

## **EXECUTIVE**

Tuesday 14 February 2017

### **Present:**

Councillor Edwards (Chair)

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

### **Also present:**

Chief Executive & Growth Director, Assistant Director Finance, Assistant Director Environment, Corporate Manager - Legal, Corporate Manager Property, Environmental Health and Licensing Manager, City Development Manager, Economy and Enterprise Manager, Service Manager, Business and Commercial Operations Public Realm, Principal Project Manager (Development) and Democratic Services Manager (Committees)

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### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interest were made.

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### **APPOINTMENT OF DIRECTOR OF COMMUNICATIONS AND MARKETING**

The Leader advised that the Chief Executive & Growth Director was minded to appoint Jon-Paul Hedge to the position of Director of Communications and Marketing.

Executive Members did not object.

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### **PROPOSALS FOR THE IMPLEMENTATION OF A PUBLIC SPACES PROTECTION ORDER**

The report of Assistant Director Environment was submitted to advise Members on the consultation responses and subsequent consideration given to the implementation of a Public Spaces Protection Order (PSPO or Order) in the City Centre area of Exeter.

The Leader stated that at Place Scrutiny Committee there had been a full debate on the PSPO and, whilst the committee had been in support, some concerns had been raised regarding the toilet facilities. Therefore, a six month pilot was proposed for the toilets on Musgrave Row to be open 24 hours a day, at an additional cost of £10,000.

Councillor Musgrave, having given notice under Standing Order no.44, spoke on this item. He welcomed the Leader's proposal to pilot the opening of the toilets on Musgrave Row and asked how this would be communicated to the street community.

The Portfolio Holder for Place advised that the communication would be through Outreach Workers, Environmental Health Officers and the Safe Sleep project.

The Assistant Director Environment advised that there had been a full debate at Place Scrutiny Committee and without amendments to the recommendations. In light of the consultation, the provisions of the proposed PSPO had been revised to remove 'street encampments' entirely and change the focus from begging to aggressive begging which was the type of intimidating begging that most people found to be anti-social.

At the invitation of the Leader, Police Inspector Simon Arliss addressed the Committee. He stated that the Police were in full support of the PSPO and clarified that begging within five metres of a cash point or other pay-point would be considered to be aggressive begging.

During discussion Member's raised the following points:-

- it was about getting the balance right and understanding that people have differing views of anti-social and intimidating behaviour
- supported the Acceptable Behaviour Contracts – an innovation with Exeter leading the way; this was not about punishing people but working with them to help them move forward
- welcomed the six month review and monitoring together with the application of the enforcement/positive pathway protocol
- welcomed the provision of joint training on the pathway protocol
- hoped that this order would help to stop loutish behaviour
- would not want Council staff put in a position of conflict
- there were concerns regarding whether the area should in St Thomas should be extended to encompass more recent anti-social behaviour
- the Council had not paid lip-service to the consultation results; it had listened and made some changes to produce an improved Order
- this was a good example of partnership working with the Police.

In response to Members' questions, the Assistant Director Environment clarified that a pathway protocol would be developed with the Community Safety Partnership and there would be a supportive training programme which would provide clear guidance on what action was deemed appropriate and proportionate. The implementation of the PSPO would be monitored and reported back to Members and this would include any impact on Anti-Social Behaviour in the wider St Thomas area with any modification to the PSPO such as the boundary, to be considered by Members and approved by Council. The Police would be the principal agency using the PSPO powers on the front-line.

The Leader stated that it had been a long process to get the PSPO to this stage. He welcomed the order and proposed an additional recommendation for a six month pilot for the toilets on Musgrave Row to be open 24 hours a day, at an additional cost of £10,000. This was agreed by Executive.

Place Scrutiny Committee considered the report at its meeting on 12 January 2017 and its comments were reported.

