

EXECUTIVE

Date: Tuesday 5 October 2021
Time: 5.30 pm
Venue: Guildhall, High Street, Exeter

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

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer on 01392 265477.

Due to social distancing guidance brought about by the Corona Virus outbreak, this meeting is only open to members of the public who have registered to ask questions under Standing order No. 19.

For the general public the [live stream can be viewed here](#) at the meeting start time via Facebook.

Membership-

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

Agenda

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

1 **Apologies**

To receive apologies for absence from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 7 September 2021.

(Pages 5 -
8)

3 **Declarations of Interest**

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

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

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of items 13 and 14 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1,2 and 3 of Part I, Schedule 12A of the Act.

5 Questions from the Public Under Standing order No. 19

To receive questions relating to items on the Agenda from members of the public and responses thereto.

Details of questions should be notified to the Corporate Manager Democratic and Civic Support by 10.00am at least three working days prior to the meeting. Further information about speaking at a committee can be found here: [Speaking at a Committee](#)

6 Northbrook Park Update

To consider the report of the Director Net Zero Exeter & City Management. (Pages 9 - 24)

7 Government Consultation on Giving Police and Crime Commissioners Greater Powers of Competence

To consider the report of the Chief Executive & Growth Director. (Pages 25 - 44)

8 Overview of General Fund Revenue Budget 2021/22 - Quarter 1

To consider the report of the Director Finance. (Pages 45 - 62)

9 General Fund Capital Monitoring Statement - Quarter 1

To consider the report of the Director Finance. (Pages 63 - 84)

10 HRA Budget Monitoring Report - Quarter 1

To consider the report of the Director Finance. (Pages 85 - 100)

11 Review of the Council's Governance Arrangements

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 101 - 106)

12 Amendments to the Scheme of Delegation

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 107 - 140)

Part II: Items suggested for discussion with the press and public excluded

No representations have been received in respect of the following items in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

13 Members' Training

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 141 - 160)

14 Acquisition of property to support Liveable Exeter

To consider the report of the Director Finance. (Pages 161 - 168)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 2 November 2021** at 5.30 pm at the Guildhall.

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

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

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EXECUTIVE

Tuesday 7 September 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton, Williams and Wood

In attendance:

Councillor A. Leadbetter (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director Net Zero Exeter & City Management, City Surveyor, Service Lead - Environmental Health & Community Safety and Democratic Services Officer (MD)

78

MINUTES

The minutes of the meetings held on 6 July 2021 and 8 July 2021, were taken as read, approved and signed by the Chair as a correct record.

79

RICK LAWRENCE

The Leader passed on his condolences, and those of Members, to the family and friends of Rick Lawrence, who worked as a Digital Media Officer for the Royal Albert Memorial Museum, who had recently passed away. Members' thoughts were with his family at this difficult time.

80

COVID 19

The Leader commented on the Covid Pandemic, highlighting that a friend of his, had recently passed away, having contracted Covid, and urged people to continue to be careful and be mindful that Covid was still an issue.

81

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

82

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

83

URGENT MATTER - RESPONSE TO TEIGNBRIDGE LOCAL PLAN CONSULTATION

The Executive noted the urgent matter of the response from Exeter City Council to the Teignbridge Local Plan Site Options Consultation, run by Teignbridge District Council between late June and early August 2021. In accordance with the Council's Constitution, it had been discussed with the Council Leader, the Portfolio Holder for City Development and the Chair of the Strategic Scrutiny Committee.

Members were advised that, due to the timings of the consultation and Exeter City Council's meeting dates it was not possible for the Executive to consider a draft response in advance of its submission and that the response to the consultation had been treated as an urgent matter.

The key issues identified related to the need for cross-boundary discussions over strategic matters including employment and infrastructure strategy and a discussion of the city impact for a series of potential residential and employment development site options on the edge of Exeter. Particular issues were raised regarding the Atwell's Farm site option and that there would be further discussions on a range of matters, as the Exeter and Teignbridge Local Plans progress.

The Portfolio Holder for City Development expressed her thanks to good work put in by officers and that the letter reflected the views of Member's opinions. Particular reference was given to the provisions for employments, transport, education, sports and to the specific attention of the development sites on the edge of Exeter.

RESOLVED that the urgent matter be noted.

84

URGENT DECISION - DELEGATED DECISION

The Executive noted the urgent Delegated Decision taken under the Council's Finance Regulations by the Deputy Chief Executive in consultation with the Portfolio Holder for City Development, under the Council's Scheme of Delegation, to create a budget for expenditure to be incurred as part of the Government's and Council's work to address rough sleeping, in particular, as a response to the greater risk to people experiencing homelessness as a result of the pandemic.

The Council had bid Homes England Capital for funds of £1.7 Million with a proportionate capital contribution of £1.532 Million from un-ring-fenced S106 funds for affordable housing. The Council had also bid for a complimentary revenue grant bid from Central Government and it was confirmed that the expenditure budget would be from uncommitted Section 106 funds, with no impact on the Council's General Fund Balance.

The Portfolio Holder for Supporting People congratulated the team and the Deputy Chief Executive for the successful bid.

RESOLVED that the urgent decision be noted.

85

AIR QUALITY ANNUAL STATUS REPORT

The Executive received the report on the statutory Air Quality Annual Status which contained the 2020 monitoring data and a summary of the actions taken in 2020 to improve local air quality. The Council had a statutory duty to monitor and report on air quality and had submitted the report to the Department of Environment, Food and Rural Affairs (DEFRA), but no response had been received to date.

Particular reference was made to the reported 2020 figures, which showed that during the Pandemic, there had been a behaviour change which had improved the air quality data, particularly to the nitrogen dioxide levels.

The Chair commented on the actions detailed in the report presented at the meeting, which highlighted the work being undertaken to improve air quality and confirmed that the Council would continue to work with its partners to improve the air quality in Exeter.

During the discussion the following points were made: -

- The Council had achieved the required standard of air quality figures for 2020, which reflected the changes to behaviour during the Pandemic;

- Exeter City Council was working closely with the Devon County Council Highways Authority to address the transport related actions listed in the report;
- 30% of the City Council vehicles were now fully electric and there was additional work being undertaken at the Water Lane solar farm, to support improvements to air quality;
- Diesel recycling vehicles would be replaced with electric vehicles;
- Devon County Council would be introducing outside charging points to encourage residents to invest in electric vehicles; and
- Exeter City Council would continue to work with other organisations to progress the improvement of the city's air quality.

RECOMMENDED that Council note the statutory annual Air Quality Status report.

86

REVIEW OF THE COUNCIL'S CONTAMINATED LAND STRATEGY

The Executive received the report which provided an update on the review of the Council's Contaminated Land Strategy, which the Council was legally required to review. The report was requesting approval to undertake a consultation with the relevant statutory consultees to cover the 2022 to 2027 period. A report would be brought back to the Executive Committee and Council later in the year.

RESOLVED that the Executive note the draft revised Contaminated Land Strategy and approve the consultation commencing on 08 September 2021 until 03 November 2021.

87

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 paragraph 3 of Part 1, Schedule 12A of the Act.

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BELLE ISLE DEPOT

The Executive received the report which sought approval for the disposal of the Belle Isle depot site to Exeter City Living (ECL) and provided an outline of the provisionally agreed terms for that disposal. The City Surveyor explained that the disposal would enable the land to be transformed from a brownfield site, into a quality residential scheme in conjunction with ECL.

RESOLVED that the disposal of the Belle Isle depot site to Exeter City Living Limited be approved and that the final terms be agreed by the City Surveyor in consultation with the Council Leader.

(The meeting commenced at 5.30 pm and closed at 5.51 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 18 October 2021.

DRAFT

REPORT TO EXECUTIVE

Date of Meeting: 05 October 2021

Report of: Director, Net Zero Exeter and City Management

Title: Northbrook Park Update

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

The purpose of this report is to provide an update on the public consultation recently held on the future of Northbrook Park and to consider the proposed next steps.

2. Recommendations:

That Executive:

1. Note the results of the public consultation
2. Approve in principle the next steps set out in this report for further developing the proposals for North Brook Park, subject to a detailed proposal to Executive at a future date.

3. Reasons for the recommendation:

North Brook Park occupies a crucial strategic location which provides a green link between two of our most important green spaces. The site performs a critical function for the movement of wildlife and it represents a natural green infrastructure connection for people to move between parks and traffic free routes into the Quay side, Marsh Barton and the City Centre beyond. Improving the biodiversity, accessibility and usability of this key park is of prime importance and it is only right that the residents of Exeter have had a good opportunity to shape the proposals.

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

Developing these proposals further will require input from officers in both Exeter City Council Public and Green Spaces teams and from Devon Wild Life Trust.

5. Section 151 Officer comments:

The section 151 Officers notes the costs set out in the appendix. This report is for Executive only and therefore will not commit the Council to any funding. A further report will therefore be required if funding is expected from the Council, which will need to be considered in line with the Council's current financial position.

6. What are the legal aspects?

At this early stage, it is anticipated that the Council will grant a further lease to DWT and that the Northbrook Park will be incorporated within the existing management arrangements with DWT, although other management options will be considered.

It will be necessary for Council Officers within the Public and Green Spaces team to work with the Council's Corporate Property team to ensure that any transfer of the land is in accordance with statutory requirements.

In accordance with the section 151 Officer comments, in the event that there are financial implications, then further consideration will be given to the proposals.

7. Monitoring Officer's comments:

The Monitoring Officer has no additional observations.

8. Report details:

The main report 'Northbrook Park Proposal Update' is attached to this paper as appendix 1.

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

- 9.1 The strategic location of Northbrook Approach means that enhancing the biodiversity and green infrastructure of the site contributes strongly three of our key priorities in the Corporate Strategy and the principles contained within the vision for Liveable Exeter. They are:
- 9.2 Tackling Congestion and Accessibility. The potential for this site to link up existing green, traffic free travel routes, provides opportunities for people to move into the Quayside, Marsh Barton, the City Centre and the wider city. Making sustainable green travel options more attractive and accessible can only help to promote alternatives to car use.
- 9.3 Building Great Neighbourhoods. The quality of the local environment directly impacts the quality of life for our residents. Exeter has always ranked very highly as a great place to live and this site offers a great opportunity to further enhance our natural environment and open up the green space to greater public use.
- 9.4 Promoting Active and Healthy Lifestyles. The link that Northbrook provides between Riverside and Ludwell Valley Park provides a great opportunity to enhance walking and cycling infrastructure. The green link will open up the possibility of longer recreational walking and cycling routes and the enhancement of the greenspace will encourage more people to visit and enjoy it.
- 9.5 The importance of the Northbrook Approach and the links with Ludwell and Riverside Valley Parks must also be viewed in the context of the Liveable Exeter Garden Villages vision. The higher density development with a reduced reliance on the use of the private car means that the quality of our green spaces and the active

and green travel links they provide, gain even greater significance. Northbrook provides the strategic link to enable greater connectivity between our greenspaces.

9.6 Planting the right trees in the right place can also aid carbon sequestration and whilst there is an inevitable gap between planting and effective carbon absorption, planting for the future is still the right thing to do. The proposals will also increase and enhance the biodiversity of what is currently a pleasantly green but not particularly ecologically rich site.

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

There are no significant risk to this proposal providing that the funding can be secured to deliver the proposals.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report is for information only.

12. Carbon Footprint (Environmental) Implications:

12.1 The proposals to enhance Northbrook Park have been warmly supported by those who took part in the consultation. Should those proposals be developed they will contribute to our ambitions to increase biodiversity and to become carbon neutral by 2030 in the following ways:

- By linking up existing, traffic free travel routes to large parts of the City which will make sustainable, green travel options more attractive and accessible;
- By increasing biodiversity on the site, including a community orchard and wild flower planting; and

- By rewilding the Northbrook to improve the aquatic environment.

13. Are there any other options?

As with any piece of land there are a large number of alternative uses which could be considered. However the council has already committed to keeping this as a publically accessible green space. The public consultation has clearly supported the proposals we put forward and we recommend that they are progressed as proposed.

Director, Net Zero Exeter and City Management, David Bartram

Author: David Bartram (covering report), Peter Burgess (DWT) and Anya Oliver (DWT).

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

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

Northbrook Park

Proposal Update

September 2021



Northbrook Park 2020

Photo: Andy Thatcher

Produced by: Devon Wildlife Trust, Cricklepit Mill, Commercial Road, Exeter, EX2 4AB

Tel: (01392) 279244 Fax: (01392) 433221 E-mail: contactus@devonwildlifetrust.org

Web site: www.devonwildlifetrust.org Registered charity, no 213224

1. Summary

The collaboration between Exeter City Council (ECC) and Devon Wildlife Trust (DWT) has made significant progress in developing the vision for Northbrook Park over the past 18 months, despite the challenges of the Covid-19 pandemic. Exeter City Council’s Executive met in February 2020 and supported a draft vision developed between Devon Wildlife Trust and Exeter City Council Officers. Since then, the partners have consulted the community and have progressed the initial development of a detailed delivery plan.

We received **755 results** from the online survey in the Spring this year, which represents a very high response rate and considerable interest in the future of the land. The stand-out result was an overwhelming **96% in support of the vision**. The clear message from the various responses to the survey was that people strongly prioritise wildlife enhancement in this space. Workshops with more than 20 local stakeholder group representatives led by DWT provided valuable insights into communities’ thoughts, experiences and concerns , and firmly echoed the results of the survey in their wishes for the site to be maintained as a “peaceful and tranquil” community space.

The purpose of this paper is to provide an update and overview of our experience over the past months. It will set out how this has shaped our understanding of the potential of Northbrook Park as an inspiring and popular greenspace, wildlife corridor and community resource. This is not a full report on the findings of the consultation, nor a detailed delivery plan, but an update and overview to enable partners to consider our proposed approach to the next steps.



The Devon Countryside Access Forum visiting Northbrook Park July 2021

2. Background

The potential project originated in 2019 when ECC decided to close the pitch and putt golf course which occupied Northbrook Park and was operated for the Council as part of its leisure provision. After some discussion around potential future uses for the site, the Council committed to maintaining this area as a community greenspace. DWT helped to develop a proposal for the site (Northbrook Approach: Joint Proposal for the Future, January 2020) and in February 2020 the Executive committed to working with DWT to consult on this vision. DWT has taken on the management of the city's countryside Valley Parks in 2019, and the largest of these, Ludwell and Riverside, sit either side of Northbrook Park. The vision we put forward in early 2020 can be summarised as:

- **A wild arboretum and community orchard:** trees and meadows abundant in wildlife and accessible for communities
- **A people and nature corridor:** a re-wilded Northbrook stream through the site, and an improved green travel route connecting Ludwell and Riverside Valley Park - providing a resilient corridor for wildlife and access for people
- **A learning and community hub:** the greenspace and onsite facilities enabling strong engagement and participation within the community, with a focus on outdoor learning.

The launch of the consultation was significantly delayed by the Covid-19 pandemic which prevented onsite and in-person consultation. As restrictions and uncertainty about the pandemic continued we decided to delay no further and consult remotely, which occurred in Spring this year. The vision gained exceptionally strong support.

In the meantime a number of other contextual factors have emerged or progressed:

- **The Covid-19 pandemic:** national and local restrictions combined with the experience of living through this extraordinary and challenging time, has encouraged people to explore and to value local greenspaces, perhaps more than ever.
- **Parks and Greenspace, Trees and Woodlands, and other strategies:** with accelerating threats from the climate and nature crises, ECC has developed a number of local strategies for strengthening the city's natural resources and resilience.
- **Liveable Exeter:** The Liveable Exeter programme recognises the importance of local, accessible, high quality public green spaces, to the future development of the City. The balance of accessibility, enhanced biodiversity and providing good green travel opportunities is a key challenge to address as part of the programme.
- **Local projects:** the proposal to naturalise the Northbrook stream has progressed with funding, chiefly from the Environment Agency, in 2021/22 towards a feasibility study. The Live and Move programme led by Exeter City Council and Sport England has also made progress in re-vamping the Green Circle route which runs through the site.

3. Consultation summary

HEADLINES

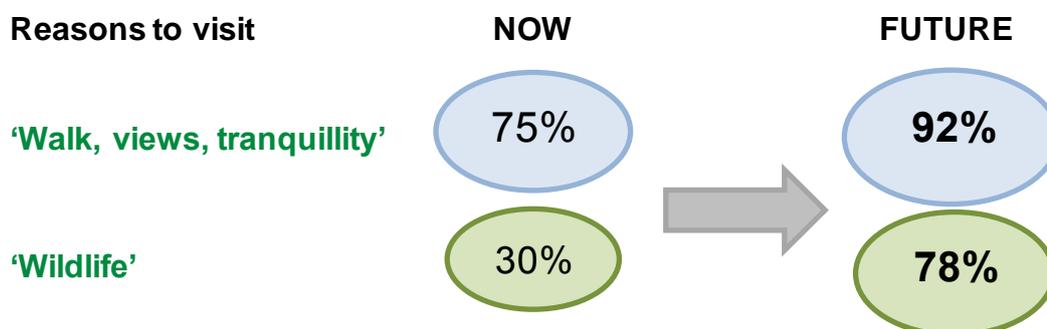
755 survey results – mainly from individuals, all within Exeter, with 88% having visited the site before

20 organisations and groups participated in workshops (as well as **12 organisations** responding to the survey)

96% of those surveyed supported the vision.



Reasons to visit

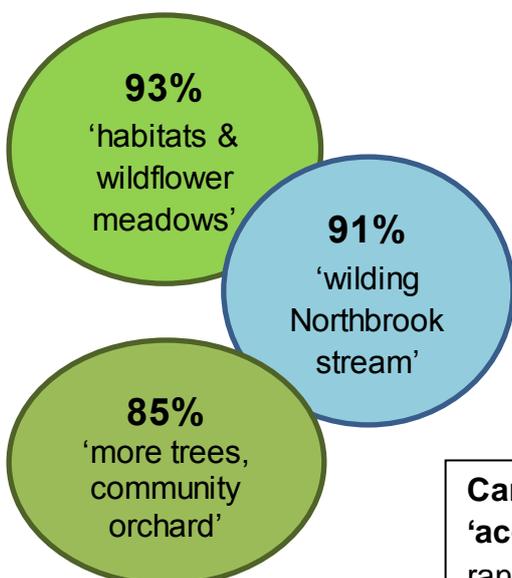


30% had visited for **'wildlife'** whilst **78% expect to in future** – *by far the biggest increase.*

PRIORITIES

84% of people selected **'greenspace and wildlife corridor protected'** as first priority (versus 'active travel connections' and 'social space').

Top rated features

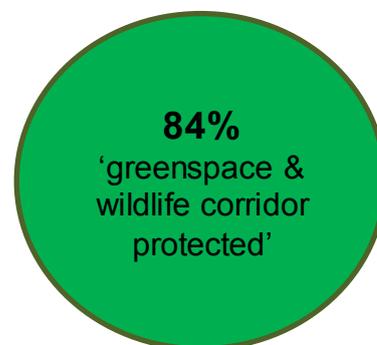


Top rated access feature



Car-park was rated the lowest 'access' priority with only 6% ranking it as very important.

Top priority



Other access priorities such as **accessible paths and cycling provision** received **more than 60% support**. Workshop discussions and comments signalled that key issues to resolve for local people were conflicts associated with the *dual-use path for pedestrians and cyclists* and *access in and out of and around the site*.

