application creates housing, numbers are so insignificant that they do not offset the risk to City Council policy arising from development of LS1 land and the likelihood of encouraging applications on other city gap and fringe sites;
- the applicant may return in a few months time saying that he doesn't want to build that replacement golf range on the North Gap land, but 150 houses instead;
- the developer is attempting to completely avoid any affordable housing provision - in contrast to the original poster claiming *affordable homes for local people* - by artificially separating this application from previous approvals;
- bearing in mind the LS1 designation, whilst the Topsham Society believe that there are strong reasons to resist, if Members feel compelled to acquiesce to the councils inability to provide a 5 years housing allocation, it should only consider a scheme in scale with the road frontage buildings, accessed off Exeter Road and for 100% affordable housing for people within the Topsham Parish - on similar grounds to rural exception schemes adopted by other authorities; and
- the principal of this proposal is the same as that previously refused and Members should maintain their previous position and refuse this application.

Mr Lovell spoke in support of the application. He raised the following points:-

- despite backing from the Design Review Panel for the previous office proposal, and the single reason for refusal, Members mostly found the design of the building and particularly its proposed use, unacceptable;
- a smaller residential building is now proposed for just seven modest two bed apartments, which we hope you will find more acceptable. It is 1.4m. lower and set further back from the junction with Exeter Road allowing for a substantial screen of semi mature trees and shrubs along the frontage which will largely hide the building;
- both the ridge height of the building and the eaves height of the third floor are now the same as the apartments being built opposite;
- when Members granted consent for the adjoining development which extends 167m. along the Exeter Road frontage, both the SHLAA and the Committee Minutes stated very clearly: *"It is not considered that development of this small area would significantly harm the landscape setting of Exeter or Topsham"*. Similarly the SHLAA for the Aldi site approved on the other side of the Motorway, also states: *"Its future role in providing landscape setting to the City is limited. Therefore the site is not discounted on landscape grounds."* Given that this site has a frontage of only 28m, just one 1/6th of the frontage of the adjoining site, and the urban characteristics of the Aldi site are also reflected here, the same conclusions must apply to this small piece of land sandwiched between the two much larger sites and the motorway embankment;
- the site is so narrow as to make little or no difference to the open aspect of the Topsham gap on the northern side of the Exeter Road. In fact the proposed tree planting where none currently exists, will enhance the landscape setting;
- the NPPF makes it clear that in the absence of a five year land supply, relevant housing policies are deemed to be out of date and the presumption in favour of residential development should be applied. The Council does not even have a three year land supply;
- the proposals will add seven inexpensive two bed homes to the five year land supply, which are needed in Topsham. In this context, given this proposed scheme has virtually no impact upon the Topsham Gap and the precedent for development of the land on this side of Exeter Road has been established, the Council's Countryside Policies must be given little, if any weight, and the presumption in favour of residential development must apply to this application; and
- ask that the Committee's applies the same reasoning to this application as applied to the two adjoining sites and approve in accordance with the recommendation and the NPPF rules.

Responding to a Member, he stated that in the event of the application being refused he would not offer this area of land to the local community for use as open space instead of the commitment within a previous application for play area/open space elsewhere in Topsham.

The recommendation was for approval, subject to the conditions as set out in the report.

Some Members were of the view that, although the application had changed from that previously refused, the principle of utilising this area of land and further impacting on the Topsham Gap remained and was not outweighed by NPPF guidance in favour of consent and that, on this basis, the reasons for refusal should mirror that of the previous application also refused.

RESOLVED that planning permission for the construction of seven residential flats, access and associated infrastructure works be **REFUSED** because of the adverse impact on the landscape setting and the impact on the strategic Topsham Gap.

5 **PLANNING APPLICATION 16/1488/03 - ARTHUR ROBERTS HOUSE, 121 BURNHOUSE LANE, EXETER**

The City Development Manager presented the application for the demolition and refurbishment of part of existing building to create 12 new residential apartments and construction of 28 new residential apartments and associated car parking, cycle parking, access road and landscaping.

He stated that negotiations were continuing in respect of affordable housing provision and proposed that it would be appropriate to delegate this aspect of the application to the Assistant Director City Development or City Development Manager in consultation with the Chair.

Responding to a Member on the issue of parking spaces for the disabled, the City Development Manager advised that parking spaces were to be allocated for each unit and that there would not be shared parking spaces and he undertook to clarify whether any designated disabled spaces were to be provided. He also reported that the County Highway Authority had proposed two additional conditions which were detailed on the late list. In addition, they had requested that provision for pedestrian/cycle access from the rear of the site to the car park for Wonford Sports Centre be made. He stated that he considered such provision unnecessary given the relatively short walking distance from the front of the site to the sports centre and felt that it would compromise the security of the site.

Members felt that there was insufficient detail regarding the provision of affordable housing and that the application could not be considered until it was clear what the affordable housing offer was. They therefore requested that the application be deferred.

Members were circulated with an update sheet - attached to minutes.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that the application for the demolition and refurbishment of part of existing building to create 12 new residential apartments and construction of 28 new residential apartments and associated car parking, cycle parking, access road and landscaping be **DEFERRED**, in order for more information to be obtained on the proposed provision of affordable housing.

6 **PLANNING APPLICATION NO. 16/1379/03 - 35 SYLVAN ROAD, EXETER**

The City Development Manager presented the application for the construction of a detached residential dwelling with associated access, landscaping and amenity space.

Members were circulated with an update sheet - attached to minutes.

Mr Lee spoke against the application. He raised the following points:-

- unsafe access - share the Members' serious concerns regarding suitability and safety of using the alleyway for vehicular access. These concerns are well

summarised in the Council's refusal in 2003 when it was noted that "vehicular traffic from this alleyway would be to the detriment of highway safety". There is restricted visibility from both the approach to the alleyway and within. Further, due to the narrow width of the lane, vehicles may not turn into the lane in one movement, necessitating multi-point manoeuvres within Sylvan Road on a bend with limited visibility. The alleyway is currently used by cars on average four times a month and the Highways' assessment of six plus movements per day means the development will create a 50 fold increase in usage, significantly increasing the hazards;

- poor sewerage arrangements and drainage - the report cites only the opinion of the agent on the important matters of drainage. As a matter of law, such disposal is a material planning consideration due to the potential effect on public health, the local environment and public amenity. Both foul and surface issues arise in respect of this proposal. The Council cannot properly make its decision today when insufficient information has been provided or sought. Full details should be ascertained as to the possibility of a mains sewer connection and as to the feasibility of use (and potential consequences) of a septic tank and soakaway at this urban location;
- adverse effect on local neighbourhood - the proposed dwelling is within 20 metres of the rear gardens of 44 and 46 Lower Kings Avenue and the viewpoint from the second storey window into No. 44 is only 34 degrees (a slight turn of the head). There is also direct inter-visibility into No. 92 Union Road due to the inadequate screening of the deciduous trees. There has been significant local upset and concern at the loss of privacy and likely negative impact on local residents, whose enjoyment of their properties will be affected significantly;
- the proposed development is contrary to the 2012 National Planning Policy Framework (paragraph 53), to resist the inappropriate development of residential gardens. Not only would there be a loss of wildlife (which the Exeter Civic Society agree is unacceptable), this development of a single unit would be to the detriment of many in the local community and would set a precedent of sub-dividing garden land in this locality;
- the proposal should be rejected on the basis of relevant material planning considerations, if given the correct weight. If despite the material objections, you are not minded to reject the proposal, we submit that you cannot be in a position lawfully to make a decision today due to the insufficient information presented; and
- if this proposal is to be granted at all in the future, as neighbours we would need to be satisfied that all material planning considerations have properly been taken into account by your council (based on current legal advice, we would also appreciate sight of draft Planning Conditions, to demonstrate how all known and potential adverse effects of the proposal may hope to be ameliorated).

Responding to a Member, the City Development Manager advised that the main sewer ran down the full length of the back garden and that the previously refused application proposed pedestrian access only to the site with parking provision adjacent to No. 35 Sylvan Road. He also stated that drainage matters would be dealt with through any subsequent building legislation application.

Members felt that, notwithstanding its status as a public highway the proposed access was completely unacceptable because of its narrowness and poor visibility onto and from Sylvan Road. They noted that it could not be used by larger vehicles such as refuse lorries and fire engines and that any work to those properties on either side of the lane would prevent access even for smaller vehicles. Visiting site Members had identified a potential alternative access which would be more appropriate.

The recommendation was for approval subject to the conditions as set out in the report.

RESOLVED that planning permission for the construction of a detached residential dwelling with associated access, landscaping and amenity space be **REFUSED** as the access was neither safe nor suitable as evidenced by the visibility splay and the difficulty of accessing the alleyway.

7 **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

8 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

9 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 31 January at 9.30 a.m. The Councillors attending will be Bialyk, Morse and Prowse.

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair

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LICENSING COMMITTEE

7 February 2017

Present:

Councillor Roger D Spackman (Chair)

Councillors Branston, Brimble, Hannan, D Henson, Keen, Mitchell, Owen, Pearson and Sills

Apologies:

Councillors Sheldon, Foale, Holland and Newby

Also present:

Environmental Health and Licensing Manager, Acting Principal Licensing Officer, Solicitor and Democratic Services Officer (Committees) (MD)

1 **Minutes**

The minutes of the meeting held on 1 November 2016 were taken as read and signed by the Chair as a correct record.

2 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

3 **Licensing Fees and Charges**

The Environmental Health and Licensing Manager presented the report for the proposed licensing fees and charges for 2017/18. The report was prepared on an annual basis in accordance with the Local Government (Miscellaneous) Provisions Act 1976.

He explained that if approved the changes would be advertised in the local paper for a specific period and any comments and objections would then be brought back to committee. The Licensing Act fees remained unchanged since 2003.

The Environmental Health and Licensing Manager commented that the taxi marshal service on Sidwell Street had been working well with taxi drivers noting an increase in business.

RESOLVED that the proposed Fees and Charges for 2017/18 be approved as set out in the report and, where appropriate, advertised.

4 **Amendments to the Policy relating to Practices and Procedures for the Control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

The Environmental Health and Licensing Manager and Acting Principal Licensing Officer presented the report which sought to introduce amendments to the current policy for Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drives and Operators (“the Policy”). The Acting Principal Licensing Officer stated that the Policy was very much a living document which may be updated when issues arise.

The Environmental Health and Licensing Manager added that if the senior management restructure currently in progress at the Council was implemented, it would result in his post taking responsibility for the functions in the Policy carried out by the Assistant Director Environment. The Environmental Health and Licensing Manager informed the Committee that once formal approval is obtained for the senior management restructure, the Policy would be amended to replace references to the Assistant Director Environment with the Environmental Health and Licensing Manager.

The Acting Principal Licensing Officer informed Members that the Licensing Team had been contacted by DigiCAB Media to install passenger facing digital information screens within Licenced vehicles. He commented that if in-vehicle advertising was to be permitted it would be subject to conditions. These would be set out in the Policy

DigiCAB had confirmed that they would include public safety information from Exeter City Council and the Community Safety Partnership as part of the advertising. The Acting Principal Licensing Officer commented that Hackney Carriage and Private Hire Vehicles would also generate income from local advertising. He explained that passengers would have full control of the screens to control volume and turn on/off as required.

In response to Members’ questions, the Environmental Health and Licensing Manager and Acting Principal Licensing Officer responded:-

- Council would not be generating income from digital information screens within Licenced vehicles. However, they could be used to generate key messages and safety information working with Community Safety Partnerships;
- The contracts would be between the licence holder and DigiCAB with regard to contract length and how much money could be earned from digital information screens;
- A Policy condition to show messages for Exeter City Council would mean the council would not be charged for advertising;
- The display screens would show video and still image advertising for local businesses. Some may have audio. However, the customer would have control of the screen and volume;
- All videos displayed would have to comply with Ofcom standards and have a Universal (U) rating from the British Board Film Classification (BBFC), to ensure appropriate content; and
- Display screen head rests should have a specific design to satisfy health and safety requirements.

Members agreed the Environmental Health and Licensing Manager and Acting Principal Licensing Officer would provide additional health and safety information concerning the screens on the headrests and request a representative from DigiCAB to attend the next Licensing Committee meeting.

The Acting Principal Licensing Officer discussed the amendment to Appendix E of the Policy (Guidelines relating to the relevance of Convictions), to clarify that cautions, warnings and reprimands were included in the definition of convictions for the purposes of applying the Policy.

The Council must ensure that all drivers are fit and proper to hold a driver's licence

Members discussed issues concerning disclosure of convictions and that the inclusion of cautions was necessary. A Member stated that he was concerned that the use of the words "warnings" and "reprimands" were not sufficiently clear and may confuse applicants and also lead to the declaration of unnecessary information

In response to Members' questions, the Environmental Health and Licensing Manager, Acting Principal Licensing Officer and Solicitor responded:-

- The purpose of the Policy was to provide guidelines for "fit and proper" determinations made by the Licensing Sub Committee. The Licensing Sub Committee still maintained its discretion in its decision making;
- The Policy already included cautions, warnings and reprimands and, as such, the proposal was only an amendment to clarify this;
- The Council's main concern was the safety of the travelling public and the inclusion of cautions, warnings and reprimands to trigger the Policy ensured the Council could carry out this function with as much information as possible;
- Wording on the application and renewal forms had been amended to set out more clearly the information needed by the Licensing Authority; and
- Wording in the Policy would be amended by the licensing team to reflect gender neutrality.

RESOLVED that:-

- (1) the proposed amendments to Appendix E (Guidelines relating to the relevance of convictions) of the Practices and Procedures for the Control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators be approved, together with the inclusion of an annex defining warnings and reprimands; and
- (2) the proposed digital screens within Licenced vehicles be deferred until receipt of additional information under the Practices and Procedures for the Hackney Carriage and Private Hire Vehicles, Drives and Operators.

The meeting commenced at 5.30 pm and closed at 6.15 pm

Chair

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PEOPLE SCRUTINY COMMITTEE

Thursday 5 January 2017

Present:

Councillor Wardle (Chair)

Councillors Foale, Foggin, Hannan, Holland, Newby, Packham, Robson and Vizard

Apologies:

Councillor Branston

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Service Lead Housing Customers, Service Lead Performance, Strategy and Resources, Technical Accounting Manager, Principal Accountant Corporate and Democratic Services Officer (Committees) (HB)

In attendance:-

Councillor Phil Bialyk	-	Portfolio Holder for Sport, Health and Wellbeing
Councillor Paul Bull	-	Portfolio Holder for the Communities and Neighbourhoods
Councillor Emma Morse	-	Portfolio Holder for Customer Access
Councillor Keith Owen	-	Portfolio Holder for the Housing Revenue Account

1 MINUTES

The minutes of the meeting held on 3 November 2016 were taken as read and signed by the Chair as correct.

2 DECLARATION OF INTERESTS

No declarations of interest were made by Members.

PORTFOLIO HOLDER UPDATES

3 REPORTS OF PORTFOLIO HOLDERS - HALF YEARLY UPDATES

Councillors Owen, Morse, Bull and Bialyk presented the following progress reports on priorities within the Housing Revenue Account, Customer Access, Communities and Neighbourhoods and Sport and Health and Wellbeing:-

Housing Revenue Account

The Portfolio Holder provided the following updates:-

- work on the Housing Revenue Management Board was progressing and a report would be submitted to this Scrutiny Committee and Executive when proposed changes to the Constitution had been put forward;
- tenants would be able to report on the quality of contractor services through the City Council website;
- three Older Persons Property Services Officers would be appointed as part of a new model for supporting residents of older persons' accommodation; and

- a contractor had been engaged to undertake a stock survey for report in June.

Responding to Members, he advised that, in respect of the scrutiny of contractors' work, not only the quality but the timing of work completed was being examined, including whether work was completed at the first visit by the contractor.

The Service Lead Performance, Strategy and Resources enlarged on the changes made to support older people following Devon County Council's withdrawal of the warden service. The three service officers, together with the Housing Community Partnership Officer and Community Patrollers would provide an enhanced service, working together on housing related support and, although social care and health did not fall within their remit, they would ensure necessary contact with relevant agencies. Tackling social isolation was a key element and improved use of existing community rooms would be a target.

Customer Access

The Portfolio Holder focussed on homelessness in her report. A tabled update showed that Exeter Safe Sleep operated between 20:30 and 08:00 each night offering safe and secure accommodation for people who would otherwise be sleeping on the streets of Exeter. She praised the work of Julian House staff and City Council housing and planning officers and it was noted that a number of people had expressed an interest in volunteering. Occupancy, excluding the opening night, had varied between a low of 14 on New Year's Eve to a high of 28 on 29th December. A press release had been issued.

Julian House wished to encourage clients to stay consistently and engage to develop support plans and focus on not returning to the street. The focus was on helping people move on into accommodation.

Communities and Neighbourhoods

The Portfolio Holder reported the following:-

- as part of the Grass Roots Grants programme, Executive would shortly consider recommendations from the Exeter Community Forum Panel;
- the introduction across the Council of how Asset Based Community Development can assist key services;
- roll-out of the Community Builder funded social prescribing/community resilience programme involving Exeter Community Forum, ICE and the NHS;
- draft implementation plan for the Council's Equality and Diversity Policy; and
- renewal of Fairtrade City status.

There would be seven Community Builders, previously community organisers, working to improve community connectivity as well as involving GP surgeries to help reduce unnecessary visits to surgeries.

Sport and Physical Activity and Health and Wellbeing

The Portfolio Holder focussed on the St Sidwell's Point and Bus Station development in his update, a contractor for the project to be selected by the end of the month. Work was progressing on contract preparations for the Leisure Complex operator procurement, the City Council having previously agreed that there should be an external provider to run this facility, the first of its kind in the UK. It was essential to ensure that the contract delivered the best conditions for both the public

and employees of the selected operator. December 2018 was the anticipated opening date.

Interim solutions were being worked up with bus service providers for the 18 month period of construction/change over for the new bus station and it was noted that both schemes were ahead of the Crown Estates part of the re-development in terms of implementation and delivery. Members would receive briefings as the schemes progressed, including the state of the current leisure market generally. Details of progress were also available on line through the Leisure Complex and Bus Station Programme Board, which was a public meeting.

Get Active Exeter was working alongside the Greater Exeter Sports Board on activity programmes throughout 2017, beginning with a launch of a 'This Girl Can' project to encourage women and girls into Sport and Physical activity. A particular focus would be given to traditionally hard to engage inactive families, targeting busy adults. This would be achieved via community focus groups, activity in the workplace and collaborative working with delivery partners. He referred to a Change4Life Sugar Smart City Launch at County Hall on 23 January 2017.

People Scrutiny Committee noted the reports of the Portfolio Holders.

ESTIMATES, CAPITAL PROGRAMME AND FEES AND CHARGES

4 HOUSING REVENUE ACCOUNT - ESTIMATES/NEW CAPITAL BIDS/FEES : 2017/18

The Technical Accounting Manager presented the report on the Housing Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the capital programme for Housing was also attached to the report together with details of the Council Own Build programme.

