

EXECUTIVE

Tuesday 11 February 2020

Present:

Councillor Bialyk (Chair)
Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wright and Wood

Councillors in attendance under Standing Order 44:

Councillor D. Moore speaking on items 6 and 7 (minutes 20 and 21 below):

Also present:

Chief Executive & Growth Director, Director (BA), Director (DB), City Solicitor, Chief Finance Officer, Director (J-PH), Service Lead - Environmental Health & Community Safety and Democratic Services Officer (MD)

In attendance:

Peter Burgess - Devon Wildlife Trust

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MINUTES

The minutes of the meeting held on 14 January 2020, were taken as read, approved and signed by the Chairs as a correct record.

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DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

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QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions received from members of the public.

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PUBLIC SPACES PROTECTION ORDER RENEWAL

The Executive received the report on the current Public Spaces Protection Order (PSPO), which was due to expire on 20 June 2020. The report highlighted the impact and achievement that the PSPO had on the city since it was introduced in 2017. The PSPO had addressed rising anti-social behaviour issues in the city which had a detrimental impact on resident's quality of life.

The Portfolio Holder for Supporting People moved an amended recommendation:-

- (1) that the decision on whether the PSPO be extended be delegated to the relevant Director, in consultation with the Portfolio Holder, save that (1) if any such order is made to extend, that such extension be limited to a period of 12 months, and, (2) that the Director is satisfied that the necessary consultation required by the Anti-Social Behaviour, Crime and Policing Act 2014 has been carried out; and, (3) that the Director is satisfied that there is sufficient evidence that the conditions for the making of the order are established.

It was explained that the reason for the revision was based on the City Council's plans to organise a leadership summit to address issues of anti-social behaviour in the city centre and the wider city. By extending the Public Spaces Protection Order for 12 months, the Council would be able to engage with relevant bodies and put in processes to change the PSPO. It was noted, that although good progress had been made with the PSPO, more could be done with it to, to cover a wider range of anti-social behaviour issues.

Councillor D. Moore, having given notice under Standing Order 44, spoke on this item. She asked how the income had been spent for community benefits to reduce anti-social behaviour in the PSPO area. She further enquired about the dispersal incidents and whether they involved the same people requiring dispersal on multiple occasions. She further commented on whether the PSPO breaches and dispersals referred to in the report, involved people with no fixed homes. Councillor D. Moore, commented on the anti-social behaviour in the city and its impact on residents. She enquired about the Community Safety Partnership and what work was being undertaken with communities. Responses to questions contained within the statement would be emailed to Councillor D. Moore and were attached to the minutes.

Particular reference was made to the difficulty in managing anti-social behaviour across the city, with the Public Spaces Protection Order, being just one tool to address the problem. Communication in support for the PSPO had been received from the Exeter Police Commander, The Devon and Cornwall Police Crime Commissioner and the Chief Executive of Devon County Council. Correspondence had also been received from 'Liberty' who do not support the use of Public Spaces Protection Orders as a matter of principle.

During the discussion, the following points were raised:-

- There was a need to reevaluate the PSPO and to work with various groups across the city to address anti-social behaviour and set out a common purpose. Having a 12 month period to undertake the work, would be beneficial;
- The proposed leadership summit would support the Council with its priority to help and support residents;
- The report showed that there was high number of anti-social logs compared to the number of notices given.
- The aim of the PSPO was to address anti-social behaviour, rather than homeless residents;
- The leadership summit would need to ensure that issues of anti-social behaviour covered the city wards, not just for the city centre.

Following the discussion, Councillor Morse moved and was seconded by Councillor Bialyk to amend the first recommendation in the report which was voted for unanimously and supported.

RECOMMENDED that Council approve:-

- (1) that the decision on whether extend the PSPO, be delegated to the relevant Director, in consultation with the Portfolio Holder, save that:-
 - (a) if any such order is made to extend, that such extension be limited to a period of 12 months;
 - (b) that the Director be satisfied that the necessary consultation required by the Anti-Social Behaviour, Crime and Policing Act 2014 has been carried out;and

- (c) that the Director be satisfied that there is sufficient evidence that the conditions for the making of the order are established.
- (2) the Exeter Community Safety Partnership continue to administer the ring fenced funding received by the Council from PSPO fixed penalty notices, for anti-social behaviour initiatives in the city.

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GENERAL FUND / HRA ESTIMATES AND CAPITAL PROGRAMME 2020/21

The Executive received the report which proposed the General Fund revenue estimates for 2020/21 and to recommend the Band D level of Council Tax for 2020/21. The report also included the proposed Capital Programme for 2020/21 and future years and the proposals in respect of the Housing Revenue Account (HRA).

Councillor D. Moore, having given notice under Standing Order 44, spoke on this item. She enquired about the borrowing that would be on a full commercial rate and whether a best value benefit analysis had been undertaken for running contracts internally, rather than externally. She further commented on the extent of the identified structural problems at the Riverside Centre which required a further capital budget. Responses to questions contained within the statement would be emailed to Councillor D. Moore and were attached to the minutes.

