

Public Document Pack

Philip Bostock, Chief Executive

Bindu Arjoon, Assistant Chief Executive

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888 www.exeter.gov.uk

To the Chair and Members
of the Executive

Direct dial: 01392 265110

Fax: 01392 265265

email: rowena.whiter@exeter.gov.uk

Our ref:

Your ref:

A meeting of the **EXECUTIVE** will be held in the **CIVIC CENTRE, PARIS STREET, EXETER EX1 1JN** at **5.30 pm** on **TUESDAY, 27TH MARCH, 2007** to consider the following business. If you have an enquiry regarding any items on this agenda, please contact Rowena Whiter, Member Services Manager on **Exeter 265110**.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

AGENDA

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

1. DECLARATIONS OF INTEREST

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda.

2. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -
EXCLUSION OF PRESS AND PUBLIC

It is considered that the Committee would be unlikely to exclude the press and public during consideration of any of the items on the agenda but, if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I, Schedule 12A of the Act.

3. INTRODUCTION OF DE MINIMUS LEVEL FOR CAPITAL
EXPENDITURE

To consider the report of the Head of Treasury Services.

Scrutiny Committee – Resources considered the report at their meeting on 14 March 2007 and their comments will be reported.

(Report circulated)

4. **RISK MANAGEMENT**

To consider the report of the Director Corporate Services. 5 - 14

Scrutiny Committee – Resources considered the report at their meeting on 14 March 2007 and their comments will be reported.

(Report circulated)

5. **LAND CHARGES FEES**

To consider the report of the Head of Estates Services. 15 - 22

(Report circulated)

6. **SECURITY MEASURES FOR RIVERSIDE VALLEY PARK**

To consider the report of the Director Economy and Development and Director Community and Environment. 23 - 24

(Report circulated)

7. **DIRECT LETTINGS PILOT SCHEME (EXTRALET)**

To consider the report of the Head of Housing Services. 25 - 26

(Report circulated)

8. **NEIGHBOURHOOD ENGAGEMENT PILOTS**

To consider the report of the Assistant Chief Executive. 27 - 32

(Report circulated)

9. **LOCAL GOVERNMENT PENSION SCHEME**

To consider the report of the Director Corporate Services. 33 - 40

(Report circulated)

10. **EXPENDITURE ON THE COUNCIL'S SUBMISSION FOR UNITARY
EXETER**

To consider the report of the Chief Executive. 41 - 42

(Report circulated)

11. **FREEDOM OF THE CITY: THE RIFLES REGIMENT**

To consider the report of the Head of Corporate Customer Services. 43 - 44

(Report circulated)

12. **PROPOSAL TO ESTABLISH THE ROLE OF HONORARY RECORDER
FOR THE CITY OF EXETER**

To consider the report of the Chief Executive. 45 - 46

(Report circulated)

13. **LORD MAYORALTY**

To nominate the Lord Mayor Elect and the Deputy Lord Mayor Elect for the 2007/2008 Municipal Year.

DATE OF NEXT MEETING

The next scheduled meeting of the Executive will be held on **Tuesday, 19 June 2007** 5.30 pm. in the Civic Centre.

A statement of the executive decisions taken at this meeting will be produced and made available as soon as reasonably practicable after the meeting. It may be inspected on application to the Customer Service Centre at the Civic Centre or by direct request to the Member Services Manager on 01392 265110. Minutes of the meeting will also be published on the Council's web site as soon as possible.

*Membership -
Councillors R Slack (Chair), Dixon, D Baldwin, Edwards, Mrs Henson, Martin, Mrs Morrish, Shepherd and P A Smith*

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 Member Services Officer on (01392) 265115 for further information.

Individual reports on this agenda can be produced in large print on request to Member Services on 01392 265111.

EXETER CITY COUNCIL**SCRUTINY COMMITTEE – RESOURCES****14 MARCH 2007****EXECUTIVE****27 MARCH 2007****INTRODUCTION OF A DE MINIMIS LEVEL FOR CAPITAL EXPENDITURE****1. PURPOSE OF THE REPORT**

- 1.1 This report seeks Member approval to introduce a de minimis level for capital expenditure, whereby expenditure, which meets the definition of capital expenditure but falls below the de minimis level, will be accounted for as revenue expenditure.

2. BACKGROUND

- 2.1 The concept of de minimis allows authorities to set general limits for the value of assets, below which, it will not apply the requirements of capital accounting.
- 2.2 In accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice, local authorities are free to adopt their own de minimis level for capital expenditure on fixed assets, provided the amounts involved are not material to the fair presentation of the financial position and transactions of the authority and to an understanding of the annual accounts by a reader.
- 2.3 This means that authorities can adopt their own principles for the recognition and measurement of less substantial assets and save administrative expense.

3. REASONS FOR INTRODUCING A DE MINIMIS LEVEL FOR CAPITAL EXPENDITURE

- 3.1 At present, all expenditure that meets the definition of capital expenditure is capitalised and recognised in the balance sheet, measured and subject to annual capital charges.
- 3.2 *Protecting the Council's Capital Resources*
The introduction of a de minimis level will enable the Council to charge minor capital expenditure to service revenue accounts in the year that the expenditure is incurred, rather than being financed from the Council's fully committed capital resources.
- 3.3 *Asset Register*
The introduction of a de minimis level will allow single assets below the value threshold to be excluded from the Asset Register. This will help to ensure that the Asset Register provides a materially accurate record of the Council's fixed assets, but will not become too unwieldy with low value assets.

3.4 *Administration Time*

In accordance with the Statement of Recommended Practice, fixed assets recorded in the Asset Register are subject to annual capital charges. Administration time will be saved from no longer undertaking capital charge calculations in respect of single assets below the de minimis level.

3.5 *Audit Commission*

The Audit Commission expects the Council to consider harmonising de minimis levels for capital expenditure with those used for capital finance. Introducing a de minimis level for capital expenditure will help to clarify the Council's position (see paragraph 4.3 below).

3.6 *Other Local Authorities*

The introduction of a de minimis level will bring the Council's accounting treatment of new fixed assets in line with other local authorities, including many neighboring Devon authorities.

4. PROPOSED DE MINIMIS LEVEL

4.1 It is proposed that a de minimis level of £10,000 is introduced with effect from 1 April 2007 for capital expenditure.

4.2 In accounting for new acquisitions, the de minimis value has been chosen at a level, which is considered sufficiently low to ensure that no asset or group of assets that would be material to the Balance Sheet is excluded from fixed asset balances.

4.3 Setting the de minimis value for capital expenditure at this level will also bring it into line with the de minimis level for capital receipts (income predominantly arising from the disposal of fixed assets), which is prescribed by legislation.

In accordance with Regulation 10 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 individual capital receipts below £10,000 are accounted for as revenue income.

5. GROUPS OF SMALLER ASSETS

5.1 The Asset Register usually records larger items of fixed assets individually, however it will remain possible to group bulk purchases of smaller items (those that individually would fall below the de minimis level) for the purposes of submitting capital bids, updating the register and revaluations.

5.2 Groups of smaller capital items may include, for example; garages, office equipment, wheeled bins, recycling boxes, vehicles, plant and street furniture etc.

6. REVISIONS TO THE 2007/08 CAPITAL PROGRAMME

6.1 The introduction of a de minimis level for capital expenditure will result in the following schemes in the 2007/08 Capital Programme being transferred to the service revenue accounts, either directly or indirectly via the AIM Programme.

- 6.2 The additional cost to revenue will be matched by a compensating saving in the Council's capital resources.

Capital Scheme	£	Revenue Cost Centre
Communication Technology Pilots	5,000	U14 Press and Public Relations
Upgrade Back-up Systems	7,500	T49 IT Services
Okehampton Street Car Park Lighting	8,000	AIM Programme
CCTV at Matford Centre	6,000	M15 Livestock Centre
Provide Canal Bridge Barriers	8,000	AIM Programme
Replacement of Pay and Display Cash Boxes	8,000	M25 Car Parks
Resurface Matthews Hall Car Park	6,000	AIM Programme
Total Transferred to Revenue	48,500	

7. RECOMMENDED

- 7.1 It is recommended that the Council's Financial Regulations are amended under Section 4, Control of Expenditure and Income, to adopt a de minimis level of £10,000 for capital expenditure.
- 7.2 It is recommended that Scrutiny Committee supports and Executive approve supplementary budgets of £48,500 for the 2007/08 AIM Programme and Revenue Estimates to provide for capital schemes below £10,000.

