

## **EXECUTIVE**

Tuesday 12 December 2017

### **Present:**

Councillor Edwards (Chair)

Councillors Bialyk, Brimble, Denham, Gottschalk, Leadbetter, Morse, Pearson and Sutton

### **Apologies:**

Councillor Packham

### **Also present:**

Chief Executive & Growth Director, Director (BA), Chief Finance Officer, Director (DB), Director of Communications and Marketing, Corporate Manager Democratic and Civic Support, City Surveyor, Corporate Manager – Executive Support, Environmental Health and Licensing Manager, Housing Needs Strategy and Partnership Lead, Museum Conservation Officer and Democratic Services Manager (Committees)

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### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interest were made.

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### **MEMBERS ALLOWANCES 2018/21**

The Corporate Manager Democratic and Civic Support presented the report of the Chair of the Independent Remuneration Panel on the level of Members' Allowances for the three year period 2018/19 – 2020/21. The Panel had undertaken an extensive review of the allowances which included a comparison of similar and neighbouring Authorities. The Panel's recommendation equated to an increase of £350 per member per annum over the next three years and, notwithstanding these recommendations suggested, that a more detail review be conducted in 2018/19 with relevant benchmarking being sought.

**RECOMMENDED** to Council to agree:-

- (1) the basic structure and principles of the current Members' Allowances scheme be retained for 2018/19;
- (2) the principle be set that Special Responsibility Allowances be paid to no more than 50% of the overall number of councillors;
- (3) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, should be retained, including, and if appropriate, for the Chair of the HRA Management Board (as per recommendation (11) below) if they are an elected Member;
- (4) the Councillors' Basic and Special Responsibility Allowances including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should be linked to the average allowance per resident, in the agreed comparator group of authorities, with this figure being set at £1.87 per resident for the three year period of 2018/19 – 2020/21;

- (5) that, as a consequence of (4) above, the basic allowance for 2018/19 be set at £5,400 per annum (an increase of £350), with this sum being increased by a further £350 per annum in the 2019/20 and 2020/21 financial years (to £5,750 and £6,100 respectively);
- (6) that an additional Special Responsibility Allowance be paid to each Member Champion, with this being set at one quarter of a basic allowance (£1,350 in 2018/19), with such an allowance only payable during the life span of the particular task, and would be pro-rata for part-yearly terms;
- (7) Travel and Subsistence allowances available for staff continue to apply to Exeter City Councillors, where appropriate;
- (8) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the Living Wage of £8.44 per hour or part of (retaining the uplift of the standard rate of income tax to £10.13);
- (9) the sum of £50 paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained;
- (10) in respect of the Performance Scrutiny Panel, a sum equivalent to £10 per meeting be paid to each Member (this to be funded from the Housing Revenue Account); and
- (11) in respect of the proposed Housing Revenue Account Management Board:-
  - a) the principle of an allowance being paid to each Independent Member of the Board be agreed;
  - b) the principle of a Special Responsibility Allowance for the Chair of the Board be agreed;
  - c) the exact amounts for these allowances be considered and agreed by the Council's Independent Remuneration Panel on Members' Allowances, once the position of the Management Board within the Council's governance arrangements is agreed; and
  - d) any payments made as a consequence of (a) and (b) above be funded from the Housing Revenue Account.

(In accordance with Standing Order No. 43, Councillor Leadbetter requested that his abstention from voting be recorded)

#### **MAJOR GRANTS PANEL MINUTES - 30 NOVEMBER 2017**

The minutes of the Major Grants Panel meeting held on 30 November 2017 were submitted.

**RESOLVED** that the minutes of the Major Grants Panel meeting held on 30 November 2017 be received and, where appropriate, adopted.

## **JOINT COMMITTEE FOR THE HEART OF THE SOUTH WEST**

The Chief Executive & Growth Director presented the report on seeking agreement to the Council becoming a member of a Heart of the South West (HotsW) Joint Committee. Members were advised that the HotSW Productivity Plan would be a key strategic document for the Authorities to engage with the Government on a range of investment opportunities. The Joint Committee would be a formal collaboration to agree and deliver the Productivity Plan and the transformation agenda.

The Leader stated that he had received a letter from the Chair of the shadow Committee acknowledging the Council's requests as detailed in the recommendation.