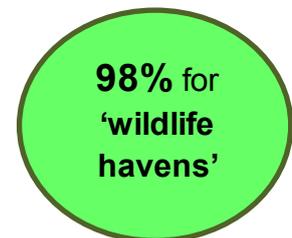
Space for play and learning received **more than 50% support**. Workshop discussions included an *interest in the potential for a community 'hub'* and *strong support for limited parking for those who need it most*. There was however concern that the car-park and building might attract too much traffic to the site, detracting from its special qualities and tranquillity.

LUDWELL TO RIVERSIDE

Responses about the wider landscape through Ludwell and Riverside strongly echoed that people prioritise wildlife above all, with **98%** rating **'wildlife havens'**, and **96%** rating **'peace and tranquillity'** as important / very important for the area.

Other insights were consistent with the Northbrook Park responses, whilst adding detail:

- **76%** would like **spaces for children, families and outdoor learning**
- **86%** wanted **good paths and signage, benches and bins**
- **64%** wanted **marked walking running and cycling routes**
- **43%** placed importance on **places to exercise a dog**, but
- **58%** wanted **more places with dog restrictions**



The strongest messages from the survey and workshops combined were that **people supported the vision**, **prioritised wildlife** and wanted **Northbrook Park to remain a tranquil place**.

The results reported here are a summary of the key results and snapshots only.

We aim to publish the full results of the survey and summary of the whole consultation, later in the Autumn, including the questions and answers which related to the wider 'Ludwell and Riverside landscape.

BUILDING ON THE CONSULTATION

The key insights from the consultation, and how they will help our ongoing planning, are summarised here:

- **There is very strong engagement with Northbrook Park and with the vision** so we will continue to develop relationships with stakeholders and to 'co-create' plans for the site.
- **There is strong support for the site to be a wildlife haven and a tranquil space**, with an emphasis on space for nature including meadows, trees, orchards, and a rewilded Northbrook stream. There are a diverse range of partners who want to help develop this vision, and be involved.
- **People also want to see access improved** so that they can enjoy and engage with the space, and participate in the development of a community resource.
- **There is support for the site to host activities**, but with an emphasis on lower-key events that would be in keeping with its tranquil nature, rather than large or formal group activities.

Some insights will require much more investigation for detailed planning:

There is particular interest in improving access around the site, and into it

- The need to reduce barriers to access for people and wildlife is a key focus.
- Resolving the need for cycle access through the site, whilst *prioritising a slower-pedestrian-friendly route* is a clear priority.
- The most ambitious suggestion, which was made several times, was for a 'green' or 'nature' bridge across the Topsham Road. That would be a major capital project in itself and outside of the immediate scope, but the overall aim should be noted and developed.

There is support for the building to be a 'hub' perhaps with refreshments available

- However there is no strong or consistent vision for this and indeed some concern that it would become too busy or urbanised.
- This suggests that we should work with nearby facilities such as the current Wonford Community and Learning Centre / future Wonford Hub project and the Countess Wear Village Hall which provide space and facilities for more formal activities.
- Communities need to develop a strong vision for low-key participation and outdoor learning at Northbrook Park.
- Potential uses for the building and car-park should be further investigated, and associated costs identified. A 'test and learn' approach with trial delivery could be developed.

Responses relating to the wider Ludwell and Riverside landscape are broadly consistent with those relating to Northbrook park and-

- They help to provide a clearer picture of priorities for different areas.
- Responses suggest that we need to develop the proposal within the wider landscape setting, taking into account the unique features of each zone.

4. Updating the vision

The vision jointly presented early last year gained overwhelming support during the consultation this year. The more detailed proposal, in development, is therefore largely based on this original vision with minor adaptations. The insights we gained from the consultation, combined with the progress of other contextual factors, will enable us to develop the proposal in much greater detail.

The following is a summary of the key features of the proposal and how we will need to develop them:

Element	Priorities and opportunities	Key actions	Issues to resolve	Who will be involved
Wild arboretum and community orchard	<p>Strong support – enhancing wildlife was the top priority.</p> <p>More than 90% support for more meadows and for naturalising Northbrook stream.</p> <p>Northbrook stream re-wilding project.</p>	<p>Biodiversity survey</p> <p>Detailed enhancement plans for meadows and orchards.</p>	<p>The Highly Modified (engineered) Northbrook stream has low ecological function. It suffers from flash floods, and pollution incidents.</p>	<p>Local Authorities and Environment Agency.</p> <p>Community groups and volunteers (who have shown strong interest).</p>
Linking greenspaces	<p>Priorities are:</p> <p>Strengthening the wildlife corridor</p> <p>Linking greenspaces for people, especially across the Topsham Road ‘barrier’. Green bridge ambition!</p> <p>Improved access around the site and places to pause.</p>	<p>Improving access directly into the site from Topsham Road.</p> <p>Network of paths around the site.</p>	<p>Dual cycle / pedestrian path – needs to be separated or slowed down.</p> <p>Flooding of current path adjacent to the Northbrook.</p> <p>Potential issues with littering, anti-social behaviour and dogs.</p>	<p>Local Authorities and eg Environment Agency (those involved in planning and managing assets and infrastructure). Community groups.</p> <p>Accessibility representatives.</p>
People and communities	<p>Wide variety of audiences and groups interested in getting involved, including older local residents and families.</p>	<p>Bring the space into wider use with improved access (eg path network) and engagement features (eg natural ‘bench’</p>	<p>Balance improved access and use with retaining quiet tranquil space.</p>	<p>Local community groups and volunteers.</p> <p>DWT Outdoor Learning team.</p>



	<p>Greater interest in quiet enjoyment than intensive group activity. Eg outdoor learning /activity (for all age groups).</p> <p>Activities need to complement local provision (eg Wonford Hub and Countess Wear Village Hall).</p>	<p>features and orchards).</p>		
Visitor hub	<p>Variety of ideas for the building as a hub, a learning base and community café (as per original proposal).</p> <p>Concern from local stakeholders that the building/car-park shouldn't become too busy and detract from the park's special qualities as a tranquil space.</p>	<p>Develop ideas and test and trial use of facilities (building/car-park) to support outdoor learning and community activities.</p> <p>Consider the potential for the car-park to have limited priority use – for example for accessibility.</p>	<p>Balance use of the facilities with need to retain tranquil nature of the park.</p> <p>Avoid duplication – Wonford Hub being developed very nearby, and existing programme at Countess Wear Village hall.</p>	<p>Local community groups and volunteers.</p> <p>DWT Outdoor Learning team.</p>
Wider landscape (Ludwell to Riverside)	<p>Strongest response to questions about the wider landscape was 98% supporting the proposal of 'wildlife havens'.</p> <p>Strong support for enhanced access features (86%).</p>	<p>Northbrook Park is the connecting corridor between the city's two largest greenspaces.</p> <p>Ludwell and Riverside benefit from unique features so we need a strong plan for this landscape to support greater coherence and added value.</p> <p>Projects to naturalise the Northbrook stream and to revamp the Green Circle route help to link</p>	<p>Balancing the needs of wildlife, visitors and growing communities through these spaces - including families, older adults, cyclists and dog walkers.</p>	<p>Communities and agencies.</p> <p>Liveable Exeter Programme</p>



		<p>these greenspaces.</p> <p>Plans for new local communities through 'Liveable Exeter' recognise the need to incorporate strong greenspace provision.</p>		
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5. Cost estimates

Full costings will require a detailed delivery plan to be agreed alongside a proposed partnership delivery model. Our informed estimates, based on experience of similar projects, at this stage are as follows:

Element	Cost estimate
Capital core (basic site infrastructure and habitat works) Tree and orchard planting Tree pruning – crown lifting Upgraded and re-routed access paths Signage and access furniture Meadow restoration	£125,000
Revenue core (annual management and maintenance)	£25,000

The above estimates exclude: capital costs associated with the building and car-park (which needs further investigation), dangerous ash tree removal due to ash dieback, other ancillary projects including the Northbrook stream re-wilding project, and the delivery of a green bridge.

The estimates also exclude project management costs.

6. Next steps

Exeter City Council and Devon Wildlife Trust presented a joint vision for Northbrook Park and have now consulted on this vision. The vision gained overwhelming support and the consultation has provided crucial insights to help to develop our vision into a more detailed plan. At this point we consider the next steps to include:

Action	Who/when
Agree detailed development costs and optimal delivery models. Agree a funding plan to enable development and delivery	ECC/partners- <i>starting with ECC Exec October</i>
Publish the results from the public survey and a summary of the whole consultation	ECC/DWT, this Autumn
Develop the communications and stakeholder plan as a basis for community involvement in the co-creation of plans	(ECC/DWT, this Winter) - TBC
Develop a test/trial proposal for use of building and car-park, along with a capital budget	(ECC/DWT, 2022) - TBC
Developing a detailed delivery plan for the whole site with communities and partners	(ECC/DWT, 2022) - TBC



Northbrook Park 2020

Photo: Andy Thatcher

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REPORT TO EXECUTIVE

Date of Meeting: 5 October 2021

REPORT TO COUNCIL

Date of Meeting: 18 October 2021

Report of: Chief Executive & Growth Director

Title: Government Consultation on Giving Police and Crime Commissioners Greater Powers of Competence

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

The report provides details of the Government's consultation on giving Police and Crime Commissioners greater powers of competence, which ends on 27 October 2021. The Government is specifically inviting views from councils. The report also includes draft responses to the Government's prescribed questions.

2. Recommendations:

That Executive recommends approval of and full Council approves the response to the consultation.

3. Reasons for the recommendation:

To enable the council to register its views on the Government's proposals.

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

There are no financial implications.

5. Section 151 Officer comments:

There are no financial implications for Council to consider contained within this report.

6. What are the legal aspects?

There are no legal aspects associated with this proposal.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer, as it is simply a response to the current consultation exercise.

8. Report details:

Details of the Government's proposals are set out in the consultation paper at Annex A. Draft responses to the prescribed questions are included at Annex B.

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

The potential for enhanced partnership working contributes to a well-run council.

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

No adverse impact has been identified.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because the report is not council activity or policy.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

Not applicable.

Chief Executive & Growth Director, Karime Hassan

Author: Bruce Luxton, Corporate Manager, Executive Support

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

Background papers used in compiling this report:-

As attached.

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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Home Office

Giving Police and Crime Commissioners greater powers of competence

Government Consultation

This consultation begins on 1 September 2021

This consultation ends on 27 October 2021

Introduction

The Government's manifesto committed to strengthening the accountability of Police and Crime Commissioners (PCCs) and expanding their role. PCCs were introduced in 2012 to give the public a direct say over policing in their area. It is important that PCCs are strong, visible leaders in the fight against crime and have the legitimacy and tools to effectively hold their police force to account.

In July 2020, we announced a two-part review into the role of Police and Crime Commissioners. During Part One of the Review we collated views and evidence from stakeholders across policing, fire and local government as well as voluntary and community organisations. We heard from PCCs and their Chief Executives that they need greater powers of competence to help them get upstream of crime issues and form partnerships with local authorities, criminal justice agencies and health bodies to reduce crime as well as to drive efficiency and make better use of police estate.

PCCs currently have a functional power of competence which enables them to do anything to facilitate or which is conducive or incidental to the exercise of their functions¹. However, we have heard that PCCs feel constrained because the existing powers limit their ability to undertake innovative activity; particularly where that activity might only be indirectly linked to policing.

In concluding Part One of the Review, the Home Secretary announced in March 2021 that we will consult on giving a general power of competence to PCCs. We intend to use this consultation to seek views on the benefits and risks of giving PCCs (including Mayors with PCC functions) greater powers of competence to improve the levers they have to tackle crime and anti-social behaviour and give them greater flexibility to drive efficiency.

¹ Paragraph 14, Schedule 1 of the Police Reform and Social Responsibility Act 2011

Approach

This is a targeted consultation that will run for 8 weeks from 1 September 2021 to 27 October 2021. We will specifically invite views from the following organisations, although welcome views from any other individuals or bodies:

- PCCs (including PFCCs and Mayoral PCCs)
- Chief Constables
- Fire and rescue authorities
- Principal local councils in England and Wales
- Association of Police and Crime Commissioners
- National Police Chiefs' Council
- National Fire Chiefs' Council
- Local Government Association
- Welsh Local Government Association
- Independent Office of Police Conduct
- Association of Police and Crime Commissioner Chief Executives
- Police and Crime Commissioner Treasurers' Society
- Mayoral Combined Authorities and Greater London Authority
- Chartered Institute of Public Finance and Accountancy (CIPFA)
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
- College of Policing
- Chief Police Officers' Staff Association
- Police Federation
- Police Superintendents Association
- Police Staff Council

Legislative Background and Existing Powers

Existing PCC Powers

PCCs must act within their statutory powers. These powers are set out in the Police Reform and Social Responsibility Act (PRSRA) 2011 and are principally; the power to appoint, re-appoint and dismiss the chief constable; the power to set the force's budget; and the power to establish local priorities for the force through the police and crime plan. PCCs also have the functional power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions. That includes entering into contracts and other agreements (whether legally binding or not), acquiring and disposing of property (including land) and borrowing money.

A PCC's ability to charge for services is also determined by statutory provisions. Section 25 of the Police Act 1996 gives chief officers a power to charge for special police services (such as concerts and football matches) and section 15 of the PRSRA 2011 provides PCCs a power to charge for the supply of goods and services by referring to the power Local Authorities have in section 1 of the Local Authorities (Goods and Services) Act 1970.

The powers of PCCs are limited to these purposes. If a PCC did anything that they did not have the specific power to do, this would be deemed to be *ultra vires* – or acting beyond one's legal power, which could be subject to legal challenge. In using their functional power, PCCs therefore have to judge what "facilitates" or is "conductive" or "incidental" to the exercise of their functions.

General power of competence held by local authorities

Historically, local authorities were also constrained by the specific statutory powers granted to them in legislation, but in 2011, a general power of competence (GPC) was provided to local authorities through section 1 of the Localism Act 2011. This gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited by law. This puts beyond doubt a local authority's ability to undertake activity and was introduced to encourage innovation as well as facilitate efficiency and best value.

The general power of competence afforded to local authorities has some limitations such as it cannot be used to raise taxes or precept, nor does it expand authorities' powers to make byelaws. It also cannot be used to do things like change the political structure of an authority. The Secretary of State also has broad powers to restrict (subject to consultation) what local authorities can do under the general power or to provide conditions under which the power can be used. Usual public law constraints (rationality, relevant considerations, procedural fairness, disregard of irrelevant considerations) would also be applied by the courts to the exercise of the power of general competence were they to be challenged.

Under the general power of competence, local authorities are able to charge for discretionary services where a person has agreed to them being provided, but only on a cost recovery basis and only when they are not under a statutory duty to provide them. Local authorities are also able to undertake commercial activities, but this must be done through a trading company so that the authority does not have a tax advantage over other businesses. Charging beyond cost recovery is also deemed to be trading and must be done through a company. Authorities cannot trade in services that they already have a statutory duty to provide; for example, collecting household rubbish.

The general power of competence applies to the 333 local authorities in England (including county councils, unitary authorities, district councils and London borough councils) and also applies to parish councils where that council has resolved that it meets the relevant conditions (including a minimum number of elected members). When the provisions of the Local Government and Elections (Wales) Act 2021 come into effect in November 2021, a general power of competence will also be conferred on Welsh local authorities, which largely replicates the general power granted to English local authorities.

Functional Power of Competence held by fire and rescue authorities

Where a fire and rescue authority (FRA) is embedded in a county council in England (a “county FRA”), the council holds the general power of competence in respect of their fire functions as it falls within the definition of a local authority under section 1 of the Localism Act 2011. The Localism Act 2011 also inserted section 5A into the Fire and Rescue Services Act 2004 to give relevant FRAs² in England and Wales wider functional powers that are broader than the power currently held by PCCs, although not as wide as the general power of competence provided to local authorities under the Localism Act.

Under the power provided by section 5A of the Fire and Rescue Services Act, a relevant FRA is able to do anything it considers appropriate for the purposes of carrying out any of its functions, as well as anything incidental or ‘indirectly incidental’ to those functions. The section 5A power of competence also enables an FRA to do anything it considers to be connected with any of its functions or connected to activity that is incidental to its functions. Fire and rescue authorities can also act for a commercial purpose under the section 5A powers, although section 5B of the 2004 Act provides that any commercial activity must be done through a trading company and FRAs cannot act commercially in respect of functions they have a statutory duty to provide. All FRAs can also charge for services, and have a separate power set out in section 18A of the Fire and Rescue Services Act 2004 (also inserted by the Localism Act 2011). This ability to charge is subject to limitations in section 18B which includes not being able to charge for extinguishing fires, except at sea. Charges must also not exceed the cost to the authority of taking the action.

² “relevant fire and rescue authorities” are defined in section 5A(3) of the Fire and Rescue Services Act 2004. This includes metropolitan county fire and rescue authorities, combined fire and rescue authorities, police fire and crime commissioners (in respect of their fire functions), the London Fire Commissioner and the London Fire and Emergency Planning Authority

Where a Police, Fire and Crime Commissioner (PFCC) is created in England under section 4A of the Fire and Rescue Services Act 2004, they fall within the definition of a relevant FRA and have the general power under section 5A FRA in relation to their fire functions but not in respect of their PCC functions. There are currently four PFCCs with this responsibility. The Government will shortly consult on further proposals to mandate the transfer of fire governance to other PCCs across England. Fire and rescue services in Wales are a devolved matter for which the Welsh Government is responsible.

Powers of Mayors of Combined Authorities

The Cities and Local Government Devolution Act 2016 (the 2016 Act), amends the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) to provide for the establishment of mayoral combined authorities as well as providing these authorities with extra powers. Section 113D of the 2009 Act provides that the general power of competence can be given to combined authorities, including mayoral combined authorities (MCA), and section 107D(8)(b) of the 2009 Act further provides for the general power of competence to be exercised by the mayor for that authority as well as the combined authority itself. The mayors of the West of England and Cambridgeshire and Peterborough mayoral combined authorities are currently the only two mayors that have been conferred the power to use the general power of competence. The mayor of a combined authority can only be conferred this power with the consent of the combined authority and its constituent authorities, as well as that of the mayor.

Other combined authority mayors (including those who exercise PCC functions in Greater Manchester and West Yorkshire) hold a wide functional power of competence that is equivalent to the power held by standalone fire and rescue authorities. This is set out in section 113A of the 2009 Act. Greater Manchester Combined Authority (GMCA) also retains a wellbeing power under section 2(1) of the Local Government Act 2000, which permits local authorities to do anything they consider likely to promote or improve the economic, social and environmental well-being of their area. This was specifically preserved in relation to the GMCA by virtue of a saving provision in article 8(3) of the Localism Act 2011 (Commencement No 5 and Transitional, Savings and Transitory Provisions) Order 2012. The Greater London Authority also holds a functional power under section 30 of the Greater London Authority Act 1999 (the 1999 Act) to do anything which will further any one or more of its principal purposes, which is exercisable by the mayor acting on behalf of the Authority.

The Government's proposed changes

In order to ensure PCCs have more of the tools and levers they need to prevent and tackle crime, the Government intends to provide PCCs with greater powers of competence.

As it currently stands, the narrow functional powers which PCCs hold mean that they can do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions. However, this means that they have to judge what facilitates, or is conducive or incidental to the exercise of their functions. This can create some doubt about their ability to act to prevent crime, particularly where those actions might be upstream of immediate police activity. Whilst PCCs can charge for certain police services (such as specialist police services like policing a concert or a football match), they also lack flexibility in their ability to act commercially by charging for discretionary services and cannot trade for profit. Regardless of which power of competence might be granted, if any, it would be drafted to retain the existing position that a PCC cannot charge for operational policing. Giving PCCs greater powers of competence would give them the confidence to act where there may be doubt. A wider power would also encourage greater ambition, innovation and creativity in their approaches to tackling crime and public safety issues.