HEAD OF TREASURY SERVICES

CORPORATE SERVICES DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

1. None

This page is intentionally left blank

EXETER CITY COUNCIL**SCRUTINY COMMITTEE - RESOURCES****14 MARCH 2007****EXECUTIVE****27 MARCH 2007****RISK MANAGEMENT****1. PURPOSE OF THE REPORT**

- 1.1 To advise the Committee of the Council's risk management progress during 2006/07 and seeks its support to submit the annual corporate risk register to the Executive for approval

2. BACKGROUND

- 2.1 In accordance with the revised Risk Management Policy, approved on 21 June 2006, this Committee is responsible for:
- considering the corporate risk register (CRR) and recommending its approval to the Executive
 - monitoring the effectiveness of risk management throughout the Council and the progress made against the CRR target for actions dates

3. RISK REGISTER

- 3.1 The Risk Management Group and the relevant officers have reviewed the risks entered in the register and, based upon actions implemented and actual experience, have reviewed the Impact and Likelihood scores. This exercise has not resulted in any changes to the 'High' and 'Medium' risk ratings since the last report to this Committee on 22 November 2006

4. RISK MANAGEMENT PROGRESS

- 4.1 The Risk Management Policy and Procedures have been revised, and have been published on the Council's Internet site with copies of the documents used in the risk assessment process
- 4.2 The risk register now shows, in addition to the possible *risks and threats*, the possible *benefits and opportunities* should the hazards occur, so that the positive affects may be set against the negative affects when assessing likely 'impact'
- 4.3 The new Performance Indicator (PI) software includes a risk management module. As part of the PI roll-out, assistance will be given to Heads of Service to enable them to establish risk registers for their Units as a means of further embedding risk management throughout the Council

5. RECOMMENDATIONS

That the Scrutiny Committee – Resources:

- 5.1 notes the risk management update for 2006/07
- 5.2 approves submission of the annual corporate risk register to the Executive

DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

None

RiskManagementUpdate2006-07SR140307

17 February 2007

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences		H/M/L				
3. SOCIAL						
1. Social Housing – Homelessness a) Risks and threats: <ul style="list-style-type: none"> • Failure to sustain Government’s target of no family to be put in B&B except in emergency • Failure to meet Govt’s target to reduce temp. accomod. by 50% & homeless by 25% by 2010 Consequences: <ul style="list-style-type: none"> • Government sanctions - reduce homelessness grant - take over service • legal action against Council by persons in B&B b) Benefits and opportunities: <ul style="list-style-type: none"> • Reduce cases by prevention advice and assistance • Increased quality of temporary accommodation • Reduced B&B costs 		M	<p>↑</p> <p>In place:</p> <ul style="list-style-type: none"> • Homelessness Strategy/ Prevention Action Plan to reduce homeless • Fast-track Housing Benefits claims • Work with private sector landlords • Increase new affordable housing • Closer working with neighbouring local authorities • Debt outreach work for potentially homeless families, rent deposit schemes <p>Actions needed:</p> <ul style="list-style-type: none"> • Continue to meet Gov’t B&B targets • Ensure supply of temp accomod. • Pursue new development opportunities on HRA 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing 	Strategic Housing Manager	7a
4. TECHNOLOGICAL						
1. IT Security a) Risks and threats: <ul style="list-style-type: none"> • Unauthorised access to sensitive information Consequences: <ul style="list-style-type: none"> • loss of Council’s credibility and reputation • disruption/closure of services b) Benefits and opportunities: <ul style="list-style-type: none"> • Ensure essential services provided 		M	<p>↑</p> <p>In place:</p> <ul style="list-style-type: none"> • Work on BS7799 compliance • Quality Analyst in place • Firewall and virus protection <p>Actions needed:</p> <ul style="list-style-type: none"> • Achieve BS7799 compliance • Ensure quality systems and procedures in place 	<ul style="list-style-type: none"> • Ongoing • Ongoing 	Head of IT Services & Head of Audit	3a
2. IT Hardware & Software a) Risks & threats: <ul style="list-style-type: none"> • Security breach and virus attacks • Physical damage • Systems failure of hardware and software Consequences:		M	<p>↑</p> <p>In place:</p> <ul style="list-style-type: none"> • Disaster Recover System • Uninterruptible power supplies • Support contracts in place and tested • Backup and recovery systems • Secure server room 		Head of IT Services & Head of Audit	3a

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences	H/M/L	Change				
<ul style="list-style-type: none"> inability to provide IT and critical services damage to reputation b) Benefits and opportunities: Ensure availability of services to the public 			<p>Actions needed:</p> <ul style="list-style-type: none"> BS7799 standards adoption Penetration and vulnerability testing Revenue bid telephone system DR 	<ul style="list-style-type: none"> Ongoing Ongoing 2007 		
5. LEGISLATIVE/REGULARITY & LEGAL						
<p>1. Health & Safety Note: a number of issues arise under this heading and a separate H&S register is proposed at a more detailed level</p> <p>2. Money Laundering</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Failure to comply with legislation <p>Consequences:</p> <ul style="list-style-type: none"> finances or imprisonment <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Crime prevention and reduction within the City <p>3. Legislation</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Failure to comply with new/existing legislation <p>Consequences:</p> <ul style="list-style-type: none"> judicial review damage to reputation damages or fines <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Council complies with legislation and correctly carries out its legal duties <p>4. Asbestos Materials</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Contamination of the environment Effect on individuals' health <p>Consequences:</p> <ul style="list-style-type: none"> death through asbestosis 	M	↑			Appropriate Heads of Services	11e
	M	↑	<p>In place:</p> <ul style="list-style-type: none"> Money Laundering Reporting Officer (MLRO) and deputy appointed <p>Actions needed:</p> <ul style="list-style-type: none"> Guidance awaited regarding applicability to local authorities 	<ul style="list-style-type: none"> 2007 	Head of Treasury Services & Head of Audit	11b
	M	↑	<p>In place:</p> <ul style="list-style-type: none"> Legal's intranet site Local gov't law updates e.g. internet Legal advice to Members/colleagues CPD/training courses <p>Actions needed:</p> <ul style="list-style-type: none"> Include updates in Team Briefs Ensure information is disseminated 	<ul style="list-style-type: none"> Ongoing Ongoing 	All Heads of Service	11c
	M	↑	<p>In place:</p> <ul style="list-style-type: none"> Asbestos register maintained Contractors supervised Financial bids to remove materials Specialist surveyors updating register Asbestos management plans 		All facilities managers Head of Contracts & Direct Svcs	11e

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences	H/M/L	Change				
<ul style="list-style-type: none"> prosecution of staff civil damages sought b) Benefits and opportunities: <ul style="list-style-type: none"> Actions reaffirm the Council's commitment to protect staff, residents and users Avoidance of possible asbestosis claims 			<ul style="list-style-type: none"> Asbestos manager appointed Jan 07 Actions needed: <ul style="list-style-type: none"> Staff to be reminded of inherent risks Policy to be finalised/implemented Additional funding identified to manage asbestos in Council properties 	<ul style="list-style-type: none"> Ongoing Sep 06 Ongoing 	Head of Policy	
<p>5. Data Protection</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Failure to comply with Data Protection Act <p>Consequences:</p> <ul style="list-style-type: none"> enforcement notice and commissioners' review adverse publicity fines of up to £5K per offence <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Personal data is secure and treated with respect 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> Data Protection Officer and policy DP guidance manual and rough guide Notifications to Commissioner Awareness sessions/DP Reps Group Internet/intranet information <p>Actions needed:</p> <ul style="list-style-type: none"> Regularly monitor and review through the DP/FOI reps group 	<ul style="list-style-type: none"> Ongoing 		11f
<p>6. Taxi De-restriction</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Decision to retain restriction policy may be challenged in court <p>Consequences:</p> <ul style="list-style-type: none"> legal action and costs incurred <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Policy should benefit the consumer 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> Committee reports and briefings Unmet demand survey commissioned Policy reviewed Report to GOSW Conclusions published <p>Actions needed:</p> <ul style="list-style-type: none"> Monitor the position 	<ul style="list-style-type: none"> Ongoing 	Prin. Env. Health Officer – Commercial	10
6. ENVIRONMENTAL						
<p>1. Air Quality Management</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Exceed air quality standard for nitrogen dioxide <p>Consequences:</p> <ul style="list-style-type: none"> poor air quality penalties imposed by central government adverse publicity 	H	↑	<p>In place:</p> <ul style="list-style-type: none"> Declared 5 air quality management areas Annual review of air quality Oct 06 <p>Actions needed:</p> <ul style="list-style-type: none"> DCC to develop air quality action draft plan to reduce nitrogen dioxide 	<ul style="list-style-type: none"> Aug 08 	Prin. Env. Health Officer – Environmental Strat & Monitoring	7b

