

**EXETER CITY COUNCIL**

**EXECUTIVE**

**Statement of Decisions**

14 September 2004

**Present:-**

Councillor R Slack (Chair)

Councillors Dixon, Edwards, Mrs Henson, McNamara, Mills, Mrs Morrish and Shepherd

Chief Executive, Director Corporate Services, Director Economy and Development, Director Community and Environment, Assistant Chief Executive and Member Services Manager

**Minutes** (Min 99)

The minutes of the meeting of the Executive held on 13 July 2004 were taken as read and signed by the Chair as a correct record.

**Declaration of Interests** (Min 100)

Members declared the following personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
McNamara Mrs Morrish	108* (resident near St Luke's School site) 104 and 108 (member of Devon County Council)

**Update on the Housing Stock Options Appraisal** (Min 101)

The report of the Head of Housing and Social Inclusion was submitted.

Scrutiny Committee – Community considered the report at its meeting on 7 September 2004 and the comments of members were noted.

Executive noted progress on the Housing Stock Options Appraisal.

**Choice Based Lettings Allocation Policy** (Min 102)

The report of the Head of Housing and Social Inclusion was submitted.

Scrutiny Committee – Community considered the report at its meeting on 7 September 2004 and the comments and support of members to the recommendations were noted. The Director Community and Environment undertook to convey to the working group a number of further comments on the wording of the policy made by Executive members.

Executive approved the adoption of the policy and the development proposals for the Choice Based Lettings Scheme. They delegated authority to the Portfolio Holder for Housing and Social Inclusion to approve further minor changes to the policy following testing, in order to facilitate implementation of the scheme.

**Change in Employment of Officers to deliver the Decent Homes Programme** (Min 103)

The report of the Head of Housing and Social Inclusion was submitted.

Scrutiny Committee – Community considered the report at its meeting on 7 September 2004, and the comments and support of members to the recommendations were noted.

Noting the options available and for the reasons stated in the report, Executive resolved that:-

- (1) the Project Coordinator/Administrator (post no CE11144) be made a permanent post from its temporary status and the present postholder be appointed to the post;
- (2) two permanent posts of Tenant Liaison Officer be established with grade being subject to Job Evaluation;
- (3) the existing Assistant Tenant Liaison Officer (post no CE06180) be redesignated as one of the two Tenant Liaison Officer posts and the present postholder be appointed to the post;
- (4) the vacant Building Support Officer (post no CE11136) be recruited following normal recruitment procedures; and
- (5) further consideration be given to the continued requirement of the Agency Surveyors.

**Municipal Waste Strategy for Devon** (Min 104)

Cllr Mrs Morrish declared a personal interest in this matter as a member of Devon County Council.

The report of the Head of Environmental Health Services was submitted.

Scrutiny Committee – Community considered the report at its meeting on 7 September 2004 and the comments and support of members to the recommendations were noted.

Noting the options available and for the reasons stated in the report, Executive resolved:-

- (1) to endorse the City Council signing up to the Municipal Waste Management Strategy for Devon (July 2004);

- (2) that the City Council lobbies Devon County Council to develop an accompanying action plan as a matter of urgency; and
- (3) that the action plan is brought before Scrutiny Committee – Community as soon as it becomes available.

**Exeter and Heart of Devon Economic Partnership Economic Development Strategy 2004-2008** (Min 105)

The report of the Head of Economy and Tourism was submitted.

Scrutiny Committee – Economy considered the report at its meeting on 9 September 2004 and the comments and support of members to the recommendations were noted.

Executive noted the report and endorsed the Exeter and Heart of Devon Economic Partnership's Sub-Regional Economic Development Strategy for the period 2004-2008.

**City Centre Audit** (Min 106)

The report of the Director Economy and Development was submitted.

Scrutiny Committee – Economy considered the report at its meeting on 9 September 2004 and the comments of members were noted.

Noting the options available and for the reasons stated in the report, Executive supported the timing, scope and other proposals for the Audit, including an updated survey being undertaken in 2008; and approved the carrying out of a City Centre Audit.