Members were provided with a background on the budget, noting that the Government had been unable to complete the Fair Funding Review and provided a roll over settlement increase of 1.6%, which was in line with all other local authorities.

Particular reference was made to the £2.49 million New Homes Bonus payable in 2020/21, but would be a one year settlement only, and would be reduced to zero over the next three years. For the proposed Capital Programme, there would be £27 million allocated for the General Fund Capital Programme and £28 million to the Housing Revenue Account (HRA), of which £14 million would be used to make improvements to existing council stock and £14 million would be used for new Council houses.

The Council tax proposal was for a £160.05 for Band D properties in 2020/21, which equated to a £5 per year increase for residents.

It was highlighted that, although a balanced budget could be delivered this year, the Medium Term Financial Plan would require £3.7 million savings and that reductions would need to be made for the following years.

RECOMMENDED to Council that:-

- (1) the overall spending proposals in respect of both its revenue and capital budgets be approved;
- (2) the council tax for each Band be approved as set out in section 8.20.3 subject to Devon County Council, Police and Crime Commissioner Devon and Cornwall (OPCC Devon and Cornwall) and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) when the actual council tax amounts for Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority are set then the revised council tax levels be submitted to Council on 25 February 2020 for approval; and

- (4) the Statement given by the Chief Finance Officer as required under Section 25 of the Local Government Act 2003 be approved.

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CAPITAL STRATEGY 2020-21

The Executive received the report on the Capital Strategy 2020-21, informing Members that the report was a statutory requirement, indicating the long-term policy objectives and the subsequent capital strategy requirements, governance procedures and risks that were associated with it.

Members were referred to the report and particular reference was made to there being no significant changes from the previous year's Capital Strategy, which was in its second year of operation.

RECOMMENDED that Council approve the Capital Strategy as set out in Appendix 1 of the report presented to the meeting.

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THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES (INCORPORATING THE ANNUAL STATEMENT OF MINIMUM REVENUE PROVISION)

The Executive received the report on the proposed 2020/21 Prudential Indicators for capital finance for adoption by the Council and to set the annual statement of Minimum Revenue Provision (MRP), which was a statutory requirement of the Council. Members were informed that the Prudential Indicators would ensure the Capital Programme was affordable for the Council and that the Annual Statement of Minimum Revenue Provision set the policy on how the Council paid back debt for assets.

No changes had been made to the policy for the MRP and the proposed charge for 2020/21 would be £1.2 million, which was higher than previous years, following the introduction of new lease vehicles.

Particular reference was made to the voluntary repayment of debt totalling £5.02 million and to the three prudential indicator calculations listed in the report, with Members noting that the authorised limit indicator showed the total amount that the Section 151 Officer could borrow on behalf of the Council.

RECOMMENDED that Council adopt the:-

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

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TREASURY MANAGEMENT STRATEGY REPORT 2020/21

The Executive received the report on the adoption of the Treasury Management Strategy, which incorporated the Annual Investment Strategy 2020/21, as required under section 15(1) (a) of the Local Government Act 2003, which was a statutory requirement for the Council before the start of each financial year.

Members noted that the identification, monitoring and control of financial risks were essential to the Authority's Treasury Management Strategy, given the amount of money that had been borrowed and invested by the Council. Particular reference was made to the two new accounts for the Barclays Green 95 day notice account,

which was linked to low carbon projects and the Standard Chartered Sustainable deposit which guaranteed that investment was referenced against sustainable assets aligned to the United Nations; Sustainable Development Goals (SDGs).

RECOMMENDED that Council adopt the new Treasury Management Strategy and delegations contained therein.

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ANNUAL PAY POLICY STATEMENT 2020/21

The Executive received the report of the Annual Pay Policy Statement for 2020/21, which required full Council approval each financial year in line with legislation.

Members were referred to the appendix which indicated the remuneration levels of officer posts from April 2020, and indicated the highest level of pay for the Chief Officers, whilst comparing the salary with the lowest paid staff and the relationship between them.

RECOMMENDED to Council that:-

- (1) the Policy, Report and Appendices, as presented to the meeting, be adopted and published in accordance with the legislation; and
- (2) delegated authority be given to the City Solicitor to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

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GENDER PAY GAP REPORT

The Executive received the Gender Pay Gap Report, which was a statutory requirement of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, for local authorities who employed more than 250 or more employees. The report was an annual snapshot taken from 31 March 2019, and presented a detailed list of hourly pay rates between male and female staff.

Particular reference was made to the legislation that had been introduced by central government to ensure that the gap between men and women was publically available. Members were referred to the gender pay figures listed in the report, which showed that on average, female pay of £14.02 per hour was more than that of male pay of £13.32 per hour.

Member's attention was drawn to the quartile range listed in the report which showed the comparisons of male and female pay from lower level to upper level and the percentage comparisons between the two.

During the discussion, Members commented that the report indicated a significant achievement for Exeter City Council, who were one of the leading Councils for female pay.

RECOMMENDED to Council that:-

- (1) the report be reviewed annually to track the relationship between both female and male earnings; and
- (2) the Gender Pay Gap Report be published on the Exeter City Council website and on the centrally held database on gov.uk.