The Service Lead Housing Customers advised that the cyclical repair and improvement works were undertaken following assessment of the age and condition of individual elements of properties and was not simply a rolling process regardless of actual need. The Portfolio Holder stated that the stock survey would be completed by mid-year which would improve knowledge and efficiencies in this area. He also advised that the Council was maintaining its HRA Working Balance at no less than £4 million to help meet any introduction of the higher value asset levy by the Government. Although delayed by a year, this Government initiative meant that further house building by the Council was not possible at present.

People Scrutiny Committee supported the draft Revenue Estimates for 2017/18, the proposed Capital Programme, Fees and Charges and Council Own Build for further consideration by Executive on 14 February 2017 and Council on 21 February 2017.

5 PEOPLE - GENERAL FUND - ESTIMATES/NEW CAPITAL BIDS/FEES AND CHARGES: 2017/18

The Principal Accountant presented the report on the People Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared; changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the

Management Unit estimates. A detailed schedule of the capital programme for People was also attached to the report.

The Technical Accounting Manager undertook to respond to a Member on licensing charges for houses in multiple occupation.

People Scrutiny Committee supported the draft Revenue Estimates for 2017/18, the proposed Capital Programme and Fees and Charges for further consideration by Executive on 14 February 2017 and Council on 21 February 2017.

6

HOUSING RENTS AND SERVICE CHARGES : 2017/18

The Technical Accounting Manager presented the report recommending a 1% rent decrease for council dwellings from 1 April 2017.

Until the Government's Summer Budget announcement, social housing rents had been expected to increase by Consumer Price Index inflation plus 1% annually for the ten years - 2015-16 to 2024-25. This was intended to give landlords certainty in order to help them plan for future investment. The 10 year inflation linked rent settlement had been replaced with a new rent reduction policy announced in July, requiring social landlords to reduce rents by 1% annually for each of the next four years with an anticipated loss of £7.9 million rental income in this period.

The Service Lead Housing Customers explained that there were financial challenges ahead for the Housing Revenue Account and that the strategic decision made to increase the working balance from £3 million to £4 million was to try and mitigate the potential risks this presented going forward.

The Government had extended Right to Buy to Housing Association tenants and Local Authorities would be required to fund this via a higher value assets levy and any payment to be made would be a further pressure on an already tight HRA budget after the 1% reduction for the next four years. The Council had already had to stop its Council Own Build programme apart from already committed schemes in order to address the rent reduction.

No details of this levy had been released yet and it was very much an unknown at this point. This did make planning more problematic and it could be said was counter intuitive given that the Government had introduced self-financing in 2012 to enable Council's to plan over 30 years.

He added that the Government had decided not to proceed with the 'pay to stay' policy on a mandatory basis for Local Authorities and that it was now discretionary. The mandatory scheme was where tenants would be required to pay a tapered higher rent up to market rents if they had earnings over £31,000. Under the discretionary scheme, it would be possible to implement a policy for tenants with incomes over £60,000. At this time, it was understood that it was not the Council's intention to introduce this policy.

People Scrutiny Committee noted and supported the report and recommended Executive to approve:-

- (1) a reduction in rents for Council dwellings of 1% from 1 April 2017;
- (2) garage rents increasing by 2% from 1 April 2017; and

- (3) service charges to remain at their existing levels, with the exception of the charges specified below from 1 April 2017:-
- (a) 3.5% increase in respect of water at Magdalen gardens in line with rises in water and sewerage charges; and
 - (e) 5% reduction in respect of door entry systems in line with system maintenance costs.

ITEMS FOR CONSIDERATION BY EXECUTIVE

7

TENANT AND LEASEHOLDER INVOLVEMENT AND COMMUNICATION STRATEGY 2016-2020

The Service Lead Performance presented the proposed new Tenant and Leaseholder Involvement and Communication Strategy which replaced the former Housing Resident Involvement Strategy which operated from 2012-2015. The report also sought endorsement for the following Housing Service's 5 Key Pledges (Local Offer) – the HRA's service standard commitments to council tenants and leaseholders.

- Repairs and maintenance - *We pledge to provide safe, well-maintained homes;*
- Neighbourhood and community- *We pledge to work in partnership with other organisations to create neighbourhoods which are safe and well maintained, and where people want to live;*
- Tenancy - *We pledge to work with tenants and leaseholders to ensure all terms and conditions of our tenancies are understood and complied with;*
- Lettings - *We pledge to let our properties promptly, fairly and consistently in order to meet housing need and help create sustainable communities;*
- Equality, diversity and access - *In order to meet all our pledges we will involve our residents, and provide services which are fair, equitable and accessible*

He referred to the following informal proposals for improved communication:-

- creation of an electronic group of 50+ to comment on policy proposals via email rather than formal meetings;
- formation of local residents' groups; and
- establishment of locally based focus groups to address local issues/concerns with incentives for people to participate.

The new revised strategy has been prepared in conjunction with tenants and leaseholder representatives who sit on the Performance Scrutiny Partnership which would remain as a consultative forum.

People Scrutiny Committee noted the report and requested Executive to adopt the new Tenant and Leaseholder Involvement and Communication Strategy 2016-2020 together with the above Housing Service's 5 Key Pledges (Local Offers).

8

POLICY FOR TACKLING ANTI-SOCIAL BEHAVIOUR IN HOUSING

The Service Lead Housing Customers presented the report seeking the adoption of the new Anti-Social Behaviour (ASB) Policy for Housing Services.

The ASB Policy had last been reviewed in September 2012. During the interim period, the Government had introduced the Anti-social Behaviour, Crime and

Policing Act 2014 and Housing had completed a major re-structure and introduced a new way of working. The new policy and the revised procedures reflected these changes.

Responding to Members, he advised that guidelines on what was and was not acceptable behaviour was set out in the Tenancy Agreement, Tenants Handbook and in leaflets. The causes of, and responses to, Anti-Social Behaviour were often complex and required input from a range of statutory and voluntary agencies to resolve, reduce and prevent incidents of Anti-Social Behaviour. This included working with other local authorities, the Police and other agencies through the Anti-Social Behaviour Action Team and Community Tasking Group (ASBAT), taking a multi-agency approach to tackle priority issues.

He emphasised that the Police and Council officers worked effectively in partnership on anti-social behaviour on housing related issues with close liaison with the Police at both a senior level and with officers on the ground who often visited the Civic Centre on a case by case basis.

He affirmed that, in some cases, behaviour related more to disputes between individual residents and that these were dealt with appropriately. Some delays in possession action could be attributed to the court process and their resources for matters such as attending evictions.

People Scrutiny Committee supported the report and requested Executive to adopt the new Anti-Social Behaviour Policy for Housing with immediate effect.

(The meeting commenced at 5.30 pm and closed at 6.38 pm)

Chair

PLACE SCRUTINY COMMITTEE

12 January 2017

Present:

Councillor Brimble (Chair)

Councillors Lyons, Foggin, D Henson, Prowse, Robson, Wardle and Wood

Apologies:

Councillors Keen and Mitchell

Also present:

Deputy Chief Executive, Assistant Director Environment, Assistant Director Public Realm, Environmental Health and Licensing Manager, Service Manager, Business and Commercial Operations Public Realm, Economy and Enterprise Manager, Principal Accountant (PM), Principal Accountant (MH), Democratic Services Officer (Committees) (MD) and Democratic Services Officer (Committees) (SLS)

In attendance:

Councillor Philip Bialyk	- Portfolio Holder Sport and Health and Wellbeing
Councillor Rosie Denham	- Portfolio Holder Economy
Councillor Rob Hannaford	- Portfolio Holder Place
Councillor Rachel Sutton	- Portfolio Holder City Development
Councillor Chris Musgrave	- Speaking Under Standing Order 44
Inspector Simon Arliss	- Devon and Cornwall Constabulary

1 **Minutes**

The minutes of the meeting held on 10 November 2016 were taken as read and signed by the Chair as correct.

2 **Declaration of Interests**

No declarations of disclosable interest were made.

3 **Questions from the Public under Standing Order 19**

Two members of the public, Mr John Taylor and Ms Trish Oliver, had submitted questions under Standing Order 19, in relation to the Public Spaces Protection Order proposals. Councillor Rob Hannaford, as Portfolio Holder for Place, responded and a copy of the replies were appended to the minutes.

4 **Management of Exeter's Waterways**

The Assistant Director Public Realm presented a report with a proposal for the improved management of the Exe Estuary Harbour, Canal and Waterways. The proposal would also address specific governance and management issues associated with the waterways, with a formal structure to comply with the requirements of the Port Marine Safety Code and operation of a Statutory Port. The

report also outlined a change in the Council's direction with the conclusion of work on the business case for the transfer of the Exeter Ship Canal to the Canal and River Trust, and in its place the development of a management plan. This would include a new approach to deal with abandoned boats, live-aboard boats, moorings and maintenance. A business case would also be developed to employ a Harbour Master, or similar, to deliver the Port Marine Safety Code compliance.

The Portfolio Holder for Sport and Health and Wellbeing attended the meeting and spoke in support of the proposed process, which had been invaluable in ensuring there was a better understanding of the needs of the stakeholders and issues around the management of the waterways. He also supported the preparation of a robust marketing plan for the waterways as a way to investigate new income opportunities. He had met many of the groups associated with the waterways, who had a genuine interest in its future and he hoped that they would continue to involve as many partners as possible to ensure the canal and waterways continued to be of benefit for the citizens of Exeter. He also welcomed the enthusiasm and contribution made by the Service Manager, Business and Commercial Operations Public Realm and his staff.

The Assistant Director Public Realm responded to the following Members' questions:-

- amendments to the Council's Constitution, as outlined in section 2.3.1 of the report were a requirement to meet the terms of the Port Marine Safety Code, and the Council would then be able to delegate the responsibility to a designated Duty Holder.
- the support and expertise of the Canal and River Trust had been very welcome over the last two years, but they would no longer be directly involved in the delivery of the current proposals.
- Members would have the opportunity to have a continued input in the development of the Management Plan through the Scrutiny process. She thanked Members for their support for the planned improvements.

The Service Manager, Business and Commercial Operations Public Realm, also responded to a Member's enquiry for consideration for the removal of the barrier and repair to the Topsham lock gate on the canal. The Member agreed that it would be wonderful to see the lock opened and working again.

Place Scrutiny Committee supported and requested Executive to recommend to Council the approval of the following:-

- (1) work on a business case to transfer the Exeter Ship Canal to the Canal and River Trust to cease and that a Management Plan for the Canal be developed in-house;
- (2) officers be tasked to develop a business case to employ a Harbour Master or similar to deliver Port Marine Safety Code compliance, improve safety and improve operational management on the River Exe; and
- (3) that, in compliance with the Port Marine Safety Code, the following also be noted:-
 - (a) the Service Manager, Business and Commercial Operations Public Realm be designated as the 'Duty Holder' in respect to the Port of Exeter and the Constitution be amended accordingly;

- (b) an external competent body be engaged to fulfil the role of 'Designated Person' as defined by the Port Marine Safety Code to undertake competency and safety audits;
- (c) that a budget of £10,000 be identified from within existing resources to engage specialist marketing and business development expertise to support the preparation of a Marketing Plan for the Waterways and to deliver the additional income requirements;
- (d) that the Mooring Licence issued since 2013 be applied to all moorings in the Port of Exeter and that, where the licensee is unwilling to accept the new licence conditions, action be taken to remove the vessel from the Port;
- (e) that only vessels deemed suitable at the Council's absolute discretion be permitted into the canal, with responsibility to make such a determination to be delegated to the relevant Service Manager; and
- (f) where repairs were necessary or 'off season' maintenance was required, these activities be confined to the Eastern side of the Basin or the Boat Park (in Michael Browning Way) and this be cordoned off from public access.

5 Portfolio Holder Updates

Councillors Sutton, Denham and Hannaford presented the following progress reports on priorities within the Economy, City Development and Place:-

Economy

The Portfolio Holder for Economy provided the following updates:-

- Exeter City Futures work had progressed. The 10 'Challenges' identified and the results of the voting could be viewed through the Crowdicity platform which was launched on 7 December 2016, as well as through social media.
- the Growth and Productivity Strategy for the four Local Authorities had been finalised and an updated version on this was included on the agenda.
- the Exeter Venue Advisory Group included representatives from Exeter College, the University of Exeter, and the Cathedral. The consultant's Brief included looking at ways to address the look and feel of the South Street area and wider cultural quarter and identify what future investment opportunities there might be. A drop in session, would be held at the Corn Exchange on 25 January 2017 and would be open between the hours of 8.00am and 8.00pm. In response to a Member's question, the Portfolio Holder for Economy confirmed that a press release with more detail had been issued this week.

City Development

The Portfolio Holder for City Development reported the following updates:-

- a Member Steering Group had been established to contribute towards the discussion on the lack of five year housing supply in Exeter. The development of a Greater Exeter Strategic Plan should also provide a better opportunity for the four neighbouring authorities to more cohesively address such issues rather than work on an individual basis. A Briefing would be arranged for Members to ensure they were kept informed and had the opportunity to contribute.

- as part of the governance arrangements for the Community Infrastructure Levy, the Exeter Community Forum 'Grass Roots' Grants Programme was due to meet that evening to discuss a number of grant applications.
- a recruitment exercise was being undertaken to fill a number of vacant posts in Planning to ensure that Government targets for the determination time of planning applications would be met.

In response to Members' questions, the Portfolio Holder for City Development responded as follows:-

- the ratio of residential and affordable housing had been established and student accommodation could not be counted towards the Five Year Housing Supply. She referred to the work that had been taking place with Exeter's neighbouring District Councils to identify a joint approach towards housing and employment across the greater Exeter and travel to work area.
- there was the potential to take a wider view of the resources and contributions from funding such as the Community Infrastructure Levy (CIL) as well as other strategic funding for transport infrastructure to support Exeter and its near neighbours.

Place

The Portfolio Holder for Place reported the following updates:

- the Community Safety Partnership had introduced more collaborative ways of working to assist the Police.
- smarter ways of working with the use of new technology should help to identify those areas with lower rates of recycling.

In response to Members' questions, the Portfolio Holder for Place and Assistant Director Environment responded as follows:-

- the acronyms detailed in the report were as follows Child Sexual Exploitation (CSE), Alcohol Violence and the Night Time Economy (AVENTE), the Street Attachment Group (StAG), and the Anti-Social Behaviour Action Team (ASBAT). The full titles would be included in future reports.
- targeted education and information initiatives were already taking place to address issues relating to the relatively low level of recycling in some communities and localities in the City. The Council's Recycling Team worked closely with Exeter University and the Student Guild in recognition that many students would be coming from different parts of the UK and beyond, where recycling arrangements may be very different.

A Member referred to his membership of the Devon Strategic Waste Group and confirmed that the largest part of the waste found in Exeter's black bins was food waste (36%). As Exeter does not currently recycle waste food, unlike neighbouring Districts, it was unfair to compare Exeter's recycling rates. It should be noted the Council's Material Reclamation Facility (MRF) at Exton Road, was a good facility, and also handled recyclates from Mid Devon District Council.

6 Estimates and Fees and Charges 2017/18

The Principal Accountant (PM) presented the report on the Estimates and Fees and Charges, which outlined the strategic framework, within which the estimates had been prepared; changes in accounting practices which affected all budgets and gave

detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the Capital Programme and the proposed Fees and Charges for 2017/18 were included as an appendix. The Principal Accountant also reported one amendment to the Capital Programme, which related to an additional expenditure of £30,000, which was an increase in the cost for the replacement of an air quality monitoring station at the Royal Albert Memorial Museum.

Place Scrutiny Committee supported the draft Revenue Estimates for 2017/18, the proposed Capital Programme, Fees and Charges for further consideration by Executive on 14 February 2017 and Council on 21 February 2017.

7 Proposals for the Implementation of a Public Spaces Protection Order

The Assistant Director Environment presented the report advising Members of the key features of the implementation of a Public Spaces Protection Order (PSPO), in the city centre area of Exeter; this was a discretionary power under the Anti-Social Behaviour Crime and Policing Act 2014 that a Council could adopt and shape for local circumstances to deal with persistent anti-social behaviour that had a detrimental impact on communities. He detailed the outcome of an inclusive on-line formal consultation exercise carried out over a four month period from November 2015 to February 2016 and which had resulted in over 1,200 responses. He also explained that by its very nature the inclusive on-line consultation was not confined to citizens living and working within Exeter. This online consultation had been targeted by a campaigning petitioner on Change.org who had campaigned against many other proposed PSPOs by other councils; the 12,000 individuals signing this petition had been encouraged to take part in Exeter's online consultation, and consequently the views of those living and working in Exeter may have been diluted by others with no particular connection to Exeter, but who had been motivated by the campaign.

The Assistant Director Environment also drew Members' attention to representation from the Green Party that had been circulated separately to the report.

Members had previously considered a proposal for a PSPO, reported to the former Scrutiny Committee Community in 2015, and this had included proposals to restrict the following activities – intoxicants, public urination, street encampments, begging, and anti-social behaviour of individuals and groups, with powers to disperse groups. Details of the responses were contained in the report, and in light of the consultation, the provisions of the proposed PSPO had been revised to remove 'street encampments' entirely, and change the focus from begging to aggressive begging, which was the type of intimidating begging that most people found to be anti-social.

A revision of the proposals had included an innovative use of the inclusion of an Acceptable Behaviour Contract as an option within the Fixed Penalty Notice system, so that in most cases of escalation, any recipient would also have the option of an Acceptable Behaviour Contract (ABC) with a zero penalty fee attached. The detail of an 'ABC' would relate to the misdemeanour and the circumstances of the individual concerned, with lead agencies being involved to assist in the drafting of the 'ABC' where appropriate. Discussions had already taken place with lead agencies such as RISE (Recovery and Integration Service), Julian House, St. Petrocks, Gabriel House and Exeter Community Voluntary Services to see how best this could be achieved. This should be seen as more of a positive and restorative pathway that would help change offending behaviour rather than a punitive intervention that could result in the criminalisation of an individual.

In order to establish whether the Council had got the balance right with the revised PSPO proposals, the Assistant Director Environment also highlighted a series of four open public meetings, held on dates in December 2016, for residents and businesses within the proposed PSPO area.

Councillor Musgrave attended the meeting under Standing Order 44. He commended the Council's decision to revise the original PSPO proposals, but urged Place Scrutiny Committee Members not to proceed with the Order. He acknowledged residents' concern about anti-social behaviour, and that they should have the right to go about their daily business unhindered, but equally he felt that unsupported individuals, such as the street homeless should not be penalised because of their living conditions. He felt the implementation of this Order would fail some of the poorest and most vulnerable in our society, and the Police already had all of the necessary powers to deal with any challenging behaviour. The introduction of a zero cost fixed penalty charge for those offenders signing up to an Acceptable Behaviour Contract would have the greatest impact on members of the street community, because of an inability to sign up to such contracts. He also questioned what alternative provision there was for a street homeless person caught urinating in the street, when public toilets closed at 7pm until the following morning.