**Science Park Funding for a Project Officer** (Min 107)

The report of the Head of Economy and Tourism was submitted.

Scrutiny Committee – Economy considered the report at its meeting on 9 September 2004 and the comments and support of members to the recommendations were noted.

Noting the options available and for the reasons stated in the report, Executive approved a contribution of up to £25,000 per year for two years to the funding of a Project Officer and associated costs, to provide a dedicated resource to take forward the proposed Science Park as a priority project to support the strengthening of the city's economy.

**Exeter Local Plan First Review – Inspector's Report and Proposed Modifications** (Min 108)

Cllr McNamara declared a prejudicial interest in this matter as a resident in the area of St Luke's School site and left the room during the consideration of the item.

Cllr Mrs Morrish declared a personal interest in this matter as a member of Devon County Council.

The report of the Head of Planning Services was submitted. The Director Economy and Development reported the following amendments to the circulated report:-

- (a) paragraph 3.18 to read '0.5 hectares' rather than '5 hectares'; and
- (b) paragraph 3.19 to read 'in migration' rather than 'immigration'.

The Director Economy and Development undertook to explore with the Head of Legal Services a possible revision of the wording in respect of the perpetuity requirement for occupancy as set out in paragraph 3.22 of the report.

Development Control Committee – considered the report at its meeting on 31 August 2004 and the comments and support of members to the recommendations were noted.

Noting the options available and for the reasons stated in the report, Executive recommended that:-

- (1) the modifications to the Exeter Local Plan First Review Second Deposit be approved for public advertisement, and representations to the modifications be invited; and
- (2) if no objections are received during the period given for making representations, the Plan be adopted by the Council on expiry of that period.

#### **Exeter Local Development Framework – Local Development Scheme** (Min 109)

The report of the Head of Planning Services was submitted.

Development Control Committee – considered the report at its meeting on 31 August 2004 and the comments and support of members to the recommendation were noted.

Noting the options available and for the reasons stated in the report, Executive recommended that the Local Development Scheme be approved for submission to the Secretary of State.

#### **Exeter Canal Basin - Regeneration Delivery Strategy** (Min 110)

Councillor Smith attended the meeting and spoke on this item under Standing Order 44. The report of the Head of Estates Services and the Director Economy and Development was submitted.

Since the current rate for commuted payments for parking had originally been set several years previously and was now out of date, the Director Economy and Development sought approval to raise this sum from £2500 to £7500 per dwelling.

Noting the options available and for the reasons stated in the report, Executive recommended that:-

- (1) the Exeter Canal Basin Regeneration Strategy be formally adopted, and the resourcing implications set out in the report be approved; and
- (2) the commuted payment for parking be raised from £2,500 to £7,500 per dwelling for this and related schemes in the Water Lane/Haven Banks area.

**Rougemont Castle** (Min 111)

The report of the Director Economy and Development and the Head of Estates Services was submitted.

Noting the options available and for the reasons stated in the report, Executive resolved that the Council does not proceed with the purchase of Rougemont Castle, but seeks to achieve its objectives as outlined in paragraph 4.2(ii) of the report.

**The Anti-Social Behaviour Act 2003 – Powers introduced by the Act and the Scheme of Delegation** (Min 112)

The report of the Head of Legal Services was submitted.

Noting the options available and for the reasons stated in the report, Executive recommended that:-

- (1) the Head of Housing & Social Inclusion, in consultation with the Portfolio Holder Housing and Social Inclusion, amend the policy on anti-social behaviour approved by Executive in 2002 in order to comply with Section 12 of the Anti-Social Behaviour Act 2003 and that the amended policy is brought to Executive in November 2004 for approval;
- (2) the Head of Housing & Social Inclusion, in agreement with the Head of Legal Services, be given delegated authority to: -
  - (i) institute injunction proceedings in respect of anti-social behaviour pursuant to section 13 of the Act;
  - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant to section 14 of the Act; and
  - (iii) institute proceedings in the County Court to obtain possession orders pursuant to section 16 of the Act;
- (3) the Chief Executive, in consultation with the Leader of the Council, be given authority to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Act;
- (4) the Head of Environmental Health Services be given authority to deal with the provisions and enforce compliance with Sections 40 - 42 of the Act;
- (5) the Head of Environmental Health Services be given authority to deal with and enforce compliance with the provisions of Sections 43 to 45 and 47 of the Act, 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 Head of Planning Services;