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences	H/M/L	Change				
<p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Reduces health risks <p>2. Materials Reclamation Facility</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Potential risk of fire <p>Consequences:</p> <ul style="list-style-type: none"> fire would destroy building cost £6-8 million need to transport recycled waste to other plants <p>Benefits:</p> <ul style="list-style-type: none"> Enables recycling targets to be met 	H	↑	<p>levels in the City caused by traffic</p> <p>In place:</p> <ul style="list-style-type: none"> Good housekeeping procedures Machinery regularly maintained Dust control and fire doors Fire alarm linked to 24/7 control centre to inform emergency services <p>Actions needed:</p> <ul style="list-style-type: none"> Install sprinkler system 	<ul style="list-style-type: none"> Aug 07 	Head of Environmental Health	7d
<p>3. Recycling Targets</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Not meeting statutory and local recycling targets 2006-2011 <p>Consequences:</p> <ul style="list-style-type: none"> Government financial penalties incurred lose credibility as sustainability champion poor external inspection rating <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Increasing recycling reduces landfill waste Reaffirms Council's environmental commitments 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> Green waste composting scheme 'Roll-out' from home recycling Eliminated side and garden waste bin Promoted home composting Strong recycling campaign New recycling plan 2006 – 2010 <p>Actions needed:</p> <ul style="list-style-type: none"> Increase recycling rate by 2% by encouraging quantity/quality Implement recycling plan 2006/7 Increase recycling rate to 33% 	<ul style="list-style-type: none"> 2006/07 Mar 07 Apr 08 	Head of Environmental Health	7d
<p>4. Contaminated Land</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Unidentified pollutants <p>Consequences:</p> <ul style="list-style-type: none"> injury to persons or health claims against the Council <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Enables hazards to be mitigated 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> Contaminated land survey Site specific reports Some remedial works undertaken <p>Actions needed:</p> <ul style="list-style-type: none"> Programme of remediation 	<ul style="list-style-type: none"> Ongoing 	Head of Environmental Health	7b

7. MANAGERIAL/PROFESSIONAL						
-----------------------------------	--	--	--	--	--	--

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences		H/M/L				
1. Staff Sickness a) Risks & threats: <ul style="list-style-type: none"> High or increasing levels of sickness Consequences: <ul style="list-style-type: none"> essential services not delivered adverse effect on service delivery costs of providing cover b) Benefits and opportunities: <ul style="list-style-type: none"> Enables efficient service delivery Increased BVPI targets Healthier working environment Increase in non-cashable efficiency savings 		M	<p>↑</p> <p>In place:</p> <ul style="list-style-type: none"> Case management and training Improved statistical information Policies/procedures Improved relationship with Occupational Health <p>Actions needed:</p> <ul style="list-style-type: none"> Continue management of sickness Training and development Continued detailed monitoring Encourage healthy lifestyles 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing Ongoing 	Head of Human Resources & Payroll Services Officer	11a
2. Recruitment and Retention of Staff a) Risks & threats: <ul style="list-style-type: none"> Failure to recruit and retain qualified staff Consequences: <ul style="list-style-type: none"> essential services not delivered affects on service delivery/strategic objectives increased sickness/ pressure b) Benefits and opportunities: <ul style="list-style-type: none"> Attract and retain key staff Reduced advertising spend Increase in skilled and committed workforce 		M	<p>↑</p> <p>In place:</p> <ul style="list-style-type: none"> Increased recruitment sources On-line application forms Modern apprenticeships Exit interviews Workforce planning profile HR employment strategy framework <p>Actions needed:</p> <ul style="list-style-type: none"> Introduce career grade scheme Develop marketing plan to address recruitment shortages and equal access 	<ul style="list-style-type: none"> 2007 2007 	Head of Human Resources	11b
8. FINANCIAL 1. RAMM development a) Risks & threats: <ul style="list-style-type: none"> Project does not meet project timetable leading to overspend, withhold of funds from HLF Reputational damage leading to loss of status Museum collection lost or damaged External problem prevent progress on project, 		M	<p>↑</p> <p>In place:</p> <ul style="list-style-type: none"> Full funding now achieved from HLF including additional £0.5m High reputation design team engaged Removal of consultants who failed to perform to the standards required Continuous appraisal of estimated 		Head of Leisure & Museums	4a

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences	H/M/L	Change				
<p>putting budget and the timetable at risk</p> <ul style="list-style-type: none"> • Poor estimating of costs leading to unaffordable tender returns and further trimming of the project <p>Consequences:</p> <ul style="list-style-type: none"> • increased costs and service disruption • status affected that ability to obtain further funding opportunities is reduced <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> • Enhancement of museum and collections to 21st cent. standards meeting residents and visitors needs 			<p>costs vs budget is undertaken by QS</p> <ul style="list-style-type: none"> • Budget consolidated at Stage E, prior to tender process • Additional external funding applied for <p>Actions needed:</p> <ul style="list-style-type: none"> • Risk management is a permanent item on the monthly project meeting, and regularly revisited • Monitor timetable and costs of preliminary store 	<ul style="list-style-type: none"> • Ongoing • Ongoing 		
<p>2. Housing Benefits Subsidy</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> • High level of 'local authority errors' • Subsidy calculated incorrectly • Subsidy level not achieved (e.g. homelessness) <p>Consequences:</p> <ul style="list-style-type: none"> • subsidy not maximised • Government error threshold exceeded • subsidy reduced by Audit Commission <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> • Maximised subsidy has positive revenue impact 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> • Currently below error threshold • Internal Audit undertakes considerable testing <p>Actions needed:</p> <ul style="list-style-type: none"> • Monitor level of subsidy regularly • Staff training and development 	<ul style="list-style-type: none"> • ¼ ly • Ongoing 	Head of Treasury Services	11b
<p>3. Insurance</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> • Failure to control/manage insurance matters <p>Consequence:</p> <ul style="list-style-type: none"> • increase in claims and increase in premiums • the Council becomes liable for claims <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> • Reduction in insurance costs 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> • Implemented QLAS for provision of more management information • Insurance audits by Insurer • Provision of training and monthly management information reports <p>Actions needed:</p> <ul style="list-style-type: none"> • Further training where identified 	<ul style="list-style-type: none"> • Ongoing 	Head of Treasury Services	11b

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences	H/M/L	Change				
<p>4. Investment Returns</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> • Lower returns due to lower interest rates • Adverse external economic factors <p>Consequences:</p> <ul style="list-style-type: none"> • budget shortfall due to lower investment returns <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> • Exceeding targets has positive budget impact 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> • Use of external fund managers • Increased internal short term <p>Actions needed:</p> <ul style="list-style-type: none"> • Review performance of fund managers • Ongoing 		Head of Treasury Services	11d
<p>5. Superannuation (Pension) Fund</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> • Underperformance of the pension fund <p>Consequence:</p> <ul style="list-style-type: none"> • increased contributions causing revenue burden <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> • Creation of reserve ensures other balances and reserves not used earmarked for other purposes 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> • Use of external fund managers • Special pension reserve created to help offset increased revenue contributions to pension fund <p>Actions needed:</p> <ul style="list-style-type: none"> • Review performance of fund managers • Ongoing 		Head of Treasury Services	11d
<p>6. Capital Programme</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> • Capital programme is significantly underspent • Failure to deliver capital projects on time <p>Consequences:</p> <ul style="list-style-type: none"> • impact on CPA use of resources • adverse comment in audit management letter • adverse media comment <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> • Reduced spend means more investment interest 	M	↑	<p>In place:</p> <ul style="list-style-type: none"> • Managers required to accurately profile capital projects • Prioritisation of schemes established <p>Actions needed:</p> <ul style="list-style-type: none"> • Capital Programme to be revised after 6 months • Consider additional resources to help deliver capital programme • Project management awareness • Ongoing • Ongoing • Ongoing 		Head of Treasury Services	11b
9. PHYSICAL						
<p>1. Civic Centre Power</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> • Loss of power <p>Consequences:</p>	M	↑	<p>In place:</p> <ul style="list-style-type: none"> • Disaster Recovery system in place • Uninterruptible Power Supply • Business Continuity Plan 		Head of Corporate Customer Services	3a

CORPORATE RISK REGISTER		Residual Risk Priority	Examples of what has been and what needs to be done to control risks	Target date(s)	Responsible officer	Strategic objective
Description of hazards and their consequences		H/M/L				

