

**Executive**

**Statement of Decisions**

Set out below is a summary of the decisions taken at the meeting of the Executive held on Tuesday 14 February 2017. Decisions made by the Executive will be subject to call-in. Recommendations made to the Council are not subject to call-in. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Sarah Selway, Democratic Services (Committees) Manager on 01392 265275 or email [sarah.selway@exeter.gov.uk](mailto:sarah.selway@exeter.gov.uk)

**Declarations of Interest**

No declarations of disclosable pecuniary interest were made.

**Proposals for the Implementation of a Public Spaces Protection Order**

<b>Agreed</b>	<p>That it is recommended that Council approves:-</p> <ol style="list-style-type: none"> <li data-bbox="376 1137 1278 1272">(1) the implementation of a Public Space Protection Order, in the area defined by the attached map (Appendix 1A), with the restrictions (contained in Appendix 1B), for a period of three years from the commencement date of 1 June 2017;</li> <li data-bbox="376 1308 1278 1473">(2) this Order to 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;</li> <li data-bbox="376 1509 1278 1845">(3) that 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;</li> <li data-bbox="376 1881 1278 2011">(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;</li> </ol>
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	<p>(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</p> <p>(6) that officers bring back a report 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.</p> <p>(7) pilot for 6 months for the toilets on Musgrave Row to be open 24 hours a day, this would be at an additional cost of £10,000.</p>
<b>Reason for Decision:</b>	As set out in the report.

### Management of Exeter Waterways

<b>Agreed</b>	<p>That it is recommended to Council to approve:-</p> <p>(1) that work on a business case to transfer the Exeter Ship Canal to the Canal and River Trust ceases and that a Management Plan for the canal is developed in-house;</p> <p>(2) that 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;</p> <p>(3) that, in compliance with the Port Marine Safety Code,:</p> <p>(a) the Service Manager Business and Commercial Operations be designated as the 'Duty Holder' in respect to the Port of Exeter and the Constitution be amended accordingly;</p> <p>(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;</p> <p>(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.</p> <p>(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;</p>
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	<p>(e) that only vessels deemed suitable at the Council's absolute discretion be permitted into the canal, with responsibility to make such a determination be delegated to the relevant Service Manager; and</p> <p>(f) where repairs are necessary or 'off season' maintenance is 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.</p>
<b>Reason for Decision:</b>	As set out in the report.

**Exeter & the Heart of Devon, a shared economic strategy. A Collaborative Approach to Growth & Productivity 2017 - 2020**

<b>Agreed</b>	<p>That:-</p> <p>(1) that the Exeter and the Heart of Devon, a Shared Economic Strategy, be approved - A Collaborative Approach to Growth &amp; Productivity 2017 – 2020;</p> <p>(2) to continue working in partnership with East Devon, Mid Devon and Teignbridge Local Authorities on common economic development objectives; and</p> <p>(3) to work in partnership with the proposed Greater Exeter Growth &amp; Development Board to ensure consistency with vision, objectives and individual projects and initiatives.</p>
<b>Reason for Decision:</b>	As set out in the report.

**Energy Strategy**

<b>Agreed</b>	That the Energy Strategy and Action Plan be approved. To achieve the outcomes identified in the Strategy, projects would be progressed through the Renewables and Energy Efficiency Programme, using the existing approval process.
<b>Reason for Decision:</b>	The Council has identified the need for a coherent Energy Strategy for its estate as part of its aspiration to become an Energy Neutral Council.

**Annual Pay Policy Statement**

<b>Agreed</b>	That it is recommended to Council that:-
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	<p>(1) the attached Policy and Appendix be adopted and published in accordance with the legislation; and</p> <p>(2) delegated authority 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.</p>
<b>Reason for Decision:</b>	Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a statutory Pay Policy Statement each financial year commencing in 2012/13 and thereafter each subsequent financial year. The Secretary of State for Communities and Local Government issued further guidance in early 2013.

