

**EXETER CITY COUNCIL**  
**EXECUTIVE**

**Statement of Decisions**

Tuesday 7 April 2009

**Present:-**

Councillor Adrian Fullam (Chair)  
Councillors S Brock, Cole, Edwards, R M Hannaford, Mrs Henson, Mitchell, Mrs J Morrish and Wadham

**Also Present**

Chief Executive, Director Community and Environment, Director Corporate Services, Head of Estates Services, Head of Planning and Building Control, Head of Treasury Services and Member Services Manager

**Declarations of Interest (Minute 45)**

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

<b>COUNCILLOR</b>	<b>MINUTE</b>
Mrs Henson	47 (resides near to Kings Heath Park)
Mitchell	*47 (lives on development which is subject to Section 106 agreement), 52 (brother lives in the vicinity)
R Hannaford	50 (Devon County Council member of Exeter Highways and Traffic Order Committee)
Wadham	50 (Exeter City Council member of Exeter Highways and Traffic Order Committee)
Cole	*52 (site visible from her home)

**Overview of the Revenue Budget (Minute 46)**

The report of the Head of Treasury Services was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget after nine months, for the 2008-09 financial year.

Scrutiny Committee – Resources considered the report at their meeting on 25 March 2009 and the support and comments of Members were noted.

In response to a question regarding the investments in Icelandic banks, the Head of Treasury Services reported that the Council was working in conjunction with the Local Government Association and other authorities towards the recovery of the funds. Although it was anticipated that it would be a long process, he remained cautiously optimistic that a significant amount of the invested funds would be retrieved.

The Chief Executive confirmed that the Council, together with the Local Government Association and other local authorities, had continued to lobby the Government in respect of

the Concessionary Fares Scheme and that the Minister for Transport was understood to be considering an alternative fairer formula for future years.

Members asked about the position in respect of outstanding debt and the Head of Treasury Services confirmed that there had been an increase over the quarter in debt over 30 days old. He reported that the whilst there had been a slight increase in Council Tax collection, there had been a small reduction in the level of Business Rate collection. It was anticipated that debt recovery was likely to become harder in the current financial climate. The Chair confirmed that the Council would continue with a fair but firm approach towards debt recovery.

Executive resolved that:-

- (1) the forecast financial position for the 2008-09 financial year be noted; and
- (2) the outstanding Sundry Debt position for the second quarter of 2008-09 be noted.

### **Capital Monitoring Statement to December 2008 (Minute 47)**

Councillor Mrs Henson declared a personal interest in respect of Play Area Refurbishments as she was resident near to the Kings Heath Park. Councillor Mitchell declared a personal and prejudicial interest as he lives on a development which is the subject of a Section 106 agreement and left the room during consideration of the item.

The report of the Head of Treasury Services was submitted. In accordance with the Prudential Code for Capital Finance in Local Authorities, it is necessary to monitor performance against the prudential indicator for capital expenditure and highlight significant deviations from expectations. The report set out the current position in respect of the Council's annual capital programme and advised Members of the anticipated variations.

Scrutiny Committee – Resources considered the report at their meeting on 25 March 2009 and the support and comments of Members were noted.

Members expressed some disappointment regarding the slow progress on particular play areas. The Head of Planning Services responded that some delays had been caused by technical problems on particular sites but the Council would continue to pursue completion and adoption of facilities as quickly as possible, through legal channels where necessary. Councillor Mrs Morrish recorded her appreciation of the Kings Heath Park play area which she felt was an excellent facility which had helped to unite the community.

The Portfolio Holder Environment and Leisure reported that the Play Area Working Group continued to meet once a year and the Group was keen to involve local members.

The Chair commented that the Council's significant capital programme continued to provide considerable work opportunities as well as important amenities for the City.

Executive noted the current position in respect of the annual capital programme.

### **Sustainable Procurement and Commissioning Strategy 2009/12 and Procurement Report (Minute 48)**

The report of the Head of Contracts and Direct Services was submitted seeking approval for a Sustainable Procurement and Commissioning Strategy, reporting to Members progress made against last year's Procurement Action Plan and outlining the Action Plan for 2009/10.

The Director Corporate Services reported on amendments to the Strategy reflecting changes in legislation, requirements from the mock inspection of Housing Services and in preparation for the outcome of the Local Government review.

Scrutiny Committee – Resources considered the report at their meeting on 25 March 2009 and the support and comments of Members were noted.

A member emphasised the importance of supporting local businesses and the Director Corporate Services responded that this was acknowledged and incorporated in the Procurement Strategy.