**RECOMMENDED** that Council approves:-

- (1) the implementation of a Public Space Protection Order, in the area defined by the attached map (Appendix 1A), with the restrictions (contained in Appendix 1B), for a period of three years from the commencement date of 1 June 2017;

- (2) this Order replacing the Designated Public Places Order that currently exists in the City Centre to control the problematic consumption of alcohol within public places, and which is contained within the boundary of the proposed Public Spaces Protection Order;
- (3) Officers working with the Police and Exeter Community Safety Partnership in the development of an enforcement and positive/restorative pathway protocol for the Public Spaces Protection Order, together with a supporting training programme. The purpose of this is to provide clear guidance on what action is deemed appropriate, proportionate, reasonable and compassionate, with particular regard given to the rights of freedom of expression and freedom of assembly as set out in Articles 10 and 11 of the Convention on Human Rights;
- (4) the adoption of a zero penalty fee where a recipient of a fixed penalty notice issued for a breach of the PSPO commits to the option of an Acceptable Behaviour Contract contained within and offered by the respective fixed penalty notice;
- (5) any funding received by the Council from fixed penalty notices issued for a breach of any PSPO would be ring fenced for programmes to address anti-social behaviour and the funding administered by the Exeter Community Safety Partnership;
- (6) Officers bringing back a report to Place Scrutiny Committee after six months of any Order being implemented as to its operation and effectiveness in reducing the problematic anti-social behaviour it seeks to manage together with any negative or unforeseen impacts that it may develop, and any recommendations for varying or discharging the Order: and
- (7) a pilot take place to open the toilets on Musgrave Row 24 hours a day for six months, requiring an additional budget of £10,000.

### **MANAGEMENT OF EXETER WATERWAYS**

The Service Manager, Business and Commercial Operations presented the report advising Members of the progression of a solution for the improved management of the Exe Estuary Harbour, canal and waterways and to address specific governance and management issues associated with the waterways. The report also outlined a change in the Council's direction with the conclusion of work on the business case for the transfer of the Exeter Ship Canal to the Canal and River Trust, and in its place the development of a Management Plan. This would include a new approach to deal with abandoned boats, live-aboard boats, moorings and maintenance. A business case would also be developed to employ a Harbour Master, or similar, to deliver the Port Marine Safety Code compliance.

The Portfolio Holder for Sport and Health and Wellbeing supported the proposals and commented that it was important that funds were invested in putting together a robust marketing plan for the waterways which would create new income opportunities.

In response to a Member's question, the Service Manager, Business and Commercial Operations clarified that the area of the Exe Estuary started about 2 km from Exmouth.

Place Scrutiny Committee considered the report at its meeting on 12 January 2017 and its comments were reported.

**RECOMMENDED** that Council approve:-

- (1) work on a business case to transfer the Exeter Ship Canal to the Canal and River Trust ceases and that a Management Plan for the canal is developed in-house;
- (2) Officers developing a business case to employ a Harbour Master or similar to deliver Port Marine Safety Code compliance, improve safety and improve operational management on the River Exe;
- (3) that, in compliance with the Port Marine Safety Code;-
  - (a) the Service Manager Business and Commercial Operations be designated as the 'Duty Holder' in respect to the Port of Exeter and the Constitution be amended accordingly;
  - (b) an external competent body be engaged to fulfil the role of 'Designated Person' as defined by the Port Marine Safety Code to undertake competency and safety audits;
  - (c) a budget of £10,000 be identified from within existing resources to engage specialist marketing and business development expertise to support the preparation of a Marketing Plan for the Waterways and to deliver the additional income requirements;
  - (d) the Mooring Licence issued since 2013 be applied to all moorings in the Port of Exeter and that, where the licensee is unwilling to accept the new licence conditions, action be taken to remove the vessel from the Port;
  - (e) only vessels deemed suitable at the Council's absolute discretion be permitted into the canal, with responsibility to make such a determination be delegated to the relevant Service Manager; and
  - (f) where repairs are necessary or 'off season' maintenance is required, these activities be confined to the Eastern side of the Basin or the Boat Park (in Michael Browning Way) and this be cordoned off from public access.

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**EXETER & THE HEART OF DEVON, A SHARED ECONOMIC STRATEGY. A COLLABORATIVE APPROACH TO GROWTH & PRODUCTIVITY 2017 - 2020**

The report of the Economy and Enterprise Manager was submitted informing Members of the new shared Growth & Productivity Strategy, covering Exeter, East Devon, Mid Devon and Teignbridge.