### Treasury Management 2017/18

<b>Agreed</b>	<p>That it is recommended to Council to:-</p> <p>(1) adopt the new Treasury Management Strategy and delegations contained therein: and</p> <p>(2) investment in the CCLA Property Fund with a maximum limit of £5 million and a maximum time limit of 12 months be added to the Strategy.</p>
<b>Reason for Decision:</b>	As set out in the report.

### Prudential Code for Capital Finance in Local Authorities/incorporating the Annual Statement of Minimum Revenue Positon

<b>Agreed</b>	<p>That it is recommended to Council to adopt the :-</p> <p>(1) Prudential Indicators set out in Appendix A-C of the report as presented; and</p> <p>(2) Annual Statement of Minimum Revenue Provision for the Council.</p>
<b>Reason for Decision:</b>	As set out in the report.

### General Fund/Housing Revenue Account Estimates and Capital Programme 2017/18

<b>Agreed</b>	<p>That it is recommended to Council that:-</p> <p>(1) the overall spending proposals in respect of both its revenue and capital budgets be approved;</p>
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	<p>(2) to approve the council tax for each Band as set out in section 8.19.3 of the report, subject to Devon County Council, Office of Police and Crime Commissioners Devon and Cornwall and the Devon and Somerset Fire Authority confirming their Band D levels respectively;</p> <p>(3) that when the actual council tax amounts for Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority would be set and then the revised council tax levels be submitted to Council on 21 February 2017 for approval;</p> <p>(4) that the Statement given by the chief finance officer as required under Section 25 of the Local Government Act 2003 be noted; and</p> <p>(5) the new distribution methodology for the New Homes Bonus set out in 8.7.2 of the report be approved.</p>
<b>Reason for Decision:</b>	To ensure that the Council is in a position to set a budget and determine the Council Tax for the City of Exeter in line with the statutory timeframe.

### Mid Devon Local Plan Review

<b>Agreed</b>	That the representations to the consultation be agreed, taking into account the comments of the Planning Member Working Group.
<b>Reason for Decision:</b>	As set out in the report.

### Newtown Community Centre

<b>Agreed</b>	<p>That it is recommended to Council to approve:-</p> <p>(1) a budget of £100,000 to support the building of a new Community Centre in Belmont Park;</p> <p>(2) delegated authority is granted to the Chief Finance Officer in consultation with the Leader of the Council and Deputy Chief Executive to pay the grant; and</p> <p>(3) that the grant is only payable after completion of a development agreement to the satisfaction of the City Surveyor.</p>
<b>Reason for Decision:</b>	The Council has allocated £120,000 from the New Homes Bonus Local Infrastructure Fund towards a replacement Community Centre in Belmont Park. Despite the best efforts of fundraisers and a revised and much reduced project plan, there is still a potential shortfall. Some of the external funding is guaranteed only to the end of March 2017 and achieving full project financing would secure these funds.

## Neighbourhood portion of CIL/ Grants Roots Grants recommendations January 2017

<b>Agreed</b>	That Council approves the following grants from the neighbourhood portion of the Community Infra-Structure Levy:-  (1) St Sidwell's Community Centre – Capital - £2,000 and Revenue £3,000; and  (2) ISCA Community Association – Beacon Hub Revenue - £8,500.
<b>Reason for Decision:</b>	As set out in the report.

## 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.

### Land at Matford Park Road

<b>Agreed</b>	That the transfer by lease of land at Matford Park Road along the lines set out in this report be approved with the detailed terms to be agreed by the Corporate Manager Property in consultation with the Deputy Chief Executive and the Portfolio Holder for Support Service; and  It is recommended that Council approves the spending of the premium to be received from the sale of this site as set out in this report.
<b>Reason for Decision:</b>	As set out in the report.

## Procurement Organisational Change Restructure

<b>Agreed</b>	That the implementation phase of the Corporate Procurement Function restructure in accordance with Exeter City Council's Organisational Change Policy be approved.
<b>Reason for Decision:</b>	As set out in the report.

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.