<ul style="list-style-type: none"> communications/computer systems/lighting loss essential services not delivered inability to provide general services <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Essential services speedily recovered 			<ul style="list-style-type: none"> Prioritisation of schemes established <p>Actions needed:</p> <ul style="list-style-type: none"> Consider use of emergency generator to provide back-up power to IT Services and Customer Service Centre 	<ul style="list-style-type: none"> 2007/08 		
---	--	--	---	---	--	--

12. CUSTOMER/CITIZEN						
<p>1. Telephone Switch</p> <p>a) Risks & threats:</p> <ul style="list-style-type: none"> Failure of telephone switch due to fire, flood, etc. <p>Consequences:</p> <ul style="list-style-type: none"> essential services not delivered no telephone service throughout the Council <p>b) Benefits and opportunities:</p> <ul style="list-style-type: none"> Ensures business continuity and customers can contact the Council 	M	↑	<ul style="list-style-type: none"> Secure and fund a disaster recovery contract with current Telco supplier (Siemens) 	<ul style="list-style-type: none"> 2006 	IT Customer Svs Manager	11a

Key:	
↑	Increased risk priority from last half-year
⇨	Same risk priority as last half-year
⇩	Reduced priority from last half-year

EXETER CITY COUNCIL**EXECUTIVE
27 MARCH 2007****LAND CHARGES FEES****1.0 PURPOSE OF REPORT**

- 1.1 To propose revised Land Charges fees from 1 April 2007 to reflect current Government guidance.

2.0 BACKGROUND

- 2.1 The Land Charges service has two distinct functions. Firstly, it is responsible for keeping a register of local land charges and dealing with either personal or official searches of that register. The charges entered on the register are essentially restrictions or prohibitions on a particular parcel of land, either to secure the payment of a sum of money, or to limit the use to which it may be put. They are generally restrictions imposed by public bodies. Examples include planning obligations imposed under Section 106 agreements and conditions imposed in any Planning Permission.
- 2.2 Secondly, the Land Charges service compiles other property information held by the Council and required by buyers during the course of a property transaction. This information is provided by way of a non-statutory form developed by the LGA and the Law Society covering information held by Councils that is not included on the Local Charges Register. The form is known as a CON 29. The Land Charges Service collates this information from Planning, Building Control, Environmental Health and the County Council. It includes such matters as planning designations, traffic schemes and various Enforcement Notices.
- 2.3 Fees for searches of the Land Charges Register are governed by the Land Charges Act of 1975. This Act gave the Lord Chancellor power to prescribe fees for these services and this has been the basis of the charging regime until now. Amendments to the Act now require registering authorities to specify and publicise their own fees for local land charges except for personal searches of the register. The Act specifies that in setting fees registering authorities must secure that, taking one financial year with another, the income does not exceed the cost of providing the service. Detailed guidance on the setting of these fees was issued by the Department of Constitutional Affairs on 31 January 2007. The personal search fee is still to be set for the time being by the Lord Chancellor and remains at £11.00.
- 2.4 The charging regime for CON 29 replies is governed by the Local Authorities (Charges for Land Searches) Regulations 1994. These Regulations provide for the charge to be set at the local authority's discretion but having regard to costs. In practice, the charge for a CON 29 varies widely across the country, with some authorities limiting their

charge to a cost basis and others clearly making a surplus. Revenue generated by Exeter City Council for these CON 29 enquiries certainly exceeds the costs of providing them, and this has, until now, generated a healthy positive cash flow for the Council.

- 2.5 A study of the property search market was recently carried out by the Office of Fair Trading and the resultant report issued in September 2005. The study identified concerns about the availability of some property information, about competition concerns in the retailing of property searches and the level of consumer awareness about searches. The OFT study made a number of recommendations including changes to how much property information local authorities make available, and suggesting clearer guidance on how they should charge for it. The Government responded to the study through the DTI in December 2005 and largely endorsed it.
- 2.6 The OFT study and the DTI response are set in the context of the proposed introduction of Home Information Packs (HIPS) in June 2007. Anyone putting a residential property on the market after that date will need to have produced a HIP. A key element of the HIP will be property search information. The HIP providers will in many instances be using personal search companies to compile these searches for them. It will be a requirement of the HIP that the level of detail contained in the search covers both the information on the Land Charges Register and that contained in the main part of the CON 29 form. As such, if a HIP provider is to satisfy these requirements in preparing the HIP, they will need access to a wide source of property information. This can be obtained either through the normal CON 29 and official search route or by way of a personal search of the Land Charges Register and individual enquiries to Planning, Building Control, Environmental Health and the County Council.
- 2.7 In the context of these HIP requirements, the OFT study and the Government's response conclude that local authorities should make available all unrefined information that they hold, that is necessary to compile a property search for inclusion in a HIP, to all those that ask for it. A further recommendation of the study, endorsed by the DTI, is that local authorities make their unrefined property information available to third parties on terms that do not advantage their own compiling activities. The DTI has made it clear that it favours allowing local authorities to set their own charges for access to this raw data, where such data is not already required to be available free of charge. The intention is that such charges should relate to costs incurred, although the long expected guidance from CLG and CIPFA on how such charges should be made, and how such information should be made available, has been deferred until later this year.
- 2.8 In terms of the service offered by the Land Charges team in compiling this raw data, and providing it as an overall package to the search market, the OFT study and Government response make it clear that Councils should not be recovering more than their costs in providing this information. Although detailed guidance on how the overall question of cost recovery

should be approached has been delayed, there is sufficient information available from the various Government departments involved in the process to suggest that local authorities should be reducing their CON 29 fees to a cost recovery basis. Indeed, the DTI have suggested that the original 1994 Regulations on charging for CON 29 information were meant to have this effect, but that the wide spectrum of charges made across the country shows that although this is the case for some authorities, it is clearly not for others. The Local Land Charges Institute (the professional body for Land Charges officers) endorses this view.

3.0 THE COST RECOVERY APPROACH

- 3.1 The overall costs of running the Land Charges service have been analysed and split between the key service areas. Principally, this split is between official searches of the Land Charges Register, personal searches of the register and responses to CON 29 forms. The exercise has been carried out in the context of the guidance referred to above issued by the DCA on Land Charge Services related to the official register. The Local Land Charges Institute has suggested to its members in the absence of further guidance from CLG on the setting of CON 29 fees and fees for access to raw data, that authorities use the DCA guidance as a basis for arriving at the charges to be imposed for CON 29 fees also.
- 3.2 Of the services for which fees were previously prescribed by the Lord Chancellor, the principal activities are the provision of personal searches, where the fee is to remain at the statutory level of £11.00, and official searches of the register known as the LLC1 charge. The cost analysis indicates that the charges that need to be made to recover costs for the LLC1 search should rise. It is also clear that income generated in providing personal searches does not cover the costs incurred. Table A, attached to this report, shows the previous statutory fees for prescribed Local Land Charge Services and those now proposed to recover costs. A number of these particular services are rarely encountered, for instance those relating to Light Obstruction Notices. For these services the proposal is to adopt the level of fee previously set by the Lord Chancellor, as these prescribed fees were intended to represent the average national cost in providing these services. The costs proposed for the official search (the LLC1) indicate a differential between searches made electronically and by other means (i.e. by post), as electronic searches incur less costs.
- 3.3 In contrast, the fee for the CON 29 replies will decrease significantly as until now this service has generated a significant surplus. Table B attached shows the existing and proposed charges for both electronic and postal CON 29 searches. It also refers to the costs of searches on additional parcels, and for additional and optional questions.
- 3.4 The combined cost of a full search (i.e. an official search of the Land Charges Register plus a CON 29) would therefore be £69 for a postal search and £60 for an electronic search. The current fee is £135 for a postal search and £133 for an electronic search.

- 3.5 Those parties providing Home Information Packs from June 2007 will have a choice as to whether to commission a full search from the Land Charges team or carry out personal searches of the land charges register and their own enquiries of other Council departments. Current analysis of the expected typical charge for the packs suggest that HIP providers will be allowing approximately £80.00 to cover the search element. On the basis of the revised fee for the full search it is quite likely that HIP providers will continue to use the service. If the fee remained at the existing level it is extremely likely that HIP providers would use the personal search route so severely diminishing the Council's CON 29 income in any case. The resultant increase in personal searches would generate a significant increase in work for this type of search but only on the basis of the statutory fixed fee of £11.00 per search, thus increasing the gap between total cost in providing this personal search service and the income associated with it. CLG have indicated that they now intend to work with the DCA to explore deregulation of this personal search fee.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The aim of the cost based exercise described above is that the amount of fees recovered during the 2007/08 financial year covers the costs of providing the Land Charges service. The exception is for the personal search service, where a small loss will be incurred. The DCA guideline does not allow for this loss to be subsidised by other Land Charges services. However, until the effect of the introduction of Home Information Packs is clear, and the pattern of usage of various Land Charges Services settles down, it is difficult to assess which elements of the Land Charge service will be most used.
- 4.2 As the regulations emerge on access to and charging for raw information, the overall costs of providing searches may change, and the fees set out above will need to be reviewed in the light of these changes for subsequent financial years.
- 4.3 The impact of these changes and the expectation of a break-even position for Land Charges Services has been reflected in the revenue estimates for 2007/08 as approved by Executive. The revenue estimates indicate a net cost of circa £5,000 for the year (due to the shortfall in recovery for personal searches) compared to the original estimate for 2006/2007 of a surplus of £189,000.