The Economy and Enterprise Manager advised that the 'travel to work' area for Exeter had expanded significantly over the past ten years, and covered much of Exeter's neighbouring local authorities. The Strategy would ensure work being undertaken by the emerging Greater Exeter Growth & Development Board and the Economic Development teams for each local authority were able to work in parallel and to a common shared vision and goal. The Council had been working with the four councils for the past two years and a wide ranging consultation exercise across all four areas had been undertaken during the spring and summer 2016 to inform this strategy.

Each local authority had an area of expertise to help delivery the strategy and its objectives:-

- Exeter City Council – Inward Investment
- Mid Devon District Council – Business Transformation
- Teignbridge District Council – Employment and Skills
- East Devon District Council – Strategic Planning and Infrastructure.

The Portfolio Holder for Economy welcomed this joint working which strengthens the relationship with neighbouring local authorities.

In response to a Member's question, the Economy and Enterprise Manager advised that work was being undertaken in conjunction with local organisations such as Education Business Partnership to go into schools to inform young people, their parents and teachers of the job opportunities and options available to them.

The Leader welcomed this partnership working.

Place Scrutiny Committee considered the report at its meeting on 12 January 2017 and its comments were reported.

**RESOLVED** that:-

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

## **ENERGY STRATEGY**

The report of the Corporate Manager Property was submitted advising Members of the Energy Strategy supported by a wide-ranging Action Plan. The Strategy for the City's Corporate Estate would build on the work of the Renewables and Energy Efficiency Programme and the ambition to be an Energy Neutral Council.

The Corporate Manager Property advised that this five year plan was the Council's first stand-alone Energy Strategy, and one that aimed to deliver a sustainable and energy efficient estate, to protect against future energy risks, and to share such benefits with others. The three key issues of the energy strategy were Affordability, Energy Security and Environmental Sustainability.

The Portfolio Holder for Support Services commented that the Council now had a plan with a time frame, a commercial approach to energy efficiency and would work with the wider community including Exeter City Futures.

The Portfolio Holder for City Development welcomed this approach to long term energy management and advised that the Council had already won awards for its achievements in the Renewables and Energy Efficiency Programme.

The Chief Executive & Growth Director stated that Exeter City Council was currently Environment Council of the Year and there would be partnership working with

Exeter City Futures to build upon this Strategy and to make Exeter an energy independent city. There may be a need to amend the Energy Strategy in light of what emerges with Exeter City Futures road map to energy independence.

Corporate Services Scrutiny Committee considered the report at its meeting on 26 January 2017 and its comments were reported.

**RESOLVED** the Energy Strategy and Action Plan be approved. To achieve the outcomes identified in the Strategy, projects would be progressed through the Renewables and Energy Efficiency Programme, using the existing approval process.

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### **ANNUAL PAY POLICY STATEMENT**

The report of the Corporate Manager Legal & HR Services was submitted setting out the council's annual Pay Policy Statement 2017/18 which must be approved by Full Council each financial year in line with legislation.

The Corporate Manager Legal & HR Services drew Members attention to the information set out in the report and referred them to the levels and elements of remuneration for various posts and full time salaries from April 2017.

Corporate Services Scrutiny Committee considered the report at its meeting on 26 January 2017 and its comments were reported.

**RECOMMENDED** to Council that:-

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

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### **TREASURY MANAGEMENT 2017/18**

The report of the Assistant Director Finance was submitted seeking adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2017/18, as required under section 15(1)(a) of the Local Government Act 2003.

The Assistant Director Finance advised Members of an additional recommendation that investments in the CCLA Property Fund with a maximum limit of £5 million and for a maximum time limit of 12 months be added to the Strategy.

In response to a Member, the Assistant Director Finance advised that the investment funds were spread across many different funds, they were continually monitored and regularly meeting were held with the Councils Treasury advisers. Local Authorities were in a unique position in that if there was a loss on the capital value of any investments in property funds they would only need to be recognised when the investment was sold.