The key areas where PCCs have identified wider powers of competence would support their objectives include;

- **Putting beyond doubt their ability to tackle crime and antisocial behaviour** – allowing PCCs to invest in activity that benefits the community and gets upstream of crime e.g. services to reduce offending, tackling mental health, youth diversion schemes.
- **Collaborative working** – the ability to take part in initiatives which are not current statutory responsibilities, for example with other emergency services or criminal justice partners; the opportunity to be a partner in local authority-private sector commercial arrangements.
- **Property regeneration and development** – the ability to borrow to invest in regeneration of existing land and property; generating long-term revenue streams (rather than one-off capital receipts).
- **Commercial ventures and initiatives** – the ability to develop innovative commercial opportunities, which yield additional revenue.

Through this consultation, we are interested in views on the benefits, opportunities and risks of granting PCCs either:

- (i) a wider functional power of competence as held by fire and rescue authorities, which will include giving them the power to do anything indirectly incidental to their functions; **or**
- (ii) a general power of competence as held by local authorities, which will give them the power to do anything that an individual can do so long as it is not prohibited by legislation.

Wider Functional Power of Competence

The functional power of competence held by fire and rescue authorities (FRAs) is a wide-ranging power which means that, even if the proposed action is a number of steps removed from their core functions, they can still act as long as the action can ultimately be traced back sufficiently to their functions. FRAs can do anything which is related directly or indirectly incidentally to their functions and can enter into commercial arrangements. Under separate powers, they can also charge for services. For example, the powers have been used by FRAs to provide road traffic accident prevention courses, or mobility training for elderly members of the public. Hampshire Fire and Rescue Service (FRS) used the powers to form an insurance mutual across a number of fire services, known as the Fire and Rescue Indemnity Company (FRIC); attempts to establish this under previous powers were challenged due to lack of vires. A number of fire and rescue services now also have contracts with the Ambulance Service for the provision of medical response services (co-responding) which provide immediate life-saving intervention, which would not have been possible without the FRA functional power. The functional powers held by FRAs therefore enable greater freedoms, whilst maintaining their single purpose status.

Where a PCC takes on fire and rescue functions, they hold this wider FRA power of competence in relation to their fire functions, but only the narrower PCC one in relation to their policing functions. At the minimum, we therefore believe we should level up the functional powers that PCCs and FRAs hold so that there is no longer a disparity in the PFCC model. This would mean giving all PCCs more generally a wider functional power of competence. This would allow PCCs to fully explore any commercial collaborative ventures without worrying about vires and ensure that for PFCCs in particular that collaboration between police and fire can be maximised.

These powers would also extend the breadth of activity PCCs could undertake, enabling them to get further upstream of crime as well as support them to co-commission and achieve shared outcomes with other emergency services, Criminal Justice System partners, local authorities and other public and private partners. PCCs also argue that wider powers to charge for discretionary services, and to trade would provide them with greater scope to act in the interests of their forces, in particular by raising revenue through innovative commercial practices. For example, some PCCs have identified that the powers would enable them to set up a police mutual, similar to the FRIC mutual established by fire services and others have indicated that they could use wider powers to make more effective use of estates, for example investing in renovation of police property to provide key worker housing and charging third parties to make use of premises, such as the police firearms range, when not in use for police purposes.

PCCs do not possess the wide-ranging responsibilities that local authorities have and therefore a wider functional form of powers, as held by FRAs is likely to enable PCCs to undertake most of the activity they would need to be able to undertake to deliver their priorities in the interests of local communities. However, it could still create doubt about vires in circumstances where a link to PCC functions is difficult to prove.

General power of competence

The general power of competence goes further than a functional power of competence in removing the need for a link between statutory functions and the exercise of powers. It provides greater freedoms to act, and therefore encourages greater innovation and creativity in the use of powers.

For local authorities, the general power of competence has enabled them to work in new ways to meet the needs of local communities, and to develop new services and partnerships. It has also been seen as a symbolic statement that promotes innovation and frees up thinking, whether or not the power is used to provide the specific legal basis for the actions taken. Some councils have used the power to set up companies for commercial purposes, including for the development and sale of land, and in relation to the setting up of shared services with other councils.

A general power of competence would put beyond doubt a PCC's ability to take action to help prevent crime and to strengthen their role in the wider criminal justice system. It would remove the requirement for there to be a demonstrable link to existing statutory functions and reduce the risk of legal challenge thus giving PCCs increased confidence in their legal capacity to act. It would also allow individual commissioners to innovate and develop bespoke local approaches to meet local needs and priorities. Some PCCs have argued that a general power of competence would allow them to enter into increasingly ambitious joint plans with combined authority and council partners. Depending on how such a power is drafted, it could also allow them to generate income beyond cost recovery and generate new revenue streams.

We recognise that there are some risks in granting PCCs a general power of competence. In giving PCCs the widest powers to innovate and act creatively, there are also greater risks that PCCs are distracted from their core focus on crime and policing or that they are engaged in activity that creates financial risk or cuts across other local mandates.

The PCC model places checks and balances on the actions of PCCs. PCCs are elected to represent local needs and are directly accountable to the public for the efficient and effective use of public funds. To ensure the public have the information they need to hold the PCC to account, PCCs are required by law to publish certain information, including their total budget, revenue sources, proposed and actual expenditure and details of their annual investment strategy. Police and Crime Panels also have powers to scrutinise the actions and decisions of PCCs, providing an additional layer of public scrutiny.

PCCs are also required by statute to appoint a Chief Financial Officer, whose duties include ensuring the proper administration of the PCC's financial affairs, reporting any actual or foreseen unlawful expenditure and advising whether particular decisions are contrary to policy or budget. There is also a statutory requirement for a PCC to have a Monitoring Officer, whose main role is to report to the PCC if it appears that any proposal, decision or failure within their

organisation constitutes, has given rise to, or is likely to break the law or a code of practice.

Further, there are existing limitations on the use of the general power which are applied to local authorities, and which could be mirrored for PCCs; namely we would not permit PCCs to do anything that is specifically prohibited in legislation, to raise taxes (other than in relation to existing policing precept) or to trade in services that they already have a statutory function to provide. The Secretary of State also has the power to apply further limitations to the general power of competence provided to local authorities, subject to consultation.

Through this consultation, we are also interested in any further safeguards or limitations that respondents consider might be necessary to ensure a proper use of any new powers granted to PCCs.

Mayoral PCCs

It is our intention that mayors who hold PCC functions (such as in London, Greater Manchester and West Yorkshire) would have the same power of competence as other PCCs to maintain consistency of powers in the police governance model. Mayors of combined authorities currently hold wider functional powers of competence, in line with those held by FRAs. At a minimum, we therefore propose to level up the powers that PCCs and Mayors hold. This could be either by granting to the PCCs the wider functional power which Mayors currently have (except Cambridgeshire and Peterborough and West of England Mayors who have a general power of competence) or by extending the general power of competence to both PCCs and Mayoral PCCs. If we were to extend the general power of competence to PCCs and therefore to mayoral PCCs, we would need to consider whether this power of competence should also be exercisable by the combined authority and whether any such extension should be dependent on the consent of the constituent authorities. The Government will give further consideration to the powers of Mayors and combined authorities through the Levelling Up White Paper.

Implementation

Subject to the outcomes of this consultation, we would require primary legislation to provide PCCs with either a wider functional or general power of competence. We would seek to implement the measures through the next appropriate legislative vehicle following Part 2 of the PCC Review.

Our intention would be to provide both English and Welsh PCCs with the same wider power of competence.

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Home Office

Giving Police and Crime Commissioners greater powers of competence

Government Consultation

This consultation begins on 1 September 2021

This consultation ends on 27 October 2021

Consultation Questions (draft responses)

Role/Job title	Karime Hassan – Chief Executive & Growth Director
Organisation	Exeter City Council

1. Do you think PCCs should be given greater powers of competence to enhance their ability to get upstream of crime issues as well as to drive efficiency and make better use of police estates?

	Please select one of the following options
Strongly agree	✓
Agree	
Neither agree, nor disagree	
Disagree	
Strongly disagree	

Wider Functional power of competence

2. Should PCCs be granted a **wider functional power** of competence including the power to do **anything indirectly related to their functions, no matter how many times removed and to charge and trade**?

	Please select one of the following options
Strongly agree	
Agree	
Neither agree, nor disagree	
Disagree	
Strongly disagree	✓

3. What do you see as the benefits that may come from granting PCCs a **wider functional power** of competence?

General power of competence brings greater benefits.
--

4. What do you consider to be the risks of granting PCCs a **wider functional power** of competence?

Opportunities for enhanced partnership working with local authorities will be constrained.

5. If PCCs were granted a **wider functional power** of competence, do you consider that additional safeguards or limitations on those powers would be necessary?

Yes - please provide details of what safeguards or limitations on the powers you think would be required.	
No - please explain	✓ Existing safeguards are adequate
Don't know	

General power of competence

6. Should PCCs be granted a **general power** of competence which would give them the power to do **anything** that an individual can do so long as it is not prohibited by legislation?

	Please select one of the following options
Strongly agree	✓
Agree	
Neither agree, nor disagree	
Disagree	
Strongly disagree	

7. What do you see as the benefits that may come from granting PCCs a **general power** of competence?

Enhanced partnerships with local authorities
 Opportunities to drive efficiency and make better use of police estate.
 Increased opportunities for innovation and commercialism

8. Please explain what you consider the risks may be to granting PCCs a **general power** of competence.

Relaxed charging regime

9. If PCCs were granted a **general power** of competence, do you consider that additional safeguards or limitations on those powers would be necessary?

Yes - please provide details of what safeguards or limitations on the powers you think would be required.	
No - please explain	Same safeguards as applied to councils are adequate.
Don't know	

10. Given the benefits and risks of a general and wider functional power of competence, which approach would you prefer?

	Please select one of the following options
Retain existing PCC powers	
Give PCCs a wider functional power of competence, in line with the powers currently held by standalone fire and rescue authorities and some combined authorities	
Give PCCs the general power of competence, as held by local authorities	✓

11. Do you consider there to be any equality impacts with granting PCCs either a wider functional or a general power of competence?

Yes - please provide details	
No - please explain	
Don't know	✓

REPORT TO EXECUTIVE

Date of Meeting: 5 October 2021

REPORT TO COUNCIL

Date of Meeting: 18 October 2021

Report of: Director Finance

Title: Overview of General Fund Revenue Budget 2021/22 – Quarter 1

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To advise Members of the overall financial position of the General Fund Revenue Budgets for the 2021/22 financial year after three months.

2. Recommendations:

It is recommended that Members of the Executive note the report and Council notes and approves (where applicable):

- i. The General Fund forecast financial position for the 2021 financial year;
- ii. The supplementary budgets as detailed in paragraph 8.10;
- iii. The outstanding Sundry Debt position as at June 2021; and
- iv. The creditors payments performance

3. Reasons for the recommendation:

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

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

The impact on the General Fund working balance is set out in section 8.9.

The General Fund Working Balance is projected to stand at £5.109 million at year end.

5. Section 151 Officer comments:

Although the Council is seeing a shortfall in income, particularly in car parks and Leisure, the action taken to set aside funds in an earmarked reserve, means there is not a significant impact on the General Fund Balance. The position will continue to be monitored, but at this stage it is expected that the amount set aside will be sufficient to manage the budget for this financial year.

6. What are the legal aspects?

Section 28 of the Local Government Act 2003 imposes a statutory duty on the Council to monitor during the financial year its expenditure and income against the budget calculations. If the monitoring establishes that the budgetary situation has deteriorated, the Council must take such action as it considers necessary to deal with the situation. This might include, for example, action to reduce spending in the rest of the year, or to increase income, or to finance the shortfall from reserves.

The Local Government Finance Act 1992 places a legal requirement on Council to approve not only the budget but also any changes to the budget proposed during the year. Council has a legal duty to ensure that the budget is balanced and that any changes to the budget are fully funded.

7. Monitoring Officer's comments:

Members will note the comments of the Section 151 Officer and the action taken in order to ensure that the budget is balanced for this financial year.

8. Report details:

Overview of General Fund Revenue Budget 2021/22

8.1 Financial Summary

FUND	Planned Transfer To / (From) Working Balance £	Budget Variance Over / (under) £	Outturn Transfer 2021/22 £
General Fund	(705,330)	(42,401)	(747,731)

8.2 General Fund (Appendix 1 & Appendix 2)

The current forecasts show an overall projected overspend of £3,033,074 against a revised budget of £21,148,970. This includes supplementary budgets of £4,102,710 already agreed by Council (20 July 2021). Variances of more than +/- £30,000 are detailed below:

8.3 **Chief Executive & Growth Director**

Budget Heading	Over / (Underspend)
Affordable Housing Development	(£170,000)
Responsible Officer: Director Finance	
This underspend is due to the budget for three ECL business cases not being fully utilised. It is likely that there will only be approximately £100,000 in spend this year therefore the remainder will be forecast as savings.	

8.4 Communications, Culture and Leisure Facilities

Budget Heading	Over / (Underspend)
Markets & Halls	£170,462
<p>Responsible Officer: Facilities & Markets Manager This forecast overspend is due to the impact that the pandemic had on the Corn Exchange in 20/21 and how it affects business now restrictions have lifted. Activities have resumed but the recovery period is still uncertain and at this early stage of the year, this forecast will only be a tentative estimate.</p>	
Leisure & Sport	£451,642
<p>Responsible Officer: Service Lead Communications, Tourism & Culture The start of 21/22 has continued to set a challenge to our leisure and sport facilities. Covid 19 has seen three cycles of opening and shutting completely. Many of them (including Riverside, which only opened at the end of July) has just returned to 100% capacity and the end of pre booking sessions. TUPE is ongoing, vacancies and track and trace continues to impact centres and staffing. Northbrook temporarily closed to alleviate pressures. The completion of St Sidwell's Point remains obstructed by the impact of COVID and this will impact memberships and predicted income. However, there is cause for some cautious optimism - there is a fantastic offer, Riverside opened on time, TUPE will be completed, ECC's VAT issue has been resolved, vacancies will be filled, income from membership continues to rise and the public's confidence continues to build.</p>	
Visitor Facilities	£40,652
<p>Responsible Officer: Facilities & Markets Manager This overspend is due to the impact of the temporary closure of the Underground Passages. This attraction was considered to carry too great a risk to the general public, due to enclosed spaces and the difficulty in implementing any social distancing. Those issues have now been worked through with Environmental Health, but a water ingress now prevents the passages from reopening. South West Water are investigating. It is hoped the passages will re-open in the near future.</p>	

8.5

Net Zero Exeter and City Management

Budget Heading	Over / (Underspend)
Parking Services	£2,139,640
<p>Responsible Officer: Service Lead – Engineering, Waterways & Parking Parking income continues to be impacted by Covid 19. Income levels have improved since the start of the financial year with the removal of restrictions, but current projections are based on 75% for the remainder of the year as there is expected to be some long term impact on commuter parking. ECC will be claiming 75% of eligible net losses for the first quarter under the Sales, Fees and Charges compensation scheme, but this scheme has now finished.</p>	

Domestic Refuse Collection	£30,330
<p>Responsible Officer: Interim Waste, Recycling & Fleet Manager</p> <p>Cleansing is struggling to recruit drivers given the current national shortage and this is causing significant difficulties in delivering services. A Job Evaluation exercise is in progress to more fairly reflect the requirements of the role and make it easier to retain and recruit drivers. This projected overspend is the estimated additional costs in the current financial year, which primarily fall within Domestic Refuse Collection.</p>	
Cleansing Chargeable Services	£385,990
<p>Responsible Officer: Interim Waste, Recycling & Fleet Manager</p> <p>In order to balance the budget for 2021/22 trade waste income was increased on the assumption that additional contracts would be secured with big employers in the city. Progress has been delayed and, although the number of customers is increasing, there are no significant new contracts agreed at this stage.</p>	
Cleansing Overheads	£31,750
<p>Responsible Officer: Interim Waste, Recycling & Fleet Manager</p> <p>Re-surfacing works are required at the Exton Road depot as a matter of urgency. The vehicle wash bund will also need to be replaced in the autumn, but this should remove the requirement for frequent and costly drain clearance.</p>	

8.6 Finance

Budget Heading	Over / (Underspend)
Corporate Property – Assets	(£225,253)
<p>Responsible Officer: City Surveyor</p> <p>A tentative forecast has been included based on the underspend in quarter one. However, this is an estimate only as it is difficult to predict out-turn at this early stage of the year in an area which does not have a linear pattern of spend. It is highly likely that the entire budget will be used therefore the underspend will decrease as the year progresses.</p>	
Corporate	£34,503
<p>Responsible Officer: Director of Finance</p> <p>This overspend is due to an increase in Audit fees that was not included in the 21/22 budget. The budget will be increased during the 22/23 budget setting process.</p>	

8.7 Corporate Services

Budget Heading	Over / (Underspend)
Corporate Support	£100,000
Responsible Officer: Corporate Manager Democratic and Civic Support	
The Civic Centre continues to lose rental income due to vacant units. Although there are savings elsewhere, this loss will continue until these are occupied. However, there are grounds for optimism, as the Corporate Manager has started receiving enquiries regarding these units and although nothing is definite, it may be that this overspend will reduce.	

8.8 Other Financial Variations

Budget Heading	Over / (Underspend)
Net interest	£401,000
The budgeted interest payable for 2021/22 anticipated that the Council would take out additional borrowings in the year, to finance a further loan to the wholly owned property development company; ECL. It is now anticipated that additional borrowings will not be required in 2021/22, therefore saving £490k of interest payable.	
The interest receivable for 2021/22 is anticipated to be £891k lower than budget. This is due to two key factors; the above mentioned loan to ECL will now not take place in 2021/22 and therefore the expected interest will not be receivable; and the Council is receiving significantly lower than expected interest on investments, investment interest rates still remain at record lows following the economic recession caused by the global pandemic.	
Minimum Revenue Provision	(£390,616)
The Council has provided fully for the vehicles it has leased, this has resulted in the reduction in minimum revenue provision. This will be an ongoing saving over the life of the medium term financial plan.	

8.9 General Fund Balance

In 2021/22 it is projected that there will be an overall net contribution from the General Fund Balance of £747,731. The minimum requirement for the General Fund working balance was approved by Council in February 2021 at £3 million.

Movement	2021/22
Opening Balance, as at 01/04/21	£5,856,249
Net	(£747,731)
Projected Balance at Year End	£5,108,518

8.10 Supplementary Budgets

It is proposed that the supplementary budgets identified in Appendix 3 are approved and added to the 2021/22 budget.

- £22,500 will need to be funded by the general fund and will reduce the working balance.
- The remaining requests are all self-financing and will have no impact on the projected General Fund working balance.

8.11 Outstanding Sundry Debt

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

Age of Debt	March 2020	March 2021	June 2021
Up to 29 days (current)	£2,399,454	£1,075,975	£2,325,475
30 days – 1 Year	£1,530,103	£2,234,973	£1,657,771
1 – 2 years	£451,358	£1,249,353	£1,036,692
2 – 3 years	£550,482	£341,134	£577,770
3 – 4 years	£276,837	£208,302	£206,928
4 – 5 years	£417,580	£240,861	£228,600
5 + years	£752,772	£1,030,325	£1,051,436
Total	£6,378,586	£6,380,923	£7,084,672

8.12 Debt Write-Offs

The following amounts have been written-off during 2021/22:

	2020/21 Total	2021/22 (Qtr 1)
• Council Tax	£100,805	£15,509
• Business Rates *	(£19,497)	£0
• Sundry Debt	£37,336	£0
• Housing Rents	£61,893	£17,040
• Non-HRA Rents	£59,823	£19,565
• HB Overpayments	£194,205	£19,267

* Business Rate write offs dealt with annually

8.13 Creditor Payments Performance

Creditors' payments continue to be monitored in spite of the withdrawal of statutory performance indicator BVPI8. The percentage paid within 30 days was 96.1% for the first three months of 2021/22 compared with 97.09% after the first three months of 2020/21.