**RECOMMENDED** to Council that;-

- (1) the content of the 'Heart of the South West Devolution Update' report and progress on the preparation of, and consultation on, a HoTSW Productivity Plan be noted;
- (2) the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West be approved;
- (3) the Arrangements and Inter-Authority for the establishment of the Joint Committee with the commencement date of Monday 22 January 2018 be approved;
- (4) the Leader and Deputy Leader be appointed as the Council's named representative and substitute named representative on the Joint Committee;
- (5) Somerset County Council be appointed as the Administering Authority for the Joint Committee for a two year period commencing 22 January 2018;
- (6) the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee be approved for the remainder of 2017/18 financial year, subject to approval of any expenditure by the Administering Authority;
- (7) an initial contribution of £1,400 for 2018/19 to fund the administration and the work programme of the Joint Committee be approved, noting that any expenditure will be subject to the approval of the Administering Authority;
- (8) that the key function of the Joint Committee to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018) be agreed;
- (9) the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy be authorised;
- (10) the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the report presented to the Committee be agreed; and

(11) that this approval is subject to:-

- a) Membership of the Joint Committee not committing the Council to supporting, or becoming a member of a HoTSW Combined Authority, which would, in any event, be subject to future debate and agreement by the Council;
- b) the Leader of the Council, or nominated representative, participating in all meetings or negotiations attended by any members of the Joint Committee, including meetings with Government members and officials that relate to the HoTSW Joint Committee, the productivity plan, growth deals or any business of the Joint Committee.
- c) Membership of the Joint Committee not precluding the Council from pursuing all opportunities that would benefit and/or improve the economic growth of Exeter; and
- d) the Council maintaining the ability to resign from the Joint Committee in line with the assurance provided by the Chair (see paragraph 8 of the circulated report).

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#### **ADOPTION OF A NEW ANIMAL LICENSING POLICY**

The Environmental Health and Licensing Manager presented the report that detailed the responses to the 12 week consultation of the proposed animal licensing policy. The policy had previously been presented to the Licensing Committee at the meeting held on 18 July 2017 and would require adoption by Council in December 2017.

There was a need to maintain and improve the standard of animal welfare, an animal licensing policy having been proposed in Exeter following a Department for Environment, Food and Rural Affairs (Defra) consultation. The policy consolidated the requirements for the various animal licences issued by Exeter City Council. It was noted there had been constructive feedback some of which had been incorporated into the policy.

Members welcomed this policy to ensure animal welfare in the city.

**RECOMMENDED** that Council adopt the Animal Licensing Policy.

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#### **CAPITAL MONITORING STATEMENT TO 30 SEPTEMBER 2017**

The Chief Finance Officer presented the report on the current position in respect of the Council's revised annual capital and advised Members of the anticipated level of deferred expenditure into future years. The report also sought Members approval to amend the annual capital programme in order to reflect the reported variations.

The Chief Finance Officer advised that during the first six months of the year the Council had spent £4.134 million on the programme, this was comparable to the first six months of 2016/17. He highlighted the achievements that had been completed during the second quarter of 2017/18.

The Portfolio Holder for City Transformation, Energy and Transport welcomed the work that had been undertaken to the Canal Pontoons and stated that feedback from users had been positive.

In response to a Member's question, the Chief Finance Officer clarified that the transfer of the Estate Regeneration budget to South Street was in accordance with grant funding conditions. These funds were from the Department of Communities and Local Government (DCLG) and could be used across the four Housing Revenue Account sites provided the grant deliverables were met.

Corporate Services Scrutiny Committee considered the report at its meeting on 23 November 2017 and its comments were reported.

**RECOMMENDED** Council notes and approves the revision of the annual capital programme to reflect the reported variations detailed in 8.4 and 8.5 of the circulated report.

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### **OVERVIEW OF REVENUE BUDGET 2017/18**

The report of the Chief Finance was submitted advising Members of the overall projected financial position of the Housing Revenue Account (HRA) and General Fund Revenue Budgets for the 2017/18 financial year after six months.

The Chief Finance Officer advised that General Fund had an underspend of £1,456 and the HRA had an underspend of £3,416,126. The reason for the underspend on the HRA was due to capital schemes not yet being undertaken.

Corporate Services Scrutiny Committee considered the report at its meeting on 23 November 2017 and its comments were reported.