Councillor Musgrave suggested that the Council was setting itself up to fail by the virtue of the local authority picking up work that the Police no longer appeared to have the resources to do. He considered the risks associated with implementing this Order, including the possibility of challenge to the validity of the Order, by way of appeal to the High Court, which could be an expensive and embarrassing exercise for the City Council. In his view, members of the street community would be disproportionately and adversely impacted by enforcement proposals. The homeless charity 'Crisis', had suggested that 80% of people who engaged in begging were genuinely homeless. The remaining 20% were vulnerable in some way and likely to have either mental health conditions and or drug or alcohol addictions. Exeter had established excellent initiatives such as Sleep Safe which would be impacted, by this PSPO.

Councillor Musgrave asked Members to consider an alternative approach:-

1. use the Council's communication resources to highlight the underfunding across the public sector.
2. use existing legislation and the Police to deal with issues arising from anti-social behaviour.
3. open public toilets 24 hours a day and consider portable toilet solutions at late night reveller sites.
4. a reallocation of any financial and administrative resources identified for the implementation of the PSPO for prevention initiatives (such as Sleep Safe).
5. a review of existing budgets to establish whether additional funds could be identified to support initiatives such as Sleep Safe or other initiatives.
6. a meeting to be arranged with representatives from the Police, Devon County Council, the NHS and Her Majesty Courts Services (HMCS) to develop a cross department strategy, jointly funded, to tackle issues of anti-social behaviour, focusing on prevention rather than enforcement.

The Assistant Director Environment responded to some of the main points made by Councillor Musgrave:-

- the existing Vagrancy Act 1824, was an archaic and unwieldy piece of legislation that did not distinguish between passive and more aggressive forms of begging - it criminalised begging, with no option of a Fixed Penalty Notice or an Acceptable Behaviour Contract to discharge liability.

- there was currently no power to stop the use of 'legal highs' in a public place. The Acceptable Behaviour Contract (ABC) could be used as an additional and positive intervention tool to work with addiction services offering a positive pathway for the individual.
- concerns around the [Change.org](#) issue, should not be confused with attempts to influence the consultation by an individual making multiple submissions, as although there was evidence of the latter, this was limited, and multiple submissions by one individual was not thought to have influenced the overall results substantially.
- the four open public meetings held in December were well-publicised, with individual flyers going to every household within the PSPO area and beyond, many posters being put up in key notice boards and shops, publicity in the Express and Echo, on the Council website, and notice being put out via key networks. The Police had also attended those meetings. The meetings were not part of the formal consultation, nor were they a 'sleight of hand' as had been suggested, they were organised to further explain the revised restrictions, how the revised PSPO would operate, and to answer any questions from the floor. They had been purposefully held in public venues within the proposed PSPO area to engage with local residents and businesses. There had been a robust and healthy debate at all four meetings, with some challenging questions, but in the end 89% supported the revised PSPO of those who had participated in indicating their support or opposition.
- the PSPO provisions were not a tool for replacing Police resources with Council resources, they were a flexible tool that could be crafted by a Council to deal with the local context. The Police would be the principal agency using the PSPO powers on the front-line, as a more appropriate intervention tool to the other powers they may use. In general the PSPO was likely to have a deterrent effect, and in many cases would allow a timely intervention. The inclusion of an Acceptable Behaviour Contract within the Fixed Penalty Notice would offer a positive and restorative pathway that was more likely to change offending behaviour in a sustained way, and reduce future demand on scarce resources. It avoided the use of other legislative tools that resulted in the criminalisation of an individual.
- there was a possible risk of displacement of anti-social behaviour, but both the Council and the Police would monitor this and intervene if appropriate. The issue with St. Thomas was that residents felt that there was already chronic anti-social behaviour adjacent to the boundary of the proposed PSPO, and wanted the boundary extended to encompass these areas - they were not complaining that the PSPO would worsen the situation.
- there would be a significant cost to keeping public toilets open 24 hours a day. The report suggested piloting the extension of opening times of some city centre toilets, but that in itself would not prevent street urination. Street urination was primarily a late night time economy issue with males moving from one drinking establishment to another; although they were able to use toilets at these establishments, many chose not to do so. The Council's public toilets were closed at night due to the high cost of dealing with misuse such as vandalism and drug litter. The £1000 cost of implementing the PSPO would only go as far as keeping the Council's public toilets open for one day.

The Environmental Health and Licensing Manager also addressed Councillor Musgrave's reference to the Police failure to respond to 75 cases reported to them, and these related to incidences in the city centre referred to them by the Council's CCTV Control Room, and not as a result of a 999 call. The Police made an assessment on each of those calls on the basis of public threat, risk and harm, and sometimes it meant that resources were diverted to higher priority issues, and/or a further call was received that the incident was over, negating the need for the Police

to attend. He also referred to regular meetings that were already taking place with the Police to discuss individual cases of anti-social behaviour, which might currently result in a more punitive consequence, but which could be broadened to include other lead agencies and the more restorative pathway of an Acceptable Behaviour Contract with the PSPO powers.

Members also made the following comments:-

- engagement with Sleep Safe had revealed that despite having accommodation available, some individuals still chose to sleep outside. The number of street homeless sleeping rough was 42 at the last official count. The lowest number sleeping in Sleep Safe was 9 and the highest sleeping there in a single night was 29.
- fear for one's personal safety was a consequence of aggressive begging, particularly for women in the city centre who felt unsafe when approached.
- a pilot for opening toilets 24/7 would be welcome, but it was acknowledged that people would likely only be prepared to walk a short distance for a toilet - temporary toilet provision in hot-spots on particularly busy nights might prove useful. He felt that toilets being closed from 7.00pm to 7.00am were potentially penalising the street homeless community. (The Assistant Director Environment advised that street urination was not seen as a problem of street homeless, rather it was people overtly relieving themselves as part of the night time economy; people discretely relieving themselves in the early morning when no one was around were unlikely to cause offence and face an intervention under the PSPO).
- St David's Ward had traditionally always been a challenging area.
- the City Council made a valuable contribution to the efforts made to assist the homeless in the city, and that whilst the Member originally had some concerns for the potential for social injustice, those concerns had now been put to rest - he had found the report to be objective and well written, and thought the PSPO offered an additional, non-criminalising tool for the Police to use.

At the invitation of the Chair, Police Inspector Simon Arliss advised that the existing powers of the Police were sometimes unwieldy, and often did not allow an early intervention to defuse things because a higher threshold of harm had to be reached for those existing powers. This inevitably resulted in the criminalisation of an individual for non-compliance, which may not be the most beneficial outcome for the individual nor society. They had to use their powers proportionately, appropriately and compassionately, and they would do so with the PSPO. Although the Police had limited resources, the emphasis now was on partnership working, including the local authority and others, and he welcomed the opportunity for a positive outcome that the PSPO could bring in diverting offenders on a different pathway from one that criminalised them.

It was noted that this report would go to Executive and then to Council for consideration in February. If approved, the PSPO would be given a commencement date of June 2017, in order to allow time for the necessary publication, signage, and development of a joint protocol for interventions under the PSPO, together with joint training of authorised persons.

Place Scrutiny Committee supported the proposals for the Implementation of a Public Spaces Protection Order and requested Executive support and recommend to Council the approval of the following :-

- (1) implementation of a Public Space Protection Order, in the area defined by the map (attached at Appendix 1A), with the restrictions (contained in the attached Appendix 1B), for a period of three years from the commencement date of 1 June 2017;
- (2) this Order would replace the Designated Public Places Order that currently exists in the City Centre to control the problematic consumption of alcohol within public places, and which is contained within the boundary of the proposed Public Spaces Protection Order;
- (3) officers work with the Police and Exeter Community Safety Partnership in the development of an enforcement and positive/restorative pathway protocol for the Public Spaces Protection Order, together with a supporting training programme. The purpose of this is to provide clear guidance on what action is deemed appropriate, proportionate, reasonable and compassionate, with particular regard given to the rights of freedom of expression and freedom of assembly as set out in articles 10 and 11 of the Convention on Human Rights;
- (4) the adoption of a zero penalty fee where a recipient of a fixed penalty notice issued for a breach or the PSPO commits to the option of an Acceptable Behaviour Contract contained within and offered by the respective fixed penalty notice;
- (5) that any funding received by the Council from fixed penalty notices issued for a breach of any PSPO will be ring-fenced for programmes to address anti-social behaviour and the funding administered by the Exeter Community Safety Partnership; and
- (6) officers to report back to Place Scrutiny Committee after six months of any Order being implemented as to its operation and effectiveness in reducing the problematic anti-social behaviour it seeks to manage together with any negative or unforeseen impacts that it may develop, and any recommendations for varying or discharging the Order.

8 Exeter and the Heart of Devon Joint Growth and Productivity Strategy 2017 - 2020

The Economy and Enterprise Manager presented the report which informed Members of the new shared Growth & Productivity Strategy, covering Exeter, East Devon, Mid Devon and Teignbridge. This work would strengthen the relationship with neighbouring local authorities for the benefit of the Exeter economy, its residents, businesses and student population, and improve local outcomes by delivering specific joint projects across a recognised functional economic market area. It was noted that the 'travel to work' area for Exeter had expanded significantly over the past ten years, and covered much of Exeter's neighbouring local authorities. The Strategy would ensure work being undertaken by the emerging Greater Exeter Growth & Development Board and the Economic Development teams for each local authority were able to work in parallel and to a common shared vision and goal.

A Member enquired why the comparator years of 2001 and 2011 to explain the changes in the Exeter travel to work area were used, and also recalled another survey conducted in 2007 which had provided a profile of use for some of the city's car parks. The Economy and Enterprise Manager stated that the 2001 and 2011 period mirrored the most recent Census data, and showed where people lived and worked. She thanked the Member and would speak with colleagues to obtain a copy of the 2007 survey.

Place Scrutiny Committee supported the report and recommended approval by Executive of the following:-

- (1) Exeter & the Heart of Devon, Shared Economic Strategy - A Collaborative Approach to Growth & Productivity 2017 – 2020;
- (2) to continue working in partnership with East Devon, Mid Devon and Teignbridge Local Authorities on common economic development objectives; and
- (3) to work in partnership with the proposed Greater Exeter Growth & Development Board to ensure consistency with vision, objectives and individual projects and initiatives.

9 **Unemployment in Exeter**

The Economy and Enterprise Manager reported the levels of unemployment in Exeter, and provided a comparison of the city with Exeter's neighbouring towns as well as referring to regional and national trends. She also provided an update on the support and trends regarding unemployment, the employment sector and impact this had on the city and the surrounding area. She informed Members that, between 2010 and 2016, unemployment had reduced by 23%, compared with a 16% reduction between the 2013 and 2016 period. The Economy and Enterprise Manager also compared the number of Job Seekers Allowance (JSA) claimants between Exeter and the neighbouring local authorities, which had all risen over the past 12 months.

Exeter and the surrounding areas were noted as having near full employment, and future projects and initiatives through the Growth and Enterprise team would focus on working in partnership with the Employment & Skills Board, Innovation Exeter and neighbouring local authorities, in an effort to improve productivity by increasing skills and wages.

The Economy and Enterprise Manager responded to a Member's comment on those individuals who were economically inactive and his suggestion that a reduction in the unemployment rate, may not automatically mean an increase in employment, and if the figures were checked against data from Her Majesty's Revenue and Customs (HMRC). She stated that the information used was from the Office for National Statistics (ONS), but she would ensure that the information correlated with other such sources and be sent to Members. She would also send the details of the funding for one of Exeter City Football Club's initiatives, designed to improve confidence and self-esteem.

Place Scrutiny Committee noted the report and supported a watching brief through an annual update on unemployment within the city, unless trends should change, and to work more closely with the Exeter & the Heart of Devon Employment & Skills Board and Innovation Exeter to increase skills levels, salary levels and productivity within the city.

10 **Support for Small Businesses**

The Economy and Enterprise Manager presented the report which updated Members on the progress made in expanding the contract for 2016/17, to cover Exeter and the Heart of Devon area and update plans for the management of the contract for the 2017/18 period. It was also important to ensure that there was a fit for purpose business support, advice and guidance for the residents of the Exeter and the Heart

of Devon area to gain free advice and guidance on setting up a new business, and improving the prospects of an existing business.

An update was provided on the support provided by the Business Information Point (BIP) who run Business Boost, which offered a range of free advice and support across the city and in the travel to work area, including business viability evaluation, business health check, marketing reviews, social media support and financial advice. In order to secure the best value for the four local authorities, the Business Boost contract would be retendered in order to deliver payment by results, rather than at a set annual fee. Mid Devon District Council would lead on procuring the new contract and had with a maximum budget of up to £100,000, but that figure could reduce significantly. Discussions were ongoing with additional business support providers to avoid any duplication.

A Member welcomed the Pop-Up Shop Initiative, which seemed to offer new business opportunities for a relatively small investment by all parties and he enquired if this was still in use due to the number of vacant shops. The Economy and Enterprise Manager stated that the scheme had worked well, and a new Project Officer would be working to develop the Pop-Up shop concept at premises in Sidwell Street and South Street. The Member requested a report to the next meeting.

Place Scrutiny Committee supported the following:-

- (1) continuation by Exeter City Council to fund business support for embryonic, new and existing businesses in providing opportunities for individuals to secure the means of improving their financial position and promoting job creation, at a cost of £25,000; and
- (2) Officers within Exeter City Council's Growth and Enterprise Section be authorised to work with officers at Mid Devon District Council to negotiate a contract for up to £100,000 for the financial year 2017 – 2018. £25,000 had again been secured from each of the neighbouring local authority areas of East Devon, Mid Devon and Teignbridge to contribute to business support.

11 **Legacy Leisure Working Group Minutes**

The minutes of Legacy Leisure Working Group held on the 12 December 2016 were circulated for information.

Place Scrutiny Committee noted the minutes.

The meeting commenced at 5.30 pm and closed at 8.30 pm

Chair

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PUBLIC QUESTIONS RECEIVED for Place Scrutiny Committee – 12 January 2017 for Cllr Rob Hannaford

Question for Place Scrutiny Committee From John Taylor

Could the St Thomas area of the PSPO map be extended to cover further areas of St Thomas, as many people requested at the meeting held in St Thomas on the 5 December 2016, when the operation of the Public Spaces Protection Order (PSPO) is reviewed after 6 months?

Response by Councillor Rob Hannaford, Portfolio Holder for Place

Councillor Rob Hannaford as Portfolio Holder for Place responded to the question. He advised that those Members who attended the open public meeting at St. Thomas on 5 December last year, recognised the strength of feeling from the audience. In their opinion, the proposed Public Spaces Protection Order (PSPO) boundary in St. Thomas should be widened to include public areas, where, there had recently been continuing anti-social behaviour, that had a detrimental impact on residents.

The Council, and certainly he, as both Lead Councillor for Place and also one of the Ward Councillors for St. Thomas, would be asking officers to work with the Police and collate information about the level and types of anti-social behaviour being experienced with a view to establishing whether there were grounds to extend the boundary of any PSPO (should it be approved), in the St. Thomas area. He stated that he would expect this to be carried out and a decision made within six months of the PSPO being implemented.

The Assistant Director Environment responded to a comment from Mr Taylor, and outlined the process. He confirmed that if the PSPO was approved by Full Council, on 21 February it would be implemented in June 2017. There would be a review of the PSPO reported back to Place Scrutiny Committee and also the Community Safety Partnership within six months of implementation, and this could include any recommendations to modify the PSPO, such as alterations to the boundary. He reiterated that if there was a justifiable case of severe anti-social behaviour taking place in St Thomas or any other area, Exeter City Council officers would work with the Police to coordinate the collation of evidence, and if the appropriate response was to extend the boundary, then a report would also be presented to Place Scrutiny Committee, Executive and Council with that recommendation in due course.

**Question for Place Scrutiny Committee
From Trish Oliver**

As medical guidance states that people addicted to alcohol should not stop drinking “suddenly” due to the risk of seizures and death, how will this risk be managed?

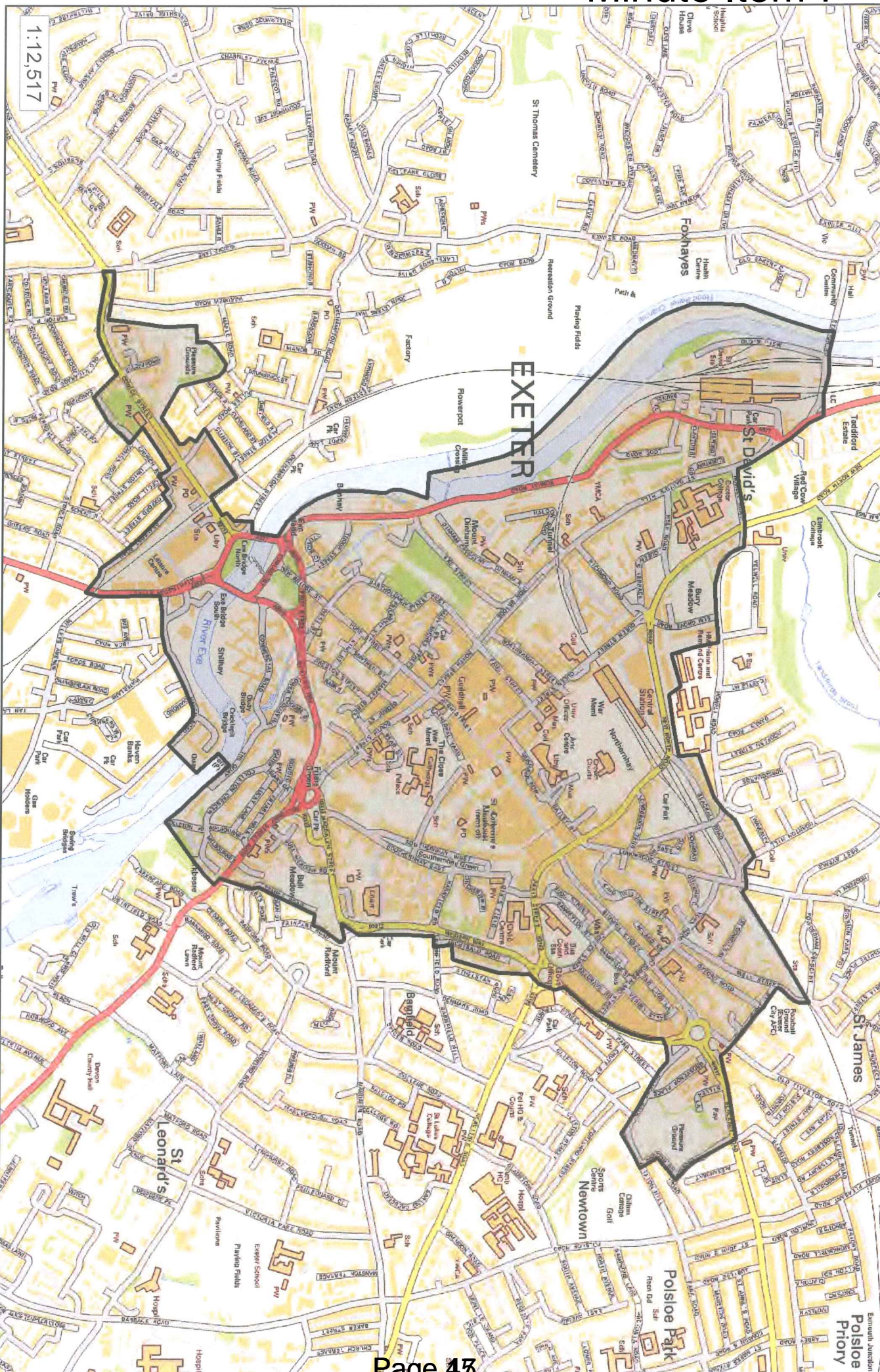
Response by Councillor Rob Hannaford, Portfolio Holder for Place

Councillor Rob Hannaford as Portfolio Holder for Place responded to the question and referred to the risk management approach by the Council which would always include an empathy and understanding of the needs of an individual’s addictions. He stated that there was very little risk that a person addicted to alcohol would find themselves subject to an enforced abstinence, as a consequence of any Public Spaces Protection Order (PSPO) being implemented in the City Centre. It was important to understand collectively about the complexity of addiction and how the individual could be on a journey to reduce or change their drinking habits, and to offer the appropriate support through a variety of outreach and partnership working.