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

This is a statement of the projected financial position to the end of the 2021/22.

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

The risks relate to overspending the Council budget and are mitigated by regular reporting to the Strategic Management Board and Members. Members have a legal responsibility to take action where balances are projected to reach an unsustainable level and the Strategic Management Board are working to address the current projected shortfall in reserves.

Areas of budgetary risk are highlighted in this report. The key areas of budgetary risks are attached as Appendix 4, for reference.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 There are no significant equality and diversity impacts associated with this decision.

12. Carbon Footprint (Environmental) Implications:

There are no direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

Not applicable.

Director Finance & S151 Officer, Dave Hodgson

Authors: Nicola Matthews-Morley, Bridget Kendrick and Claire Hodgson

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

Background papers used in compiling this report:

None

Contact for enquires:

Democratic Services (Committees)

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2021/22 GENERAL FUND BUDGET MONITORING - SUMMARY
 QUARTER 1

APPENDIX 1

	Original Budget £	Supplementary Budgets & Virements £	Revised Budget £	Year End Forecast £	Variance to Budget £
Chief Executive & Growth Director	2,933,980	315,950	3,249,930	3,079,930	(170,000)
Transformation	1,184,020	297,660	1,481,680	1,481,680	0
City Development, Housing & Supporting People	4,744,710	2,266,450	7,011,160	7,011,160	0
Communications, Culture and Leisure Facilities	5,490,450	436,530	5,926,980	6,589,736	662,756
Net Zero Exeter and City Management	3,358,890	1,243,850	4,602,740	7,199,250	2,596,510
Finance	23,380	542,270	565,650	385,893	(179,757)
Corporate Services	2,548,880	0	2,548,880	2,672,445	123,565
Less Use of Furlough Scheme	0	0	0	0	0
less Notional capital charges	(4,238,050)	0	(4,238,050)	(4,238,050)	0
Service Committee Net Expenditure	16,046,260	5,102,710	21,148,970	24,182,044	3,033,074
Net Interest	150,000		150,000	551,000	401,000
New Homes Bonus	(1,940,880)		(1,940,880)	(1,940,880)	0
Revenue Contribution to Capital	0		0	0	0
Minimum Revenue Provision	692,000		692,000	301,384	(390,616)
Voluntary Revenue Provision	0		0	0	0
General Fund Expenditure	14,947,380	5,102,710	20,050,090	23,093,548	3,043,458
Transfer To/(From) Working Balance	(349,530)	(355,800)	(705,330)	(747,731)	(42,401)
Transfer To/(From) Earmarked Reserves	570,000	(4,420,910)	(3,850,910)	(6,851,000)	(3,000,090)
General Fund Net Expenditure	15,167,850	326,000	15,493,850	15,494,817	967
Formula Grant	(4,732,030)		(4,732,030)	(4,732,030)	0
Business Rates Growth / Pooling Gain	(2,334,000)		(2,334,000)	(2,334,000)	0
Covid 19 Grant	(760,000)		(760,000)	(760,967)	(967)
CIL Income	(1,090,000)	(326,000)	(1,416,000)	(1,416,000)	0
Council Tax	(6,251,820)		(6,251,820)	(6,251,820)	0
	0	0	0	0	0

Working Balance March 2021

£ 5,856,249

£ 5,108,518

March 2022

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2021/22 GENERAL FUND BUDGET MONITORING - DETAIL

QUARTER 1

ACTUAL TO DATE			YEAR END FORECAST					
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	APPROVED BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE			
£	£	£	£	£	£			
7,039,509	6,892,996	(514,875)	TOTAL GENERAL FUND NET EXPENDITURE			25,387,020	28,420,094	3,033,074
Chief Executive & Growth Director								
469,155	450,225	(18,930)	IT SERVICES	1,840,080	1,840,080	0		
320,319	237,251	(83,068)	STRATEGIC MANAGEMENT	820,290	820,290	0		
67,816	11,925	(55,891)	AFFORDABLE HOUSING DEVELOPMENT	272,950	102,950	(170,000)		
85,044	69,780	(15,264)	CENTRAL SUPPORT	316,610	316,610	0		
942,334	769,181	(173,153)	NET EXPENDITURE	3,249,930	3,079,930	(170,000)		
Transformation								
204,417	126,309	(78,108)	ACTIVE & HEALTHY PEOPLE	892,020	892,020	0		
163,945	25,724	(138,221)	EXETER COMMUNITY GRANTS PROGRAMME	589,660	589,660	0		
0	152,033	(216,329)	NET EXPENDITURE	1,481,680	1,481,680	0		
City Development, Housing & Supporting People								
(311,784)	(349,523)	(37,739)	HOUSING NEEDS & HOMELESSNESS	1,211,970	1,211,970	0		
0	0	0	SUNDRY LANDS MAINTENANCE	92,680	92,680	0		
44,611	20,742	(23,869)	GF HOUSING - PROPERTY	170,920	170,920	0		
(9,946)	(42,061)	(32,115)	BUILDING CONTROL & LAND CHARGES	50,150	50,150	0		
193,017	46,787	(146,230)	PLANNING SERVICES	1,122,100	1,122,100	0		
1,456,658	1,453,410	(3,248)	REVENUES, BENEFITS & CUSTOMER ACCESS	2,996,110	2,996,110	0		
57,296	48,742	(8,554)	LIVEABLE EXETER GARDEN CITY	1,026,890	1,026,890	0		
113,447	18,912	(94,535)	ORGANISATIONAL CHANGE PROGRAMME	340,340	340,340	0		
1,543,299	1,197,009	(346,290)	NET EXPENDITURE	7,011,160	7,011,160	0		
Communications, Culture and Leisure Facilities								
130,507	94,116	(36,391)	CULTURE	522,880	522,880	0		
31,290	22,164	(9,126)	TOURISM	126,490	126,490	0		
(75,343)	(240,950)	(165,607)	MARKETS & HALLS	(370,260)	(199,798)	170,462		
774,738	640,215	(134,523)	MUSEUM SERVICE	2,502,420	2,502,420	0		
417,574	715,258	297,684	LEISURE & SPORT	2,477,380	2,929,022	451,642		
14,963	80	(14,883)	ST SIDWELLS POINT	59,850	59,850	0		
50,593	64,707	14,114	VISITOR FACILITIES	116,680	157,332	40,652		
121,607	120,168	(1,439)	COMMUNICATIONS	491,540	491,540	0		
1,465,929	1,415,758	(50,171)	NET EXPENDITURE	5,926,980	6,589,736	662,756		
Net Zero Exeter & City Management								
105,439	(14,038)	(119,477)	ENVIRONMENTAL PROTECTION	372,240	372,240	0		
54,171	53,027	(1,144)	LICENCING, FOOD, HEALTH & SAFETY	460,460	460,460	0		
397	18,128	17,731	PUBLIC SAFETY	339,780	339,780	0		
(635,315)	(104,077)	531,238	PARKING SERVICES	(6,218,960)	(4,079,320)	2,139,640		
57,011	59,665	2,654	WATERWAYS	357,180	357,180	0		
209,294	77,542	(131,752)	ENGINEERING SERVICES	949,270	949,270	0		
390,451	307,796	(82,655)	PARKS & GREEN SPACES	2,040,350	2,058,350	18,000		
8,442	22,489	14,047	BEREAVEMENT SERVICES	60,340	72,340	12,000		
389,787	343,858	(45,929)	STREET CLEANING	1,743,060	1,743,060	0		
49,647	15,093	(34,554)	PUBLIC CONVENIENCES	387,720	366,520	(21,200)		
461,331	445,839	(15,492)	DOMESTIC REFUSE COLLECTION	2,259,010	2,289,340	30,330		
(208,597)	(142,965)	65,632	CLEANSING CHARGEABLE SERVICES	(565,940)	(179,950)	385,990		
41,187	50,896	9,709	EXTON ROAD OVERHEADS AND FLEET	141,610	173,360	31,750		
198,294	192,652	(5,642)	RECYCLING	844,810	844,810	0		
0	256,336	256,336	FLEET MANAGEMENT & MAINTENANCE	0	0	0		
1,189,598	1,202,797	13,199	GROWTH & COMMERCIALISATION	1,431,810	1,431,810	0		
2,311,137	2,785,038	473,901	NET EXPENDITURE	4,602,740	7,199,250	2,596,510		
Finance								
101,315	2,524	(98,791)	MAJOR PROJECTS	405,660	408,357	2,697		
(957,058)	(797,032)	160,026	CORPORATE PROPERTY - ESTATES	(3,476,020)	(3,467,724)	8,296		
278,595	124,704	(153,891)	CORPORATE PROPERTY - ASSETS	1,132,620	907,367	(225,253)		
22,658	18,117	(4,541)	CORPORATE PROPERTY - ENERGY	93,510	93,510	0		
27,588	49,314	21,726	CORPORATE	110,350	144,853	34,503		
382,584	374,541	(8,043)	UNAPPORTIONABLE OVERHEADS	1,556,370	1,556,370	0		
131,150	127,520	(3,630)	FINANCIAL SERVICES	533,940	533,940	0		
25,079	24,408	(671)	INTERNAL AUDIT	102,030	102,030	0		
26,128	28,929	2,801	PROCUREMENT	107,190	107,190	0		
38,039	(46,975)	(85,014)	NET EXPENDITURE	565,650	385,893	(179,757)		
Corporate Services								
150,928	110,157	(40,771)	HUMAN RESOURCES	610,440	610,440	0		
42,376	23,199	(19,177)	LEGAL SERVICES	176,730	171,976	(4,754)		
96,985	27,467	(69,518)	ELECTIONS & ELECTORAL REG	388,520	408,429	19,909		
159,119	155,552	(3,567)	DEMOCRATIC REPRESENTATION	643,490	647,278	3,788		
65,426	60,899	(4,527)	CIVIC CEREMONIALS	290,070	294,692	4,622		
223,937	250,597	26,660	CORPORATE SUPPORT	439,630	539,630	100,000		
0	(6,919)	(6,919)	TRANSPORTATION	0	0	0		
738,771	620,952	(117,819)	NET EXPENDITURE	2,548,880	2,672,445	123,565		

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PROPOSED SUPPLEMENTARY BUDGETS

Supplementary Budgets

Description	£	Funded by:
Safer Streets Fund - expenditure	432,000	Self-Financing
Safer Streets Fund - grant funding	(432,000)	Self-Financing
Contain Outbreak Management Fund - expenditure	166,570	Self-Financing
Contain Outbreak Management Fund - grant funding	(166,570)	Self-Financing
Exeter Private Rental Forum - expenditure	9,940	Self-Financing
Exeter Private Rental Forum - grant funding	(9,940)	Self-Financing
Minimum Energy Efficiency Standards - expenditure	69,000	Self-Financing
Minimum Energy Efficiency Standards - grant funding	(69,000)	Self-Financing
Howmet grants - Inspiring Girls and Business Empowering Employment Programmes - expenditure	86,000	Self-Financing
Howmet grants - Inspiring Girls and Business Empowering Employment Programmes - grant funding	(86,000)	Self-Financing
Reduction in rental income due to unit being taken over by the Corn Exchange	22,500	General Fund Working Balances
Respite Rooms - expenditure	133,400	Self-Financing
Respite Rooms - grant funding	(133,400)	Self-Financing
Total	22,500	

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2021/22 BUDGET MONITORING
AREAS OF BUDGETARY RISK

The table below notes service-areas that, based on either experience last year or market factors this year, have been identified as having significant budgetary risk within the 2021/22 revenue budgets.

The revenue budget areas of risk are:

Service	21/22 Approved Budget	Risk Rating	Risk and mitigation
City Development, Housing & Supporting People			
Planning Services Revenue	£782,320		There have been a number of recent planning decisions which have been appealed. This generally results in a need for external consultancy and legal advice. Significant expenditure has been incurred in this area in previous financial years.
Revenues and Benefits Housing Benefit Subsidy	£32,697,040		The Council currently administers over £33 million of Housing Benefit payments for rent allowances and rent rebates. Not all expenditure can be claimed back as subsidy. Certain supported and temporary accommodation costs are not eligible for full subsidy; these claim types will remain in Housing Benefit and not move to Universal Credit. As more Housing Benefit claims move onto Universal Credit the amount of unsubsidised expenditure will be an increased proportion of total expenditure. Errors made by ECC officers are not subsidised in full if they go over a set percentage of total expenditure. As total expenditure reduces due to Universal Credit rollout, the margins within which error payments are subsidised will reduce, increasing the risk of a subsidy loss in this area.
Communications, Culture and Leisure Facilities			
Leisure & Sport (Revenue)	£2,477,380		Leisure & Sport have had a challenging year, with irregular openings, staff shortages leading to facility closures and the continued delay to the opening of St Sidwell's Point. There are early indicators that the situation is improving - staff vacancies are being filled, Riverside opened on time and membership income is on the rise. However, the future is still uncertain, especially in regards to the impact that St Sidwell's Point will have once it opens.

Service	21/22 Approved Budget	Risk Rating	Risk and mitigation
Markets & Halls (Revenue)	(£370,260)		The pandemic had a significant impact in 20/21, especially at the Corn Exchange. Although the event programme has now returned to normal, the first few months of the financial year saw virtually no events hosted and there is still uncertainty amongst promoters, artists and the public which could have an adverse effect later in the financial year.
Visitor Facilities (Revenue)	£116,680		Similar to Markets & Halls, the pandemic has had – and continues to have – a significant impact on visitor facilities. In particular, the Underground Passages have remained closed due to concerns about the high risk of infection. Although it is hoped that this facility will be able to reopen later in the year or early in 2022, it is unlikely that this will make a material impact this year.
Net Zero Exeter and City Management			
Trade Waste Fees & Charges	(£1,294,160)		Income from existing trade waste customers has generally recovered well from the impact of the pandemic, however when the budgets were prepared it was anticipated that ECC could secure some significant contracts within the city. Progress on these has been delayed, with few opportunities for making cost savings.
Car Parking Fees & Charges	(£8,882,350)		The ongoing restrictions during the first quarter of 2021/22 continued to impact upon car park income. There has been an uplift in recent weeks but there is expected to be a long term impact as working from home becomes more commonplace. The assumption made for the remainder of the year is that we will receive 75% of budgeted income. The Sales, Fees and Charges income compensation scheme will help recover a significant proportion of losses incurred during Quarter 1 but there is no further financial support.

Risk Rating Key:

	Current forecasts indicate either a favourable variance compared to the budget or no variance at all
	Current forecasts indicate an adverse budgetary variance of between 0% and 5% that will be kept under review
	Current forecasts indicate an adverse budgetary variance of more than 5% and will be monitored closely

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REPORT TO EXECUTIVE

Date of Meeting: 5 October 2021

REPORT TO COUNCIL

Date of Meeting: 18 October 2021

Report of: Director Finance

Title: 2021/22 General Fund Capital Monitoring Statement – Quarter 1

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

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

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

2. Recommendations:

It is recommended that Executive Committee supports and recommends to Council to approve:

- (i) The overall financial position for the 2021/22 annual capital programme; and
- (ii) The amendments and further funding requests to the Council's annual capital programme for 2021/22.

3. Reasons for the recommendation:

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

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

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

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

5. Section 151 Officer comments:

- 5.1 Members should note the significant amounts being carried forward in the capital programme. The construction sector is under pressure from rising prices for materials and labour shortages. This will impact the programme for some time, resulting in delays to the programme and likely requests for additional funding where the budget is now insufficient to deliver the planned scheme owing to rising prices. In the short term, this will be managed by seeking Council approval to vire funds from schemes which are delayed, particularly if the asset is under review.
- 5.2 The additional request for funding will be financed using capital receipts and not add to the Council's borrowing requirement or impact on the savings required.

6. What are the legal aspects?

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

7. Monitoring Officer's comments:

- 7.1 Members will note the Section 151 Officer's comments concerning the delays to projects as a result of rising prices for materials and labour shortages, and proposals as to how this will be managed. In addition there continue to be delays to projects as a result of COVID with a continuing impact on capital projects.
- 7.2 Members will also note the Section 151 Officer's proposals for funding capital projects through the use of capital receipts.

8. Report details:

2021/22 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 1

8.1. REVISIONS TO THE CAPITAL PROGRAMME

The 2021/22 Capital Programme, including commitments brought forward from 2020/21, was last reported to Executive on 6 July 2021. Since that meeting the following changes have been made that have increased the programme:

Description	£	Approval/Funding
Capital Programme, as reported to Council 20 July 2021	64,944,050	
Litter Bins	20,000	Approved by Council 21 July 2021
Exeter Bus Station	784,000	

Cleansing Bins & Boxes – As approved by Council in the Emergency Budget of 2020/21 it was agreed to capitalise the costs of providing bins and boxes for waste and recycling collection. The amount required for 2021/22 is likely to be lower due to the new recycling arrangements.	40,000	Council 21 July 2020
Marsh Barton Station contribution	1,300,000	Council 12 August 2015
Columbarium	367,300	Council 21 July 2021
Revised Capital Programme	67,455,350	

8.2. PERFORMANCE

The revised capital programme for the current financial year is £67.455 million. During the first three months of the year the Council spent £5.046 million on the programme, which equates to 7.48% of the revised programme. This compares with £4.222. Million (6.47%) that was spent in the first three months of 2020/21.

The current programme is detailed in Appendix 1. The Appendix shows a total forecast spend for 2021/22 of £51.936 million with £15.498 million of the programme potentially being deferred to 2022/23 and beyond.

Appendix 2 shows the approved budgets for 2022/23 with the proposed 2021/22 budget to be carried forward to 2022/23 and beyond for Executive and Council to consider for approval.

Appendix 3 shows the overall position for those schemes which span more than one financial year.

8.3. AVAILABLE CAPITAL RESOURCES

The available capital resources for the General Fund for 2021/22 are £11.646 million. An estimated spend of £51.936 million is required of which £41.927 million will be funded from borrowing with £0.123 million capital receipts carried forward to 2022/23.

Appendix 4 sets out the forecast use of the resources available for the General Fund and the likely amounts of borrowing that will be necessary to fund the capital programme over the next three years.

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

	General Fund £
Balance as at 1 April 2021	3,329,009
New Receipts	214,000
Balance as at 30 June 2021	3,543,009

8.4. EXPENDITURE VARIANCES

There are no significant expenditure variances to report this quarter.