5.0 CONCLUSION

- 5.1 The Land Charges regime is in a state of flux. The clear message from Government is that fee levels should, where viable, relate to costs incurred in providing services. The proposed changes to current fee levels reflect this overall position and, most importantly, create a fee level for the full search service that is likely to be attractive to HIP providers under the new regime.

5.2 By adopting a cost base approach to CON 29 provision now, the Council's position will be on all fours with current guidance and enable the Land Charges service to compete effectively in the wider property search market.

6.0 RECOMMENDATION

6.1 It is recommended that the fees outlined in Tables A and B be agreed for the 2007/08 financial year.

**DAVID PROSSER
HEAD OF ESTATES
ECONOMY & DEVELOPMENT DIRECTORATE**

7 March 2007

TABLE B

ITEM	EXISTING FEE £	PROPOSED FEE £
1. CON 29 submitted by electronic means	129.00	47.00
2. CON 29 submitted by other means	129.00	54.00
3. Additional question (optional enquiries Part II) Additional enquiry Extra parcel	10.00 15.00 12.00	2.00 2.00 2.00

This page is intentionally left blank

EXETER CITY COUNCIL**EXECUTIVE
27 MARCH 2007****SECURITY MEASURES FOR RIVERSIDE VALLEY PARK****1 PURPOSE OF REPORT**

- 1.1 This report proposes additional expenditure on security measures so that access to the Valley Park by vehicles can be restricted.

2 INFORMATION

- 2.1 For some time parks and open spaces have been vulnerable to incursions. A series of measures have been taken to protect the most vulnerable locations but the entry to the Riverside Valley Park at Bridge Road remains problematic. A significant improvement to the steel gate barrier and lock was made two years ago but the access was broken into again last year with a significant number of unauthorised vehicles occupying the space and substantial amounts of debris left across the site when it was vacated.
- 2.2 In the light of this, we have reviewed possible further security measures. The solutions are not straightforward as there are two entries close together leading into a single entrance into the Valley Park. Furthermore, access for fire tenders must be available at all times and the dray to the Double Locks needs frequent use of this route. The proposals involve:
- narrowing down the access off Bridge Road nearest to the river to leave this only for use by pedestrians and cyclists. The obstructions will be removable by heavy plant to allow the EA access to the river.
 - narrowing down the vehicular access to three metres by a combination of mounding, fencing, ditches and concrete width restrictions.
 - installation of full width and half width road humps and depressions to make access very difficult for towed vehicles
 - installation of an additional steel barrier near Bridge Road.
 - provision of new locks
 - camera enhancements
- 2.3 There is no guarantee that this will be 100% reliable but the design is such that it will present a major set of physical obstacles, the crucial element being 3m width restrictions. With camera coverage and police support, it is believed that more effective enforcement against illegal entry and fly tipping should be possible.

3 FINANCIAL IMPLICATIONS

- 3.1 It is estimated that these works will cost in the region of £55,000 to £60,000 for which no funding is available. An amendment to the Capital Programme will be required and the work is necessary within the next few weeks.

4 RECOMMENDATION

- 4.1 It is recommended that:
- (i) the work as described above be carried out as soon as practicable;
 - (ii) the Capital Programme be amended accordingly;
 - (iii) the Director Economy and Development proceed to implement these works using urgency powers under Financial Regulation 20.

**JOHN RIGBY
DIRECTOR
ECONOMY AND DEVELOPMENT**

**HAZEL BALL
DIRECTOR
COMMUNITY AND ENVIRONMENT**

**Local Government (Access to information) Act 1985 (as amended)
Background Papers: None**

EXETER CITY COUNCIL**EXECUTIVE
27 MARCH 2007****DIRECT LETTINGS PILOT SCHEME (EXTRALET)****1. PURPOSE OF THE REPORT**

- 1.1 To inform Members of the progress of the ExtraLet (Direct Lettings) scheme and to propose the extension of the pilot scheme.

2. BACKGROUND

- 2.1 A report to the Executive on 6 June 2006 described the progress of the ExtraLet scheme. ExtraLet acts as a lettings agency liaising with private sector landlords to sign up their properties to the scheme and nominating tenants once the property is ready for letting. The agency provides an on-going management service that includes regular inspections and organising repairs.
- 2.2 To attract landlords to the scheme Extralets offer a range of incentives such as a rent deposit, annual gas safety checks, protected void payments and fast tracking housing benefit service. In return the landlord pays an 8% management fee. All tenants housed through the scheme had been threatened with homelessness prior to signing their tenancy.
- 2.3 The Executive agreed to support the development of a pilot scheme of up to 30 properties, with a ceiling of £20,000 to be spent on incentives and other implementation costs whilst the longer-term business plan was developed. Pump-priming funding came from the second-homes council tax allocated by Devon County Council to the scheme.
- 2.4 The scheme was launched in October 2006 and results have exceeded expectations. It has proved easier than hoped to attract landlords, such that it has not been necessary to market the scheme as intensively as expected. 20 properties will have been brought into the scheme by the end of March 2007 and more are in the pipeline. All the tenancies have gone to families who are within 28 days of becoming homeless. As anticipated, the scheme is making a significant contribution to the prevention of homelessness. The implementation costs have been contained well within the £20,000 set aside for the pilot.
- 2.5 Using Private Sector Renewal grant, the scheme is also helping with bringing private sector properties up to the Decent Homes standard, thereby meeting other government targets.

3. FORWARD PLAN

- 3.1 At the current rate of take-on, the ceiling for the pilot scheme will be reached by June 2007. Originally, it was proposed to produce an options appraisal, looking at different ways of delivering the scheme long-term in the Autumn of 2006. But it has become clear that the options appraisal will be highly sensitive to the business position. For example, if the scheme were capable of generating a slight surplus there would be grounds for running it as an arms-length operation to allow the surplus to be ploughed

back into homelessness prevention (legal advice indicates that the Council itself does not have the power to run the service at a profit). On the other hand, if it were to run at a slight loss, the scheme could still be continued with revenue support, and the arms-length option might be either unnecessary or even ruled out.

- 3.2 To arrive at a reasonably accurate picture of the likely costs of the scheme it will be necessary to evaluate the information arising from the pilot scheme. However it is considered that sufficient information will not be available before October 2007 when the scheme will have been in operation for a year. Thus the target date for the Options Appraisal and draft business plan is now late in 2007.
- 3.3 Strategically, it is hard at the moment to conceive of any scenario in which the scheme would be wound down given its benefits and the probable small or non-existent net cost. The most productive use of the gap funding available for 2007-08 is to run the scheme at full capacity, thereby maximising both the fee income and the benefits generated by the scheme. This would mean expanding the size of the pilot beyond the current ceiling of 30.
- 3.4 Rather than trying to set an arbitrary ceiling on the number of properties within the pilot, it is proposed that the pilot be expanded to take up the full capacity of the project officer responsible for it, with the workload being carefully monitored as the number of properties expands to ensure that the capacity is not exceeded.

4. FINANCIAL IMPACT

- 4.1 It is estimated that there is sufficient revenue from second homes council tax and fee income to continue to run the scheme for a further year. Any further revenue subsidy required would be small in the context of the overall homelessness budget and would constitute 'spend-to-save' as families allocated Extralets properties do not have to enter bed and breakfast accommodation or other forms of temporary accommodation.

5. RECOMMENDED:

- 1) that the Executive note the positive progress of and benefits associated with the ExtraLet Scheme and the revised timetable for producing the options appraisal report
- 2) that the ceiling on the number of properties brought into the ExtraLet scheme is removed and that; as an alternative, the pilot is restricted to the number of properties that can be managed within the capacity of the project officer
- 3) that the Head of Housing in consultation with the PFH for Housing and Social Inclusion, is authorised to allocate money to support the scheme provided it falls within the combined budgets for homelessness (including grant from central government) and the money previously allocated directly to the scheme.