Corporate Services Scrutiny Committee considered the report at its meeting on 26 January 2017 and its comments were reported.

**RECOMMENDED** that Council:-

- (1) adopt the new Treasury Management Strategy and delegations contained therein: and
- (2) investment in the CCLA Property Fund with a maximum limit of £5 million and a maximum time limit of 12 months be added to the Strategy.

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

The Assistant Director Finance presented the report setting out the proposed 2017/18 prudential indicators for capital finance for adoption by the Council and set the annual statement of Minimum Revenue Provision (MRP). Members were advised that this report set out the maximum limit that the Section 151 Officer was allowed to borrow and that there had been no change in the MRP.

Corporate Services Scrutiny Committee considered the report at its meeting on 26 January 2017 and its comments were reported.

**RECOMMENDED** that Council adopt the:-

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

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**GENERAL FUND/HOUSING REVENUE ACCOUNT ESTIMATES AND CAPITAL  
PROGRAMME 2017/18**

The report of the Assistant Director Finance was submitted seeking approval of the General Fund revenue estimates for 2017/18 and to recommend the Band D level of Council Tax for 2017/18. This report also included the proposed Capital Programme for 2017/18 and future years, and the proposals in respect of the Housing Revenue Account.

The Assistant Director Finance advised Members that whilst the Government had agreed a four year settlement with this Council the final settlement had not yet been confirmed with the final settlements due to go before Parliament on the 22 February although no change to the provisional settlement was anticipated. The proposal for Members to consider was a Council Tax increase of £5 which would mean that the proposed B and D council tax for 2017/18 would be £145.05.

The precepts increases were:-

- Devon County Council – proposed 4.99% - 1.99% and 3% for Adult Social Care
- Office of Police and Crime Commissioner Devon and Cornwall – final 1.99%
- Devon and Somerset Fire Authority – proposed 1.99%

If all these figures were agreed, Council Tax for Band D property would be £1,670.82.

In response to a Member's question regarding the cost neutral valuation for Business Rates, the Assistant Director Finance advised that the impact of Business Rates depended on the mix of properties and there was an increase of 21.9% for Council owned properties.

**RECOMMENDED to Council:-**

- (1) the overall spending proposals in respect of both its revenue and capital budgets be approved;
- (2) to approve the council tax for each Band as set out in section 8.19.3 of the report, subject to Devon County Council, Office of Police and Crime Commissioners Devon and Cornwall and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) that when the actual council tax amounts for Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority would be set and then the revised council tax levels be submitted to Council on 21 February 2017 for approval;
- (4) that the Statement given by the chief finance officer as required under Section 25 of the Local Government Act 2003 be noted; and
- (5) the new distribution methodology for the New Homes Bonus set out in 8.7.2 of the report be approved.

**MID DEVON LOCAL PLAN REVIEW**

The report of the Assistant Director City Development was submitted for Members to consider a proposed response to Mid Devon District Council's consultation on its 'Local Plan Review 2013 – 2033 Proposed Submission (incorporating proposed modifications) January 2017' with particular regard to the allocation of land at Junction 27 of the M5 for a high quality regional tourism, leisure and retail attraction.

The City Development Manager advised that the allocation of land at Junction 27 of the M5 for a high quality regional tourism, leisure and retail attraction would have implications for Exeter. In particular, the proposal for the provision of an Outlet Shopping Village of 14,000 sq m could potentially have an adverse impact on the vitality and viability of the city centre and its 'town centre' role. The Council had asked consultants to look into the impact that this proposed allocation for retail could have on Exeter. The results of work undertaken showed that there would be modest financial impact on the city centre with a diversion of £29.8 million equating to 3.5%.

Whilst officers did not consider that the proposed allocation would be likely to cause significant issues for Exeter, it was recommended that the City Council submit representations formally objecting to the proposed allocation of land at Junction 27 as this would enable the Council to have a seat at the Mid Devon Local Plan Inquiry as well as working with Mid Devon District Council on the Greater Exeter Strategic Plan.