The PSPO was designed to reduce anti-social drinking in public places, such as in a park or on a street corner. Anyone with an addiction to alcohol could avoid an intervention under the powers of the PSPO and be able to consume alcohol if they did so within a building, at a licensed premises, or outside the boundary of the PSPO. They were only likely to risk an intervention if they choose a public space that brought them in to conflict with other users of that space, and he hoped that they would be unlikely to face an intervention if they chose a discreet place out of public gaze where such conflict with other users did not occur.

The Assistant Director Environment stated that the PSPO powers in relation to alcohol, were a continuation of the current Designated Public Places Order (DPPO) which had been in place since 2005 to help reduce problematical street drinking in the city centre, and interventions under the DPPO had been pragmatic and proportionate. This style of police intervention was unlikely to change should the PSPO replace the DPPO (which by law had to take place by October 2017). He was not aware of any negative impacts on an individual’s health caused by the implementation of the DPPO, in fact the DPPO and the PSPO should it replace it, were more likely to have a positive impact, because any intervention was likely to diminish the total amount of harmful over-consumption of alcohol that day for someone with an addiction to alcohol.

Ms Oliver thanked Councillor Hannaford for the reply, but stated that she was still concerned with the likely approach. Councillor Hannaford invited Police Inspector Simon Arliss for the city centre to speak. He echoed the views of Councillor Hannaford and the Assistant Director Environment, and agreed it was about working closely with other partners to offer a solution, rather than a punitive action.



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APPENDIX 1B

Prohibitions and actions contained in Public Spaces Protection Order (PSPO)

Person(s) within this PSPO area, whilst situated in the street or other public space where the public have access without payment, shall:

- A. Surrender any intoxicating substance in their possession to an authorised person on request, if they are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances, or are in possession of such intoxicating substances with the intent of using such intoxicating substances within this area, where the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the said area.**

Notes

Intoxicating Substances is given the following definition (which includes Alcohol and new psychoactive substances [NPS] that are commonly referred to as 'legal highs'): substances with the capacity to stimulate or depress the central nervous system.

Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substances fall within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such.

An authorised person shall be a Police Constable, Police Community Support Officer or authorised Exeter City Council Officer, who must be able to present their authority upon request.

A. Not urinate in a street or public open space.

The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment.

Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by Exeter City Council, and with its agreement.

B. Not carry out aggressive begging.

Aggressive begging is defined as behaviour that a reasonable person would regard as intimidating and which is designed to cause a member of the general public to offer money to a person not known to them.

Exeter City Council would define that behaviour as:

(1) clearly intimidating, i.e. through the use of threatening language or gestures, or

(2) intimidating by being passive aggressive, such as standing or sitting in close proximity (i.e. within 5 metres) to a cash machine or pay station either singly or in a group of two or more, where people expect privacy and/or feel vulnerable with their money, bank cards, wallets or purse on display.

APPENDIX 1B

- C. Not behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.**
- D. Persons within this area who breach Prohibition D while in a group shall when ordered to do so by an authorised person disperse either immediately or by such time as may be specified and in such a manner as may be specified.**

The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 6 hours from the time that an authorised person orders persons in a group to disperse.

CORPORATE SERVICES SCRUTINY COMMITTEE

Thursday 26 January 2017

Present:

Councillor Sheldon (Chair)
Councillors Warwick, Hannan, Harvey, Holland, Lamb, Musgrave and Robson

Apologies:

Councillor Baldwin

Also Present:

Councillors Edwards - Leader of the Council
Councillor Pearson - Portfolio Holder for Support Services

Also present:

Deputy Chief Executive, Corporate Manager - Legal, Assistant Director Finance, Corporate Energy Manager, Democratic Services Manager (Committees) and Democratic Services Officer (Committees) (MD)

1

MINUTES

The minutes of the meeting held on the 24 November 2016 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTERESTS

No declarations of disclosable interest were made.

3

PORTFOLIO HOLDERS UPDATE

Councillors Edwards and Pearson presented the following progress reports on priorities for the Leader of the Council and Portfolio Holder for Support Services:-

Leader of the Council

The Leader provided the following updates:-

- Devolution in the South West;
- Overview on new housing and commercial schemes in Exeter;
- Training for the performance framework undertaken in October 2016 and InPhase workshops in December 2016.

Response to Members' comments and questions, were set out below:-

- Assured Members that saving costs was a priority, the council would always try to protect jobs;
- Portfolio priorities are set out across the whole year and regularly updated, however a full list of portfolio plans from the transformation list can be circulated

to all Members, and include additional columns to include time scale and portfolio status.

Support Services

The Portfolio Holder discussed the six monthly updates and provided the following:-

- The new digital customer platform would identify and improve ways of working using digital products and allow input and feedback from local residents. The platform would begin on the 17 February 2017 over a two year period undertaken by Strata and the Business Improvement Officer;
- A draft, had been prepared a combined communication and marketing strategy with an integrated approach to cost. A Director of Communication and Marketing would be appointed in line with the Strategic Management Team (SMT) structure changes and will lead on the strategy once appointed to the role;
- IT requirements are a priority to ensure effective and efficient delivery by Strata, with regular meetings being held with Strata to set out the Council's priorities and delivery;
- The Council was looking to acquire larger assets to provide income opportunities for the council;
- The final report for the procurement re-structure would be going to the Executive Committee.

Corporate Services Scrutiny Committee noted the reports of the Leader and Portfolio Holder for Support Services.

4

ENERGY STRATEGY

The Corporate Energy Manager presented the report on the Energy Strategy, which outlined the City's Corporate Estate which built on the work of the Renewables and Energy Efficiency Programme and the ambition to be an Energy Neutral Council. This was the Council's first stand-alone Energy Strategy and aimed to deliver a sustainable and energy efficient estate, to protect against future energy risks, and to share such benefits with others.

The Corporate Energy Manager discussed the three key issues of the energy strategy: Affordability, Energy Security and Environmental Sustainability. She discussed the priorities and objectives of the report which included the key issues. The challenges and benefits for both business and residents were summarised as follows:

- (1) Sustainable Corporate Estate – would reduce energy cost and consumption, reduce environmental impact of energy generation and reduce carbon emissions. The objective would achieve improved operational efficiency, new income streams, reduced maintenance cost and deliver efficiencies.
- (2) Energy Neutral Council – would provide protection from energy prices, carbon taxes and protect the environment. By supporting emerging technologies to develop innovation and promote commercial viability, cost of energy would be reduced.
- (3) Low Carbon City - would promote energy independence and efficiency, grow the local economy and provide wellbeing. It would reduce energy bills and fuel poverty as well as provide renewable opportunities for the community and businesses.

The Corporate Energy Manager discussed the action plan, informing Members that it was the road map to achieve the outcomes and would be reviewed regularly and would provide updates to the Scrutiny Committees.

Members expressed thanks and appreciation to the Corporate Energy Manager for the work done on the comprehensive report. The Corporate Energy Manager responded to a Members' question, informing Exeter City Futures was looking at partnership working to make Exeter an energy independent city with energy efficient homes as a standard.

Corporate Services Scrutiny Committee noted the report and recommended approval by Executive and Council.

5

ANNUAL PAY POLICY STATEMENT

The Corporate Manager Legal and HR presented the report on Annual Pay Policy Statement 2017/18, which outlined the annual pay policy for approval by full council each financial year in line with legislation.

The Corporate Manager Legal and HR discussed the recommendations of the Annual Pay Policy Statement and referred Members to Appendix 1 to discuss the levels and elements of remuneration for various posts and full time salaries from April 2017.

In response to Members' questions, the Corporate Manager Legal and HR and the Deputy Chief Executive informed:

- the council had looked at alternative schemes, after the national pay bargain was negotiated. However these had significant cost implications to the council's overall budget which if implemented could cost up to half a million pounds;
- there are some specialist posts which the Council has found difficult to fill, which reflected a national trend. HR has been working hard to improve its recruitment process to include the use of social media to target a larger and more focused market.

Corporate Services Scrutiny Committee noted the report and requested Executive and Council to note, and approve:-

- (1) The adopted of the attached Policy and Appendix to be published in accordance with the legislation;
and
- (2) Delegated authority to be given to the Corporate Manager - Legal and HR to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

6

REVENUE BUDGET PROPOSALS 2017/18

The Assistant Director Finance presented the report on the Revenue Budget Proposals 2017/18, which outlined the strategic framework, the prepared estimates and highlighted the issues that would affect the actual setting of the overall level of council tax. The report also summarised the overall budget position arising from the current cycle of Scrutiny Committee meetings.

The Assistant Director Finance commented on the Local Government Provisional Finance Settlement 2017/18, advising Members that the Government had accepted the submitted efficiency plan for the four year settlement in November.

He discussed Council Tax highlighting the increase for District Councils up to and including £5 which was the maximum increase allowed before a referendum was required. Upper Tier Authorities may increase respective council tax higher but confirmed would not go higher than 6% over three years for Adult Social Care. Providing a council tax increase of £5 and the collection fund surplus of £87,500, Exeter City Council's Council Tax budget would raise by £308,000.

The Assistant Director Finance provided an update to Members on the business rates pool which all local authorities in Devon except South Hams District Council would pool for a fourth year. He discussed the benefits of the pool but highlighted the risk that if business rates were to fall below a certain level, it was the responsibility of the authorities in the pool, to make up the difference.

The Assistant Director Finance commented on the issues that require consideration which included:

- Equality impact assessment;
- New homes bonus;
- Future spending pressures;
- Levels of reserves and balances.

He discussed further on equality impact assessment informing Members, that the assessment was also part of the process determining the impact of revenue savings proposals.

The new homes bonus consultation was discussed, which highlighted the Government's intention to reduce the number of paid years from six to five years in 2017/18 with a further reduction to four years in 2018/19. There would be no payment on housing growth under 0.4% which had resulted in £3.597 million being awarded to Exeter for 2017/18.

In response to Members' questions, the Assistant Director Finance responded that the equality impact assessment was ongoing, and wouldn't cause any issues or require assessment. The Deputy Chief Executive also commented that savings had been addressed to increase revenue to reduce any impact on those who receive council services.

Corporate Services Scrutiny Committee noted the report.

7

CAPITAL PROGRAMME STATEMENT 2017/18 - 2019/20

The Assistant Director Finance presented the report on Capital Programme (2017/18 – 2019/20), which sought approval of the General Fund and Housing Revenue Account Capital Programmes for 2017/18 and schemes identified for the following two years.

The Assistant Director Finance provided an overview of the recommendations which required the council to prepare a three year capital expenditure plan to consider affordability of the capital investment.

He referred Members to the report and appendices and provided an overview of the General Fund Capital Programme. Members were informed of the new bids within

the three year capital expenditure plan and the 2017/18 total for the new bids would be £1,204,140. The Assistant Director Finance advised of the Corporate Services Capital Programme schemes and highlighted:-

- The conditional survey priorities would provide repair work at both the Wonford Community Centre and Civic Centre to reduce health and safety risk;
- Ensure the customer contact platform service was online and available for customer interaction with the council;
- Energy Saving Projects would address increased energy costs, raise income, and assess rapidly changing energy markets to reduce risk;
- Capitalised Staff Costs to engineers and surveyors for construction and purchase of assets;
- Contributions to Strata led projects for 2017/18, which included the annual contribution of £53,900.

Members were updated on the Housing Revenue Account (HRA) for 2017/18. The HRA would provide the capital programme with £18.902 million pounds which would be comprised of improvements to existing council property, new council homes and new IT systems. The Assistant Director Finance referred Members to the HRA Capital Programme report to show where funding would come from.

In response to Members' questions, the Assistant Director Finance responded:

- The RAMM Air monitoring equipment was not a part of the previous re-development;
- The percentage for vehicle acquisition each year for the Capital Programme would be monitored. Finance would compare the cost of vehicle purchase against vehicle lease.

Corporate Services Scrutiny Committee noted the Capital Programme (2017/18 – 2019/20) report and requested Executive and Council note and approve:-

- (1) The General Fund capital programme for 2017/18 as set out in Appendix 3;
and
- (2) The HRA capital programme for 2017/18 as set out in Appendix 4.

8

TREASURY MANAGEMENT 2017/18

The Assistant Director Finance presented the report on the Treasury Management Strategy and position of the Annual Investment Strategy 2017/18. The report was a statutory requirement and must be approved by Full Council.

He informed Members that the Treasury Management Strategy Report would provide the Council with an approved treasury management strategy for the start of each financial year and decrease risk of exposure to financial loss of invested funds. He referred Members to the report and commented on the key issues of the treasury management plan.

The Assistant Director Finance provided an overview of the current levels of borrowing and investments, along with the estimated changes and the financial impact for the year on both the General Fund and HRA. He discussed the monetary and time limits for in house investment and the council's short term borrowing. There were no proposed changes to UK lending limits for the 2017/18 strategy.

The in house planned investment was discussed, which informed Members that the cash flow forecast would be divided into short, medium and long term categories,

which would ensure investments and cash flow were protected and borrowing was kept to a minimum. He referred to the borrowing strategy, which was expected to be £96.1million from 31 March 2017 and rise to £110.5million within a year as capital expenditure was gained. He informed Members of the expected long term borrowing requirements.

Corporate Services Scrutiny Committee noted the Treasury Management report for 2017/18 financial year and recommended approval by Executive and Council.

9

PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES/INCORPORATING THE ANNUAL STATEMENT OF MINIMUM REVENUE POSITION

The Assistant Director Finance presented the report on The Prudential Code for Capital Finance in Local Authorities (Incorporating the Annual Statement of Minimum Revenue Provision), which advised Members of the proposed 2017/18 prudential indicators for capital finance for adoption by the Council and set the annual statement of Minimum Revenue Provision (MRP).

The Assistant Director Finance informed Members of the changes to the Prudential Code which required full council approval as did the statement of Minimum Revenue Provision (MRP).

He discussed the proposed prudential code indicators and referred Members to appendices A-C which depict the indicators for the next three years and summarised the key issues to the Members:-

- The Capital Financing Requirement: shows the amount that the Council needs to borrow;
- The Operational Boundary: sets the amount of borrowing that the Council intends to keep within over the period covered by the indicators. This would be the limit of borrowing;
- The Authorised Limit: the maximum that the Section 151 Officer is allowed to borrow to cover the Operational Boundary and day to day cash flow needs. This would be the absolute upper limited to borrowing.

In response to a Members' question, the Assistant Director Finance advised that fixed amount of projected borrowing was due to a limit to the amount of variable right is fixed. It was intended to attain a 100% fixed rate on borrowing.

Corporate Services Scrutiny Committee noted the report and requested Executive and Council note and approve:-

- (1) The Prudential Indicators set out in Appendix A-C;
and
- (2) The Annual Statement of Minimum Revenue Provision for the Council

10

ESTIMATES/FEES AND CHARGES

The Assistant Director Finance presented the report on Corporate Services Scrutiny Estimates, Fees and Charges which advised Members of the 2017-18 proposed revenue and capital estimates for Corporate Services.

He informed Members that the estimates for Corporate Services Scrutiny Committee had increased by a significant amount. Two reasons for the increase

were the Senior Management re-structure and increase to pensions. The estimates would be re-allocated once a final management structure had been approved.

Corporate Services Scrutiny Committee noted the Corporate Services Scrutiny Estimates, Fees and Charges report for 2017/18 financial year and recommended approval at the Extraordinary Meeting of the Council on 21 February 2017.

(The meeting commenced at 5.30 pm and closed at 6.23 pm)

Chair

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AUDIT AND GOVERNANCE COMMITTEE

Wednesday 7 December 2016

Present:-

Councillor Natalie Vizard (Chair)
Councillors Wood, Ashwood, Baldwin, Gottschalk, Mrs Henson, Lamb, Packham, Sheldon
and Warwick

Also Present

Assistant Director Finance, Audit Manager (HK), Democratic Services Manager
(Committees) and Democratic Services Officer

Darren Gilbert – Director KPMG
Rob Andrews – Manager KPMG

30 **MINUTES**

The minutes of the meeting held on 28 September 2016 were taken as read and signed by the Chair as correct.

31 **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interest were made.

32 **EXTERNAL AUDIT PROGRESS REPORT AND TECHNICAL UPDATE**

Darren Gilbert, Director and Rob Andrews, Audit Manager from KPMG presented the progress report which provided Members with an updated position with regards to the delivery of their responsibility as the City Council's auditor.

Members were advised on the timeline of deliverables and informed that the Grants Certification work has been completed. There was no technical update for this Committee to note. The Annual Audit Letter has been completed and will summarise the outcomes and key issues arising from audit work for the year

The Audit and Governance Committee noted the report.

33 **ANNUAL AUDIT LETTER 2015/16**

Darren Gilbert, Director from KPMG presented the Council's Annual Audit Letter, which was a statutory requirement and provided a summary and judgement of the key findings arising from the work carried out for the City Council in 2015/16. He updated the Committee and confirmed that the Annual Audit Letter included an audit of the financial statements, the value for money (VFM) conclusion and informed there was no new information to update.

Members were advised of the significant matters that were identified as part of the VFM audit work. KPMG had issued an unqualified opinion on the Authority's financial statements on 28 September 2016 and confirmed that the financial

statements gave a true and fair view of the financial position of the Council and of its expenditure. Darren Gilbert informed the report was aimed at a public audience.

In response to Members' questions, Darren Gilbert, informed the Members another officer within the finance team, should action spot checks to ensure posted journals were supported and legitimate.

The Audit and Governance Committee received the Annual Audit Letter.

34

CODE OF CORPORATE GOVERNANCE - 2016/17 UPDATE

The Assistant Director Finance presented the report which set out the proposed updated Code of Corporate Governance to reflect the updated principles of Delivering Good Governance in Local Government (CIPFA/Solace 2016).