Executive noted the progress made to date and recommended that the Sustainable Procurement and Commissioning Strategy 2009/12 and Action Plan for 2009/10 be approved.

### **Corporate Governance Risk Register Annual Review (Minute 49)**

The report of the Head of Audit was submitted, advising the Committee of the Council's progress on risk management and seeking approval of the updated corporate risk register.

Scrutiny Committee – Resources considered the report at their meeting on 25 March 2009 and the support and comments of Members were noted.

With regard to the Royal Albert Memorial Museum (RAMM) project, members commented on the importance of the Council being proactive in relation to risk management by using past experience and that of other authorities to inform likely risk. The Director Corporate Services responded that the RAMM project had its own risk management arrangements and considerable efforts were made and systems were in place to predict risk. A twice-yearly report was made to Scrutiny Committee – Resources and annual reports were made to Executive and the other two Scrutiny Committees.

Executive resolved that:-

- (1) the updated Corporate Risk Register be approved; and
- (2) the risk management progress to date be noted and the steps outlined at paragraph 4.2 of the report be approved to provide the most up to date information possible for consideration at committee.

### **Land at Pinbrook Road, Exeter - New Civic Amenity Site (Minute 50)**

Councillor R Hannaford declared a personal but not prejudicial interest in the item as a Devon County Council member of Exeter Highways and Traffic Orders Committee. Councillor Wadham declared a personal interest in the item as an Exeter City Council member of Exeter Highways and Traffic Orders Committee.

The report of the Head of Estates Services was submitted, updating Members on progress regarding the lease variations and consents and the land disposal associated with the proposed siting of a new recycling facility on the site of the former Devon County Council Highways Depot in Pinbrook Road.

The Head of Estates Services updated members on the various mitigating measures that had been proposed in respect of the site. He informed Executive that the Highways and Traffic Orders Committee (HATOC) at its meeting on 2 April had not approved the closure of Summerway so the County Council now intended to pursue a traffic calming scheme, and put this back to HATOC in due course. The planning permission granted for the scheme contemplates this alternative, as the undertaking given by the County Council under that

permission states that if the closure cannot be secured, they will fund alternative traffic calming measures. A plan of the proposed works had been submitted to the City Council and had been considered to be satisfactory by the Director Economy and Development. Studies undertaken by the County's traffic consultants supported the view that these would be effective. Executive was required to decide whether this alternative scheme for traffic calming of adjacent roads was acceptable to the City Council as landlord of the Pinbrook site.

The Head of Estates Services reported that the revised plan for the proposed acoustic barrier was also considered acceptable although it was likely that a further change to the design may be proposed. In view of the range of measures to limit the impact from noise on the surrounding residential areas, it was considered reasonable to only restrict the opening hours of the site to the public on a Sunday from 10am to 4pm and Devon County Council had accepted this restriction. The County Council had requested that the restriction be reviewed after 12 months.

Councillors Taghdissian and Thompson attended the meeting and spoke on the item under Standing Order 44.

Councillor Thompson recorded her concern that Executive should take account of the original views of Planning Committee that closure of Summerway was essential for the recycling scheme to proceed, and that more restrictive opening hours should be imposed on Sundays and Bank Holidays. She did not feel that the proposed traffic calming measures were an adequate solution. She also stated that she did not consider it appropriate for Executive to delegate authority solely to officers in respect of the outstanding issues.

Whilst acknowledging the need for another amenity site on that side of the City, Councillor Taghdissian regretted that members had not had more opportunity to debate the suitability of the Pinbrook Road site. He considered that the proposed traffic calming measures would be inadequate since they would not decrease the volume of additional traffic that would be generated on the road.

Other members emphasised the benefits of having an additional amenity site in view of the significant overall reduction in traffic that travelled across the City to the current site. They also considered the range of mitigating measures that had been negotiated to be adequate in minimising the impact on local residents.

Councillor Edwards proposed that the City Council ask the County Council to review traffic flows and opening hours three months after the opening of the site. The Head of Estates Service confirmed that the measures currently proposed by the County Council did not preclude the Highways and Traffic Orders Committee reviewing their effectiveness in the future.

The Chair reminded members that the Council was being consulted on the issue as landlord in relation to the lease. Whilst the traffic issues were a matter for the Highways and Traffic Orders Committee, he hoped that they would have regard to the views of local ward members and residents and that dialogue would continue.