The Portfolio for City Development supported this way forward to ensure that the Council would be represented at the inquiry. This proposed allocation also could have an impact on the viability of other retail centres at Tiverton, Hontion and Cullompton.



**RESOLVED** that the representations to the consultation be agreed, taking into account the comments of the Planning Member Working Group.

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### **NEWTOWN COMMUNITY CENTRE**

The report of the Assistant Director Finance was submitted seeking approval of additional funding up to a maximum of £100,000 towards the building of a new Community Centre in Belmont Park.

Members were advised that the Council had allocated £120,000 from the New Homes Bonus Local Infrastructure Fund towards a replacement Community Centre in Belmont Park. Despite the best efforts of fundraisers and a revised and much reduced project plan, there was still a potential shortfall. As some of the external funding was guaranteed only to the end of March 2017 the support of £100,000 would ensure that the project would achieve full financing and therefore would keep other funding already secured.

The Leader welcomed this proposal which would be a positive asset for the community.

**RECOMMENDED** that Council approves:-

- (1) a budget of £100,000 to support the building of a new Community Centre in Belmont Park;
- (2) delegated authority being granted to the Chief Finance Officer in consultation with the Leader of the Council and Deputy Chief Executive to pay the grant; and
- (3) the grant being payable only after completion of a development agreement to the satisfaction of the City Surveyor.

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### **NEIGHBOURHOOD PORTION OF CIL/ GRANTS ROOTS GRANTS RECOMMENDATIONS JANUARY 2017**

The report of the Programme Manager – Communities was submitted to seek approval for the awards to be made to community groups and organisations in the first allocation of the Grass Roots Grants fund.

The Assistant Director Finance advised Members that Council on 26 July 2016 agreed that it would welcome recommendations from the Exeter Community Forum Grass Roots Grants Panel as to how to spend the neighbourhood portion of the Community Infra-Structure Levy. The recommendations were for awards to be made to St Sidwell's Community Centre £2,000 for capital and £3,000 for revenue and to ISCA Community Association - Beacon Hub £8,500 for revenue.

In response to a Member, the Portfolio Holder for Communities and Neighbourhoods stated that he was the Elected Member on the panel. He advised of the applications that had been considered by the panel, confirming that the unsuccessful organisations had been given feedback as to the reasons why they had not been awarded a grant.

The Ward Members for the St Sidwell's Community Centre and the ISCA Community Association - Beacon Hub welcomed and supported the grants of these worthy community organisations.

**RECOMMENDED** that Council approves the following grants from the neighbourhood portion of the Community Infra-Structure Levy:-

- (1) St Sidwell's Community Centre – Capital - £2,000 and Revenue £3,000; and
- (2) ISCA Community Association – Beacon Hub Revenue - £8,500.

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

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1, Schedule 12A of the Act.

32 **LAND AT MATFORD PARK ROAD**

The report of Corporate Manager Property was submitted advising Members on the proposed disposal of land at Matford Park Road (the former Husseys Car Auction site) located adjacent to the Matford Park & Ride and Livestock Centre. The report also outlined spending proposals for the premium to be received on this site.

**RESOLVED** that:-

- (1) the transfer by lease of land at Matford Park Road along the lines set out in this report be approved with the detailed terms to be agreed by the Corporate Manager Property in consultation with the Deputy Chief Executive and the Portfolio Holder for Support Service; and

**RECOMMENDED** that Council approves:-

- (2) the spending of the premium to be received from the sale of this site as set out in this report.

33 **PROCUREMENT ORGANISATIONAL CHANGE RESTRUCTURE**

The report of Assistant Director Finance was submitted to advise Members of the final business case for the restructure of the Corporate Procurement Function. The original report had been considered on 11 October 2016 and authorisation granted to proceed through the consultation phase.

Members were advised of the minor changes to the restructure as a result of the consultation.

Members supported the way forward.

**RESOLVED** that the implementation phase of the Corporate Procurement Function restructure in accordance with Exeter City Council's Organisational Change Policy be approved.

(The meeting commenced at 5.31 pm and closed at 6.45 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 21 February 2017.**