8.5. SCHEMES TO BE DEFERRED TO 2022/23 AND BEYOND

Schemes which have been identified as being wholly or partly deferred to 2022/23 and beyond are:

Scheme	Budget to be Deferred £
Parks Infrastructure	141,880
Cemetery Fields Play Area	67,250
Play Areas	66,000
<p>Officer Responsible: Service Manager – Public & Green Space</p> <p>Approximately £100,000 is likely to be spent in 2021/2 on Parks Infrastructure, with the first phase works tender issued in July. The tender for phase 2 works will be issued in Quarter 3 with works delivered no earlier than Quarter 4.</p> <p>Cemetery Fields Play Area – the project should be delivered by the summer of 2023 with up to £10,000 incurred this year on surveys.</p> <p>For other play areas we anticipate spending £140,000 in 21/22 with the balance slipping to 2022/23.</p>	
Outdoor Leisure Facilities - Newcourt	121,270
Repair canal bank at M5	26,890
Bowling Green marshes coastal defence scheme	340,000
Topsham flood prevention scheme	800,000
Cricklepit Bridge	153,680
Trews Weir safety improvements	60,000
Exeter ship canal M5 viaduct	164,500
Exhibition Way Bridge	41,200
Yaroslavl Bridge	77,250
Leypark Road footbridge	41,200
Mallison Bridge	772,500

Riverside walls at Quay	51,500
Exeter ship canal bottleneck and bird hide	10,300
Canal basin – craning pads	82,400
Heavitree paddling pools	259,000
Taddiford Brook flood scheme	10,300
Flowerpot Skate Park	10,750
Mincinglake Valley Park	41,500
Exeter ship canal Green Tip to Salmonpool	51,500

Officer Responsible: Engineering & Assets Manager

The location of the MUGA at Newcourt is still being discussed with the landowner, so there is not likely to be any spend in 2021/22.

The repairs of canal bank at M5 and viaduct works are being delivered together, but there is no significant spend expected until 2022/23.

ECC is in policy discussions with the Environment Agency and RSPB regarding Bowling Green marshes and this could be delayed until 23/24.

The Topsham flood prevention public consultation has not been possible due to Covid. As this work is non-statutory resources have been prioritised elsewhere, however ECC is in discussions with the EA regarding potential project management support.

The Cricklepit Bridge project works will be phased to coincide with other bridge work and is unlikely to begin until 2022/23.

Trews Weir – ECC is currently liaising with the EA consultant, the refurbishment works is still planned for 21/22 but the safety improvements work and the projects on Riverside walls at Quay and Exeter ship canal bottleneck are not expected to begin until 2022/23.

The principal inspections of Exhibition Way bridge, Yaroslavl bridge and Leypark Road footbridge are not yet complete so the programme of works and costings are not yet known, but are unlikely to begin until 22/23 at the earliest.

The Council Leader has suggested that the Mallison Bridge project is put on hold while further contributions are sought from partners to reduce the financial impact for ECC.

The design and build of craning pads for the canal and waterways is dependent on the canal management plan to avoid abortive works, and cannot be undertaken during winter.

The Heavitree paddling pools project has commenced and a topographical survey scheduled for quarter 2, but there is only likely to be £50,000 of ground works costs in 2021/22 with the balance spent next year.

The Taddiford Brook project is not statutory and has been delayed due to lack of resources.

Flowerpot skate park works are programmed for Quarter 3, but the graffiti element is likely to slip until 2022/23.

The tendering for Mincinglake Valley Park will be undertaken this year but the bulk of the budget is likely to be spent in 2022/23.

The planned road closures due to construction of Marsh Barton station mean that works on Exeter ship canal Green Tip to Salmonpool will not be completed this year. ECC is currently in discussions with partners about widening the scope.	
Repairs to Turf Lock Pier Head	63,500
Repairs to walls at Farm Hill	29,900
Bank repairs and stabilisation to watercourses	20,000
<p>Officer Responsible: Service Manager – Engineering, Waterways & Parking</p> <p>Temporary works are being carried out at Turf Lock Pier Head (subject to consent from Environment Agency and Natural England) which are likely to cost around £10,000 this financial year, with the balance slipping to next year.</p> <p>£50,000 of the Farm Hill walls repair allocation is likely to be spent in 2021/22 on repairs to 2 priority walls. Ground investigation and structural analysis of other high risk walls will be undertaken to prioritise other walls with spend expected in 22/23.</p> <p>The full £20,000 budget for repairs and stabilisation will be carried forward as work has not yet been identified and cannot be done over the winter months.</p>	
Waste Infrastructure	463,300
<p>Officer Responsible: Interim Waste, Recycling & Fleet Manager</p> <p>The results of the new recycling arrangements trial are unlikely to be known until quarter 4, so expenditure on communal solutions is likely to be incurred during 2022/23.</p>	

Scheme	Budget to be Deferred £
Rough Sleepers Accommodation Programme	737,370
<p>Officer Responsible: Service Lead, Housing Needs & Homelessness</p> <p>The acquisitions for the Next Steps Accommodation Programme are now complete, The Rough Sleepers Accommodation Programme will now provide 8 units this financial year and continue into 2022/23.</p>	

Scheme	Budget to be Deferred £
Mary Arches MSCP	1,959,470
Cathedral & Quay MSCP	3,496,800
<p>Officer Responsible: City Surveyor</p> <p>These are ongoing projects. Forecast in-year spends (£172,950 and £377,220 respectively) are consultant fees for surveys and initial designs. The remaining budget is to be rolled forward into subsequent years.</p>	

Civic Centre Phase 3 Roof Repair	230,000
Officer Responsible: City Surveyor This scheme has currently been put on hold.	
City Wall	343,520
RAMM Roof Replacement	338,400
Commercial Properties EPC IMPS	100,830
Officer Responsible: City Surveyor City Wall – Design work and Historic England consultation elements are programmed to be completed by the end of Quarter 4, 2021/22. Works will commence once consent has been obtained RAMM Roof Replacement - Grant funding is being sought to reduce the Council's funding requirements and enable more work to be undertaken to this historic asset. The resultant programme may slip into 2022. Commercial Properties EPC IMPS - Ongoing budget to bring properties up to lettable standard as required, all underspend is to roll forward to subsequent years.	
Backlog Maintenance	3,923,890
Wat Tyler House water ingress	235,270
Verney House roof and drainage	121,000
Officer Responsible: City Surveyor These projects are linked to the restructure of the Corporate Property Assets team. They are now anticipated to commence in 2022.	

8.6. ACHIEVEMENTS

Next Steps Accommodation Programme Property Acquisition

The council completed on two further one bedroom flats this financial year to add to the nine units purchase in 2020/21.

All the properties brought on under the Next Steps Accommodation Programme will be used to accommodate someone currently rough sleeping or with a recent history of rough sleeping, with priority to those in emergency housing and then to those in Tier 2 Supported Housing (Gabriel House, Howell Road and Morwenna Court). Any vacancy from emergency accommodation or Tier 2 supported housing must go to someone who is currently on the streets.

8.7. FURTHER FUNDING REQUESTS

IT Replacement Programme (£50,000)

It is proposed to add an on-going budget provision of £50,000 per annum for the purchase of IT equipment.

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

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

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

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

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4. In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the impact of each scheme is considered prior to approval. Any significant deviation from this will be noted within the body of this report.

12. Carbon Footprint (Environmental) Implications:

We are working towards the Council's commitment to carbon neutral by 2030. The impact of each scheme is considered prior to approval.

13. Are there any other options?

There are no other options.

Director Finance, Dave Hodgson

Author: Kayleigh Searle

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

Background papers used in compiling this report:-

None

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2021/22 CAPITAL MONITORING - QUARTER 1

Responsible Officer	Scheme	2021/22 Capital Programme	2021/22 Spend Quarter 1	2021/22 Forecast spend	2021/22 Budget to be Carried Forward to 2022/23 and Beyond	2021/22 Programme Variances (Under)/Over
		£	£	£	£	£
Chief Executive & Growth Director						
	Customer Contact Platform	162,840	1,812	162,840	0	0
	Annual Contribution to Strata	53,910	53,904	53,904	0	(6)
	Idox System for Planning	78,540	10,716	78,540	0	0
	HR System	5,680	0	5,680	0	0
	Cabinet & Network Replacement	5,000	1,950	5,000	0	0
	Street Scene and Other Asset Management	124,840	0	124,840	0	0
	Cash and Income Management	53,720	2,575	53,720	0	0
Chief Executive & Growth Director	Land Charges	5,390	0	5,390	0	0
	Finance System Upgrades	32,310	28,730	32,310	0	0
	Idox System Upgrades	8,160	0	8,160	0	0
	Financial Management	248,000	0	248,000	0	0
	Idox Environmental Health	4,120	0	4,120	0	0
	Datacentre Relocation	35,940	0	35,940	0	0
	SAN Replacement	179,700	0	179,700	0	0
	Door Access RAMM	100,000	0	100,000	0	0
	NCSC Zero Trust	53,910	0	53,910	0	0
TOTAL		1,152,060	99,687	1,152,054	0	(6)
Transformation						
Director	Leisure Complex - Build Project	9,361,370	3,845,051	9,361,370	0	0
	Bus Station Construction	724,760	75,335	724,760	0	0
	Pinhoe Community Hub	53,760	0	53,760	0	0
TOTAL		10,139,890	3,920,386	10,139,890	0	0

Responsible Officer	Scheme	2021/22 Capital Programme	2021/22 Spend Quarter 1	2021/22 Forecast spend	2021/22 Budget to be Carried Forward to 2022/23 and Beyond	2021/22 Programme Variances (Under)/Over
		£		£	£	£
Net Zero Exeter and City Management						
Service Manager - Public & Green Spaces	Parks Infrastructure	241,880	1,870	100,000	141,880	0
	Cemeteries & Churchyards Infrastructure Improvements	134,790	0	134,790	0	0
	Parks Anti-Incursion Measures	44,200	3,250	44,200	0	0
	Ash Die Back Tree Replacement	173,140	0	173,140	0	0
	Binrastructure	20,000	0	20,000	0	0
	Columbarium	367,300	0	367,300	0	0
	Cemetery Fields Play Area	77,250	0	10,000	67,250	0
	Play Areas	206,000	0	140,000	66,000	0
Engineering & Assets Manager	Outdoor Leisure Facilities - Newcourt	121,270	0	0	121,270	0
	Repair Canal Bank at M5	26,890	0	0	26,890	0
	Bowling Green Marshes Coastal Defence Scheme	340,000	0	0	340,000	0
	Exeter Flood Alleviation Scheme	29,250	0	0	0	(29,250)
	Topsham Flood Prevention Scheme	800,000	0	0	800,000	0
	Pinhoe Playing Field Upgrades	88,530	1,950	94,530	0	6,000
	Cricklepit Bridge	153,750	0	0	153,750	0
	Salmonpool Swing Bridge	44,080	44,100	45,210	0	1,130
	Trews Weir refurb	153,000	0	153,000	0	0
	Exeter Arena Skatepark	25,600	780	25,600	0	0
	District Street Lighting	153,000	0	153,000	0	0
	Piazza Terracina	10,000	0	10,000	0	0
	Trews Weir Safety Improvements	60,000	0	0	60,000	0
	Holman Way, Topsham CP Copse	10,000	0	10,000	0	0
	Exeter Ship Canal M5 viaduct	164,500	0	0	164,500	0
	Exeter Quay Cellars cliff face	157,500	0	157,500	0	0
	Exhibition Way Bridge	41,200	0	0	41,200	0
	Yaroslavl Bridge	77,250	0	0	77,250	0
	Leypark Road Footbridge	41,200	0	0	41,200	0
	Mallison Bridge	772,500	0	0	772,500	0
	Riverside Walls at Quay	51,500	0	0	51,500	0
	Underground Passages	30,900	0	30,900	0	0
	St James Weir & Ducks Marsh	0	0	2,360	(2,360)	0
	St Davids Church Boundary Wall	31,830	0	31,830	0	0
	Canal Basin Topsham Quay Countess Wear - Canal craning pads	82,400	0	0	82,400	0
	Double Locks	10,300	0	10,300	0	0
	Heavitree Paddling Pools	309,000	0	50,000	259,000	0
	Taddiford Brook	10,300	0	0	10,300	0
	Flowerpot Skate Park	25,750	0	15,000	10,750	0
	Mincinglake Valley Park	51,500	0	10,000	41,500	0
	Exeter Ship Canal Bottleneck	10,300	0	0	10,300	0
	Exeter Ship Canal Salmonpool	51,500	0	0	51,500	0

Responsible Officer	Scheme	2021/22 Capital Programme	2021/22 Spend Quarter 1	2021/22 Forecast spend	2021/22 Budget to be Carried Forward to 2022/23 and Beyond	2021/22 Programme Variances (Under)/Over
		£		£	£	£
Service Manager - Engineering, Waterways & Parking	Car Park Resurfacing, Lining & Boundary Improvements	4,560	0	5,210	0	650
	Improved Car Park Security Measures at King William Street & Arena Park	19,670	0	19,670	0	0
	Repairs to Turf Lock Pier Head	73,500	0	10,000	63,500	0
	Repair to Walls at Farm Hill	79,900	0	50,000	29,900	0
	Bank Repairs & Stabilisation to Watercourses	20,000	0	0	20,000	0
	CCTV improvements	243,000	0	243,000	0	0
Service Manager - Recycling, Waste & Fleet	Waste Infrastructure	463,300	0	0	463,300	0
	Cleansing Bins and Boxes	40,000	0	40,000	0	0
	Improved recycling containers	2,150,000	0	2,150,000	0	0
	Enhance the Materials Reclamations Facility	1,500,000	0	1,500,000	0	0
Service Manager - Environmental Health & Community Safety	Disabled Facility Grants	811,490	73,800	811,490	0	0
	Warm Up Exeter/PLEA Scheme	204,820	11,030	204,820	0	0
Miscellaneous	Capitalised Staff Costs	50,000	0	50,000	0	0
TOTAL		10,859,600	136,780	6,872,850	3,965,280	(21,470)
City Development, Housing & Supporting People						
Director	Agile & Flexible Rollout	82,930	0	82,930	0	0
	Next Steps/Rough Sleepers Accommodation Programme Property Acquisitions	2,379,130	286,341	1,641,760	737,370	0
	Marsh Barton Station	1,300,000	0	1,300,000	0	0
TOTAL		3,762,060	286,341	3,024,690	737,370	0
Communications, Culture and Leisure Facilities						
Director	Council Signage Improvement	79,090	0	79,090	0	0
	Leisure Centre Essential Enhancements	47,880	0	47,880	0	0
	Riverside Leisure Centre	1,337,430	576,574	1,337,430	0	0
	Riverside Sports Hall Roof	2,000,000	0	2,000,000	0	0
	Leisure Complex - Fit Out	1,500,000	8,525	1,500,000	0	0
	Leisure Management	245,440	0	245,440	0	0
TOTAL		5,209,840	585,099	5,209,840	0	0

Responsible Officer	Scheme	2021/22 Capital Programme	2021/22 Spend Quarter 1	2021/22 Forecast spend	2021/22 Budget to be Carried Forward to 2022/23 and Beyond	2021/22 Programme Variances (Under)/Over
		£		£	£	£
Finance						
Director	Loan to Exeter City Living	15,641,560	0	15,641,560	0	0
	Commercialisation Options	4,912,720	0	4,912,720	0	0
	Energy Saving Projects	2,470,030	17,030	2,470,030	0	0
	Building Management System (BMS)	80,000	0	80,000	0	0
	Civic Centre Air Conditioning Replacement	25,000	0	25,000	0	0
	Fire Risk Assessment Works	769,540	0	769,540	0	0
	Beacon Heath Martial Arts & Boxing Club - New Roof	14,650	0	0	14,650	0
	Pinces Gatehouse Roof repairs	85,000	0	70,000	15,000	0
	Corn Exchange Roof Replacement	250,000	0	250,000	0	0
	Exmouth Buoy Store	95,000	0	95,000	0	0
	Mary Arches MSCP	2,132,420	0	172,950	1,959,470	0
	Guildhall MSCP	103,120	0	103,120	0	0
	Cathedral & Quay MSCP	3,874,020	621	377,220	3,496,800	0
City Surveyor	Harlequins MSCP	16,510	0	0	16,510	0
	John Lewis MSCP	126,770	0	126,770	0	0
	Princesshay 2 MSCP	118,270	0	118,270	0	0
	Princesshay 3 MSCP	57,700	0	57,700	0	0
	Leighton Terra & KW St MSCP	81,680	0	81,680	0	0
	Civic Centre Phase 3 Roof Rep	230,000	0	0	230,000	0
	City Wall	378,520	0	35,000	343,520	0
	Backlog Maintenance	3,923,890	0	0	3,923,890	0
	Guildhall Roof Replacement	100,000	0	100,000	0	0
	RAMM Roof Replacement	388,400	0	50,000	338,400	0
	Wat Tyler House water ingress	235,270	0	0	235,270	0
	Veryney House roof and drainage	121,000	0	0	121,000	0
	Commercial Properties EPC Improvements	100,830	0	0	100,830	0
TOTAL		36,331,900	17,651	25,536,560	10,795,340	0
GENERAL FUND SERVICES TOTAL		67,455,350	5,045,944	51,935,884	15,497,990	(21,476)

BUDGETS CARRIED FORWARD TO 2022/23 AND BEYOND

Responsible Officer	Scheme	2022/23 Budget as	Proposed Budget	Budget Reprofiled	Total 2022/23	2023/24 Budget as
		per Budget	to be Carried	to Future Years	Capital Programme	per Budget
		Book/Council	Forward to 2022/23			Book/Council
		Approvals	and Beyond at Qtr 1			Approvals
		£	£	£	£	£
Chief Executive & Growth Director						
Chief Executive & Growth Director	Annual Contribution to Strata	53,910	0		53,910	53,910
TOTAL		53,910	0	0	53,910	53,910
Net Zero Exeter and City Management						
Service Manager - Public & Green Space	Parks Infrastructure	0	141,880		141,880	
	Ash Die Back Tree Replacement	150,480	0		150,480	
	Cemetery Fields Play Area	79,580	67,250		146,830	
	Play Areas	212,200	66,000		278,200	218,600
Engineering & Assets Manager	Outdoor Leisure Facilities - Newcourt		121,270		121,270	
	Repair Canal Bank at M5		26,890		26,890	
	Bowling Green Marshes Coastal Defence Scheme	160,000	340,000		500,000	160,000
	Topsham Flood Prevention Scheme		800,000		800,000	
	Cricklepit Bridge		153,750		153,750	
	Trews Weir refurb	901,850	0		901,850	
	District Street Lighting	159,150	0		159,150	163,950
	Trews Weir Safety Improvements		60,000		60,000	
	Exeter Ship Canal M5 viaduct		164,500		164,500	
	Exeter Quay Cellars cliff face	318,300	0		318,300	
	Exhibition Way Bridge	169,760	41,200		210,960	
	Yaroslavl Bridge	0	77,250		77,250	
	Leypark Road Footbridge	169,760	41,200		210,960	
	Paul Street Car Park Bridge & Ramp	21,220	0		21,220	87,440
	King William Footbridge	21,220	0		21,220	87,440
	Farm Hill Retaining Walls (23 no.)	53,050	0		53,050	218,600
	Mallison Bridge	265,250	772,500		1,037,750	
	Riverside Walls at Quay	477,450	51,500		528,950	
	Bonhay Rd/Andlaw House Footpath	42,440	0		42,440	
	St James' Weir & Ducks Marsh Meadow banks	212,200	(2,360)		209,840	1,093,000
Canal Basin, Topsham Quay, Countess Wear	106,100	82,400		188,500		
Heavitree Paddling Pools	159,150	259,000		418,150		
Taddiford Brook @ New North Road / Taddiford Road		10,300		10,300	43,720	
Flowepot Skate-park		10,750		10,750		