Members were advised that the Council was required to prepare and publish an Annual Governance Statement and to report on the Council's performance against the Code of Corporate Governance. As the underlying principles had been amended it was necessary to update the Code to ensure that the Annual Governance Statement was accurate and meaningful.

The Audit and Governance Committee supported and requested Council approval of the updated Code of Corporate Governance for 2016/17.

35

INTERNAL AUDIT PROGRESS REPORT 2ND QUARTER 1 JULY TO 30 SEPTEMBER 2016

The Audit Manager (HK) presented the report on the internal audit work carried out during the period 1 July to 30 September 2016, she advised Members on the overall progress against the Audit Plan reporting any emerging issues requiring consideration. There were no financial implications arising from the report.

Members were informed that the Financial Regulations update would be undertaken as part of the review of the Councils constitution that will be undertaken in early 2017; there had been improvements to both the Housing Benefit Subsidy and Payments and Collection processes; and training for Officers and Members who act as Directors has now been undertaken.

In response to Members' questions, the Audit Manager clarified that Disabled Facilities Grants were promoted by third party bodies such as social services, these grants were in demand therefore there was no underspend. The Audit Manager also advised that whilst the item on the corporate risk register in respect of employees acting as directors of companies had now been removed from the corporate risk register, it still remained on the operations risk register where it would continue to be monitored to ensure duty of care to staff

In response to Members' questions, the Assistant Director Finance informed the Members on Officers conflicts of interest when they were also a Director. A letter signed by the Chief Executive was issued to a member of staff to set aside responsibility to allow someone else to fill the council role in event of any conflict of interest. If required the person would resign from the position that would cause the conflict.

The Audit and Governance noted the Internal Audit Report.

36

ITEM REQUIRING URGENT ATTENTION

The Chair agreed to take the following item as urgent business due to the timescales involved and the need for Council approval.

37

**REQUEST TO OPT-IN TO PUBLIC SECTOR AUDIT APPOINTMENTS (PSAA)
LTD - EXTERNAL AUDIT APPOINTMENT PROCESS**

The Assistant Director Finance updated Members on the opportunity for the Council to appoint its own External Auditors for the 2018/19 Accounts onwards.

The Government had agreed that PSAA Ltd, formed in conjunction with the Local Government Association, could run a national tender on behalf of all Local Authorities that wished to participate in the tender. This was similar to the current process where PSAA and formerly the Audit Commission used to tender on a nationwide basis and appoint External Auditors to Councils. Other Councils in Devon (with the possible exception of one) had indicated that they would participate in the PSAA tender process.

It was the view that this would save both time and cost in running the Councils own tender and provide better value for money than the Council would achieve on its own. It was noted there would be less choice of Audit Company's due to the specialist nature of the work. The Assistant Director Finance recommendation was to opt in, with the positives outweighing the negatives for joining.

The process for opting in required approval by Council in advance of the final date for opting in, which is 9 March 2017.

In response to Members' questions, the Assistant Director Finance informed the Members the fees were set nationally and paid direct to KPMG. There were currently 11 companies registered to undertake Local Authorities audit work

RECOMMENDED to Council that Exeter City Council becomes an opted in Authority under the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015 (the Regulations).

38

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

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

39

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Assistant Director Finance presented the report of the Corporate Manager Policy, Communications and Community Engagement, which advised Members of the Council's risk management progress and the updated Corporate Risk Register.

In response to Members' questions, the Assistant Director Finance clarified the position with regards to the risks on the register and advised that when a risk came off the corporate risk register it would go onto the operational risk register.

The Audit and Governance Committee noted the Corporate Risk Register.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair

STRATA JOINT SCRUTINY COMMITTEE

Monday 16 January 2017

Present:-

Councillors Dewhirst, Haines, Leadbetter, Lyons, Prowse, Jung, Howe and Sheldon

Also Present

Chief Operating Officer, The Teignbridge Strata Director, Security and Compliance Manager, Assistant Director Finance, Strategic Lead Finance (EDDC) - Strata Director, Programme & Resource Manager, Business Development Manager, Infrastructure and Support Manager, Document Centre Manager and Democratic Services Officer (Committees) (HB)

1

CHAIR

In the absence of Councillor Dent, the meeting was chaired by Councillor Howe of East Devon District Council.

2

APOLOGIES

These were received from Councillors Dent and Musgrave.

Councillor Sheldon was substituting for Councillor Musgrave.

3

MINUTES

The minutes of the meeting held on 15 September 2016 were taken as read and signed by the Chair as correct.

4

DECLARATIONS OF INTEREST

In respect of Min No 9, Councillor Jung declared an interest in that part of the report referring to DSG Retail.

5

QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None.

6

QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

None.

STRATA BUDGET MONITORING QUARTER III : 2016/17

The Director responsible for Finance presented the report setting out the financial progress of Strata during the first nine months of 2016/17, including a projected outturn assessment against the savings set out in the Business Plan.

The original business case for Strata had set out a savings profile over the initial 10 year period of the company. Approval to move staff to new Strata terms and conditions had meant that a revenue saving of only £26,964 was projected at the start of the financial year. The key variations were set out in the report which included additional income to finance Firmstep annual maintenance from Exeter City Council.

At the nine month stage, the Board was projecting a revenue saving for the Councils of about £70,000 for 2016/17 against the target of £254,052 in the original business case. The Councils had requested additional equipment and, at present, there were outstanding payments of £240,068 to be invoiced.

Strata Joint Scrutiny Committee noted the report.

8 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 items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part I, Schedule 12A of the Act.

9 UPDATE ON STRATA IMPLEMENTATION PLAN CREATING A REVISED BUSINESS PLAN 2017/18

Councillor Jung declared an interest in that part of the report referring to DSG Retail.

On Behalf of the Strata Board, the Chief Operating Officer presented the report advising of the progress that Strata had made in the Implementation Plan, seeking approval for changes to the Business Plan and to gain approval for capital expenditure.

He presented the second review against the original Business Case, the report examining the vision, finances, technology, the convergence plan and the organisation and comparing the current situation with the May 2014 Business Case. His presentation detailed progress on the three key requirements of reducing cost, reducing risk and increasing capability for change. It was delivering strongly in the first two areas and beginning to make in-roads into the latter as a result of more systems and software becoming common, or converged, across the three Councils.

The savings profile had moved as a result of the restructure costs, an extended Global Desktop rollout, and changes to the Software Convergence Plans. The revised Global Desktop rollout had required contracts and resources to be kept on for an additional year with the intention of completing the roll out by April 2017 and this had increased costs.

Taking a number of factors into account, the latest convergence plan forecasted that the original savings total would be achieved over a slightly longer period between years 12 and 13. During the ten year plan period, revenue savings of £5.3m were now forecast. Should the councils decide to remain with original convergence assumptions then savings would revert to closer to those stated in the 2014 Business Plan.

The Director (Finance Lead) advised Members of the revaluation of the Pension fund liability and that Strata had been treated as a high risk although the three Councils had given an undertaking to cover the pension liability. It was the intention to challenge the recovery of the deficit over the three years as this had implications for the three Councils.

Members discussed the implications of the revaluation and supported the intention of approaching Devon County Council for a review of the recovery of deficit in the Pensions Fund.

The Chief Operating Officer advised Members that Strata Officers had been working with the software provider to address the bugs that had occurred in the system which had caused a delay in the roll out of the Global desk top.

Strata Joint Scrutiny Committee noted the report and requested approval by three constituent Councils of:-

- (1) the Revised Business Plan for Strata;
- (2) the adoption of the revised Strata business plan which included a revised savings profile; and
- (3) the following additions to their capital programs to allow the 2017/18 convergence plan and new contact centre software to be delivered.

	% Contribution	Capital Funding
East Devon District Council	36.692%	£190,615
Exeter City Council	35.936%	£186,687
Teignbridge District Council	27.372%	£142,198
Total		£519,500

INTERNAL AUDIT OF GOVERNANCE ARRANGEMENTS

The Teignbridge Strata Director presented the internal audit report on governance and the Board's proposed actions produced by the Devon Audit Partnership.

Following an earlier report on "IT Systems" which had been judged "Good", a second report on Governance was also judged as "Good". It was noted that the draft Business Plan had highlighted some of the findings as items for review and should assist with the delivery of the company's business objectives and responsibilities. There were no significant matters arising from the audit and the recommendations made served to strengthen what were mainly reliable procedures.

“Good standard” levels of assurance had been given for each of the following areas:-

- Partnership Arrangements;
- Risk Management;
- Performance Management; and
- Governance Overview.

Strata Joint Scrutiny Committee noted the report.

(The meeting commenced at 3.00 pm and closed at 4.10 pm)

Chair

SCRUTINY WORK

The Chair invited feedback on the report of the Committee Chair on findings resulting from Members' enquires conducted with service users.

Strata Joint Scrutiny Committee agreed that the report be included on the agenda for the next Committee meeting on 16 March 2017.

STRATA - JOINT EXECUTIVE COMMITTEE

Monday 16 January 2017

Present:-

Councillor Jeremy Christophers (Chair)
Councillors Edwards and Moulding

Non-Voting Members:-

Nicola Bulbeck, Karime Hassan and Mark Williams

Also Present

Chief Operating Officer, Assistant Director Finance, The Teignbridge Strata Director, Programme & Resource Manager, The Strategic Lead for Human Resources, Strategic Lead Finance (EDDC) - Strata Director, Business Development Manager, Infrastructure and Support Manager, Security and Compliance Manager, Document Centre Manager and Democratic Services Manager (Committees)

In attendance

Representative from Devon Audit Partnership

1 **APOLOGIES**

Apologies for absence were received from Councillor Paul Diviani – Leader - East Devon District Council.

2 **MINUTES**

The minutes of the meeting held on the 27 September 2016 were taken as read and signed by the Chair as correct.

3 **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interest were made.

4 **STRATA BUDGET MONITORING DECEMBER 2016/17**

The Director (Finance Lead) presented the report advising Members on the financial progress of Strata during the first nine months of 2016-17, including a project outturn assessment against savings agreed in the budget.

Members were advised that at the nine month stage the Board was projecting a revenue saving of about £70,000 against the target of £254,052 in the original business case. At the start of the financial year a revenue saving of only £27,000 was projected due to the approval to move staff to new Strata Terms and Conditions and the main reason that the savings had now increased were that the planned redundancies were now lower than estimated in the Budget.

RESOLVED that the report be noted.

5 **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 paragraphs 1, 2, 3 and 4 of Part I, Schedule 12A of the Act.

6 **UPDATE ON STRATA IMPLEMENTATION PLAN CREATING A REVISED BUSINESS PLAN 2017/18**

The report of the Chief Operating Officer, Strata and Strata Board was submitted which advised Members of the progress that Strata had made in the Implementation Plan, sought approval for changes to the Business Plan and approval for capital expenditure.

The Chief Operating Officer gave a presentation, Members were updated on the following:-

- Main aims of Strata when it was formed in 2014
- Staff restructure
- New Data Centre
- savings target would now be achieved in year 13
- possible risk of Pension liability
- reduced costs to all Councils
- risk reduction
- increase capacity for change
- main work streams
- infrastructure
- issues with software.

The Director (Finance Lead) advised Members of the revaluation of the Pension fund liability and that Strata had been treated as a high risk although the three Councils had given an undertaking to cover the pension liability. The Board would be looking to challenge the recovery of the deficit over the three years as this had implications for the three Councils.

Members discussed the implications of the revaluation and supported the Board in approaching Devon County Council for a review of the recovery of deficit in the Pensions Fund.

The Chief Operating Officer advised Members that Strata Officers had been working with the software provider to address the bugs that had occurred in the system which had cause a delay in the roll out of the Global desk top.

Strata Joint Scrutiny Committee considered the report at its meeting on 16 January 2017 (3pm) and Councillor Howe reported that Scrutiny had raised some concerns regarding paying for the maintenance of software when it was still causing issues in the roll out of the Global Desk Top.

RECOMMENDED that the three Councils approve:-

- (1) the Revised Business Plan for Strata;
- (2) the adoption of the revised Business Plan for Strata which includes a revised savings profile; and
- (3) the following additions to their capital programmes to allow the 2017/18 convergence plan and new contact centre software to be delivered

Capital Funding 2017/18 for Software Convergence Plans		
Organisation	Contribution %	Capital Funding
East Devon District Council	36.692	£190,615
Exeter City Council	35.936	£186,687
Teignbridge District Council	27.372	£142,198
Total		£519,500

7

INTERNAL AUDIT OF GOVERNANCE ARRANGEMENTS

The Teignbridge Strata Director presented the Strata Internal Audit Governance Arrangements 2015/16 report produced by the Devon Audit Partnership.

Members were advised that the Devon Audit Partnership opinion was that the Governance Arrangements were good. The Board would address the actions as identified in the report.

In response to Members, the Teignbridge Strata Director commented that report would be brought to the JSC and JEC regarding the appropriateness and level of reporting.

RESOLVED that the report be noted and requested that Strata implement actions as identified.

8

CHIEF OPERATING OFFICER

As this was Chris Powell's last meeting before his retirement the Committee thanked Chris for his vision in the setting up of Strata and his hard work on the progress that Strata had made. They wished him well for his future.

(The meeting commenced at 5.30 pm and closed at 6.15 pm)

Chair

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EXECUTIVE

Tuesday 10 January 2017

Present:

Councillor Edwards (Chair)

Councillors Bialyk, Bull, Denham, Hannaford, Leadbetter, Morse, Owen, Pearson and Sutton

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Finance, Assistant Director City Development, Assistant Director Customer Access, Assistant Director Public Realm, Corporate Manager Democratic and Civic Support, Service Lead Housing Customers, Housing Community Partnership Officer and Democratic Services Manager (Committees)

1

MINUTES

The minutes of the meetings held on 8 November and 6 December 2016 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

3

MAJOR GRANTS PANEL MINUTES - 30 NOVEMBER 2016

The minutes of the Major Grants Panel meeting held on 30 November 2016 were submitted.

RESOLVED that the minutes of the Major Grants Panel meeting held on 30 November 2016 be received and, where appropriate, adopted.

4

HOUSING RENTS AND SERVICES CHARGES 2017/18

The joint report of the Assistant Director Finance and Assistant Director Housing was submitted setting out the proposed changes to council dwelling rents, garage rents and service charges with effect from 1 April 2017.

The Assistant Director Finance advised Members that the recommendation was for a 1% rent decrease for council dwellings in line with the Welfare Reform and Work Act 2016; garage rent to be increased by 2% with service charges remaining the same with the exception of 3.5% increase in respect of water at Magdalen Gardens and a 5% reduction in respect of door entry systems.

In response to a Member's question regarding the anticipated loss of £7.9 million rental income over the next four years and the impact that this could have on the Housing Revenue Account Loan of £57 million, the Assistant Director Finance

stated that the Department for Communities and Local Government (DCLG) had undertaken had a done an analysis and the results showed that Council's would have enough funds to manage and maintain their council dwellings.

The Service Lead Housing Customers clarified that the anticipated loss of income due to the reduction in rent over the next 30 business plan years was estimated to be £125 million.

People Scrutiny Committee considered the report at its meeting on 5 January 2017 and its comments were reported.

RESOLVED that:-

- (1) rents of Council dwellings are reduced by 1% from 1 April 2017;
- (2) garage rents are increased by 2% from 1 April 2017; and
- (3) service charges remain at their existing levels, with the exception of charges specified below from 1 April 2017:-
 - (a) 3.5% increase in respect of water at Magdalen Gardens in line with rises in water and sewerage charges; and
 - (b) 5% reduction in respect of door entry systems in line with system maintenance costs.

5

TENANT AND LEASEHOLDER INVOLVEMENT & COMMUNICATION STRATEGY

The Housing Community Partnerships Officer presented the report on the new Tenant and Leaseholder Involvement and Communication Strategy which replaced the former Housing Resident Involvement Strategy which had operated from 2012 – 2015. The report also sought endorsement for the Housing Service's 5 Key Pledges (Local Offers) – the Housing Revenue Account's (HRA) service standard commitments to council tenants and leaseholders.

The Housing Community Partnerships Officer advised Members that strategy now better reflected the new working practices within Housing Customer Services and had been written in conjunction with representatives from the Housing Customer Relations Team and tenants and leaseholder representatives on the Performance Scrutiny Partnership. The document was now shorter, user-friendly and would be accessible to Council's tenants and leaseholders.

People Scrutiny Committee considered the report at its meeting on 5 January 2016 and its comments were reported.

RESOLVED that the:-

- (1) new Tenant and Leaseholder Involvement and Communication Strategy 2016 – 2020 be adopted; and
- (2) Housing Service's 5 Key Pledges (Local Offers) be adopted.

6

POLICY FOR TACKLING ANTI-SOCIAL BEHAVIOUR IN HOUSING

The Service Lead Housing Customers presented the report which sought adoption of the new Anti-Social Behaviour (ASB) Policy for Housing Services. Members were advised that ASB Policy was last reviewed in September 2012. During the interim period the government had introduced the Anti-Social Behaviour Crime and Policing Act and Housing had completed a major re-structure, and introduced a new way of working. The new policy and the revised procedures reflected these changes.

In response to a question from the Leader, the Service Lead Housing Customers stated that once an incident of ASB had been reported an action plan would be agreed between the person reporting the ASB and the Council. A small summary leaflet would be produced which would be sent to residents outlining the policy.

People Scrutiny Committee considered the report at its meeting on 5 January 2016 and its comments were reported.

RECOMMENDED to Council that the new Anti-Social Behaviour Policy for Housing be adopted with immediate effect.

7

BUDGET STRATEGY 2018/19

The report of the Assistant Director Finance was submitted to provide Members with a strategic overview of the budgetary position for the 2017/18 financial year and beyond. The report included an indication of the likely level of available resources, the known demand for resources and the proposals to ensure that a balanced budget was achieved.

The Assistant Director Finance made particular reference to:-

- Four Year Settlement – Government had agreed to this Council's offer of a four year settlement;
- New Homes Bonus – Government intended to remove £800 million from New Homes Bonus it awarded to Councils to fund Adult Social Care. The changes would result in the Council being awarded £3.597 million for 2017/18;
- Business Rates Revaluation – Exeter's list had risen by 0.97% against a national increase of 9.6% meaning that, on average, bills in Exeter would reduce; and
- Council Tax – District Councils were allowed to increase Council Tax by 1.99% or £5. Exeter's budget strategy for the next years assumed a council tax increase of £5.

RESOLVED that the contents of the report be noted and that the proposals to establish a balanced revenue budget and capital programme be approved.

8

2017/18 COUNCIL TAX BASE AND NNDR1

The report of the Assistant Director Finance was submitted setting out the 2017/18 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012. The report also sought approval to delegate to the Assistant Director Finance (Section 151 Officer) the Council's estimate of Business Rate Income (NNDR1) for the next financial year.

Members were advised that the net Council Tax Base for 2017/18 would be 36,197, being an increase over the 2016/17 figure.

Members discussed the possibility of the County Council increasing Council Tax by up to three per cent above the threshold to spend on Adult Social Care and that although this would relieve pressure on Adult Social Care it would not be adequate enough to help all vulnerable residents.