Executive resolved that:-

- (1) the grant of consent for the demolition of the redundant depot buildings be noted;
- (2) the position regarding the delay in granting the consent for alterations be noted;

- (3) consent for the change of use and the lease variations associated with that use be granted by licence, such licence to be conditional upon approval of any outstanding mitigation measures by the Head of Estates Services in consultation with the Portfolio Holder Economy and Tourism in accordance with paragraph 3.2 of the report;
- (4) the following mitigation measures as described in this report be approved: the scheme for traffic calming and signage in Summerway, the acoustic barrier and associated planting, the opening hours (subject to paragraph (5) below) and the proposals for the netting of vehicles, subject to any amendments to these measures being approved by the Head of Estates Services in consultation with the Portfolio Holder Economy and Tourism;
- (5) delegated authority to deal with any subsequent application regarding a change in the opening hours beyond 4pm on Sundays and to accord with the hours approved under the planning consent be given to the Head of Estates Services in consultation with the Portfolio Holder Economy and Tourism and Head of Environmental Health Services in accordance with paragraph 3.2 (ix) of the report; and
- (6) without prejudicing the issue of the license, Devon County Council be requested to review traffic flows in the area and the impact of the opening hours, three months after the opening of the amenity site.

(In accordance with Standing Order 43, Councillor Mrs Henson requested that her name be recorded as having abstained from the vote)

#### **Exeter and the Recession (Minute 51)**

The report of the Chief Executive was submitted, advising Members of the current situation and the City's response to the recession and considering potential initiatives in response.

The Chief Executive commented on the positive nature of the meeting on 5 March, attended by public and private sector stakeholders to review the situation and identify key actions.

Members welcomed the range of initiatives already undertaken by the Council in response to the recession and noted the significant areas of investment which would assist recovery, such as the establishment of the Science Park. They considered the provision of advice services to be of particular importance, welcoming the package of business advice supported by the Scrutiny Committee - Economy and being developed primarily through Business Link. Members urged businesses facing difficulty to seek advice at an early stage. They acknowledged the increasing pressure on advisory services including the CAB and were pleased to note that proposals to augment these services would be brought forward at a future meeting.

The Chair emphasised the key strategic role of the Council and welcomed the specific targeted measures of support. He was pleased that the Council was able to progress a significant capital programme at a time when the private sector was slowing down.

Executive resolved that:-

- (1) the approach being taken to co-ordinate activity within the City to minimise the impact of the recession and to support future economic recovery be endorsed; and
- (2) stakeholder consultation be carried out to establish the key priorities prior to reporting back to Executive in June.

### **Leypark Road, Former Builders Yard - Affordable Housing Development (Minute 52)**

Councillor Mitchell declared a personal interest in the matter since his brother lived in the vicinity. Councillor Cole declared a personal and prejudicial interest as the site was visible from her home and left the meeting for the duration of the item.

The report of the Head of Housing Services was submitted, authorising the disposal of land at Leypark Road, Whipton Barton to Sovereign Housing Association, at less than best consideration, to provide nine affordable homes.

The Portfolio Holder Housing and Social Inclusion reported that a residents meeting chaired by Councillor Edwards had identified no significant issues in relation to the development other than a parking matter and this had been addressed by the provision of a hardstanding.

Councillor Edwards suggested that local residents should be invited to apply for the new units in order to release under-occupied properties for allocation to larger households and this proposal was supported.

Executive resolved that, subject to planning consent and the completion of a satisfactory nomination agreement:-

- (1) the land at Leypark Road, Whipton Barton, identified on the plan attached to the report, be disposed of to Sovereign Housing Association on a 125 year lease at nil value in exchange for the nomination rights that will be granted in perpetuity;

Executive recommended that:-

- (2) the delegated authority for the disposal of Council land be changed from the Portfolio Holder for Human Resources and Business Transformation to the Leader of the Council; and
- (3) the nominated substitute for the disposal of Council land for either the Leader of the Council or the Portfolio Holder for Housing and Social Inclusion be a Portfolio Holder nominated by the Leader.

### **Results of Consultation on Mont le Grand Conservation Area - Boundary Changes and Management Plan (Minute 53)**

The report of the Head of Planning and Building Control was submitted, considering representations received in relation to the draft Mont le Grand Conservation Area Appraisal and Management Plan (CAAMP) and proposed amendments to the document to be recommended for adoption.

Executive resolved that:-

- (1) the amended Mont le Grand Conservation Area Appraisal and Management Plan be adopted and the boundary altered in accordance with the plan attached to the report; and
- (2) the amended boundaries for Belmont and Heavitree Conservation Areas be adopted and authority delegated to the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Development and Transport to update the documents to reflect these changes.