BUDGETS CARRIED FORWARD TO 2022/23 AND BEYOND

Responsible Officer	Scheme	2022/23 Budget as	Proposed Budget	Budget Reprofiled	Total 2022/23	2023/24 Budget as
		per Budget	to be Carried	to Future Years	Capital Programme	per Budget
		Book/Council	Forward to 2022/23			Book/Council
		Approvals	and Beyond at Qtr 1			Approvals
		£	£	£	£	£
	Landfill Gas Extraction Systems @ Clifton Hill & Mincinglake Valley Park (Public Realm & Environmental Health)	53,050	0		53,050	601,150
	Mincinglake Valley Park Reed Beds & Pipe Inlet	106,100	41,500		147,600	
	Exeter Ship Canal - Bottleneck & Bird Hide	106,100	10,300		116,400	
	Exeter Ship Canal - Green Tip to Salmonpool		51,500		51,500	
	Okehampton Street & Parr Street Car Parks		0		0	54,650
	Exwick Cemetery		0		0	21,860
	Higher Cemetery		0		0	21,860
	Budlake Road		0		0	109,300
Service Manager - Engineering, Waterways & Parking	Repairs to Turf Lock Pier Head		63,500		63,500	27,330
	Repair to Walls at Farm Hill		29,900		29,900	
	Bank Repairs & Stabilisation to Watercourses		20,000		20,000	
Service Manager - Recycling, Waste & Fleet	Waste Infrastructure		463,300		463,300	
Service Manager - Environmental Health & Community Safety	Disabled Facility Grants	800,000	0		800,000	800,000
Miscellaneous	Capitalised Staff Costs	50,000	0		50,000	50,000
TOTAL		4,794,410	3,965,280	0	8,759,690	3,802,620
City Development, Housing & Supporting People						
	Rough Sleepers Accommodation Programme Property Acquisition		737,370		737,370	
TOTAL		0	737,370	0	737,370	0

BUDGETS CARRIED FORWARD TO 2022/23 AND BEYOND

Responsible Officer	Scheme	2022/23 Budget as	Proposed Budget	Budget Reprofiled	Total 2022/23	2023/24 Budget as
		per Budget	to be Carried	to Future Years	Capital Programme	per Budget
		Book/Council	Forward to 2022/23			Book/Council
		Approvals	and Beyond at Qtr 1			Approvals
		£	£	£	£	£
Finance						
	Beacon Heath Martial Arts & Boxing Club - New Roof		14,650		14,650	
	Pinces Gatehouse Roof repairs		15,000		15,000	
	Mary Arches MSCP	1,467,960	1,959,470		3,427,430	
	Guildhall MSCP		0		0	1,014,340
	Cathedral & Quay MSCP		3,496,800		3,496,800	
	Harlequins MSCP		16,510		16,510	
	Princesshay 2 MSCP	2,384,310	0		2,384,310	
	Princesshay 3 MSCP		0		0	567,580
	Leighton Terra & KW St MSCP	606,660	0		606,660	1,071,350
	Civic Centre Phase 3 Roof Rep		230,000		230,000	
	City Wall		343,520		343,520	
	Backlog Maintenance	1,010,940	3,923,890		4,934,830	
	Guildhall roof replacement	514,190	0		514,190	
	RAMM - roof replacement	600,130	338,400		938,530	
	Commercial Property Ancillary Accommodation flat roof recovering	124,640	0		124,640	
	Bradninch Place - additional actions to enable potential asset transfer including heating system, roof access and removal of the BMS system. These works are in addition to the condition survey backlog of £598,000	242,350	0		242,350	
	Wat Tyler House - resolving ongoing water ingress with new rainwater system		235,270		235,270	
	Verney House - roof access and rainwater drainage improvements. Potential for mitigation if asset transferred for residential development opportunity		121,000		121,000	
	Commercial Properties - capital improvements to enable ongoing income (compliance with EPC legislation)	103,870	100,830		204,700	107,000
	TOTAL	7,055,050	10,795,340	0	17,850,390	2,760,270
	GENERAL FUND SERVICES TOTAL	11,903,370	15,497,990	0	27,401,360	6,616,800

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SIGNIFICANT CAPITAL SCHEMES SPANNING MORE THAN ONE FINANCIAL YEAR

Responsible Officer	Scheme	Total Capital Budget £	Total Spend to Date £	Programme Variances (Under)/Over £
Transformation				
Director	Leisure Complex - Build Project	41,987,040	36,378,676	0
	Bus Station Construction	8,939,050	8,289,625	0
	Pinhoe Community Hub	100,000	46,244	0
TOTAL		51,026,090	44,714,545	0
Net Zero Exeter and City Management				
Service Manager - Public & Green Space	Parks Infrastructure	500,000	259,988	0
	Cemeteries & Churchyards Infrastructure Improvements	180,000	45,205	0
Engineering & Assets Manager	Repair Canal Bank at M5	64,520	37,631	0
	Replacement of Mallison Bridge (Exeter Quay)	1,082,160	44,407	0
Service Manager - Engineering, Waterways & Parking	Repairs to Turf Lock Pier Head	75,000	1,500	0
TOTAL		1,901,680	388,732	0
Communications, Culture and Leisure Facilities				
Director	Leisure Centre Essential Enhancements	331,480	283,604	0
	Riverside Leisure Centre	7,062,100	6,301,243	0
TOTAL		7,393,580	6,584,848	0
GENERAL FUND SERVICES TOTAL		60,321,350	51,688,125	0

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GENERAL FUND AVAILABLE RESOURCES

GENERAL FUND	2021-22 £	2022-23 £	2023-24 £	2024-25 £	TOTAL £
CAPITAL RESOURCES AVAILABLE					
Capital Receipts Brought Forward	3,329,009				3,329,009
GF Capital Receipts	2,322,500	0	0	0	2,322,500
Revenue Contributions to Capital Outlay	0	89,668	0	0	89,668
Disabled Facility Grant	1,016,310	800,000	800,000	800,000	3,416,310
New Homes Bonus	0	14,647	0	0	14,647
Community Infrastructure Levy	1,300,000	0	0	0	1,300,000
Other - Grants/External Funding/Reserves/S106	3,698,478	1,675,000	160,000	160,000	5,693,478
Total Resources Available	11,666,297	2,579,315	960,000	960,000	16,165,612
GENERAL FUND CAPITAL PROGRAMME					
Capital Programme	67,455,350	11,903,370	6,616,800	7,300,250	93,275,770
Overspends/(Savings)	(21,476)				(21,476)
Slippage	(15,497,990)	15,497,990			0
Total General Fund	51,935,884	27,401,360	6,616,800	7,300,250	93,254,294

UNCOMMITTED CAPITAL RESOURCES:					
Capital Receipts Brought Forward	3,329,009	122,825	0	0	3,329,009
Resources in Year	8,337,288	2,579,315	960,000	960,000	12,836,603
Less Capital Receipts applied in respect of fleet lease	(1,514,170)	(743,103)	(281,585)		(2,538,858)
Less Capital Receipts to carry forward	(122,825)				0
Less Spend in Year	(51,935,884)	(27,401,360)	(6,616,800)	(7,300,250)	(93,254,294)
Borrowing Requirement	41,906,582	25,442,323	5,938,385	6,340,250	79,627,540

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REPORT TO EXECUTIVE

Date of Meeting: 5 October 2021

REPORT TO COUNCIL

Date of Meeting: 18 October 2021

Report of: Director Finance

Title: 2021/22 HRA Budget Monitoring Report – Quarter 1

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To advise Members of the financial position of the HRA Revenue and Capital Budgets for the 2021/22 financial year after three months.

In addition to the budgetary over/under-spends reported to this committee, Appendix 1 also highlights areas of risk, so that Members are aware that certain budgets have been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from budget, and are therefore subject to close monitoring by officers.

2. Recommendations:

2.1. It is recommended the Executive note the report and Council notes and approves (where applicable):

(1) The HRA forecast financial position for 2021/22 financial year; and

(2) The revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4

3. Reasons for the recommendation:

3.1. To formally note the HRA's projected financial position and to approve the reported variations to the HRA Capital Programme.

The Housing Revenue Account is a statutory account and local housing authorities have a duty to keep a HRA in accordance with proper accounting practices and to review the account throughout the year. Members are presented with a quarterly financial update in respect of the HRA and this is the first update for 2021-22.

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

4.1. The financial resources required to deliver both housing services to Council tenants and to invest in new and existing housing stock during 2021/22 are set out in the body of this report.

The impact on the HRA's available financial resources are set out in Appendix 3.

5. Section 151 Officer comments:

5.1. There is nothing significant to draw member's attention to at this early stage of the financial year.

6. What are the legal aspects?

6.1. The Housing Revenue Account is framed by the Local Government and Housing Act 1989. This Act created the ring-fence and the structure within which the HRA operates and covers the detailed operation of the HRA, including the credits (income) and debits (expenditure) which make up the account.

7. Monitoring Officer's comments:

7.1. This report raises no issues for the Monitoring Officer.

8. Report details:

HRA BUDGET MONITORING – QUARTER 1

8.1. Background to the HRA

The Housing Revenue Account (HRA) records expenditure and income relating to council housing and the provision of services to tenants. Housing authorities have a statutory duty to maintain a HRA account, which is primarily a landlord account, in order to account to their tenants for income and expenditure on council housing separately from other functions and services of the Council. This includes tenancy management, repairs and maintenance, Council house building and Council house retrofits.

8.2. Projected Movement in Working Balance

	£
Approved Budgeted transfer from/ (to) the working balance	6,647,075*
Supplementary budgets – Council approved 20 July 2021	333,000
Revenue Contribution to Capital deferred from 2020/21 – Council approved 20 April 2021	446,550

Revised Budgeted transfer from/ (to) the working balance	7,426,625
---	------------------

*2021/22 Approved Budget Represented By	£
85A1 MANAGEMENT	1,267,435
85A2 TENANCY SERVICES	1,455,550
85A3 SUNDRY LANDS MAINTENANCE	604,910
85A4 REPAIR & MAINTENANCE PROGRAMME	6,393,320
85A5 REVENUE CONTRIB TO CAPITAL	7,950,000
85A6 CAPITAL CHARGES	3,742,940
85A7 HOUSING ASSETS	2,210,260
85A8 RENTS	(19,236,370)
85B2 INTEREST	2,259,030
85B4 MOVEMENT TO/(FROM) WORKING BALANCE	(6,647,075)

The HRA has built up a considerable working balance of £12.950m as at 31 March 2021. This is considerably higher than the £4m contingency resolved to be retained. The HRA approved Medium Term Financial Plan (MTFP) plans to reduce the working balance, largely through significant revenue contributions to capital. This enables the built-up working balance to be used to fund the HRA capital programme towards planned works, retrofits and Council House building developments.

The approved 2021/22 budget built-in a large anticipated revenue contribution to capital for the year of £7.950m. A further £0.447m contribution to capital was deferred from 2020/21, taking the anticipated revenue contribution to capital for 2021/22 to £8.397m.

8.3. The budget variances anticipated at quarter 1, indicate that £7,456,625 will be taken from the working balance in 2021/22 – See appendix 2. This represents a movement of £30,000 compared to the revised budget £7,426,625 for 2021/22. The key budget deviations are explained below.

Budget Heading	Forecast Outturn Budget Variance at Quarter 1 (Under)/Overspend
Management Costs	£30,000

Officers Responsible:
Assistant Director of Housing (AP)
Assistant Director of Housing (LB)

<ul style="list-style-type: none"> (£30k) Forecast overspend in empty property council tax charges. A number of invoices relating to 2020/21 became payable in Q1 of 2021/22. These properties were empty longer term due to major works and the pandemic and being unable to let them. In addition to this during 2021/22, approximately 35 properties will be held empty for major works or redevelopment opportunities. 	
Total budget (underspend)/overspend	£30,000
Projected transfer from/ (to) the working balance	7,456,625

8.4. Impact on HRA Working Balance

The HRA Working Balance represents amounts set aside to help facilitate service improvements, repay debt or to provide investment in the stock in future financial years.

The forecast balance, as at 31 March 2022, is set out below:

Movement	2021/22
Opening HRA Working Balance, as at 1 April 2021	£12,950,277
Forecast transfer (from)/to the working balance for 2021/22	(£7,456,625)
Balance resolved to be retained (HRA contingency)	(£4,000,000)
Forecast Balance Available, as at 31 March 2022	£1,493,652

The significant transfer from the working balance anticipated for 2021/22 brings the working balance as at 31 March 2022 down closer to the HRA balance resolved to be retained of £4m.

8.5. HRA Available Resources over the Medium Term

The forecast HRA available resources for delivering both housing services and capital investment are set out in Appendix 3 for the period to 2024/25.

The forecast total available resources has improved by £553k since last reported, this is largely due to an upward estimation in anticipated capital receipts for 2021/22, which is what we will receive as a result of selling HRA properties identified as part of a disposals strategy.

8.6. HRA Debt

In October 2018 the Government formally removed the HRA debt cap, which restricted the amount of borrowing stock-holding local authorities could have for the purposes of the HRA. The lifting of the 'debt cap' means that local authorities are now able to borrow for housebuilding in accordance with the Prudential Code.

Executive on 8 October 2019 approved the first Council House Building Programme, which will deliver 100 new homes into the HRA at a cost of £18 million. On 5 April 2020, the Council took out a loan of £15.36 million from the PWLB to support this programme. The remaining £2.64 million will be funded by capital receipts.

As at 31 March 2021, the HRA's borrowing stood at £73.242 million. The total of the £15.36 million new loan and the former 'debt cap' level of £57,882,413.

The HRA currently has approval to borrow a further £6.9m, this will likely be required in the next 12 to 24 months.

8.7. HRA Capital Programme

The 2021-22 HRA Capital Programme was approved by Council on 23 February 2021. Since that meeting the following changes have been made that have increased the 2021/22 programme.

Description	2021/22	Approval / Funding
HRA Capital Programme	£24,185,627	
Budgets carried forward from 2020/21 HRA Capital Programme	1,210,392	Council 20 April 2021
	5,710,712	Council 20 July 2021
Revised HRA Capital Programme	£31,106,731	

8.8. Performance

The current HRA Capital Programme is detailed in Appendix 4. The appendix shows a total forecast spend of £28,111,460 compared to the £31,106,731 approved programme; a reduction of £2,998,395 that will be deferred to future years.

8.9. Capital Budget Variances

The details of key (greater than +/- £50k) variances from budget are set out below. The Assistant Director of Housing (AP) will be able to provide further details in respect of these areas, if required.

Schemes to be deferred to 2022/23 and beyond

Schemes which have been identified as being wholly or partly deferred to 2022/23 and beyond are:

Scheme	Budget deferred to future years
Rennes House Structural Works	£1,544,250
<p>Assistant Director of Housing (AP)</p> <p>In consultation with the Council's Housing Development and Services Portfolio Holder, it has been agreed that an update report will be submitted to members in the third quarter of 2021/22.</p>	
Hamlin Gardens	£1,454,145
<p>Assistant Director of Housing (AP)</p> <p>Following the main contractor withdrawing from this development project, a new procurement schedule has been designed and agreed. The initial procurement stage has now been completed with the submission of expressions of interest from three contractors – the full procurement programme will run until November 2021. Work is unlikely to commence until Q1 of 2022/23 and will run to 2024.</p>	

9. Historic Council Own build Final Accounts to 31 March 2022

9.1. The historic Council's own build properties at Rowan House and Knights Place form part of the overall Housing Revenue Account, but separate income and expenditure budgets are maintained in order to ensure that they are self-financing.

As the 21 units were built using HCA funding in conjunction with borrowing (£998k), they are accounted for separately in order to ensure that they self-financing. A separate COB working balance and Major Repairs Reserve are maintained until such time as a sufficient balance has been accumulated to repay the debt attributable to these properties, at which point the units can be accounted for with the wider HRA stock.

9.2. Key Variances from Budget

There are no projected variances to report at the end of Quarter 1. The budgeted transfer from the COB working balance of £25,770 is still projected to be achieved during 2021/22.

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

The Housing Revenue Account contributes to a key purposes, as set out in the Corporate Plan; Building great neighbourhoods.

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

For clarity, these are specific financial risks, alongside the risks captured in the corporate risk register.

It is not permissible for the HRA to go into an overall financial deficit position, it is therefore important to ensure that an adequate level of HRA balances is maintained as a contingency against risks. The HRA resolve to retain a working balance at no less than £4 million to mitigate against financial risks.

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates. Appendix 1 sets out the risks identified, at Quarter 1.

12. Equality Act 2010 (The Act)

12.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

12.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

12.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

12.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because there are no significant equality and diversity impacts associated with this decision.

13. Carbon Footprint (Environmental) Implications:

We are working towards the Council's commitment to carbon neutral by 2030. The impact of each scheme is considered prior to approval

14. Are there any other options?

None.

Director Finance, David Hodgson

Author: Kayleigh Searle

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

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

A number of areas of budgetary risk have been identified within the HRA, as follows:

Budget Title	2021/22 Approved Budget	Risk Rating	Risk and mitigation
General Maintenance	£2,238,127 (revenue)		The volatility of the level of requested repairs due to factors beyond the control of the Council, for example adverse weather conditions represent a budgetary risk. The impact of property inspections undertaken by the Tenancy Services Team may also lead to the identification of additional repairs. Spend to month three is slightly ahead of profile. Mitigation measures include monthly contract meeting with the Contractor – the meetings include budget review and work in progress updates. Other supporting measures include weekly Surveyors meetings to highlight repair demand pressures.
Repairs to Void Properties	£1,262,493 (revenue)		Property turnover and the varying condition of properties when returned to the Council represent a budgetary risk. Spend to month three is slightly ahead of profile. Mitigation includes a current review of the void standard – for inclusion in the currently commissioned Integrated Asset Management Contract. Additionally, property inspections by Housing Officers highlight sub-standard property conditions wherever possible and are an early alert to issues.
Rental Income from Dwellings	(£18,769,500) (revenue)		Right to Buy sales, number of new tenancies set at convergence rent levels, number of days lost through major works, rent lost in respect of void properties and welfare reform changes (for which an increased bad debt provision has been made) all impact on the annual rental income. The impact on rents due to COVID-19 was considered in 2020-21 and a two year recovery period was built into the medium-term financial plan. Rental income after the first 3 months is in line with profile. Mitigation has been impacted by the scale of work to some void properties. However, contract works are monitored to focus on timely completion of refurbishments.