In response to Members' questions, the Assistant Director Finance clarified that because of the increase in the Council Tax Base and the number of new properties there would be an increase of income from council tax of £308,000.

Members recognised that whilst the increase in the properties within the City would generate additional income, there was also the increase in the costs of provision of council services.

RESOLVED that: -

- (1) in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2017/18 shall be £36,197; and
- (2) responsibility to approve the Council's NNDR1 return by 31 January 2017 be delegated to the Assistant Director Finance (Section 151 Officer).

9 **GREATER EXETER STRATEGIC PLAN REPORT ON GOVERNANCE, SCOPE AND TIMETABLE AND AMENDED LOCAL DEVELOPMENT SCHEME**

The Assistant Director City Development presented the report to approve a new Local Development Scheme and to make recommendations on various aspects of the Greater Exeter Strategic Plan (GESP) to be prepared jointly with East Devon District Council, Teignbridge District Council, and Mid Devon District Council, in partnership with Devon County Council.

Members were advised that the report had been considered by the Planning Working Group, the main issues raised being:-

- Leaders of the Councils should be actively involved through the Greater Exeter Visioning Board and any successor Greater Exeter Growth and Development Board, with Portfolio Holders for Planning to be on the Members' Steering Group;
- Member engagement to be cross party with regular member briefings; and
- Consultation arrangements.

All the Councils were in the process of considering the report but as East Devon District Council and Mid Devon District Council would need Council approval and these would not be until 22 February 2017, the time table for consultation to start on 17 February would require further discussion.

In response to Members' questions, the Assistant Director City Development explained that there were 14 work streams, some of the work to be undertaken by consultants.

Discussion took place with regards to the need for Members' involvement and input into the plan including the tender process for any consultancy work that was required.

The Portfolio Holder for City Development commented that it was important that Members were kept fully informed of the complex issues of the plan and that there was cross party involvement. There was a forthcoming Members' Briefing to update Members on progress to date on the development plan.

RESOLVED that the following be approved:-

- (1) the subject matter of the Greater Exeter Strategic Plan, subject to review as the plan be progressed;
- (2) the timetable for the Greater Exeter Strategic Plan;
- (3) the timetable for the Exeter Development Delivery Plan, subject to further review as work on the Greater Exeter Strategic Plan progresses;
- (4) the Local Development Scheme attached as Appendix A, to have effect from 18 January 2017;
- (5) the preparation of the Greater Exeter Strategic Plan under Section 28 of the Planning and Compulsory Purchase Act 2004, without the need for a statutory joint planning committee;
- (6) the establishment of a Member Steering Group with a representative from each of the five Councils, to which the Portfolio Holder for City Development, be appointed, with Portfolio Holder for Economy as the deputy;
- (7) the establishment of a joint Member Reference Forum to which relevant Members from each of the five authorities are invited to attend as required. The forum would meet to consider and make comments on draft plan proposals before they are formally considered by each Council;
- (8) the "Issues" document attached as Appendix B to this report for consultation;
- (9) the draft Greater Exeter Statement of Community Involvement attached as Appendix C for informal consultation;
- (10) that resolution of any inconsistencies arising from the decisions of individual Councils on GESP documents being delegated to Exeter City Council Chief Executive & Growth Director in consultation with the Portfolio Holder for City Development and the Chief Executives of East Devon, Teignbridge and Mid Devon;
- (11) following agreement with the other District Councils, delegated authority to agree minor modifications (which do not go the heart of the documents' meaning) being granted to the Assistant Director, City Development or City Development Manager in consultation with the Portfolio Holder for City Development; and
- (12) the noting of the staffing proposal.

10

REPRESENTATIONS ON OUTSIDE BODIES - SPOTLIGHT REVIEW

The Corporate Manager Democratic and Civic Support presented the report providing an update and details as to the current Council representation on outside bodies. The recommendations had arisen from a Spotlight Review Group that had meet to consider whether representation should be continued on the outside bodies.

RESOLVED that after having consideration for the attached spreadsheet of information (Appendix 1) and the Spotlight Reviews' findings:-

- (1) the feedback contained within this report be recognised;
- (2) the suggested actions contained within this report at Section 8 be agreed; and
- (3) Portfolio Holder for Place to be a full representative with the Leader on Community Safety Partnership.

11 **PORTFOLIO HOLDERS' RESPONSIBILITIES AND PRIORITIES**

RESOLVED that the list of Portfolio Holders' Responsibilities and Priorities be noted.

12 **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 involved the likely disclosure of exempt information as defined in paragraphs 1,2, 3 and 4 of Part 1, Schedule 12A of the Act.

13 **SUPPORTING AN EXETER-BASED CREDIT UNION**

The Assistant Director Customer Access presented the report proposing that the City Council support the move of the Plough & Share Credit Union from their current base in Okehampton to Exeter.

Members were advised that this recommendation actions part of a Council Resolution in December 2013 regarding promoting and supporting a local credit union and to support Exeter residents with their money management.

Members discussed the need for the Credit Union to be in an appropriate location within the city centre and that the name should be changed to one that was more meaningful to Exeter which should include the name of the City.

Members supported the report with the amendments to the conditions regarding the name to include the name of the City and the securing of an appropriate operating premises. Members noted that conditions attached to the support from the City Council would be considered by Plough & Share Management Committee.

RECOMMENDED that Council notes and approves:-

- (1) Plough & Share's move to Exeter, by way of a one-off payment, primarily to meet the costs in increased rental charges and Business Rate Relief. The final payment will be dependent upon the rental value of the premises, but approval is sought up to a maximum of £10,000 for rent;
- (2) the conditions to be attached to the support as outlined in section 8.8 of this report with the following amendments;

- Condition 1 - for work in Exeter, the name to be changed to one that was more meaningful to Exeter, including the name of the City;
 - Condition 2 - that the Plough & Share Credit Union make every effort to secure operating premises in an area of high footfall seeking advice from Council officers where necessary. A final decision on the Council's support to be delegated to the System Lead – Finance in consultation with the Portfolio Holder for Customer Access, once the Council was informed of the chosen location.
- (3) that following a tendering process, Plough & Share be awarded £36,000 to underwrite loans to the Council's welfare support clients who would not normally be offered a loan as well as cover the fees incurred per loan; and
- (4) the nomination of a representative of the Council to the Plough & Share Management Committee.

14

STAFFING IN PUBLIC REALM

The Assistant Director Public Realm presented the report to approve the implementation of changes to the structure and terms and conditions of posts in Public Realm in compliance with the Management of Organisational Change/Redundancy policy.

Members were advised that the revisions to the Staffing in Public Realm were to address Health and Safety requirements and to recognise the significance of the management of the City Council's tree stock.

Members welcomed the proposals.

RESOLVED that the recommendation as set out in the report be agreed and the Assistant Director Public Realm be authorised to proceed to the consultation stage in accordance with the Council's Organisational Change Policy.

15

REVIEW OF STAFFING HOUSING CUSTOMERS

The Service Lead Housing Customers presented the report advising Members of the business case for increasing the staffing provision within the Housing Customer Team, to ensure the delivery of services in the most effective and efficient way.

Members supported the way forward.

RESOLVED that one new post be added to the Council's establishment to include an additional post of a Housing Customer Technical Assistant (HCTA).

(The meeting commenced at 5.30 pm and closed at 6.37 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 21 February 2017.

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REPORT TO Council

Date of Meeting: 21 February 2017

Report of: Corporate Manager, Democratic & Civic Support

Title: AMENDMENTS TO THE CONSTITUTION INCLUDING THE SCHEME OF DELEGATION & FINANCIAL REGULATIONS

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, taking particular account of the recent restructure of senior management and to update the Financial Regulations.

2. Recommendations:

That the Council approve:-

- (1) the changes to the Scheme of Delegation to Officers set out in Appendix 1 to this report; and
- (2) the Financial Regulations as set out in Appendix 2 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, thereby ensuring that day to day operational decisions can be taken.

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

4.1 None

5. Section 151 Officer comments:

5.1 Financial regulations underpin strong financial management and they have been fully updated in this report. This includes a change to the levels of virements that can be made.

6. What are the legal aspects?

6.1 None identified.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer considers that it is vitally important for the Constitution to be amended as suggested in order to allow operational decisions to be made whilst the recruitment process for the members of the new Strategic Board continues.

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 the review of the senior management structure of the Council which has devolved the operational responsibilities for services, down to the “service lead” level of management within the organisation.
- 8.3 By doing this, it allows the newly appointed Directors to concentrate on strategic issues.
- 8.4 However, to ensure that there is always a level of management available to take decisions pertaining to those listed under delegated powers, it is proposed that the Chief Executive & Growth Director be given delegated powers over all areas of the Council, with the Deputy Chief Executive and Directors being given delegated powers over those areas of the Council for which they are accountable.
- 8.5 The Senior Management restructure, has also necessitated various other changes to elements within the Council’s constitution, particularly in the Responsibility of Functions element, as well as the Terms of References. These changes are predominantly surrounding changes in titles of the officers responsible, and as such constitute minor amendments. The Corporate Manager, Democratic and Civic Support has delegated authority to make “minor” amendments to the constitution, and has done so in these circumstances.
- 8.6 Similarly, other elements of the constitution will need amending to reflect these changes. This report therefore includes revised Financial Regulations to reflect these changes. Work is currently progressing on revising Contract Regulations.
- 8.7 Once these changes have been approved, a revised up to date version of the constitution will be made available to Members.

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 & Deputies

GENERAL

1. The **Chief Executive & Growth Director, Deputy Chief Executive, Directors, Chief Finance Officer, City Solicitor & Head of HR, Corporate Managers 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 Chief Finance Officer** where a budgetary issue is involved.
5. 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.
4. 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.
5. 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.
6. The Deputy Chief Executive, **Assistant** Directors, **Chief Finance Officer, City Solicitor & Head of HR** 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).

(Amended April 2017)

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, Corporate Services Scrutiny Committee and Audit and Governance Committee.
6. To exercise all/any delegated functions already reserved to specific officers as set out in the scheme of delegation.

Deputy Chief Executive and Directors

1. The Deputy Chief Executive and Directors may exercise any delegated function in the absence of an Officer to whom that authority has been specifically delegated, within the service areas which they manage.

Deputy Chief Executive, ~~Assistant~~ Directors, Chief Finance Officer, City Solicitor & Head of HR and Corporate Managers

1. To be responsible for the effective and efficient day-to-day 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 ensure that all policies adopted by the Council, which shall include those relating to its workforce are implemented.
3. In agreement with the ~~Corporate Manager Legal Services~~ City Solicitor & Head of HR, 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/ Chief Finance Officer/City Solicitor & Head of HR/Corporate Manager is responsible.
4. 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).

(Amended April 2017)

5. To authorise the ~~Assistant Director Environment and Corporate Manager- Legal Services City Solicitor & Head of HR~~ to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000.
6. 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.
7. Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation.
8. Authority is required for the removal of goods from ~~Assistant- a Director Customer Access, Assistant Director Finance- Chief Finance Officer~~, Chief Executive & Growth Director or Deputy Chief Executive.
9. 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 & Growth Director) including but without prejudice to the generality of the foregoing:
 - a) 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.

*Deputies - City Solicitor & Head of HR
 Legal Services
 Chief Legal Executive or/and Litigation Solicitor
 Human Resources
 Human Resources Transactional Services Manager*

- b) 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 ~~Corporate- Manager- Legal Services City Solicitor & Head of HR-~~, suspension and/or dismissal of an employee.

*Deputy for City Solicitor & Head of HR
 Human Resources Transactional Services Manager*

*Necessary Disciplinary Action
 Deputies
 Environment—Cleaving and Fleet Manager
 Public Realm—Public & Green Spaces Manager*

10. ~~Assistant~~ Directors in consultation with their Portfolio Holders can vary fees and charges throughout the year to take account of market conditions, with the exception of car parking charges and statutory charges set by the Government. Commercially sensitive fees are no longer published

(Amended April 2017)

Deputy Chief Executive

1. In consultation with the Leader of the Council, to amend the Managing Organisational Change and Redundancy Policy and Procedure where necessary.

ASSISTANT DIRECTOR CITY DEVELOPMENT

City Development Manager

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.

Function	Consultation or Agreement	With Postholders/Group
<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	Agreement	Corporate Manager Legal Services City Solicitor & Head of HR and

(Amended April 2017)

injunction, prosecution or other formal legal proceedings. Hazardous substance contravention notice.		Executive Member with Relevant Portfolio
<u>Section 106 Planning Obligations</u> Minor variations of existing Section 106 agreements, new agreements involving sums of less than £10,000 and those considered necessary with regard to planning appeals. Decisions on use of Section 106 funding where the terms are not prescribed by the agreement.	Consultation Agreement	Chair of Planning Committee Executive Member with Relevant Portfolio
<u>Neighbourhood Planning</u> Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums.	Agreement	Executive Member with Relevant Portfolio
<u>Local Infrastructure Fund</u> Decisions not considered by the Panel	Agreement	Chair of the Major Grants or of any group that replaces it.
<u>Assets of Community Value</u> Decisions on listing assets	Agreement	Executive Member with Relevant Portfolio
Community Infrastructure Levy Governance arrangements and allocation of funds	Agreement determined	Arrangements as directed by Executive in due course

Deputies – the relevant officer post holder either Assistant City Development Manager (Planning) and/or Assistant City Development (Building Control)

~~ASSISTANT DIRECTOR~~ CUSTOMER ACCESS

System Lead - Finance

- 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

(Amended April 2017)

regulating the scheme and the collection and recovery of Housing Benefits Overpayments.

Deputy – Service Improvement Lead (Benefits)

2. To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund'

Deputy – Service Improvement Lead (Benefits)

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; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputies – Service Improvement Lead (Payments) and Service Improvement Lead (Local Taxation)

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; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputies – Service Improvement Lead (Payments) and Service Improvement Lead (Local Taxation)

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 Section 13A policy under LGFA 1992.

Deputy – Service Improvements Lead (Benefits)

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.

Deputy – Service Improvements Lead (Benefits)

7. To authorise the service in relation to rent arrears of Notice of Intention to seek Possession (secure tenancies) and Notice to Quit (non-secure tenancies); and Notice of Proceedings for Possession of an Introductory Tenancy (introductory tenancies).

Deputy – Service Improvement Lead (Payments)

8. 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.

Deputy – Service Improvement Lead (Payments)

(Amended April 2017)

9. To accept payment of arrears of rent by instalments.
Deputy – Service Improvement Lead (Payments)
10. Authority to apply for a warrant for Possession of Property in relation to rent arrears.
Deputy – Service Improvement Lead (Payments)
11. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.
Deputy – Service Improvement Lead (Payments)
12. To appoint enforcement agents for the recovery of any outstanding debts.
Deputy – Service Improvement Lead (Payments)
13. In consultation with ~~Corporate Manager Legal Services~~ **City Solicitor & Head of HR**, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates.
Deputies – Service Improvement Lead (Benefits) and Service Improvement Lead (Local Taxation)
14. 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
Deputies – Service Improvement Lead (Local Taxation) and Service Improvement Lead (Benefits)
15. In consultation with the Executive Member with relevant portfolio and Chief Executive & Growth Director, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.
Deputy - Service Improvement Lead (Payments)

System Lead - Housing

1. 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 applicant's 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.

(Amended April 2017)

Deputy – Assessment and Accommodation Lead

2. (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~~ **City Solicitor & Head of HR** and the ~~Assistant Director Finance~~ **Chief Finance Officer**, 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.

Deputy – Assessment and Accommodation Lead

3. To arrange for and re-charge as necessary for the removal and storage of personal possessions.

Deputy – Assessment and Accommodation Lead

4. In consultation with the ~~Corporate Manager Legal Services~~ **City Solicitor & Head of HR**, 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.

Deputy – Assessment and Accommodation Lead

5. In consultation with the Executive Member with relevant portfolio to make any necessary amendment to the housing scheme.

Deputy – Assessment and Accommodation Lead

6. 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.

Deputy – Assessment and Accommodation Lead

7. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the ~~Assistant Director Finance~~ **Chief Finance Officer**.

Deputy – Assessment and Accommodation Lead

8. To deal with and determine homelessness reviews in accordance with the Housing Act 1996.

Deputy – Assessment and Accommodation Lead

ASSISTANT DIRECTOR ENVIRONMENT

Environmental Health and Licensing Manager

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).

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)

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)

Deputy – Principal Licensing Officer

3. To appoint Inspectors and authorise officers to carry out any function, power or duty within his remit. ~~of the Assistant Director Environment.~~

Deputy – N/A

4. Without prejudice to the generality of the above, where appropriate in consultation with the ~~Corporate Manager Legal Services City Solicitor and Head of HR~~, the ~~Assistant Director Environment Environmental Health and Licensing Manager~~ 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 proceedings, 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

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- 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 and 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

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- 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 from 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

Deputies –Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB) and/or – Principal Licensing Officer

5 Enforcement of local bylaws.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB) and/or Principal Licensing Officer

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~~

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~~Finance~~ Chief Finance Officer to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)

7. To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)

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 Manager.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)

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~~ City Solicitor & Head of HR.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)

10. To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries, 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.

Deputy – Principal Licensing Officer

11. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB) and/or Principal Licensing Officer

12. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

Deputy - None

13. To issue a Closure Notice of no longer than 24 hours following appropriate consultation under Part 2, Chapter 3 of the Anti Social Behaviour Crime and Policing Act 2014.

Deputy – Refer to Chief Executive & Growth Director or Director

Cleansing and Fleet Manager

1. Without prejudice to the generality of the above, where appropriate in consultation with the City Solicitor & Head of HR, the Cleansing and Fleet Manager 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 proceedings, issuing of formal cautions and fixed penalty fines, service of Notices, carrying out of works in default and payment and recovery of costs:
 - 1.1 Environmental Protection Act 1990 including authorisation and service of notices pursuant to Section 46.
 - 1.1 Litter Act 1983
 - 1.2 Refuse (Disposal) Amenity Act 1978
 - 1.3 Clean Neighbourhoods and Environment Act 2005

Deputy - None

~~ASSISTANT DIRECTOR FINANCE~~ Chief Finance Officer

1. To determine interest rates and their applicable dates in respect of new and existing mortgages.

Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
2. In consultation with the ~~Corporate Manager Legal Services~~ City Solicitor & Head of HR to initiate court proceedings for the recovery of arrears in respect of mortgages.

Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
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”.

Deputy – Technical Accounting Manager (Deputy Section 151 Officer)

4. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
5. To approve all housing advances for purchase or improvement.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
6. To be responsible for undertaking the role of Money Laundering Reporting Officer in accordance with the Money Laundering Regulations 2003.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
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.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
8. In consultation with the Leader of the Council and the ~~Corporate Manager- Legal Services-City Solicitor & Head of HR~~ authorise the application of the Councils Local Government Pension Scheme Employer Discretions.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
9. To approve the creation or modification of approved contractor standing lists.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
10. In consultation with the Executive Member with relevant Portfolio Authority to approve financial assistance in the form of relief from Business Rates in respect of Charities/Good Causes and cases of hardship.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
11. 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.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
12. 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.
Deputy – Technical Accounting Manager (Deputy Section 151 Officer)
13. 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

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necessary issue possession proceedings for mortgage arrears in consultation with the ~~Corporate Manager Legal Services~~ City Solicitor & Head of HR.