HEAD OF HOUSING SERVICES

S:PA/LP/ Committee/307EXEC(2)01
16.3.07

COMMUNITY & ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report: None

EXETER CITY COUNCIL**EXECUTIVE****27 MARCH 2007****NEIGHBOURHOOD ENGAGEMENT PILOTS****1 PURPOSE OF REPORT**

- 1.1 This report seeks endorsement from Executive for the implementation of the Council's Neighbourhood Engagement pilots, commencing April 2007.

2 BACKGROUND

- 2.1.1 In early Autumn 2006, officers began to develop proposals for working with local community groups and partners to develop effective ways of engaging with our communities, recognising that the input from communities is vital to develop and deliver services that meet the needs of those communities. A description of this work appears at Appendix 1.
- 2.2 During the development of the proposals, it was recognised that as there was no 'one size fits all' solution to the issues relevant to successful community engagement. Officers therefore developed proposals for a pilot programme, targeted at specific areas of the city, in order to ascertain what was most appropriate for Exeter's communities. The aim of the pilot programme is to identify any points of learning and incorporate these into a roll out of the neighbourhood engagement programme across the city, from April 2009. A Member Advisory Panel described at 3 (ii) below has advised on the areas and specification for the pilots.
- 2.2.1 The Government's Strong and Prosperous Communities White Paper, published in October 2006, as well as previous government guidance on the clear benefits to local authorities of engaging with communities in their localities, reinforces the council's intended direction. Emphasis was given to developing effective mechanisms to involve communities in local decision-making, particularly where those decisions have a direct impact on the local area.
- 2.2.2 The Council's proposals for neighbourhood engagement are an integral part of its submission for Unitary Status. Feedback from the Department of Communities and Local Government and the LGIU on this work has been positive. It is anticipated that this work will continue regardless of the outcome of our submission, although the full benefits are best realised where one authority has the responsibility for all council services in the local area.

3. Involvement of Elected Members, the Communities of Exeter and Partners

- 3.1 At an event organised by the council and held in November 2006, members of local community groups identified the issues they faced in their neighbourhoods and the barriers they faced in trying to engage with wider groups of residents. Attendees indicated strongly that they felt that the council had a vital community leadership role to play in supporting local community groups to engage more widely with residents.
- 3.2 A cross party Member Advisory Panel has assisted in the development of the pilot programme. The Panel has met with ward members from the pilot areas to identify issues relevant to the successful implementation of the pilots.
- 3.3 Officers have worked with Exeter Community Initiatives (ECI) to develop our proposals for neighbourhood engagement in recognition of the key role of voluntary sector in successful community engagement and in particular in the capacity building work needed to support community engagement. Exeter Council of Voluntary Service has also been given the opportunity to comment on the Council's proposals.
- 3.4 Work has also been done with the Police Commander for Exeter to identify synergy between the police's neighbourhood policing agenda and the council's neighbourhood engagement programme. So far, the police have committed at least one Police Community Support Officer (PCSO) to each of the pilot areas, and have played an active role in supporting the Council's approach. Officers intend to continue to work with the police and other local partners, such as the Primary Care Trust, to identify synergies in our work to engage local communities.

4 THE PILOT PROGRAMME

- 4.1 It is proposed that 4 areas in the City are focussed on. The areas were proposed on the basis of testing differing conditions including; location, differing sizes, single wards and sub areas of wards and a combination of where there is existing community engagement and development work and areas where there is little experience of this.

The aims of the pilot are:

- a) To establish local partnerships in each of the identified areas;
- b) To involve local residents in the work of their local partnership and in the wider life of their neighbourhoods as a whole;
- c) To create effective engagement and involvement between the council and both local people and community groups;
- d) To develop the capacity for local community groups to identify and meet local needs, working in partnership with the council other partner organisations; and
- e) To evaluate learning from the Pilot programme in order to enable effective 'roll out' of Local Partnerships across the city, based on the learning gained from this pilot.

4.2 The areas for the pilots, are:

- Clyst Heath, around the area of the previous Digby hospital
- Exwick
- Newtown and Polsloe
- St David's

Monitoring Arrangements

4.3 The Council's Involvement and Inclusion Officer will be responsible for the day-to-day operation of the pilots, working with other relevant officers across the Council.

4.4 Progress on the pilots will be reported on a bi-monthly basis to a Steering Group, comprising, from the Council, a representative from the Members Advisory Panel, the Assistant Chief Executive and the Community Involvement and Inclusion Officer. Also represented on the Steering group will be: a Police Representative, Community Representative and the supplier of the capacity building programme.

4.5 Progress on the pilots will be reported bi-annually to Scrutiny Community. Further work is being done by officers to determine the link between the neighbourhood pilots and the work of the local strategic partnership.

5. RESOURCE IMPLICATIONS

5.1 A budget for £35,000 was approved by Council in order to fund capacity building for community groups, individual residents, ward councillors and officers. It is anticipated that although decision-making will be done by consensus within the local partnerships, elected members may initially hold the budget allocated to the partnership to ensure robust governance and avoid the need for formal structures to be developed by the partnership, which they initially may not have the capacity to do. Officers' views are that this expertise for delivering the capacity building support required for the pilots lies in the voluntary sector. A specification has therefore been developed for the capacity building programme and this has been issued to relevant local organisations. It is anticipated that a provider will have been appointed by May.

5.2 Grants Committee has agreed to release funds of £20,000 held in reserves to be used for the pilot areas. This will be allocated directly to the local partnerships on the basis of £5,000 per area to be spent as identified earlier in this report.

6 RECOMMENDED

- (1) That Executive endorses the implementation of the Neighbourhood Engagement Pilots.

ASSISTANT CHIEF EXECUTIVE

CHIEF EXECUTIVE'S DEPARTMENT

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

Background papers used in compiling this report: -

The Strong and Prosperous Communities Local Government White Paper, October 2006.
The Community Development Challenge - Communities and Local Government. December 2006.

Date 5 March 2007

APPENDIX 1

Neighbourhood Engagement

Based on the evaluation of the 18-month pilots, it is proposed that the council set up local partnerships, for residents, community groups and ward councillors to come together to identify areas of concern and agree action to address these.

Role of the Local Partnership

The initial remit of the local partnership will include:

1. Identifying community calls for action
2. Identifying areas for variance to service levels or small scale works where this does not affect other wards (or contradict minimum standards set by the council). Examples may include: street lighting, provision of seats, provision of litterbins etc.
3. Administering small grants to local community groups.

Once the partnerships have reached an appropriate stage of development, consideration will be given as to how local partnerships will be involved in decision-making for the following functions¹ as they relate to the local area:

- Open spaces, parks and play and recreation facilities
- Street services e.g. cleansing, residents parking, traffic calming and community safety
- Liveability agenda: clean, green and safe
- Community safety and policing²
- Youth services
- Planning briefs and guidance
- Housing management
- Extension of what the council already does in terms of community centres, to libraries

Funding

Each local partnership will be given a budget of at least £5,000 to carry out the responsibilities identified above. In addition, once capacity is developed, the partnership will be supported to seek opportunities for external funding for specific projects.

¹ Government Guidance indicates that these are the type of decisions that perceive as being appropriate to devolve to neighbourhood-level. This list is based on a unitary council structure.

² Dependent on agreement with the police

The role of the ward councillor will be to:

- Develop with local residents a vision for the local area and build support for that vision with other local area residents
- Encourage residents to engage and participate
- Participate in identifying issues for the local area and developing plans for these to be addressed
- Encourage the community to organise for themselves
- Broker agreements between different interests and partners
- To act initially as the accountable party for the budget allocated to the partnership, until such time that the partnership establishes a governance structure to become the accountable body
- To ensure that the partnership acts within its remit as identified in its terms of reference³
- Communicate residents' concerns to the council via Scrutiny committees
- Work with other providers to address local concerns. Providers will include police, health, voluntary sector agencies, businesses and education & training providers

Support for Local Partnerships

There will be two types of support provided:

1. Administrative and organisational support for the local partnership, provided by the council; and
2. Capacity building for community groups to develop into anchor organisations, for councillors and for other members of the partnership, in order to develop and maintain effective local partnerships. The way in which this capacity building is delivered will be considered further by the member panel.

Multi Agency Working

It is likely that local partnerships will raise issues affecting their areas that are outside of the council's responsibility. It is therefore intended that a proposal be put to the Local Strategic Partnership (LSP) to formally adopt a neighbourhood focus to improving local quality of life. There would be quarterly meetings of service providers in each area covered by a cluster of local partnership where issues can be raised and plans developed to address these. The LSP will receive an annual report on work done as well as the Council's relevant Scrutiny Committee.