Risk Rating:

	Potential for a favourable variance compared to the budget or no variance at all
	Potential for adverse budgetary variance of between 0% and 5% that will be kept under review
	Potential for an adverse budgetary variance of more than 5% and will be monitored closely

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HOUSING REVENUE ACCOUNTS BUDGET MONITORING 2021-22

APPENDIX 2

QUARTER 1

ACTUAL TO DATE			YEAR END FORECAST			
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	MANAGEMENT UNIT	APPROVED BUDGET	Qrt 1 FORECAST VARIANCE	CURRENT OUTTURN FORECAST
£	£	£		£	£	£
245,456	247,327	1,871	MANAGEMENT	1,314,435	30,000	1,344,435
299,790	267,580	(32,210)	TENANCY SERVICES	1,445,550	0	1,445,550
152,160	54,687	(97,473)	SUNDRY LAND MAINTENANCE	744,910	0	744,910
1,751,352	1,493,293	(258,059)	REPAIRS & MAINTENANCE PROGRAMME	6,561,320	0	6,561,320
0	0	0	REVENUE CONTRIBUTION TO CAPITAL	8,396,550	0	8,396,550
0	0	0	CAPITAL CHARGES	3,742,940	0	3,742,940
480,467	479,705	(762)	HOUSING ASSETS	2,198,260	0	2,198,260
(4,809,093)	(4,736,029)	73,064	RENTS	(19,236,370)	0	(19,236,370)
584,146	545,195	(38,952)	INTEREST	2,259,030	0	2,259,030
			Statutory Contributions	0		0
			MOVEMENT TO/(FROM) WORKING BALANCE	(7,426,625)	(30,000)	(7,456,625)
			Net Expenditure	0	0	0
			Working Balance 1 April 2021	12,950,277	31 March 2022	5,493,652

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COUNCIL OWN BUILD SITES

PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	MANAGEMENT UNIT	APPROVED BUDGET	Qrt 1 FORECAST VARIANCE	CURRENT OUTTURN FORECAST
£	£	£		£	£	£
18,708	18,784	77	MANAGEMENT	74,830	0	74,830
(2,683)	(2,781)	(99)	ROWAN HOUSE	(10,730)	0	(10,730)
(15,425)	(17,595)	(2,170)	KNIGHTS PLACE	(61,700)	0	(61,700)
0	0	0	INTEREST	7,590	0	7,590
0	0	0	CAPITAL CHARGES	15,780	0	15,780
			MOVEMENT TO/(FROM) WORKING BALANCE	(25,770)	0	(25,770)
			Net Expenditure	0	0	0
			Working Balance 1 April 2021	317,178	31 March 2022	291,408

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APPENDIX 3

HRA AVAILABLE RESOURCES

HOUSING REVENUE ACCOUNT	2021-22 £	2022-23 £	2023-24 £	2024-25 £	TOTAL £
CAPITAL RESOURCES AVAILABLE					
Usable Receipts Brought Forward					9,755,844
Major Repairs Reserve Brought Forward					11,831,831
Other HRA Sales	1,376,255				1,376,255
RTB sales	825,000	825,000	825,000	825,000	3,300,000
Surrender back to DCLG - pending investment in replacement affordable housing		(2,944,893)			(2,944,893)
Major Repairs Reserve	3,755,500	3,755,500	3,755,500	3,755,500	15,022,000
Revenue Contributions to Capital	8,396,550	2,000,000	2,450,000	2,300,000	15,146,550
External contributions	592,424		-	-	592,424
Grant funding - Estate Regeneration Funding					0
Grant funding - Zero Energy Buildings Project					0
Commuted sums	821,356				821,356
Borrowing	11,889,498	750,000	750,000	750,000	14,139,498
Total Resources available	27,656,583	4,385,607	7,780,500	7,630,500	69,040,865
CAPITAL PROGRAMME					
HRA Capital Programme	31,106,731	18,884,588	10,778,768	9,435,609	70,205,696
Q1 - Slippage / Re-profiling	(2,998,394)	1,982,851	1,015,543		-
Q1- Overspends / (Savings)	3,124				3,124
Total Housing Revenue Account	28,111,461	20,867,439	11,794,311	9,435,609	70,208,820
UNCOMMITTED CAPITAL RESOURCES:					
Usable Receipts Brought Forward	9,600,364	7,692,279	2,062,387	1,800,695	9,600,364
Major Repairs Reserve Brought Forward	15,133,198	16,586,405	5,734,466	1,982,346	15,133,198
Resources in Year	27,656,583	4,385,607	7,780,500	7,630,500	47,453,190
Less Estimated Spend	(28,111,461)	(20,867,439)	(11,794,311)	(9,435,609)	(70,208,820)
Uncommitted Capital Resources	24,278,684	7,796,852	3,783,042	1,977,932	1,977,932
WORKING BALANCE RESOURCES:					
Balance Brought Forward	12,950,277	5,493,652	5,104,667	4,574,256	12,950,277
HRA Balance Transfer - Surplus/(Deficit)	(7,426,625)	(388,985)	(530,411)	265,194	(8,080,827)
Q1 forecast under/(over)spend 2021-22	(30,000)				(30,000)
Balance Carried Forward	5,493,652	5,104,667	4,574,256	4,839,450	4,839,450
Balance Resolved to be Retained	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)
Uncommitted HRA Working Balance	1,493,652	1,104,667	574,256	839,450	839,450
TOTAL AVAILABLE CAPITAL RESOURCES	25,772,336	8,901,519	4,357,298	2,817,382	2,817,382

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**2021-22
CAPITAL MONITORING - QUARTER 1**

	2021-22 Capital Programme	2021-22 Spend	2021-22 Forecast Spend	2021-22 Budget to be Carried Forward to Future Years	TO 2022-23	TO 2023-24	TO 2024-25	2021-22 Programme Variances Under ()
	£	£	£	£	£	£	£	£
HRA CAPITAL								
<i>EVERYONE HAS A HOME</i>								
Adaptations	741,936	91,174	741,936					-
Balcony Walkway Improvements	115,360	0	115,360					-
Bathroom Replacements (inc. Communal)	868,206	83,352	868,206					-
Boiler Replacement Programme & Central Heating	707,512	180,151	707,512					-
Common Area Footpath & Wall Improvements	228,340	1,355	228,340					-
Communal Area Improvements - New Flooring	204,351	0	204,351					-
Communal Door and Screen Replacements	500,000	0	500,000					-
Door Replacements (inc. Outbuildings)	506,274	12,592	506,274					-
Electrical Central Heating	15,760	990	15,760					-
Electrical Rewires - Communal	174,159	26,136	174,159					-
Electrical Rewires - Domestic	309,667	26,597	309,667					-
Energy Conservation	761,058	516,440	761,058					-
Estate Improvements	45,221	1,121	45,221					-
Fire Risk Assessment Works - Compliance	732,038	0	732,038					-
Fire Risk Assessment Works - Planned	488,025	0	488,025					-
Fire Safety Storage Facilities	150,000	4,398	150,000					-
Garage Upgrades	0	0						-
Kitchen Replacements (inc. Communal)	1,073,469	79,798	1,073,469					-
LAINGS Refurbishments	937,025	272,993	937,025					-
Lift Upgrades	74,800	0	74,800					-
Reroofing - Flats	396,414	-773	396,414					-
Reroofing - Houses (outbuildings, chimney, gutters, downpipes, fascia)	1,100,805	118,503	1,100,805					-
Porch Canopies	70,413	0	70,413					-
Rennes House Structural Works	3,044,250	0	1,500,000	1,544,250	1,544,250			-
Soil Vent Pipe Replacement	25,957	0	25,957					-
Structural Repairs	383,946	100,377	383,946					-
Window Replacements	1,366,863	39,393	1,366,863					-
Housing Management system	0	3,124	3,124					3,124
Zebcat Project	107,479	358	107,479					-
HOUSING REVENUE ACCOUNT TOTAL	15,129,328	1,558,077	13,588,202	1,544,250	1,544,250	0	0	3,124
COUNCIL OWN BUILD CAPITAL								
Social Housing Acquisitions - Section 106	589,507	0	589,507					-
Social Housing Acquisitions - Open Market	1,319,281	0	1,319,281					-
St Loyes Extracare Scheme	1,163,008	378,115	1,163,008					-
Council House Building Programme - Bovemoors Lane	105,358	198	105,358					-
Council House Building Programme - Hamlin Gardens	2,454,145	14,185	1,000,000	1,454,145	1,454,145			-
Council House Building Programme - Vaughan Road	4,750,000	2,937	4,750,000					-
Thornpark Rise	2,596,104	8,247	2,596,104					-
Anthony Road	0	1,310	0					-
DP budget	3,000,000	0	3,000,000					-
COUNCIL OWN BUILD TOTAL	15,977,403	404,992	14,523,258	1,454,145	1,454,145	0	0	0
OVERALL HOUSING REVENUE ACCOUNT TOTAL	31,106,731	1,963,068	28,111,460	2,998,395	2,998,395	0	0	3,124

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REPORT TO EXECUTIVE

Date of Meeting: 5 October 2021

REPORT TO COUNCIL

Date of Meeting: 18 October 2021

Report of: Corporate Manager, Democratic & Civic Support

Title: Review of the Council's Governance Arrangements

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report sets out the recommendations of the Governance Review Board, following its review of the changes made to the Council's governance arrangements in October 2019.

2. Recommendations:

That the Executive **RECOMMEND** to Council the following changes to Exeter City Council's constitution with effect from the 18 October 2021:

2.1 That Standing Order 44 be amended to state:-

- i. A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak **or ask a question** if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am on the day of the meeting to the Corporate Manager Democratic and Civic Support and has specified in the notice the particular agenda item or items on which he/she wishes to speak **or ask a question**.
- ii. Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak **or ask a question** on any items on the Executive agenda.

2.2 That the Petition Scheme to be amended to:-

- i. request that petition signatories must identify through the tick box facility on the petition form, which of the eligibility criteria of they live, work or study in Exeter, they are relying upon in signing the petition. Any signatories which do not so indicate, will not be included in those signatures which are accepted; and
- ii. state that all petition organisers will be given the opportunity to speak for up to five minutes on their petition, when it is considered at any appropriate Council body to which it has been referred. For clarity, this includes the provision for organisers of petitions of over 2,000 signatures, to do so at the appropriate Council body to

which it has been referred, as well as the ability to address the full Council when initially submitting the petition.

2.3 That Article 7.05 of the Constitution (The Executive) be amended to include the following paragraph:-

- (3) Executive members will, on allocation by the Leader of the Council, assume roles as Portfolio Holder with specific responsibilities. These responsibilities will be listed in Part 3 (b) the Council's Constitution. For clarity, not all Executive members may be allocated a Portfolio holder responsibility by the Leader of the Council.

The Executive to **RESOLVE**

2.4 To reinforce the focus of Scrutiny and manage the available resources to develop scrutiny training for all Members.

2.5 To continue to maximise the use of available resources for member training and development, including joint training with other authorities as appropriate.

2.6 To agree that Deputy Chairs of Scrutiny Committee will provide a leadership role to any Task and Finish Groups or Spotlight Reviews, as and when established.

2.7 To review the Council's representation on outside bodies, including the issue of an Annual Feedback Form to Members for the Outside Bodies on which they sit, and for such information to be presented to the Governance Review Board for consideration;

2.8 To establish an annual meeting of the Governance Review Board, which will consider any necessary amendments to the Council's governance arrangements, and present their findings to the relevant Council body for consideration and approval.

3. Reasons for the recommendation:

Following a review of the Council's governance arrangements by a small cross party working party, particularly those introduced in October 2019, further changes to the Constitution are suggested which, the Working Group feel, would continue to improve the decision making process and further enhance public engagement.

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

A review of the officer support particularly within the Democratic Services team, will now be undertaken to ensure that it remains appropriate for the new governance structure.

5. Section 151 Officer comments:

There are no financial implications for Council to consider contained within this report.

6. What are the legal aspects?

The Council's Executive arrangements were agreed and adopted by full Council following the introduction of the Local Government Act 2000 and amended in October 2019. These recommendations are aimed at further refining these arrangements as well as suggesting changes to the constitution as appropriate/necessary.

7. Monitoring Officer's comments:

The suggested amendments contained in this report, and to the constitution, continue to improve the governance arrangements for the City Council, as well as enhancing public engagement as appropriate. They therefore raise no issues for the Monitoring Officer.

8. Report details:

8.1 Members are reminded that the Council's governance arrangements were amended in October 2019, following a review of these arrangements by a small cross party review board. The main changes were:-

- To reduce the number of Scrutiny Committees to two;
- To replace the existing pre-scrutiny convention;
- To remove the previous convention which allowed a seat on the Executive for all opposition groups on the Council;
- To allow for public participation at Scrutiny Committees, the Executive and full Council, via the allocation of a 15 minute public question time.

8.2 In general these new arrangements have worked well, although it has to be said that the COVID-19 pandemic had an adverse effect on all operational issues, including Council decisions. In particular, the role of the Scrutiny Committees was very much re-focussed on the Council's response to the pandemic (both immediate and recovery), thereby meaning that the setting up of Task & Finish Groups and Spotlight Reviews, was very much restricted.

8.3 As a consequence of this, it is felt that the role of Scrutiny under the new arrangements should again be highlighted to all councillors. This should include training as and where appropriate, including the possibility of sharing such training with other local authorities. A separate Scrutiny section on the Council's intranet page will be introduced to further highlight the role of Scrutiny and its importance. The Scrutiny page will act as a central location for Councillor training, knowledge and development needs.

8.4 The Board referred to the enhanced public engagement offered by the introduction of the ability for members of the public to ask questions at meetings where the opportunity had not previously been afforded. In particular, meetings of the Council and Executive now regularly receive questions from members of the public. In all cases, there has yet to be an occasion when the 15 minute time period has been inappropriate to meet demands from the public; or that any member of the public had not been able to ask a question. It is therefore felt that the 15 minute timeframe for this be continued, but be reviewed at regular intervals.

8.5 In response to issues raised by Members, it is suggested that Standing Order 44 (Attendance at Committees, Sub-Committees, and Executive) be amended to provide clarity for all concerned, so as to ensure that Members requesting to speak in accordance with this Standing Order, be allowed to ask appropriate questions, as part of their ability to speak. Members felt that the previous interpretation of the

Standing Order (whereby members were only allowed to speak) was incongruous with the ability of members of the public to ask questions. Members also felt that it was part of the role of non-committee members to ask pertinent questions.

- 8.6 It was also suggested that in order to ensure questions being put forward to meetings of the Executive remain focussed, they should relate to matters on the agenda only and, if possible, be submitted in advance, so that a detailed and appropriate response can be presented at the meeting. The opportunity for supplementary questions will be available, but they should relate to the responses received to the original question.
- 8.7 For clarity, it was further felt that Standing Order 44 be extended to include details of the previous Council decision which allows Opposition Group Leaders to attend all Executive meetings, and speak on any item on the agenda without giving notice. It was further suggested that the ability for opposition group leaders to speak at such meetings, should be replicate that for all other Members, and include the ability to ask questions on matters on the agenda.
- 8.8 One of the other previous recommendations of the Governance Review Board in 2019, was to undertake a review of the Council's representation on Outside Bodies. Due to the COVID-19 pandemic, this has not happened, and the Board therefore requested that this review now be undertaken. As a first stage, it was suggested that a feedback form be developed which would be circulated to those Councillors who are appointed to outside bodies, to ascertain certain information relating to the worth of the Council continuing to appoint representatives to these bodies.
- 8.9 Reference was also made to the fact that the terms "Executive members" and "Portfolio holders" were both used – this was felt to be confusing to members of the public who may not consider that, in the main, these could be one and the same. It was therefore suggested that reference to these terms within the Constitution be amended, so as to give clarity that the Leader of the Council appoints members to the Executive, and may give some of them responsibilities as portfolio holders – any such responsibilities should be also detailed in the constitution.
- 8.10 The Board felt that to ensure that the constitution was kept up to date on all matters, particularly those of a governance nature, an annual meeting of the Board should be held. This would allow for there to be a continuing review of the new arrangements, as well as consider any further suggestions, with these then being forwarded to either the Executive or Audit & Governance as appropriate.
- 8.11 Finally, the Board received a written report from the Progressive Group which suggested further issues for consideration as part of a suggested wider review of the constitution. Those not considered as part of the Board's discussions at this meeting, would be considered at a future date.

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

This decision will help ensure that a Council which provides value for money services is maintained. It will ensure that openness and transparency is maintained by allowing for

appropriate questions to be asked at its meetings, as well as allowing members of the public to engage in the Council's decision making process.

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

There are no risks associated with the proposals.

11. Equality Act 2010 (The Act)

In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

To retain the current constitutional requirements.

Corporate Manager Democratic & Civic Support, John Street

Author: Corporate Manager Democratic & Civic Support, John Street on behalf of the Governance Review Board

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

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
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REPORT TO EXECUTIVE

Date of Meeting: 5 October 2021

REPORT TO COUNCIL

Date of Meeting: 18 October 2021

Report of: Corporate Manager, Democratic & Civic Support

Title: Amendments to the Scheme of Delegation

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

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

2. Recommendations:

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

3. Reasons for the recommendation:

3.1 To ensure that that 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. Particular attention has also been taken to ensure that Deputies have been appointed in all cases where authority has been delegated to officers, thereby ensuring that matters can continue to be dealt with, even in the absence of the named officer(s).

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

None

5. Section 151 Officer comments:

There are no financial implications for Council to consider.

6. What are the legal aspects?

It is important to ensure that appropriate authority for officers to undertake the operational requirements of the Council, is appropriately approved by full Council and forms part of the Council's constitution.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

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 kept up to date to match operational requirements and arrangements.

8.2 The latest annual revision mainly concentrates on:-

- The amendment to the job titles for the Assistant Director of Housing (Assets) and Assistant Director of Housing (Tenancy Services) and respective deputies;
- The inclusion of the role of the Deputy Chief Executive in the Scheme of Delegation;
- The amendment to the job title for the Commercial Support Manager as deputy to the Service Manager Public and Green Spaces, and appropriate changes to the Scheme of Delegation;
- The recognition that the Finance Manager – General Fund Services is to act as deputy to the Deputy Chief Finance Officer for undertaking Money Laundering Reporting;
- The removal of the Principal Health and Safety Manger as the duty holders for the Harbour Authority to enable the new Harbour Board to act as the duty holder;
- The removal of the Harbour Board function under the Engineering, Waterways and Parking Service Manager;
- Amendment to Service Lead City Development's enforcement function and additional included service functions and determining applications; and
- The inclusion of the Service Lead, Culture, Leisure and Tourism and the respective delegated powers.

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

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

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

There are no risks associated with the proposals.

11. Equality Act 2010 (The Act)

In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

None.

Corporate Manager, Democratic & Civic Support, John Street

Author: John Street, Corporate Manager, Democratic & Civic Support

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

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
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Delegation to Officers & Deputies

GENERAL

1. The Chief Executive & Growth Director, **the Deputy Chief Executive**, Directors, Corporate Managers (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 Director (Finance) where a budgetary issue is involved.
4. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
5. Where reference is made in the scheme of delegation to an exercise of a function under specific legislation, this shall be deemed to include any statutory extension, amendment, modification and re-enactment and any Statutory Instrument, rule, order, or bylaw made thereunder, provided that the nature of the function delegated remains the same.
6. All decisions delegated from the Executive and made under delegated authority shall be recorded by each officer with delegated authority in order that the Scrutiny Committees can properly examine any decision reached.
7. The Directors and Corporate Managers are responsible for the day to day management of operational issues. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each officer's job description. Without prejudice to the above, the following powers have been specifically delegated to the following officers: -

Chief Executive & Growth Director

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

2. In cases of emergency and in consultation with the Leader of the Council, the power to prohibit public processions under section 13 of the Public Order Act 1986.
3. In consultation with the Leader of the Council, to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Anti-Social Behaviour Act 2003.
4. To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre.
5. Subject to approved budget and in consultation with the Leader of the Council, Executive member with relevant portfolio to agree redundancies in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Executive, Strategic 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.
7. In consultation with the Director (Finance) and the Leader of the Council to allocate resources of up to £1.5 million, funded by an earmarked reserve to support transformation and other projects that will support the Council in delivering £2.75 million in savings (2 years from Council 13 June 2018).
8. To agree any necessary amendments to the management agreement to Exeter City Group Ltd in consultation with the Leader of the Council, the Director (Finance) and the Executive Member with the Relevant Portfolio) and in addition the Chair or Deputy Chair of Strategic Scrutiny Committee.
9. Exeter City Group Ltd - To act in the role of Shareholder Representative and to undertake the activities and decisions as identified in the Shareholder Representatives Delegated Powers Document (*refer to the report Exeter City Group Ltd Business Case, Council, 24 July 2018*) including the ability to financially commit up to £499,999 funding for use by Exeter City Living Ltd for matters not in the Year 1 Business Case (August 2018 end March 2019).

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, Directors and Corporate Managers (including Project Director – Liveable Exeter)

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

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exercisable where expenditure is included in the approved annual budget or capital programme.