Deputy – Technical Accounting Manager (Deputy Section 151 Officer)

~~ASSISTANT DIRECTOR HOUSING~~

Service Lead - Housing Assets, Service Lead - Housing Customers, Housing Development Manager

1. Adaptation of Council Properties for disabled persons.
2. In agreement with the Leader of the Council and the Executive Member with Relevant Portfolio (or their substitutes nominated by the Leader) and the ~~Corporate Manager Property City Surveyor~~ 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~~ Chief Finance Officer, to authorise payment of the Housing Capital Grant in accordance with 3 (a) above.
 - (c) To negotiate and enter into Nomination Agreements in accordance with 3 (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~~ City Solicitor & Head of HR 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 ~~City Solicitor & Head of HR and Housing Solicitor Corporate Manager Legal Services~~, to:-
 - (i) institute injunction proceedings in respect of anti-social behaviour pursuant ~~to Section 13 of the Act to current relevant legislation~~;
 - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant ~~to Section 14 of the Act to current relevant legislation~~;
 - (iii) institute proceedings in the County Court to obtain possession orders pursuant ~~to Section 16 of the Act to current relevant legislation~~; and

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- (iv) In consultation with the Executive Member with relevant Portfolio and the ~~Assistant Director Finance~~ **Chief Finance Officer**, to make minor amendments to the Contract Regulations to reflect changes in legislation.
- 7. In consultation with the Executive Member with relevant Portfolio 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 Executive Member with Relevant Portfolio, 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.

Service Lead Housing Assets

Deputies – Planned Works Lead, Reactive Repairs Lead, Compliance Lead

Service Lead Housing Customers

Deputies – Customer Relations Lead, Lettings & Leasehold Lead

Housing Development Manager

Deputy – Senior Housing Development Officer

Service Lead - Housing Customers

- 1. Grant, administer and, where necessary, terminate any flexible tenancy.
Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead
- 2. To terminate any tenancy or licence where necessary, by relying on the absolute grounds for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014 (the ASBCP Act 2014).
Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead
- 3. In consultation with the Executive Member with relevant Portfolio in conjunction with the ~~Assistant Director Finance~~ **Chief Finance Officer** and the ~~Corporate Manager Legal~~ **City Solicitor & Head of HR**, approve a repayment plan with a landlord where a property is handed back early from a private rental agreement with an individual landlord where outstanding funds are owed to the Council. This will be subject to a legal charge being created and registered in the Council's favour against the property.

Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead

4. Authority to opt to surrender Right to Buy (RTB) to Department of Communities & Local Government or pass receipts over to a housing association, subject to prior consultation with the ~~Assistant Director Finance~~ **Chief Finance Officer** and the Executive Member with relevant Portfolio.

Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead

Housing Development Manager

1. Approve the use of commuted sums, as required, to acquire new affordable housing in consultation with the Executive Member with Relevant Portfolio and Finance and Estates Officers.

Deputy – Senior Housing Development Officer

2. In consultation with the Executive Member with relevant Portfolio 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 within approved budgets.

Deputy – Senior Housing Development Officer

~~ASSISTANT DIRECTOR~~ PUBLIC REALM

Service Manager Business and Commercial Operations

1. All matters relating to the day-to-day management of the River Exe and Canal.

Deputy – Waterways Manager

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.

Deputy – Waterways Manager

3. In consultation with the ~~Corporate Manager Legal Services~~ **City Solicitor & Head of HR**, the regulation and enforcement of Harbour by-laws.

Deputy – Waterways Manager

4. 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.

Deputy - Commercial Operations Manager

5. In consultation with other ~~Assistant Directors Officers~~ as appropriate, the letting of parks and open spaces for special events where this does not have a negative financial impact on the Council.

Deputy - Commercial Operations Manager

6. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public Health (Control of Diseases) Act 1984.

Deputy - Commercial Operations Manager

7. Where appropriate, to serve Notices to Quit terminating allotment tenancies.

Deputy - Commercial Operations Manager

8. In consultation with the ~~Corporate Manager Legal Services~~ City Solicitor & Head of HR and the Portfolio Holder Environment, authority to make amendments to the Allotment Gardens Rules and Conditions.

Deputy - Commercial Operations Manager

- ~~9. The identification for disposal of small areas of land no longer required for leisure purposes.~~

10. Authority to enter into management agreements with duly elected Allotment Associations, as prescribed (Council 15 October 2014) in consultation with Executive Member with relevant Portfolio.

Deputy - Commercial Operations Manager

11. To reassign any residue from any future capital funding for the waterway in order to effect immediate and or significant repairs elsewhere in the Canal or Quay, in consultation with the Executive Member with relevant Portfolio and the ~~Assistant Director Finance~~ Chief Finance Officer.

Deputy - Commercial Operations Manager

12. To exercise the powers and functions of the Council under Section 26 of Exeter City Act 1987.

Deputy - Commercial Operations Manager

13. In consultation with the ~~Assistant Director Finance~~ Chief Finance Officer, 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).

Deputy - Commercial Operations Manager

14. In consultation with the Executive Member with relevant Portfolio 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.

Deputy - Commercial Operations Manager

15. Responsibility to interpret the Allotment Garden Rules and Conditions (agreed Council 15 October 2014) in the case of a dispute.

Deputy – Customer Service Team Manager

Service Manager Community Safety and Enforcement

1. To exercise the Council's powers under Section 6-8, 25 and 30 of the Exeter City Act 1987.

Deputy – Parking and Enforcement Team Manager

2. In consultation with the ~~Corporate Manager Legal Services~~ City Solicitor & Head of HR, to agree/refuse requests for road closures.

Deputy – Parking and Enforcement Team Manager

3. 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.

Deputy – Parking and Enforcement Team Manager

4. In consultation with the Leader of the Council and Executive Member with relevant Portfolio to consider objections to Exeter City Council Parking Places Orders and amendments thereto.

Deputy – Parking and Enforcement Team Manager

5. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

Deputy – Parking and Enforcement Team Manager

6. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

Deputy – Parking and Enforcement Team Manager

CORPORATE MANAGER LEGAL SERVICES/ City Solicitor & Head of HR and 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.

Deputies – Chief Legal Executive and/or Litigation Solicitor

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~~ City Solicitor & Head of HR/Monitoring Officer shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
(c) In consultation with ~~Assistant Director~~ a Director concerned, authority to issue formal cautions where he/she considers this appropriate.

Deputies – Chief Legal Executive and/or Litigation Solicitor

3. To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls.

Deputies – Chief Legal Executive and/or Litigation Solicitor

4. In consultation with the ~~Assistant Director Finance and Corporate Manager Property~~ Chief Finance Officer and City Surveyor 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.

Deputies – Chief Legal Executive and/or Litigation Solicitor

5. To apply to the Justices to authorise entry into land or premises by persons named by the ~~Assistant Director~~ City Development Manager under the Town & County Planning Act 1990 (as amended).

Deputies – Chief Legal Executive and/or Litigation Solicitor

6. In conjunction with the ~~Assistant Director Public Realm~~ relevant Director, 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.

Deputies – Chief Legal Executive and/or Litigation Solicitor

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.

Deputies – Litigation Solicitor

8. To provide and sign statements of truth in accordance with the Civil Procedure Rules.

Deputies – Chief Legal Executive and/or Litigation Solicitor

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~~ City Solicitor & Head of HR considers that such action is necessary to protect the council's interest.

Deputies – Chief Legal Executive and/or Litigation Solicitor

10. To discharge the functions of the Monitoring Officer as set out in Articles 11 and 14 of Part 2 of the Constitution.

Deputies – Chief Legal Executive and/or Litigation Solicitor

11. To approve minor administrative/typographical corrections to the Constitution in consultation with the Leader of the Council.

Deputy – Corporate Manager Democratic & Civic Support

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.

Deputies – Chief Legal Executive and/or Litigation Solicitor

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.

Deputies – Chief Legal Executive and/or Litigation Solicitor

14. The authority to amend HR policies and procedures where a statutory change or an organisational change (i.e. change in job title/role) has occurred making the amendments necessary.

Deputy – Human Resources Transactional Services Manager

15. In consultation with the Portfolio Holder with responsibility for equality and diversity to make amendments to the equality and diversity policy.

Deputy – Human Resources Transactional Services Manager

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.

Deputy – Democratic Services Manager

2. In consultation with the leaders of the Political Groups, to implement minor variations of numbers and appointments of Members of Committees/Sub-Committees, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.

Deputy – Democratic Services Manager

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.

Deputy – Lord Mayors Support Officer

4. To authorise the use of the Guildhall for private functions.

Deputy – Lord Mayors Support Officer

5. To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer’s duties.

Deputy - Electoral Services Manager

Corporate Manager ~~POLICY, COMMUNICATIONS AND COMMUNITY~~ ~~ENGAGEMENT~~ Executive Support Unit

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

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Deputy - None

CORPORATE MANAGER PROPERTY City Surveyor

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

- 1) In undertaking **property matters** 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 City Surveyor~~ 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 City Surveyor~~ 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 City Surveyor~~ 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

Deputy – Principal Estates Surveyor

2. Authority to enter into and grant leases, licenses, tenancies at will and wayleave agreements.

Deputy – Principal Estates Surveyor

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

Deputy – Principal Estates Surveyor

4. Where appropriate in consultation with the ~~Corporate Manager Legal City Solicitor & Head of HR~~, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.

Deputy – Principal Estates Surveyor

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5. In consultation with the ~~Assistant Director Finance~~ Chief Finance Officer and ~~Corporate Manager Legal~~ City Solicitor & Head of HR, to take legal/court action to enforce payment of rent and other charges due to the Council.

Deputy – Principal Estates Surveyor

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.

Deputy – Principal Estates Surveyor

7. In consultation with the ~~Corporate Manager Legal~~ City Solicitor & Head of HR, authority to institute proceedings for the removal of trespassers on City Council land.

Deputy – Principal Estates Surveyor

8. In consultation with the ~~Corporate Manager Legal~~ City Solicitor & Head of HR, authority to exercise the powers contained under Sections 77 and 78 of the Criminal Justice Public Order Act 1994.

Deputy – Principal Estates Surveyor

9. Authority to submit planning applications for the development or redevelopment of Council owned sites.

Deputy – Principal Estates Surveyor

10. In accordance with any procedures required by the Asset Management Plan and in consultation the ~~Assistant Director Finance~~ Chief Finance Officer, 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.

Deputy – Principal Estates Surveyor

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.

Deputy – Principal Estates Surveyor

12. In consultation with the ~~Assistant Director Finance~~ Chief Finance Officer and ~~Corporate Manager Legal~~ City Solicitor & Head of HR, to pay or accept compensation where appropriate.

Deputy – Principal Estates Surveyor

13. In consultation with the ~~Assistant Director Finance~~ Chief Finance Officer, authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme and the AIM process.

Deputy – Principal Estates Surveyor

14. To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996.

Deputy – Principal Estates Surveyor

15. In consultation with the ~~Assistant Director Finance~~ Chief Finance Officer and in agreement with the other relevant ~~Assistant Director(s)~~ Officers, to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.

Deputy – Principal Estates Surveyor

16. To approve the creation or modification of approved contractor standing lists.

Deputy – Corporate Property Asset Manager

Events, Facilities & Markets Manager

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

*Deputies – Corn Exchange – Events, Facilities & Marketing Officer
Matford Centre/Markets, Facilities & Admin Officer
Leisure Facilities - Leisure Facilities Manager
Tourism Facilities – Visitor Facilities Officer*

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.

*Deputies – Corn Exchange – Events, Facilities & Marketing Officer
Matford Centre/Markets, Facilities & Admin Officer
Leisure Facilities - Leisure Facilities Manager
Tourism Facilities – Visitor Facilities Officer*

3. The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities.

*Deputies – Corn Exchange – Events, Facilities & Marketing Officer
Matford Centre/Markets, Facilities & Admin Officer
Leisure Facilities - Leisure Facilities Manager
Tourism Facilities – Visitor Facilities Officer*

Museum Manager

1. 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.

Deputy – Content Management Lead Officer

2. To exercise the powers and functions of the Council under Sections 9 and 10 of Exeter City Act 1987.

Deputy – Content Management Lead Officer

3. To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation.

Deputy – Content Management Lead Officer

4. In consultation with the Executive Member with relevant Portfolio to approve items for de-accession from the museum collection, unless the item is of a significant nature or monetary value.

Deputy – Content Management Lead Officer

Economy & Enterprise Manager

1. In consultation with the Executive Member with relevant portfolio ~~Assistant-Director Finance~~ **Chief Finance Officer and the Cultural Lead Officer** 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.

Deputies - Sport – Tourism Manager; Arts & Festivals – Arts & Events Manager

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FINANCIAL REGULATIONS

1. Status of Financial Regulations

- (a) These regulations shall be read and construed as part of the Standing Orders of the Council.
- (b) These regulations may be amended by the Council at any meeting on recommendation by the Executive.
- (c) Directors and Corporate Managers are responsible for ensuring that all employees in their units are aware of the existence and content of the Council's financial regulations and that they comply with them.

2. Financial Management Responsibilities

- (a) Chief Finance Officer

The Chief Finance Officer, being designated Proper Officer under Section 151 of the Local Government Act, 1972, shall be financial advisor to the Council, its Committees and the Executive and shall be required to give advice either orally or in writing on all matters having financial consequences.

Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full council, Executive and external auditor if the authority or one of its employees:

- (i) has made, or is about to make, a decision which involves incurring unlawful expenditure
- (ii) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- (iii) is about to make an unlawful entry in the authority's accounts.

Section 114 of the 1988 Act also requires:

- (i) the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- (ii) the authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

(b) Deputy Section 151 Officer

The Deputy Section 151 Officer shall be the Technical Accounting Manager.

For the avoidance of doubt, any of the authorisations or approvals required by the Section 151 Officer under these Financial Regulations or any other policy, procedure or Standing Orders of the Council may be performed by the Deputy Section 151 Officer in the absence of the Section 151 Officer.

(c) Financial Reports

The relevant Directors/Corporate Managers are responsible for ensuring that draft copies of all reports having any financial implications shall be submitted to the Chief Finance Officer in sufficient time prior to the meeting of the Executive, Scrutiny Committee or other such Committees which receive financial reports so as to enable the Chief Finance Officer to make such observations and submissions as he/she considers appropriate.

(d) Accounting

- (i) All financial records and systems of the Council shall be maintained in a form agreed by the Chief Finance Officer.
- (ii) The Chief Finance Officer shall be responsible for the preparation of the annual accounts of the Council and shall as soon as is practicable after the end of each financial year report in writing to the Audit and Governance Committee.
- (iii) The Chief Finance Officer shall be responsible for the prompt submission of all grant claims, financial statistics and other returns having financial implications.

3. Financial Planning

- (a) General Fund and Housing Revenue Account, capital and revenue estimates of expenditure and income, shall be prepared by the Directors/Corporate Managers in consultation with the Chief Finance Officer. These shall be submitted to Council through the Executive.
- (b) The Chief Finance Officer is also responsible for producing other medium term financial plans for the General Fund and Housing Revenue Account, as required for effective financial planning by the Authority.

4. Control of Expenditure and Income

- (a) Directors/Corporate Managers may authorise the incurring of expenditure, approved in the annual estimates. This is subject to compliance with Standing Orders (of which these financial regulations are a part).
- (b) On a management unit basis no revenue expenditure shall be incurred or income reduced if this has the effect of overspending the overall net budget, for the financial year, unless a supplementary budget has been agreed by the Council.
- (c) Directors/Corporate Managers (with the agreement of the Chief Finance Officer and Executive Member with relevant portfolio) may vire budgets between the management units for which they are responsible, up to a total of £40,000 in the financial year. Virements above this level will require Full Council approval.
- (d) Directors/Corporate Managers (with the agreement of the Chief Finance Officer and Executive Member with relevant portfolio), authorise additional expenditure up to £40,000 to be funded by the generation of additional income. Additional expenditure above this level will require Full Council approval.
- (e) The Property Maintenance Fund is managed by the City Surveyor, but for reporting purposes covers cost centres across the Council. The City Surveyor may vire budgets within the Property Maintenance Fund as appropriate to ensure proper property management across the Council.
- (f) Directors/Corporate Managers shall not commit the Council to expenditure beyond the year of account unless:-
 - (i) budgetary provision has been approved in the following financial year's revenue and capital estimates; or
 - (ii) budgetary provision exists within a capital budget.
- (f) Expenditure which meets the definition of capital expenditure but falls below the de minimis level of £10,000 will be accounted for as revenue expenditure.

5. Risk Management and Control of Resources

(a) Risk Management

The Executive is responsible for considering and approving the Risk Management Policy.

The Audit and Governance Committee is responsible for:

- (i) considering the Corporate Risk Register (CRR) and recommending its approval to the Executive.
- (ii) monitoring the effectiveness of risk management throughout the Council and the progress made against the CRR target for actions.

Risk management should ensure:

- (i) there are procedures in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
- (ii) there is a monitoring process in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
- (iii) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
- (iv) provision is made for losses that might result from the risks that remain
- (v) procedures are in place to investigate claims within required timescales
- (vi) acceptable levels of risk are determined and insured against where appropriate
- (vii) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

(b) Internal Controls

- (i) key controls are to be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
- (ii) managerial control systems should include: defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
- (iii) financial and operational control systems and procedures should include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems

- (iv) an effective internal audit function will be maintained, which is expected to operate in accordance with the principles contained in the CIPFA's Public Sector Internal Audit Standards which are overseen by the Audit & Assurance Council which oversees and with any other statutory obligations and regulations.

(c) Preventing fraud and Corruption

The City Council:

- (i) has an effective Counter Fraud Strategy and maintains a culture that will not tolerate fraud or corruption
- (ii) expects all members and employees to act with integrity and lead by example
- (iii) requires senior managers to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
- (iv) expects high standards of conduct to be promoted amongst members by the Audit and Governance Committee
- (v) maintains a register of interests in which any hospitality or gifts accepted must be recorded
- (vi) has adopted a formal Whistle Blowing procedure
- (vii) requires all legislation, including the Public Interest Disclosure Act 1998, to be adhered to.

6. Audit

- (a) Internal Audit may investigate such financial records, systems and management procedures of the Council and its employees as considered necessary for the purposes of audit. For this purpose Internal Audit shall have authority at all reasonable times to visit all Council establishments and have access to all records and property of the Council and may require such explanations/assistance as he/she considers necessary.
- (b) All employees of the Council through their Assistant Director/Corporate Manager, shall immediately notify Internal Audit of any circumstances which suggest the possibility of irregularity in cash, stock or any other matter which may have financial consequences.
- (c) On confirmation of any irregularity or reasonable suspicion thereof, Internal Audit shall advise the Chief Executive & Growth Director, Chief Finance Officer and the Monitoring Officer as appropriate.
- (d) The audit arrangements of any shared service shall form part of the agreement for that shared service.