**RECOMMENDED** that Council notes and approves the:-

- (1) General Fund forecast financial position for the 2017/18 financial year;
- (2) HRA forecast financial position for 2017/18 financial year;
- (3) outstanding Sundry Debt position as at September 2017; and
- (4) creditors' payments performance.

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### **TREASURY MANAGEMENT - 2017/18 HALF YEARLY UPDATE**

The report of the Chief Finance Officer was submitted advising Members on the current Treasury Management performance for the 2017/18 financial year, and the position regarding investments and borrowings at 30 September 2017.

The Chief Finance Officer advised that the request in the recommendation to increase the maximum to be invested in the Property Fund would allow the Council to increase investment returns. There had been a statutory override to protect the capital value of monies invested in agreed Property Funds but after a change in accounting treatment the Government had not yet reinstated this override for any monies invested. The Department of Communities and Local Government were currently considering the position and monies would only be invested in the Property Fund if the Government reinstated the statutory override that the CCLA Property Fund currently had.

In response to a Member's question, the Chief Finance Officer commented that if the statutory override was reinstated it could be time limited and that was the reason for the requested increase in the investment in property. There was currently an earmarked reserve to cover any decrease in the capital value of the current Property Fund and further investment would not take the Council below its minimum level of reserves of £3 million.

Corporate Services Scrutiny Committee considered the report at its meeting on 23 November 2017 and its comments were reported.

**RECOMMENDED** that Council approves the:-

- (1) Treasury Management report in respect of the first six month of the 2017-18 year; and
- (2) Revised Treasury Management Strategy which includes a request to increase the limit for investment in Property from £5m to £10m.

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### **DISCRETIONARY RATES RELIEF**

The report of Chief Finance Officer was submitted that sought Members approval for a Local Discretionary Relief Scheme policy to determine the level of Discretionary Relief to be granted to certain defined ratepayers within the Council's area. This was as a result of the new Discretionary Relief Scheme announced in the Spring Budget 2017.

The Chief Finance Officer updated on the three schemes, supporting Small Business, support for Pubs and the Local Discretionary Scheme. The latter was a £300 million Government discretionary fund scheme over four years to support those businesses that faced the steepest increase in their business rates bills. Exeter would receive £357,000 in 2017/18 reducing by around 50% each year until 2020/21 when the Council would receive £10,000. The proposed policy was broadly in line with the rest of Devon and support would be focused on local business that had suffered an increase in their business rates although there would be certain exclusions.

In response to questions from Members, the Chief Finance Officer clarified that procedures were already in place to administer the scheme and the Council would pro-actively invite those businesses in the most need to apply.

Members welcomed the scheme.

Corporate Services Scrutiny Committee considered the report at its meeting on 23 November 2017 and its comments were reported.

**RECOMMENDED** to Council:-

- (1) the Policy be approved; and
- (2) delegated authority be given to the Section 151 Officer in consultation with the Leader, to review the scheme and, if necessary, increase the maximum threshold, to ensure Government funding is fully directed to businesses in Exeter.

**BUDGET STRATEGY 2018/19 AND MEDIUM TERM FINANCIAL PLAN**

The Chief Finance Officer presented the report providing a strategic overview of the budgetary position for the 2018/19 financial year and beyond including an indication of the likely level of available resources and the known demand for resources and the proposals to ensure that a balanced budget was achieved.

The Chief Finance Officer updated Members on the position with regards to the four year settlement and business rates. He advised of the impact that the proposed Business Rates reset could have on the Council's finances and that all Devon authorities had applied to take part in the Business rate pilot for the 100% retention of Business rates. Whilst the outcome was unknown this could potentially benefit the Council by between £300,000 and £500,000 for 2018/19.

The Leader welcomed the balanced budget for the coming year whilst recognising that work would need to be done to address the savings required in future years.

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

**SCHEME OF DELEGATION**

The Corporate Manager Democratic and Civic Support presented the report setting out proposals to amend the Scheme of Delegation to Officers to match operational arrangements, taking particular account of the recent restructure of senior management; to revise the deadline times to those Standing Orders which include requests to speak at Committees, Notices of Motions and Questions to Council; and to update the Contract Regulations.

**RECOMMENDED** that Council approve the:-

- (1) changes to the Scheme of Delegation to Officers as set out in Appendix 1 to the report presented to the Committee;
- (2) amendments to Standing Order No. 6, 8, 19 and 19A as set out in Appendix 2 to the report;
- (3) amendment to Scrutiny Procedure Rules - Questions to Portfolio Holders as set out in Appendix 3 to the report; and
- (4) update to the Contract Regulations(C4.4.1) as set out in Appendix 4 to the report.