FUTURE OF NORTHBROOK APPROACH

The Executive received the report on the Northbrook Approach golf course, which recommended a partnership between Exeter City Council and the Devon Wildlife Trust, following the Council's commitment to not dispose of the land. The proposed partnership would enable consultation with local residents and community groups to develop the area into a vibrant park land with newly planted trees and wildflowers to enhance biodiversity.

Peter Burgess, the Conservation Director from Devon Wildlife Trust, was in attendance to provide a presentation on the benefits of the partnership working between Devon Wildlife Trust and Exeter City Council. Key points raised from the presentation included:-

- The Valley Parks were internationally recognised areas of public green space and that Northbrook Approach was a critical link connecting Riverside Valley Park and Ludwell Valley Park;
- The Valley Parks received a large number of visitors and was a habitat for a variety of wildlife species;
- Planting, landscaping and other work would be undertaken to enhance biodiversity and improve water quality;
- The proposal would make the land more accessible and welcoming, whilst providing local ownership to residents, and creating active and healthy communities;
- Community Consultation events and activities would open for all residents to attend.

Particular reference was made to the Northbrook Approach providing a significant means of movement of wildlife and the site would also improve traffic free access to the Quayside and Marsh Barton areas.

During the discussion, the following points were raised:-

- Members were pleased with the proposals and would be a welcome addition for residents;
- Devon Wildlife Trust would bring a great level of knowledge and experience for the green site, which would be advantageous for the City Council; and
- The committee reports now included a section on the carbon footprint, which would further support the Council's commitment in achieving its carbon target.

RESOLVED that the proposal for a joint partnership between Exeter City Council and the Devon Wildlife Trust be approved to allow for consultation on the future of the Northbrook Approach.

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.

BUSINESS CASE FOR THE REVIEW OF STAFF STRUCTURE IN HOUSING TENANCY SERVICES

The Executive received the report which set out the Business Case for the restructuring of the Housing Tenancy Services which would allow for a change to the service and providing future team resilience to deliver new and existing services to the Council's tenants. Members were referred to the report which showed the proposed changes.

Particular reference was made to how the new structure would support the Council's Social House building and Retrofit work and the new Open Housing IT system, which would streamline processes, support the service's work and enable digitalisation.

RECOMMENDED that Council:-

- (1) approve the Business Case with the restructuring proposals for the Housing Tenancy Services Team;
- (2) note the conclusion of a period of meaningful engagement with the Housing Tenancy Services Team, the Trade Union and the feedback provided to staff as part of the process; and
- (3) approve the additional proposed revised establishment budget as presented in the report, and include on-costs.

(The meeting commenced at 5.30 pm and closed at 6.30 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 25 February 2020.

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MEMBER SPEAKING at Executive Committee, Under Standing Order 44 – 11 February 2020.

Received from Councillor D Moore

Agenda Item 6: Public Spaces Protection Order

Question

How has or is the £3,700 income been or to be spent directly for community benefit to reduce ASB in the PSPO area?

Response from the Leader of the Council

The money is added to the Community Safety Partnership Grant which is spent on agreed partnership projects including the Ask Angela a Domestic and Sexual Violence Abuse prevention project the Premier League Kicks Scheme which aims to reduce youth related Anti-Social Behaviour.

Question

Of the 128 incidents for dispersal how many of these occurrences were the same people being required to disperse on more than one occasion?

Response from the Leader of the Council

29 occurrences relate to 12 individuals being dispersed more than one occasion.

Question

Of the 13 prosecutions undertaken for breaches of the PSPO and the 128 dispersals how many of these were of people 'of no fixed abode/address'?

Response from the Leader of the Council

The Council does not have the information regarding prosecutions resulting from breaches as breaches to the PSPO as these are undertaken by the Police / Crown Prosecution Service. 40 of the 128 dispersals were issued to individuals recorded as either "no fixed abode" or "no address given".

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MEMBER SPEAKING at Executive Committee, Under Standing Order 44 – 11 February 2020.

Received from Councillor D Moore

Agenda Item 7: General Fund / HRA Estimates and Capital Programme 2020/21

Question
Would such borrowing be on a full commercial rate?
Response from the Leader of the Council
The decision would allow the contractor to access cheaper money, which they would reflect in their offer to run the centres. We could offer commercial rates, but this will simply reduce the amount they are willing to pay to run the centres.

Question
Has a best value benefit analysis been undertaken of running the contract in house compared to an external operator?
Response from the Leader of the Council
Officers were asked to set out potential future delivery options for the Portfolio Holder prior to continuing with the planned procurement. The advice given was to continue with external provision using a trust model for delivery to give the best value for the Council and taxpayers at this juncture and the procurement process is underway.

Question
What is the extent of the identified structural problems at the Riverside which require a further capital budget?
Response from the Leader of the Council
The Council had set out the complexities of the structural issues several times, which had included, to Devon Live who had provided coverage on this. Councillor Moore had also been written to separately, with the response - "The swimming pool is expected to re-open in 2020, but there was no confirmed date, due to the complexities of the structure of the building and the iterative nature of the survey, design and scheduling process."

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