7. Orders for Goods, Work or Services

- (a) Official orders shall be in a form agreed by the Chief Finance Officer and must show clearly the nature and/or quantity of goods, materials, work or services to be supplied to the Council, and the estimated cost. For the avoidance of doubt official orders can be approved and submitted via electronic methods where possible.
- (b) Official Orders shall be issued for all goods, materials, work or services to be supplied to the Council. The Chief Finance Officer may approve alternative arrangements for ordering where circumstances or trading practice make this desirable in his/her opinion. Oral orders shall only be given in the case of expediency and must be confirmed by an official order not later than the next working day.
- (c) Assistant Directors and Corporate Managers shall notify the Chief Finance Officer of employees authorised to approve orders on their behalf.
- (d) The Officer authorising an order shall be senior to the Officer ordering the goods. This authorisation may be made either by e-mail or in writing if the relevant Officer is not able to authorise directly on the system.
- (e) Every employee issuing an official order shall ensure, as far as is reasonably practicable, in respect of each transaction, that goods, materials or service ordered are obtained on the best possible terms in respect of cost and quality.
- (f) The arrangements for the ordering, receipt and issue of all order books shall be controlled by the Chief Finance Officer.

8. Payment of Accounts

- (a) The Assistant Director/Corporate Manager issuing an order shall be responsible for the examination, verification and certification of the relevant invoice. The matters to be certified by the spending unit, subject to such selective examination of invoices as may be determined by the Chief Finance Officer and the Assistant Director/Corporate Manager concerned shall include:-
 - (i) That the goods have been received, examined and approved as to quality and quantity or services rendered or work done satisfactorily.
 - (ii) That there is conformity with the order, and that the copy or electronic order has been marked to show that the goods have been received and the invoice passed for payment.
 - (iii) That expenditure has been properly incurred, and has been duly authorised and is within the approved estimate.

- (iv) That the price charged is correct and the appropriate discounts, allowances and other credits have been deducted.
 - (v) That the invoice has been allocated the correct financial and VAT code(s).
 - (vi) That the account has not previously been passed for payment.
 - (vii) That appropriate entries have been made in inventories or stock records.
 - (viii) That the account is arithmetically correct.
 - (ix) That income tax is correctly accounted for in respect of sub-contractors / contractors
- (b) The certification shall be in either electronic form where systems and policy permits or in manuscript. All certifications shall be by the Assistant Director/Corporate Manager concerned or by an authorised representative. A list of authorised employees shall be supplied to the Chief Finance Officer by each Assistant Director/Corporate Manager together with any subsequent amendments.
 - (c) The Officer certifying the payment of an invoice shall be senior to the Officer ordering the goods. This authorisation may be made either by e-mail or in writing if the relevant Officer is not able to authorise directly on the system.
 - (d) The duties of receiving goods, materials, work or services and of certifying the relative accounts for payment shall not be performed by the same employee. In no case shall an account be finally certified for payment by the employee who has personal control over the goods, materials, work or services to which the account relates.
 - (e) Accounts for payment shall be administered by Units promptly and sent as soon as possible to the Chief Finance Officer, special priority being paid to accounts on which discount is allowed for prompt payment.
 - (f) The Chief Finance Officer shall examine, so far as considered necessary, accounts passed for payment, including the final accounts of contracts, and shall be entitled to receive such information and explanations as may be required to ensure that the accounts are in order, before payment is made.

9. Banking Arrangements and Cheques

- (a) All banking arrangements shall be made by the Chief Finance Officer.
- (b) Cheques shall be ordered only by the Chief Finance Officer who shall ensure that arrangements are made for their safe custody.
- (c) All cheques drawn shall be signed by the Chief Finance Officer or as otherwise approved by the Council, or shall bear the facsimile signature of the Chief Finance Officer.
- (d) The Chief Finance Officer shall be authorised to open such bank accounts as considered necessary in consultation with the Executive member with relevant portfolio.

10. Income

- (a) Arrangements for the collection and banking of all monies due to the Council shall be under the control of the Chief Finance Officer.
- (b) Assistant Directors/Corporate Managers shall supply to the Chief Finance Officer such information in connection with work done, goods supplied or services rendered on behalf of the Council and of all other amounts accruing as the Chief Finance Officer may require to ensure prompt recording and collection of all amounts due to the Council.
- (c) The Assistant Director/Corporate Manager issuing an invoice for monies due to the Council shall be responsible for the collection of the debt. Invoices must be raised promptly after delivery of goods or completion of the service. Where possible payment should be taken in advance or at the time of providing the goods or services

In the event that monies are outstanding after two months of the invoice date and after normal recovery processes have been undertaken, the Assistant Director/Corporate Manager shall advise the Chief Finance Officer of the details relating to the invoice and both shall agree what course of action should be taken:

- Continued direct contact with the debtor;
 - Arrangement of an instalment plan to recover the debt;
 - Use of an enforcement agency;
 - Use of legal support;
 - Any other options identified.
- (d) All income account forms and all official receipt forms, books, tickets, other documents and equipment used for acknowledging receipts or controlling income shall be in a form or of a type approved by the Chief Finance Officer and shall be ordered and controlled by him/her, or by another Assistant Director/Corporate Manager with his/her prior approval.

- (e) The Assistant Director/Corporate Manager is responsible for ensuring that the invoice has been allocated the correct financial and VAT code(s).
- (f) No employee shall give a receipt for money received on behalf of the Council on any form other than the official receipt.
- (g) Every Assistant Director/Corporate Manager shall maintain a correct and chronological record of all monies received and of the date and amount of deposit. All cheques banked must be individually listed and must have the appropriate receipt references entered against the amounts on the paying-in document. The receipt received must be filed for reference.
- (h) All monies received on behalf of the Council shall be paid over intact, either to the Chief Finance Officer or, by arrangement with him/her, direct to the Council's bankers.
- (i) Except where existing Council policy or statute requires otherwise, all proposals to introduce and vary charges for services shall be subject to the approval of the appropriate Assistant Director/Corporate Manager in consultation with the relevant Portfolio Holder and can be varied throughout the year. The Chief Finance Officer shall be informed of all variations and new charges introduced. Schedules of existing fees and charges shall be submitted to the Council through the Executive annually. Commercially sensitive fees and charges need not be published.
- (j) Property rental income shall be reviewed in accordance with rent review dates except where statutory provisions apply.
- (k) The Chief Finance Officer shall in consultation with the Corporate Manager Legal Services and the appropriate Assistant Director/Corporate Manager be authorised to write-off individual bad debts up to a limit of £500.

The writing-off of individual debts exceeding £500 shall in addition be subject to consultation with the Executive member with relevant portfolio or other appropriate Executive member with portfolio.

The Technical Accounting Manager or Principal Accountant Corporate shall be authorised to write-off small balances of up to £50 on debts, where the majority of the debt has been recovered and it is considered too costly to pursue the outstanding balance.

- (l) Write-offs up to a value of £5 shall be treated as cancellations.
- (m) The Chief Finance Officer shall be authorised to write-off individual overpayments of housing benefits up to a limit of £1,000.

The writing-off of individual housing benefits overpayments in excess of £1,000 shall be subject to consultation with the Executive member with relevant portfolio.

- (n) The Chief Finance Officer shall be authorised to write off any debt which is considered irrecoverable by reason of the bankruptcy or liquidation of the debtor concerned.
- (o) The Chief Finance Officer shall present an annual report to the Resources Scrutiny committee outlining the number and detail of the decisions taken in respect of bad debts (details of which shall be kept in a separate register maintained by him/her).

11. Security of Cash

Each Assistant Director/Corporate Manager shall be responsible for making arrangements for the safe custody of cash, including imprest accounts and documents having a cash value entrusted to their care. These arrangements shall be approved by Internal Audit.

12. Disposal of Assets

- (a) The sale of any land or buildings which fall outside the powers given to employees in the scheme of delegations shall require the prior approval of the Executive.
- (b)
 - (i) The disposal of assets individually valued at less than £150 may be undertaken at the discretion of the Assistant Director/Corporate Manager. The Assistant Director/Corporate Manager shall maintain appropriate records and shall immediately inform Internal Audit and the Chief Finance Officer of such disposals.
 - (ii) The disposal of assets individually valued in excess of £150 but less than £1,000 may be undertaken by the Assistant Director/Corporate Manager with the written approval of the Chief Finance Officer. The Assistant Director/Corporate Manager shall maintain appropriate records of such disposals and inform Internal Audit.
 - (iii) Proposals for the disposal of other assets individually valued in excess of £1,000 shall at first be referred to the Chief Finance Officer and Deputy Chief Executive and be subject to a tender process before seeking the consent of the Executive Member with relevant portfolio. The Assistant Director/Corporate Manager shall maintain appropriate records of such disposals and inform Internal Audit.
 - (iii) The disposal of vehicles, plant and equipment valued in excess of £1000 be delegated to the Assistant Director Environment via auction or other such appropriate mechanism subject to the prior written approval of the Chief Finance Officer and Deputy Chief Executive. Internal Audit must be informed of each disposal.

- (c) The disposal of any museum exhibit or artefact shall be in accordance with the Council's policy and will require prior consultation with the Leader and Executive Member with relevant portfolio. All disposals shall be notified to Internal Audit and the Chief Finance Officer.
- (d) Any IT equipment (including laptops, printers, cameras, mobile devices and any other peripheral items) is owned by Strata Service Solutions and must therefore be handed back to Strata when no longer required.

13. Investments and Loans

- (a) The Council will create and maintain, as the cornerstones for effective treasury management :
 - a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the treasury management policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the CIPFA Treasury Management in Public Services Code, subject only to amendment where necessary to reflect the particular circumstances of Exeter City Council. Such amendments will not result in a material deviation from the Code's key principles.

- (b) The Council's Executive will receive reports on its treasury management policies, practices and activities, including, as a minimum:
 - An annual treasury management strategy including as a minimum an annual strategy and plan in advance of the year
 - A mid-year review
 - An annual report after the end of the financial year in the form prescribed in the TMPs.
- (c) The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Executive, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the Council's policy statement and TMPs and, if a CIPFA member, with CIPFA's standards of Professional Practice on Treasury Management.
- (d) The Council designates the Corporate Services Scrutiny Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

14. Insurance

- (a) The Chief Finance Officer shall effect all insurance cover.
- (b) Arrangements for the processing and negotiating claims shall be made by the Chief Finance Officer.
- (c) Each Assistant Director/Corporate Manager shall promptly notify the Chief Finance Officer of the extent and nature of all new risks to be insured and of any alteration affecting insurable risks in their unit.
- (d) All insurance cover shall be reviewed annually by the Chief Finance Officer.
- (e) Each Assistant Director/Corporate Manager shall immediately notify the Chief Finance Officer of any claim made in writing outlining the circumstances under which any loss, liability or damage or any event likely to lead to a claim being made. For the avoidance of doubt, claims can be submitted via electronic means where possible.
- (f) All property insurable incidents should be reported to the Insurance and Finance Office, to enable the Council to initiate an insurance claim, if sufficient losses are recorded in a year.

15. Stock

- (a) Each Assistant Director/Corporate Manager shall be responsible for the custody and control of stock and equipment in their unit, records of which shall be maintained in a form to be approved by Internal Audit.
- (b) Each Assistant Director/Corporate Manager shall carry out an annual stock-take of such items as agreed by Internal Audit. Except where agreed, the stock-taking shall be carried out by some person independent of the stockholder concerned.
- (c) Subject to Financial Regulation 12, each Assistant Director/Corporate Manager shall be responsible for making arrangements to dispose of all obsolete and perishable stock within the year of obsolescence in their unit. Stock disposals should be notified to Internal Audit.

16. Imprest Accounts

The Chief Finance Officer in consultation with a Assistant Director/Corporate Manager may advance imprests to employees for the purpose of defraying certain minor expenses and other items. Each Assistant Director/Corporate Manager shall be responsible for maintaining arrangements and records for the control of imprests in a manner prescribed by Internal Audit.

17. Employees Records and Payments

- (a) The arrangements for the calculation of all salaries, wages, compensation and other emoluments to employees or former employees of the Council shall be approved by Human Resources.
- (b) These arrangements shall include the maintenance of all necessary records concerning pay, superannuation, national insurance and taxation. Assistant Directors/Corporate Managers shall ensure that sufficient information is provided to Human Resources for this purpose.
- (c) The making of all payments to employees and former employees of the Council in respect of salaries, wages, compensation and other emoluments shall be under the direct control of the Head of Human Resources. It shall be the duty of the Human Resources to notify the Chief Finance Officer promptly of all appointments, dismissals, resignations, transfers and any changes in rate of remuneration (other than normal annual increments) of all salaried employees of the Council. In addition, Strategic Directors and Assistant Directors/Corporate Managers shall notify Human Resources promptly regarding sickness and absence from duty, other than paid leave in respect of all employees in their units.
- (d) Human Resources shall ensure that employees leaving the employment of the Council have repaid, in full, any loans or sums owed to the Council.

In the event that, in the opinion of Human Resources, the amount outstanding is so substantial, that it would be unreasonable to deduct all monies owed from the employee's salary, then Human Resources shall in consultation with Chief Finance Officer agree a repayment plan with the debtor to clear the outstanding balance in full within a reasonable period of time.

- (e) The Chief Executive shall be authorised to arrange for the implementation forthwith of any nationally agreed salary or wage award.
- (f) In all cases where sickness or injury allowances are paid to an employee who may have a legal right to damages, including loss of earnings, against a third party, it shall be the duty of the Assistant Director/Corporate Manager concerned to notify the Chief Finance Officer of the fact that a third party claim may be made. Human Resources shall follow up all such payments and ensure that, as appropriate, sickness pay is recovered from the employee.

- (g) On the recommendation of the Assistant Director/Corporate Manager, the Chief Finance Officer may approve a reimbursement up to a maximum of £200 for any losses or expenses incurred by employees resulting from loss of, or damage to, their clothing or personal effects, arising out of, or during the course of, their employment, and which are not covered by insurance. For the purposes of this regulation any person carrying out work for or on behalf of the Council or any of its employees in an official capacity (including a member) shall be deemed to be an employee. Any claim where there is a potential risk of personal injury shall be referred to the Council's insurers.

18. Partnerships and Third Parties

(a) Partnerships

- (i) The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local, private, voluntary and community sector organisations.
- (ii) The Executive can delegate functions - including those relating to partnerships - to officers. Where functions are delegated, the Executive remains accountable for them to full Council.
- (iii) The Chief Finance Officer shall ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must ensure that risks have been fully appraised before arrangements are entered into with external bodies.
- (iv) The Chief Finance Officer shall advise on effective controls that will ensure resources are not wasted.
- (v) The Chief Finance Officer shall advise on the key elements of funding a project. In particular this includes:-
- A scheme appraisal for financial viability in both the current and future years
 - Risk appraisal and management
 - Resourcing including taxation issue
 - Audit, security and control requirements
 - Carry forward arrangements

(b) External Funding

Each Assistant Director / Corporate Manager shall be responsible for promptly notifying the Chief Finance Officer of all external funding awarded.

The Chief Finance Officer shall be responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

(c) Work For Third Parties

The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

19. Corporate Credit Cards

(a) The Chief Finance Officer in consultation with the Chief Executive & Growth Director, Deputy Chief Executive or Assistant Director/Corporate Manager may issue a corporate credit card to enable goods, works or services to be procured on behalf of the Council. Officers issued with a credit card are responsible for the physical security and use of the card.

(b) Each Credit Card holder shall be required to sign a form setting out their responsibilities as a card holder.

(c) Each credit card holder/authorised user is responsible for:

- (i) ensuring that proper authorisation is held prior to an order and payment being made
- (ii) as far as is reasonably practicable, that the goods, works, materials or service procured are obtained at the best possible terms in respect of cost, quality, compatibility and durability
- (iii) the card is only used for bona fide and secure transactions
- (iv) obtaining the required proofs of purchase including VAT receipts where appropriate to enable the Council to reclaim such expenditure. Where a VAT receipt has not been received, it is the responsibility of the holder/user to ensure that a VAT receipt is obtained as soon as possible
- (v) ensuring that the goods have been received, and are of satisfactory quality and quantity
- (vi) that appropriate entries have been made in inventories or stock records to record the items procured

(d) Each credit card holder is responsible for:

- (i) ensuring that the price charged is correct and as agreed
- (ii) submitting a monthly reconciled account, together with all proofs of purchase and VAT receipts, to the Chief Finance Officer promptly.

- (e) The duties of certifying payment and receiving the goods, works, materials or services procured shall not be performed by the same employee, except where this has been agreed with the Chief Finance Officer
- (f) Where a credit card holder or user gives notice to terminate their employment with the Council (or is to change duties within the Council), the Chief Finance Officer must be immediately notified so that arrangements may be made to restrict their ability to use the card after the termination/transfer date.

20. Urgency

Notwithstanding the foregoing regulations, in cases of urgency the appropriate Director/Corporate Manager in consultation with the Executive member with relevant portfolio, Chair of relevant Scrutiny Committee, Chief Finance Officer and Chief Executive shall have the power to authorise on behalf of the Council the incurring of any expenditure or any action which would otherwise be contrary to these regulations. The exercise of this authority shall in every case be reported to the next meeting of Executive or relevant Committee.

Agenda Annex

SEATING IN THE GUILDHALL

		Deputy Lord Mayor Councillor Holland (C)	Chief Executive & Growth Director	Lord Mayor Councillor Thompson (C)	Corporate Manager Democratic/Civic Support	Corporate Manager Legal	
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Democratic Services Manager (Committees)				Deputy Chief Executive	Assistant Director Finance	
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Councillors	Councillors	Councillors		Councillors	Councillors
Hannan (L)	Packham (L)	Edwards (L)		Leadbetter (C)	Mitchell (LD)
Sills (L)	Harvey (L)	Sutton (L)		Newby (C)	
Warwick (L)	Sheldon (L)	Hannaford (L)		Baldwin (C)	
Musgrave (L)	Lamb (L)	Denham (L)	TABLE	Mrs Henson(C)	
Ashwood (L)	Lyons (L)	Owen (L)		Henson, D. (C)	
Robson (L)	Keen (L)	Pearson (L)		Prowse (C)	
Wood (L)	Foggin (L)	Morse (L)			

Cllr Branston (L)	Cllr Brimble (L)	Cllr Foale (L)	Cllr Bull (L)	Cllr Bialyk (L)	Cllr Gottschalk (L)	Cllr Vizard (L)	Cllr Spackman (L)	Cllr Wardle (L)
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L: Labour : 30
C: Conservative : 8
LD: Liberal Democrat : 1

Portfolio Holders

Edwards: Leader
Sutton : Deputy Leader and City Development
Bialyk : Sport and Health and Wellbeing
Bull : Communities and Culture
Denham: Economy
Hannaford : Place
Owen: Housing Revenue Account
Pearson: Support Services
Morse: Customer Access

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