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 Director (Corporate Services), authority to institute legal proceedings under any statute, by law or agreement (which shall include authority to appeal any decision made by a County or Magistrates Court) in the areas for which the **Deputy Chief Executive**, Director /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).
5. To authorise the Director (Corporate Services) 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. The removal of goods will require authority from **the Deputy Chief Executive**, a Director, Director (Finance), and Chief Executive & Growth Director.
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 – Director (Corporate Services)

Legal Services

Service Lead, Legal Services

Human Resources

Service Lead Human Resources

- b) The taking of any necessary disciplinary action 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)

All tier three officers (of Grade N or above)

10. **The Deputy Chief Executive**, 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

Director Corporate Services

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

CITY DEVELOPMENT

Service Lead City Development

The following functions are delegated to Service Lead - City development subject to consultation or agreement as set out below:

Function	Consultation or Agreement	With Postholders/Group
<u>Applications</u> Applications (including TPO confirmations) that Members of the Planning Committee or Ward Members have requested to be brought to the Delegation Briefing.	Consultation	Delegation Briefing
City Council applications not subject to any objections.	Consultation	Delegation Briefing
Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation.	Consultation	Delegation Briefing
Applications that have been subject to objections from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, that Officers are minded to approve under delegated powers	Consultation	Delegation Briefing

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<p>Applications that have been subject to objections based on material planning considerations, where the objection relates to impact on adjoining properties by overlooking, overbearing, overshadowing or insufficient on-site parking, that Officers are minded to approve under delegated powers.</p>	<p>Consultation</p>	<p>Delegation Briefing</p>
<p>Enforcement Issue of Enforcement Notice, Stop Notice (ink Temporary), Urgent Works and Repairs Notices and commencement of injunction, prosecution or other formal legal proceedings. Hazardous substance contravention notice. Issue of:</p> <ul style="list-style-type: none"> • Enforcement Notices • Stop Notices • Temporary Stop Notices • Breach of Condition Notices • Hazardous Substances Contravention Notices • Urgent Works and Repairs Notices • Completion Notices <p>Commencement of:</p> <ul style="list-style-type: none"> • Injunctions • Prosecutions • Other formal legal proceedings relating to planning enforcement 	<p>Agreement</p>	<p>Service Lead, Legal Services</p>
<p><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.</p> <p>Decisions on use of Section 106 funding where the terms are not</p>	<p>Consultation</p>	<p>Chair of Planning Committee</p>

prescribed by the agreement.	Agreement	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
Annual Infrastructure Funding Statements (including 'Infrastructure Lists')	Agreement	Leader of the Council and Executive member with relevant portfolio
<u>Local Infrastructure Fund</u> Decisions not considered by the Panel	Agreement	Chair of the Exeter Grants Panel or of any group that replaces it.
<u>Brownfield land register</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Custom and self-build register</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Advice notes regarding new planning policy or legislation</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Five year land supply statements</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Authority and annual monitoring reports</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Planning policy evidence</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Assets of Community Value</u> Decisions on listing assets	Agreement	Executive Member with Relevant Portfolio
<u>Affordable Housing</u> Approve the use of Commuted sums, as required, to acquire new affordable housing	Consultation	Executive Member with Relevant Portfolio and Finance and Estates Officers

Deputies – the relevant officer post holder Assistant Service Leads - City Development and/or Assistant Service Lead (Building Control), Assistant Service lead (Local Plans) and in relation to Annual Infrastructure Funding Statement Principal Project Manager (Strategic Infrastructure Planning)

1. Entering Land

The entering of land for the purposes of carrying out any function in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation

Deputies - all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

2. Determining applications

*Undertaking all actions in determining applications of whatever nature in relation to any Town and Country Planning legislation, The Building Act, **Planning (Listed Buildings and Conservation Areas) Act** and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation*

Deputies -all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

CUSTOMER ACCESS

Service Lead Revenues, Benefits & Customer Access

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

Deputy –Benefits & Welfare Lead

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

Deputy –Benefits & Welfare Lead

3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy - Payment & Collection Lead

4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy - Payment & Collection Lead

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 –Benefits & Welfare Lead

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 –Benefits & Welfare Lead

7. To award, revise or revoke any discretionary relief applications for Business Rates.

Deputy – Payment & Collection Lead

8. 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 –Payment & Collection Lead

9. 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 the Council in respect of rent arrears.

Deputy –Payment & Collection Lead

10. To accept payment of arrears of rent by instalments.

Deputy –Payment & Collection Lead

11. Authority to apply for a warrant for Possession of Property in relation to rent arrears.

Deputy –Payment & Collection Lead

12. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.

Deputy –Payment & Collection Lead

13. To appoint enforcement agents for the recovery of any outstanding debts.

Deputy –Payment & Collection Lead

14. In consultation with Service Lead, Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates.

Deputies –Benefits & Welfare Lead and Payment & Collection Lead

15. 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 –Benefits & Welfare Lead and Payment & Collection Lead

16. In consultation with the Executive Member with the Relevant Portfolio and Chief Executive & Growth Director, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.

Deputy -Payment & Collection Lead

Service Lead Housing Needs & Homelessness

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 the 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.

Deputy – Housing Solutions 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 Director (Corporate Services) and the Director (Finance), to enter into or determine leasing agreements with private landlords to provide accommodation to homeless households as required to meet the Council's statutory requirements.

Deputy – Housing Access Team Lead

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

Deputy – Housing Solutions Lead

4. In consultation with the Service Lead, Legal Services, to take legal action to obtain possession of any dwelling occupied by a person accommodated in accordance with the Housing Act 1996 who has refused a reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.

Deputy – Temporary Accommodation Lead

5. In consultation with the Executive Member with Relevant Portfolio to make any necessary amendment to the housing scheme.

Deputy – Housing Solutions 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 – Housing Solutions Lead

7. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Deputy Chief Finance Officer

Deputy – Housing Access Team Lead

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

Deputy – Housing Solutions Lead

ENVIRONMENT

Service Lead – Environmental Health and Community Safety

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 - Environmental Health and Community Safety Managers

2. To appoint Inspectors and authorise officers to carry out any function, power or duty within their remit.

Deputy – Environmental Health and Community Safety Managers

3. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, 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:

Public Health

- 3.1 Food Safety Act 1990 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 including:
- Regulation numbers 178/2002, 852-854/2004, 882/2004 and 2073/2005 which relate to food and feed
 - Food and Environmental Protection Act 1985
 - Food Safety and Hygiene (England) Regulations 2013
 - Food Information Regulations 2014
 - Official Feed and Food Controls (England) Regulations 2009
- 3.2 Health & Safety at Work etc. Act 1974 and any supporting regulations.
- 3.3 Health Act 2006 and associated regulations including:
- Smoke-free (Premises and Enforcement) Regulations 2007
 - Smoke-free (Exemptions and Vehicles) Regulations 2007
 - Smoke-free (Penalties and Discounted Amounts) Regulations 2007
 - Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
 - Smoke-free (Signs) Regulations 2012
- 3.4 Public Health Acts 1936 and 1961, Public Health (Control of Disease) Act 1984, Health Protection (Local Authority Powers) Regulations 2010 and Health Protection (Part 2A Orders) Regulations 2010
- 3.5 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
- 3.6 Sunday Trading Act 1994

Private Sector Housing

- 3.7 Law of Property Act 1925 (Enforced sale provisions)
- 3.8 Caravan Sites and Control of Development Act 1960
- 3.9 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.
- 3.10 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Local Government Housing Act 1989 – to investigate and take appropriate action under these enactments.
- 3.11 Housing Act 2004 – to investigate and take appropriate action under these enactments including: -
- Section 131 Carry out works – interim or final management order
 - Section 235 Production of documents
 - Section 239 General powers of entry to inspect and survey
 - Schedule 7 Paragraph 25 Carry out works – empty dwellings
 - Schedule 3 Paragraph 3(4) Carry out works – Improvement notice
- 3.12 Mobile Homes Act 2013
- 3.13 Enterprise and Regulatory Reform Act 2013
- Specifically: The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (made under sections 83 and 84 of the Act)
- 3.14 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- 3.15 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- 3.16 The Housing and Planning Act 2016
- 3.17 National Assistance Act 1948 and 1951
- 3.18 Tenant Fees Act 2019
- 3.19 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- 3.20 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

Licensing

3.21 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

3.22 Animal Welfare Act 2006

3.23 Animal Boarding Establishments Act 1963

3.24 Breeding of Dogs Act 1973 and 1991

3.24 Riding Establishments Act 1964 and 1970

3.25 Cinemas Act 1985

3.26 Dangerous Dogs Act 1991

3.27 Dangerous Wild Animals Act 1976 (as amended)

3.28 Guard Dogs Act 1975

3.29 Theatres Act 1968

3.30 Zoo Licensing Act 1981

3.31 Gambling Act 2005

3.32 Licensing Act 2003. 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

(Amended April 2021)

- 3.33 Scrap Metal Dealers Act 2013
- 3.34 Road Traffic Act 1991 (Access to Criminal Records)
- 3.35 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.
- 3.36 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council’s agreed policies)
- 3.37 Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002
- 3.38 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.

Environmental Protection

- 3.39 Clean Air Act 1993
- 3.40 Clean Neighbourhoods and Environment Act 2005
- 3.41 Control of Pollution Act 1974
- 3.42 Environment Act 1995
- 3.43 Pollution Prevention and Control Act 1999 and associated regulations
- 3.44 Refuse Disposal Amenity Act 1978
- 3.45 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)
- 3.46 Environmental Protection Act 1990
- 3.47 Litter Act 1983
- 3.48 Noise Act 1996
- 3.49 Noise and Statutory Nuisance Act 1993
- 3.50 Prevention of Damage by Pests Act 1949

3.51 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.

3.52 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29

3.53 Local Government (Miscellaneous Provisions) Act 1976

Deputies - Environmental Health and Community Safety Managers

4. Enforcement of local bylaws.

Deputies - Environmental Health and Community Safety Managers

5. 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 Director (Finance) to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

Deputies – Environmental Health and Community Safety Managers

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

Deputies – Environmental Health and Community Safety Managers

7. 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 Service Lead, City Development.

Deputies – Environmental Health and Community Safety Managers

8. 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 Service Lead, Legal Services.

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

9. 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.

Deputies – Environmental Health and Community Safety Managers

(Amended April 2021)

10. 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 – Environmental Health and Community Safety Managers

11. 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 - Chief Executive and Growth Director or Director

12. 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 – Chief Executive and Growth Director or Director

13. To change the statutory service plan in the light of centrally issued guidance and/or to meet operational needs.

Deputies – Environmental Health and Community Safety Managers

Cleansing and Fleet Manager

1. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, 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 of works and recharges pursuant to Section 45 and authorisation and service of notices pursuant to Section 46;
 - 1.2 Litter Act 1983;
 - 1.3 Refuse (Disposal) Amenity Act 1978;
 - 1.4 Clean Neighborhoods and Environment Act 2005

Deputy – Waste Collections Manager and MRF Manager

Finance

Director Finance

(Amended April 2021)

1. In consultation with the Relevant Director, the Leader of the Council and Executive Member with the Relevant Portfolio, to award funds against the Commercialisation Capital Budget of £10 million.

Deputy – NA

2. In consultation with the Leader of the Council and the Director (Corporate Services) authorise the application of the Councils Local Government Pension Scheme Employer Discretions.

Deputy – Deputy Chief Finance Officer (Deputy Section 151 Officer)

Deputy Chief Finance Officer (Deputy Section 151 Officer)

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

Deputy – Finance Manager - Corporate

2. In consultation with the Service Lead, Legal Services to initiate court proceedings for the recovery of arrears in respect of mortgages.

Deputy – Finance Manager - Corporate

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 – Finance Manager - Corporate

4. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.

Deputy – Finance Manager - Corporate

5. To approve all housing advances for purchase or improvement.

Deputy – Finance Manager – Corporate

6. To be responsible for undertaking the role of Money Laundering Reporting Officer.

Finance Manager – General Fund Services

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 – Finance Manager – Corporate

8. 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 – Finance Manager – General Fund Services

9. 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 – Finance Manager – General Fund Services

10. 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 – Finance Manager – General Fund Services

11. In consultation with the Leader to review the Discretionary Relief Scheme and, if necessary, increase the maximum threshold to ensure Government funding is fully directed to businesses in Exeter.

Deputy – Finance Manager – General Fund Services

12. In accordance with the Housing Act 1980 and the Council's agreed policy to accept/refuse applications for mortgages, including further advances to administer and monitor payments of mortgage instalments and where necessary issue possession proceedings for mortgage arrears in consultation with the Service Lead, Legal Services.

Deputy – Finance Manager – Corporate

Service Lead – Commercial & Procurement

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

Deputy – Procurement Lead

2. In conjunction with the Relevant Portfolio Holder, to sign off any amendments to the Procurement and Contract Procedures and supporting notes and to report back to Members.

Deputy – Procurement Lead

HOUSING

Assistant Director of Housing (Assets)

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 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 Director (Finance), 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 Service Lead, Legal Services, to enter into releases of covenants affecting former Council rented or shared ownership dwellings.
5. To deal with and approve applications for grant in accordance with Section 24 and 25 of the Local Government Act 1988.
6. In consultation with the Service Lead, Legal Services, and/or Team Leader, Housing & Litigation to: -
 - (a) institute injunction proceedings in respect of anti-social behaviour pursuant to current Relevant legislation;
 - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant to current relevant legislation;
 - (iii) institute proceedings in the County Court to obtain possession orders pursuant to current relevant legislation; and
 - (iv) In consultation with the Executive Member with Relevant Portfolio and the Director (Finance), 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 **and dispose of** 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.

Assistant Director of Housing (Assets);

Deputies – Planned Repairs Lead, Response Repairs Lead, Safety, Health, Environment and Quality Lead, Asset Management Lead

Assistant Director of Housing (Tenancy Services);

Deputies – Tenancy Services Lead, Senior Housing Officers, Senior Lettings and Home Ownership Officer, Project Manager Housing Business Support Lead and Housing Lead Performance, Strategy and Resident Involvement.

12. 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 – Asset Management Lead

Assistant Director of Housing (Tenancy Services)

1. Grant, administer and, where necessary, terminate any flexible tenancy.

Deputy – Tenancy Services Team Lead and Senior Housing Officers

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).

Deputy – Tenancy Services Team Lead and Senior Housing Officers

3. In consultation with the Executive Member with relevant Portfolio in conjunction with the Director (Finance) and the Director (Corporate Services), 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.

Deputy – Tenancy Services Team 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 Director (Finance) and the Executive Member with Relevant Portfolio.

Deputy – Tenancy Services Team Lead

ENVIRONMENT AND CITY MANAGEMENT

Service Manager Public and Green Spaces

1. 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.
2. In consultation with other 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.
3. In consultation with the Director (Finance) and Service Manager, 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

4. Exercising the obligations place on the Council under the 1980 Environment Act regarding the cleaning of public places.

Deputy – Public and Greenspaces Operations Manager

5. 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.
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** Support Manager*

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

*Deputy – **Commercial** Support Manager*

8. In consultation with the Service Lead, Legal Services, and the Executive Member with the Relevant Portfolio, authority to make amendments to the Allotment Gardens Rules and Conditions.

(Amended April 2021)

Deputy – Commercial Support Manager

9. 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 Support Manager

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

Deputy – Commercial Support Manager

Engineering, Waterways and Parking Service Manager

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

Deputy – Parking and Enforcement Operations Manager

2. In consultation with the Service Lead, Legal Services, to agree/refuse requests for road closures.

Deputy – Parking and Enforcement Operations 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 Operations 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 Operations 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 Operations 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

(Amended April 2021)

Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

Deputy – Parking and Enforcement Operations Manager

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

Deputy – Harbour Master

8. 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 – Harbour Master

9. In consultation with the Service Lead, Legal Services, the regulation and enforcement of Harbour by-laws.

Deputy – Harbour Master

10. 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 Director (Finance).

Deputy – Engineering and Assets Manager
~~(this will be the function of the new Harbour Board)~~

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

Deputy – Engineering and Assets Manager
~~(this will be the function of the new Harbour Board)~~

Devon County Council Officers; Parking Processing Officer, Parking Processing Team Leader, Parking Services Appeal Team Leader

1. Authority to cancel Penalty Charge Notices

Director (Corporate Services) and Monitoring Officer

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

Deputies – Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support

2. 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 complaint's procedure, including the authority to decide whether an allegation merits investigation.

Deputies – Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support

3. 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: - Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support

Service Lead, Legal Services

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: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

- 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 Service Lead, Legal Services shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
- (c) In consultation with a Director concerned, authority to issue formal cautions where he/she considers this appropriate.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

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

Deputy: Team Leader – Property, Planning & Non-Contentious

- 4 In consultation with the 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.

Deputy: Team Leader – Housing & Litigation

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

Deputy: Team Leader – Property, Planning & Non-Contentious

6. In conjunction with the 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 – Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

7. To attest the Common Seal of the Council and sign other legal documents.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious. Chief Executive & Growth Director

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

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

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 Service Lead, Legal Services considers that such action is necessary to protect the council's interest.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

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

Deputy – Corporate Manager Democratic & Civic Support

11. Exeter City Group Ltd – In consultation with the City Surveyor to sell at open market value, any Council owned land identified in the Exeter City Group Ltd Year 1 Business Case.

Deputy – Team Leader – ECL, Contracts, Procurement & Licensing

Service Lead, Human Resources

1. 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 – HR Business Partner – SF

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

Deputy – HR Business Partner – SF

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 – Service Lead, Legal Services

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.

Deputies – Democratic Service Officers

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 Mayor’s Support Officer

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

Deputy – Lord Mayor’s 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 Executive Support Unit

(Amended April 2021)

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

Deputy - None

City Surveyor

In respect of every single decision/transaction in relation to property matters, the 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, or £250,000 in capital value - The 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, or between £250,000 and £500,000 in capital value, City Surveyor or the officer appointed for the purpose in consultation with the Director (Finance)).
 - (c) Where the cost or equivalent value to the Council is between £50,000 and £100,000 per annum, or between £500,000 and £1m in capital value - City Surveyor or the officer appointed for the purpose in consultation with the Executive Member with relevant portfolio and the Director (Finance).

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 Service Lead, Legal Services, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.

(Amended April 2021)

Deputy – Principal Estates Surveyor

5. In consultation with the Director (Finance) and Service Lead, Legal Services, 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 Service Lead, Legal Services, authority to institute proceedings for the removal of trespassers on City Council land.

Deputy – Principal Estates Surveyor

8. In consultation with the Service Lead, Legal Services, 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 Director (Finance), where this is deemed to be in the overall best interests of Exeter City Council, and where such disposal is of no strategic importance to the Authority, the disposal by freehold sale of land and/or buildings at open market value.

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 Director (Finance) and Director (Corporate Services), to pay or accept compensation where appropriate.

Deputy – Principal Estates Surveyor

13. In consultation with the Director (Finance), authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme.

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 Director (Finance) and in agreement with the other relevant Officers, to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.

Deputy – Principal Estates Surveyor

Service Lead, Culture, Leisure and Tourism

1. With agreement from both the Chief Executive and Growth Director and portfolio holder, to deputise for the Director of Culture, Leisure and Tourism and assume all delegated powers related to the Directorate post.
2. With agreement of the relevant Portfolio Holder, to set and alter fees associated with Visit Exeter and Exeter Leisure services to take account of market conditions.

Events, Facilities & Markets Manager

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

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

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 – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

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

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

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, 10 and 11 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

5. In consultation with the relevant Portfolio Holder, be authorised to submit applications for Grant Funding less than £50,000 in value, where there is no additional call for City Council resource beyond that already authorised within museum revenue expenditure.

Deputy – Content Management Lead Officer

~~Principal Health and Safety Manger~~

- ~~1. Duty holder for the Harbour Authority with the Service Manager with the responsibility for Waterways, in consultation with the Relevant Portfolio Holder for Waterways.~~

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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