³ To be developed

EXETER CITY COUNCIL**EXECUTIVE
27 MARCH 2007****LOCAL GOVERNMENT PENSION SCHEME****1. PURPOSE OF THE REPORT**

- 1.1 To (1) give further consideration to the discretions available under the Local Government Pension Scheme (Amended) Regulations 2006. (2) give further consideration to the discretions available under the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006

**2. LOCAL GOVERNMENT PENSION SCHEME (AMENDMENT)
REGULATIONS 2006 – CONSIDERATION OF FLEXIBLE
RETIREMENT REQUESTS.**

- 2.1 The Executive gave consideration to the options available under these Regulations at its meeting on the 4 July 2006 and decided:
- 2.1.1 not to use the discretion available to augment service unless there are exceptional business reasons for doing so with each case being treated on its merits.
 - 2.1.2 to defer consideration of the use of the discretion to allow employees to draw their benefits early, whilst still remaining in the employment of the Council, pending further clarification on the use of this discretion.
 - 2.1.3 to defer consideration of the use of the discretion to waive any actual reduction in benefits and therefore incur a cost, should the Council exercise the discretion in 2.1.2 above, pending further clarification on the use of the discretion.
- 2.2 These Regulations make provision for employees, aged between 50 – 65, to request consideration to receive their accrued pension benefits whilst continuing to work for the Council.
- 2.3 Any request must be subject to a reduction in the employee's contracted hours of work and/or grade in line with the regulations.
- 2.4 In considering applications for flexible retirement the following matters will need to be addressed:
- 2.4.1 Whether there is a cost to the Council in allowing the accrued benefits to be released. There may not be a cost in every case. Where there is a cost it can vary significantly depending on the employee's age, pensionable pay and service in the scheme.

- 2.4.2 The organisational issues in reducing the employee's hours of work and whether there is a suitable lower graded post available.
- 2.4.3 If the employee's accrued pension benefits are actuarially reduced, in accordance with the provisions of the Regulations, will the Council waive, in whole or in part, this reduction? Any such waiver will incur a cost to the Council which will vary between employees depending on their pensionable remuneration and service in the scheme.
- 2.5 Benefits paid as a result of the flexible retirement provisions are not subject to the normal abatement rules on re-employment during such time as the employee remains in the employment of this Council.
- 2.6 The Council therefore has the following options available to it:
 - 2.6.1 Not to approve any requests for flexible retirement.
 - 2.6.2 Only approve requests for flexible retirement where there is no cost to the Council.
 - 2.6.3 Consider each case for flexible retirement on its own merits taking into account any cost in releasing accrued benefits and/or costs in waiving any actuarial reduction.
- 2.7 Agreeing to requests for flexible retirement may assist in retaining employees who might otherwise leave the employment of the Council whilst at the same time would also assist in allowing employees to phase in their retirement.
- 2.8 It is difficult to estimate the number of requests that may be received. However given the limit on those employees eligible to apply, any consideration to cost implications and operational issues the numbers are likely to be minimal.

**3. LOCAL GOVERNMENT (EARLY TERMINATION)
(DISCRETIONARY COMPENSATION) (ENGLAND AND WALES)
REGULATIONS 2006 - (REDUNDANCY/EFFICIENCY PAYMENTS).**

- 3.1 These regulations came into force on the 29 November 2006 and have retrospective effect from 1 October 2006.
- 3.2 These Regulations replace the previous discretions with added ability to consider awarding a one off lump payment compensation of up to two years' pay, where employment is terminated early by reason of redundancy or in the interests of the efficient exercise of the Council's functions.
- 3.3 The previous discretions allowed were:
 - 3.3.1 Using the actual week's pay to calculate a redundancy payment rather than the statutory limit of currently £310 per week.
 - 3.3.2 Paying additional lump sum compensation of up to 66 weeks' pay for terminating employment early.

- 3.3.3 Or an alternative to 3.3.2 awarding eligible employees aged 50 and over with up to 10 years' compensatory added service for pension purposes, where appropriate.
- 3.4 The Government has withdrawn the previous provisions to award compensatory added years because they are indirectly discriminatory under new Age Discrimination legislation.
- 3.5 The Council is required to formulate a policy on how and if to use the new discretion, consult with the Unions and publicise and notify employees of the change in policy before it can be implemented.
- 3.6 The options available for consideration are:
 - 3.6.1 To continue to use the employee's actual week's pay in calculating the compensation payment or altering it to the statutory upper limit of £310 (reviewed annually) or capping it to some other figure (to be reviewed periodically). Benchmarking information suggests that the majority of Councils will continue to use the actual week's pay.
 - 3.6.2 To award a compensation payment of up to 104 weeks' pay, use some other calculator or make no additional compensation payments. Employees who are redundant will still be entitled to the statutory redundancy payment. The Regulations do not restrict the way any award is calculated.
 - 3.6.3 It is not contrary to Age Discrimination legislation to use the statutory redundancy payment calculator (see Appendix 1 attached) to determine the amount of compensation. This is a low risk option in so far as potential discrimination issues are concerned as it would require a legal challenge to the Government's decision in relation to age and service criteria in the calculation of the statutory redundancy payment.
 - 3.6.4 An alternative would be to make a flat rate award of the same amount to any employee whose employment is terminated early, regardless of age or service e.g. 20 weeks' pay or 104 week' pay or any amount in between.
 - 3.6.5 If the Council used the statutory redundancy calculator, as the basis, it could multiply this calculator by 1.5, 2 or 3 or 3.46 so as to avoid exceeding the maximum payment of 104 weeks.
 - 3.6.6 Alternatives can include use of the statutory redundancy calculator, apply the actual week's pay and multiply the resultant figure by say 1.5, 2 or 3; or use the statutory redundancy calculator multiply that by 1.5, 2 or 3 apply the week's pay and then multiply the resultant figure by say 1.5, 2 or 3 again. Payments in excess of £30,000 are subject to tax at the employee's marginal tax rate.
- 3.7 There is an ability to treat employees whose employment is terminated early on the grounds of efficiency differently to those whose employment is terminated on the grounds of redundancy for compensation purposes. It is important to treat employees either made redundant or retired in the efficiency of the service in a consistent manner so as to avoid claims for equal pay.

- 3.8 Benchmarking information indicates that some Councils are treating employees equally for redundancy and efficiency and some are treating cases differently by awarding lower amounts for cases of efficiency. A variety of methods of calculating payments is being used by Councils when using the discretion to make an award. However the Council's current practice is to treat employees equally in both situations, wherever possible.
- 3.9 If the Council agrees to award compensation payments it also has the discretion to allow the employee to convert all of the payments (less any entitlement to a statutory redundancy payment) into an additional period of membership of the pension scheme up to a maximum of 6 ²/₃ years or to age 65 whichever is the shorter.
- 3.10 The Executive, at its 4 July 2006 meeting, agreed not to use the current augmentation provisions (the ability to award additional membership of the scheme – limited to 6 ²/₃ years) as provided for in the LGPS Regulations 1997, unless there are exceptional business reasons for doing so, with each case being treated on its merits.
- 3.11 If the Council agrees to augment service, a compensation payment cannot be made as well.
- 3.12 The Regulations contain transitional provisions to the end of the 2006/07 financial year. These allow the Council to use either the former provisions or any new in place for an employee, who commenced employment before 1 October 2006, and whose employment is terminated on or after 1 October 2006 and before 1 April 2007.

4. RECOMMENDATIONS

Based on the Council's existing practices and retaining maximum flexibility, with decisions being subject to a business case where appropriate, the following recommendations are made:

4.1 LOCAL GOVERNMENT PENSION SCHEME (AMENDMENT) REGULATIONS 2006 (FLEXIBLE RETIREMENT).

- To introduce a policy to enable the consideration of requests for flexible retirement based on the individual merits of each case taking into account the business case, cost to the Council, ability to reduce hours and/or grade of the employee.
- Consider waiving actuarial reduction in pension benefits based on the individual merits of each case taking into account the business case and cost to the Council.

4.2 **LOCAL GOVERNMENT (EARLY TERMINATION)
(DISCRETIONARY COMPENSATION) (ENGLAND AND WALES)
REGULATIONS 2006 – (REDUNDANCY/EFFICIENCY PAYMENTS).**

- Use the employee's actual week's pay to calculate the compensation payment as at present.
- Continue to apply the same formula to both redundancies and early retirement in the efficiency of the service.
- Use the statutory redundancy payment calculator as the basis of calculating the compensation payment and multiply the statutory redundancy payment calculator by 3.46 to arrive at a compensation payment, subject to any figure not exceeding 104 weeks' pay.
- Each case to be treated on its merits taking into account the business case.