- (6) the Head of Planning Services be given authority to deal with and enforce compliance with the provisions of Section 43 that relate to offences under sub-section 44(f) of the Act;
- (7) the Head of Planning Services, in conjunction with the Engineering and Construction Manager, be given authority to deal with the provisions of and enforce compliance with sections 48 to 52 of the Act, if and when these powers are available to the Council;
- (8) the Head of Environmental Health Services be given authority, where appropriate in consultation with the Head of Legal Services, to deal with the provisions of and enforce compliance with sections 55 and 56 of the Act; and
- (9) the Head of Planning Services be given authority, where appropriate in consultation with the Head of Legal Services, to deal with the provisions of and enforce compliance with sections 65 to 84 of the Act.

#### **Representation at Magistrates Courts** (Min 113)

In accordance with Section 223 of the Local Government Act 1972, authorisation was sought to allow named officers to represent the Council at the Magistrates Court in Council Tax and Rating cases.

Executive authorised the following officers to represent the Council at the Magistrates Court in Council Tax and Rating cases:-

Kevin Hughes (Revenues Collection Manager)  
Guy Burnley (Senior Recovery Officer)  
Tracy Lindsell (Court Officer).

#### **Amendment to Constitution – Joint Highways Committee – Residual Powers** (Min 114)

Devon County Council Procedures Committee on 26 April 2004 approved the establishment, constitution and terms of reference of the Exeter Highways and Traffic Orders Committee.

The new Committee has assumed the powers formerly vested in the Joint Highways Committee with the exception of the following which are powers the City Council had delegated to the Joint Committee:

“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”

Executive recommended that the delegation of these functions to the Director Economy and Development and consequential amendments to the Constitution be approved.

#### **Appointment of Representatives to serve on Outside Bodies** (Min 115)

The following appointments were approved:-

<b><u>BODY</u></b>	<b><u>TERM OF OFFICE</u></b>	<b><u>APPOINTMENT</u></b>
Exeter 12-19 Cluster Local Planning and Implementation Group - Children Services (replacing the Exeter Youth Work Advisory Group)	From 14.09.04	Cllr H.A.Slack
Exeter Phoenix Arts Centre	From 14.09.04	Cllr P.J. Shepherd
Phoenix Club and Heavitree Youth Work Advisory Committee	4	Mrs Iris Newby

**School Governing Bodies**

Countess Wear Combined School	4	Cllr Newby
St. Sidwell's Church of England Combined School	One school term	Ms M Young

Executive recommended that the following appointments be made by Council:-

<b><u>BODY</u></b>	<b><u>TERM OF OFFICE</u></b>	<b><u>CURRENT APPOINTMENT EXPIRES</u></b>	<b><u>CURRENT REP(S).</u></b>
Alphington United Charities	4	20.06.2006	Cllr Browning Mrs M. Jordan Alderman Long (resigned) Cllr Wadham
Exeter Municipal Charities (General List)	4	20.10.2004	Ald Clark
	4	20.10.2004	Cllr Edwards - (resigned)
	4	15.10.2004	Ald Rowe OBE
	4	17.10.2007	Cllr Winterbottom appointed to replace Ald. Mrs Bess (resigned)

**School Governing Bodies**

John Stocker Middle School	4	13.11.2004	Mr M. Watson
Ladysmith First School	4	12.11.2004	Mrs J. Walker

St. Michael's Church of England Middle School	4	13.11.2004	Cllr Bennett
Stoke Hill First School	4	12.07.2008	Vacant

(The meeting commenced at 5.30 p.m. and closed at 7.35 p.m.)

**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.**