**FREEDOM OF THE CITY - EMERGENCY SERVICES**

The Corporate Manager Democratic and Civic Support presented the report regarding the Notice of Motion to offer the Freedom of the City to the three emergency services and set out the responses from the organisations concerned. Members were asked to consider whether the Freedom of the City should be offered to the Devon and Cornwall Constabulary, the Devon and Somerset Fire and Rescue Service, and the South West Ambulance Service Trust, in recognition of the service they give in going above and beyond the call of duty for the citizens of this great City 24/7, 365 days a year without thought for themselves.

Councillor Newby having given notice under Standing Order no.44 spoke on this item. He raised the following points:-

- this proposal was to honour the work of the three emergency services in particular for their response to the Giraffe bombing and the fires at the Royal Clarence Hotel, Riverside and a local TV retailer;
- to offer them the Freedom of the City was a way of thanking these emergency services for all that they do; and
- it would be a massive boost to the Devon and Cornwall Constabulary, the Devon and Somerset Fire and Rescue Service, and the South West Ambulance Service Trust in these times of cut backs.

The Leader stated that the emergency services did a fantastic job in serving the city and keeping the public safe. The fire at the Royal Clarence Hotel was a big demonstration of this and they worked with the Council to ensure no loss of life and that people felt safe. The Council was eternally grateful for the work of all members of the emergency services and all that they did to keep residents and visitors safe. However, the Council had to decide whether offering the Freedom of the City to all emergency services, while excluding others also serving the public, was the appropriate thing to do. The Council should be lobbying the Government to end austerity which was putting the frontline services under strain and instead ensure maximum support for their work.

The Leader reiterated that the Emergency Services did a fantastic job in Exeter and the Council were indebted to them. This Council could not ignore the ongoing cuts to staff and services and would continue to campaign for financial compensation for all public sector workers. This was the best way for this Council to demonstrate its ongoing commitment and support to its partners and all those who worked so hard to keep the city safe.

The Leader proposed that to offer the Freedom of the City to the Devon and Cornwall Constabulary, the Devon and Somerset Fire and Rescue Service, and the South West Ambulance Service Trust was not the appropriate way forward.

This was seconded by Councillor Sutton.

Councillor Leadbetter proposed that the Freedom of the City be offered specifically to Exeter's Police, Fire Authority and Ambulance Service. This was not seconded.

The majority of the Members, whilst fully recognising the valuable and difficult job that the emergency services in the city undertook, felt that the Leader's proposal was the right way forward. There was discussion regarding the criteria against which nominations were considered and possible, and need for a review of the criteria. It was also felt that any proposal to offer Freedom of the City should recognise Exeter based elements of the emergency services.

The Corporate Manager Democratic and Civic Support clarified that the proposal did meet two of the four criteria.

**RECOMMENDED** to Council that to offer the Freedom of the City to the Devon and Cornwall Constabulary, the Devon and Somerset Fire and Rescue Service, and the South West Ambulance Service Trust was not the appropriate way forward.

### **COWICK BARTON TENNIS COURT REFURBISHMENT**

The Director (DB) presented the report on securing capital funding to refurbish the Tennis Courts at Cowick Barton Playing Fields. The courts' surfaces and nets were in a poor condition and would otherwise need to be closed as the playing surface was deteriorating to a level whereby safety was becoming a serious concern. The capital estimate for repair was £30,000 with the need for specialist surfacing



contractors who were experienced in court refurbishment and the tolerances required. A small contingency of £5,000 had been allowed to cover any potential problems on site.

The Portfolio Holder for Place commented that this was a well-used facility and it was essential the repairs were undertaken.

In response to a Member's question, the Director clarified that it was anticipated that the works would take two to three weeks and that depending on the weather should be completed before the end of the financial year.

**RECOMMENDED** that Council approve an additional capital spend of £35,000 to cover the refurbishment of the Tennis Courts at Cowick Barton Playing Field.

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

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

122      **ST NICHOLAS PRIORY - REPAIR UPDATE AND ASSET TRANSFER**

The City Surveyor presented the report which provided an update on the St. Nicholas Priory structural repair and building conservation issues. Structural repairs had been undertaken to stabilize St Nicholas Priory and there had been discussions with community partners from which there were recommendations with regards to the potential asset transfer of the property.