4.3 Consult with the Unions recognised by the Council on 4.1 and 4.2, advise Devon County Council, as Administering Authority, of the Council's policy and notify employees of the policies.

DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIRECTORATE

16.03.07

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:

This page is intentionally left blank

WEEK'S PAY CALCULATOR																			
Service (Years)																			
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
18*[1]	1																		
19	1	1½																	
20	1	1½	2																
21	1	1½	2	2½															
22	1	1½	2	2½	3														
23	1½	2	2½	3	3½	4													
24	2	2½	3	3½	4	4½	5												
25	2	3	3½	4	4½	5	5½	6											
26	2	3	4	4½	5	5½	6	6½	7										
27	2	3	4	5	5½	6	6½	7	7½	8									
28	2	3	4	5	6	6½	7	7½	8	8½	9								
29	2	3	4	5	6	7	7½	8	8½	9	9½	10							
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11						
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12					
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13				
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14			
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15		
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61*[2]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

18* [1] - It is possible that an employee could start to build up continuous service before age 16, but this is likely to be rare, and therefore the table is started from age 18.

61* [2] - The same figures should be used when calculating the redundancy payment for an employee aged 61 and above.

EXETER CITY COUNCIL**EXECUTIVE****27 MARCH 2007****EXPENDITURE ON THE COUNCIL'S SUBMISSION
FOR UNITARY STATUS****1 PURPOSE OF REPORT**

- 1.1 This report seeks authorisation from Executive to incur expenditure to respond effectively to the next phase of the Government's consideration of submissions for unitary status, should the City Council be selected to go forward to the next round.

2 BACKGROUND

- 2.1 It is expected that the Department for Communities and Local Government (CLG) will, by 27 March, have indicated their preliminary decision on Exeter's Business Case for Unitary Status. There will then follow a 12-week consultation period up to the end of July where it is understood that the CLG will be engaging with local stakeholders. At the end of this period, a final decision on Exeter's case will be confirmed.

3. RESOURCING AND MANAGING THE TRANSITION

- 3.1 The business case identifies transitional costs of £6.55 million, plus a contingency fund of £ 0.5 million to be repaid over five years.
- 3.2 The transitional costs relate to ICT; Change Management including early appointments; accommodation needs; any necessary redundancy costs; communication and branding; updating property records; Member development and staff training and development.

4 PROPOSAL

- 4.1 Given the extremely short times,(only 20 months), between the Government's final decision and the commencement of the operation of the new Council, it is proposed that work on transition begins immediately to ensure that the new Council is as effective as is possible by April 2009. All experience from the mid-1990s re-organisation indicates that this is a very demanding timetable. Early work will include developing a detailed project plan for transition, identifying and commissioning external experts to support particular streams of work and detailed research of best practice from other comparable authorities.

5. RESOURCE IMPLICATIONS

- 5.1 At this stage, it is difficult to predict precisely what expenditure might be needed in the next phase of the Government's consideration of submission for unitary status. However, if Exeter should be in the next stage it is vital that the Council is in a position to respond appropriately to any issues that arise. It is suggested therefore that authority be given to the Chief Executive to incur any appropriate expenditure, in consultation with Group Leaders. A report will subsequently be made to Executive outlining the action taken.

6 RECOMMENDED

- (1) That Executive authorises the Chief Executive, in consultation with Group Leaders, to incur any necessary expenditure for the purposes of acquiring specialist advice or support for the Council's submission for unitary status.

CHIEF EXECUTIVE

CHIEF EXECUTIVE'S DEPARTMENT

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

Background papers used in compiling this report:-

A Stronger and Prosperous Exeter For All- The Business Case for a Unitary Exeter, January 2007

Date 14 March 2007.

**EXECUTIVE
27 MARCH 2007**

FREEDOM OF THE CITY: THE RIFLES REGIMENT

1. INTRODUCTION

- 1.1 Section 249 of the Local Government Act 1972, gives Councils the power to grant “Freedom of Entry to the City” to military units closely associated with their community.
- 1.2 To this end, an Extraordinary meeting of the full Council must be convened to specifically consider this matter, with two thirds of those present, voting in favour. An Extraordinary meeting of the Council will therefore be organised, when Members will be asked to consider granting The Rifles Regiment the Freedom of the City.

2. BACKGROUND

- 2.1 Members will recall that the new Rifles Regiment was formed on 1 February 2007, by the amalgamation of The Devonshire and Dorset Regiment, the Light Infantry, The Royal Gloucestershire, Berkshire and Wiltshire Regiment, and The Royal Green Jackets.
- 2.2 The Devonshire and Dorset Regiment had been given the Freedom of the City in 1953 and had exercised its right on a number of occasions, most recently and noticeably on 27 January 2007, when the Regimental colours were laid to rest in perpetuity in the Regimental Chapel of the Cathedral.
- 2.3 It is felt that with the close links that the City has had with its predecessor, and the strong presence within the City itself, namely through Wyvern Barracks, that it would be most appropriate for the new Regiment to be granted “Freedom of Entry to the City”.

3. RECOMMENDED

- 3.1 That in accordance with Section 249 of the Local Government Act 1972, an Extraordinary meeting of the Council be arranged to consider granting Freedom of Entry to the City to The Rifles Regiment.

HEAD OF CORPORATE CUSTOMER SERVICES

CORPORATE SERVICES DIRECTORATE

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

Background papers used in compiling this report:

- Local Government Act 1972
- Previous granting of Freedom of the City to the Devonshire and Dorset Regiment.

Date: 7 March 2007

This page is intentionally left blank

EXETER CITY COUNCIL**EXECUTIVE
27 MARCH 2007****PROPOSAL TO ESTABLISH THE ROLE OF HONORARY RECORDER FOR
THE CITY OF EXETER****1. PURPOSE OF REPORT**

- 1.1 To seek to re-establish in Exeter, on a purely honorary basis, the ancient office of 'Recorder' – the title to be accorded to whoever may be the Resident Judge of the City. The Honorary Recorder would then become the symbolic representative of justice and the law in the civic life of the city, resurrecting a key element of the City Council's history dating back over 650 years.

2. BACKGROUND

- 2.1 The first known holder of the title Recorder, Robert atte Weye, took office in 1352 as a salaried employee of the City. Originally an annual appointment, by 1400 it had become an office for life. By the late Tudor and Stuart period the main function was to preside, with the Mayor, at the Quarter Sessions, held in the Guildhall. Until 1834 one of the Recorder's duties was to preside over the election of the Mayor. From 1835 the Recorder's appointment became the responsibility of the Crown, on the advice of the Lord Chancellor.
- 2.2 The historic office of Recorder ceased in 1971 as a consequence of the abolition of the Courts of Assize and Quarter Sessions (which had been held in the Guildhall). This followed a report on reforms to the civil and criminal court system by Lord Beeching, which in turn led to the Courts Act 1971 and the creation of the Crown Court, which moved to the Castle. The Recorder's former duties were transferred to the High Court and Circuit Judges.
- 2.3 The title of Recorder was retained by a Circuit Judge in major cities like Birmingham, Liverpool and Manchester and, in more recent years it has been resurrected as an honorary title given to the Resident Judge in historic cities such as Bristol, Portsmouth, Winchester and Plymouth.

3. IMPLICATIONS

- 3.1 The city already has a rich and historic civic life, enhanced even more five years ago by the grant of the Lord Mayoralty by Her Majesty the Queen.

- 3.2 Given, however, that for 800 years until 1971, the City Council had been inextricably involved in the administration of justice in Exeter, there is no symbolic vestige now of that close and important link. Exeter remains, of course, an extremely significant legal centre. It would seem fitting to reflect both that, and the history described, by the creation of an Honorary Recorder of Exeter, resurrecting a title in continuous use (save for the last 36 years) since 1352.
- 3.3 There would be no significant cost implication to this proposal. It would be anticipated that the holder of the office would attend major events in the civic life of the city. The current holder of the relevant judicial office is His Honour Judge Cottle and he has indicated his willingness, indeed his enthusiasm, for taking on this ancient, albeit now honorary, role for the city.
- 3.4 If members were minded to agree this proposal then it would seem appropriate to formally inaugurate the office of Honorary Recorder at the Annual Council meeting on 15 May.

4. RECOMMENDED

- 4.1 That the office of Honorary Recorder of the City of Exeter be created as from 15 May 2007 and that the office holder be the Resident Judge of the City; presently His Honour Judge Cottle.

PHILIP BOSTOCK
CHIEF EXECUTIVE

Local Government (Access to Information) Act 1985 (as amended)
Background paper used in compiling this report:
None