Members welcomed the proposals which would help to ensure the upkeep of the fabric of St. Nicholas Priory while encouraging a range of suitable uses.

Corporate Services Scrutiny Committee considered the report at its meeting on 23 November 2017 and its comments were reported.

**RESOLVED** that:-

- (1) the City Surveyor be authorised, in consultation with the relevant Portfolio Holder, to agree terms for a lease of St Nicholas Priory to Exeter Historic Buildings Trust on the terms set out in the report presented to the Committee; and;
- (2) disposal of land for less than best consideration on the terms set out in the report be approved.

## **EXTENSION OF ASSERTIVE HOMELESS OUTREACH SERVICE**

The Director (BA) presented the report on a proposal for the extension for one year of the Contract for the Council's Assertive Homeless Outreach Service, currently provided by Julian House, which expires on 31 March 2018.

Members were advised that the original tender had started in October 2015 for a period of 30 months until March 2018. With the implementation of the Homelessness Reduction Act and that fact that the Council and its partners were two months into a six month test of change as part of the Integrated Care Exeter Project on improving services to those individuals who were street homeless or vulnerably housed, it was proposed that the contract be extended to evaluate what type service best met the needs of the client group in a cost effective way.

The Leader proposed that the reasons for the exemption to the contracts regulations be as follows:-

- To ensure the service continues beyond the contract end date; and
- To ensure that the present contract is replaced by an arrangement that implements the relevant provisions of the Homelessness Reduction Act 2017 and incorporates appropriate recommendations from the Integrated Care Exeter Homelessness Workstream.

This was agreed by Executive.

**RESOLVED** that:-

- (1) an exemption be made from the requirement under the Council's Contract Regulations to follow a tender exercise for the provision of the Assertive Homeless Outreach Service for the following reasons;-
  - To ensure the service continues beyond the contract end date; and
  - To ensure that the present contract is replaced by an arrangement that implements the relevant provisions of the Homelessness Reduction Act 2017 and incorporates appropriate recommendations from the Integrated Care Exeter Homelessness Workstream; and
- (2) that the current contract with Julian House continue for a further year expiring on 31 March 2019.

## **EUROPEAN REGIONAL DEVELOPMENT FUNDED SOLAR PV AND BATTERY STORAGE PROJECT**

The City Surveyor presented the report on a European Regional Development Fund (ERDF) grant that would support a two site project, providing a local decarbonised electricity supply with smart grid technology, demonstrating the deployment of renewable energy technologies. The Department for Communities and Local Government (DCLG) had sought proposals for European and Structural Investment Funds (ESIF) to support a shift towards a low carbon economy and an outline bid was accepted. Exeter City Council was invited to progress to full application which was detailed in the report. At this stage, State Aid Law dictated that the maximum grant contribution rate of 60% be limited to 45%. Final approval of the project would go before the European Structural and Investment Fund Board in December.

Members supported the project which would increase electricity generation from carbon free sources and would help the Council to move towards energy neutrality. They thanked the Corporate Energy Manager for all her hard work in putting together the bid for this project.

**RESOLVED** that:-

- (1) the European Regional Development Fund project be supported;
- (2) the matching of the grant intervention rate as below for the total project cost of £3,635,649 be agreed;  

|                         |                 |
|-------------------------|-----------------|
| ERDF Grant (45%)        | £1,636,054      |
| ECC Match funding (55%) | £1,999,595; and |
- (3) the transfer of the remaining funds of £1,522,867 held in the Renewables and Energy Saving Capital programme to support the grant be approved; and

**RECOMMENDED** that Council approve:-

- (4) a new capital bid for the European Regional Development Fund project to match the funding gap of £478,000; and
- (5) the principle to utilise the site as detailed in the report and commence pre-planning discussions.

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**RAMM'S CONSERVATION TEAM RESTRUCTURE**

The Museum Conservation Officer presented the report on the proposed restructuring of RAMM's Conservation Department. Members were advised of the reasons to realign the staffing structure in the Conservation Department.

Members supported the way forward.

**RESOLVED** that the restructuring plans as set out in the report be approved for consultation in accordance with the organisational change policy.

(The meeting commenced at 5.30 pm and closed at 6.40 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 19 December 2017.**