### **Draft Supplementary Planning Document - Trees in Relation to Development (Minute 54)**

The report of the Head of Planning and Building Control was submitted, seeking approval for the draft Trees in Relation to Development Supplementary Planning Document to be published for public consultation. The document identifies the City Council's requirements in relation to trees and development.

Members commented on the importance of taking into account the growth potential of trees at the time of planting in order to avoid repetition of past experiences where very large trees had grown close to buildings. The Head of Planning and Building Control reported that the document addressed this issue and that officers were mindful of the impact of future growth on light and amenity.

Executive approved the draft Supplementary Planning Document for public consultation.

### **Sustainable Community Strategy (Minute 55)**

The report of the Strategic Management Team was submitted, presenting the Exeter Vision, the city's Sustainable Community Strategy and seeking its adoption.

The Chief Executive presented the Strategy which built on Exeter's first Community Strategy published in 2003 and set out the long term sustainable ambition for Exeter, providing a framework to guide the work of all agencies and organisations in delivering this. The Vision has been developed by Exeter Vision Partnership, the City's Local Strategic Partnership.

Executive recommended that:-

- (1) Council adopt the Vision as the Sustainable Community Strategy for Exeter under section 4 of the Local Government Act 2000 (as amended); and
- (2) any necessary drafting amendments before publication be delegated to the Chief Executive, in consultation with the Leader and the Chair of the city's Local Strategic Partnership.

### **Devon Districts' Draft Blueprint for Integrated Devon (Minute 56)**

The report of the Chief Executive was submitted, informing Members of the proposals that have been developed to facilitate closer working between Devon Authorities.

The Chief Executive stated that, whilst the City Council's overriding aim was to secure unitary status, it was important that the Council should contribute to developing proposals to ensure that they delivered positive outcomes for the city should there be a continuation of the two-tier system in Devon. He reported that discussions had continued regarding the proposed four cluster model for service delivery contained in the paper. In relation to possible joint working between County and Districts, Devon County Council had stated that proposals for joint working should take full account of cost, customer needs and other relevant considerations and were not prepared to fully embrace the four-cluster model set out in the Blueprint. They were prepared to consider service design and delivery arrangements based on a three cluster model with the possibility of East/Mid Devon and Exeter being sub-areas within the East cluster.

Whilst Members considered that it was necessary and appropriate for Exeter to remain a separate cluster to reflect the specific needs of the City, they acknowledged the importance of the City Council continuing to contribute to the proposals and therefore agreed to accept the proposed revised wording of the Blueprint document for the time being, in order that further progress can be made on the development of a potential Integrated Devon model.

Executive recommended that the proposals contained in the Draft Blueprint for Integrated Devon be approved and that, for the time being, the revised wording regarding the cluster approach be accepted and communicated to the Devon District and County Councils, in order to facilitate progress, subject to the Council restating its belief that a full four-cluster approach is the preferred model.

#### **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public (Minute 57)**

Executive resolved 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 following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 4 of Part I, Schedule 12A of the Act.

#### **Corporate Customer Services - Proposed Redundancies (Minute 58)**

The report of the Head of Corporate Customer Services was submitted, seeking Members' approval to release the necessary funding to finance redundancy payments for two current posts within Corporate Customer Services.

Scrutiny Committee – Resources considered the report at their meeting on 25 March 2009 and the support of Members was noted.

Executive resolved that:-

- (1) the employment of the holders of the posts of Part Time Catering Assistant CS071003, and Post Porter CS07112 be terminated on the grounds of redundancy on 31 May 2009 in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007;
- (2) compensation be paid to the holders of the posts of CS071003 and CS07112 in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; and
- (3) a payment of compensation be made in respect of the unexpired period of notice to which the employees would otherwise be entitled under their contracts of employment and the posts of Part-time Catering Assistant CS071003, and Post Porter CS07112 be deleted from the establishment of the Council.

#### **Corporate Services Directorate Support - Proposed Redundancy (Minute 59)**

The report of the Director Corporate Services was submitted, seeking approval to release the necessary funding to finance redundancy payment for one current post following a proposed restructuring of secretarial and administrative roles within the Corporate Services Directorate.

Scrutiny Committee – Resources considered the report at their meeting on 25 March 2009 and the support of Members was noted.

Executive resolved that:-

- (1) the employment of the holder of the post of Secretary CS01101 be terminated on the grounds of redundancy on 31 May 2009 in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007;
- (2) compensation be paid to the holder of post CS01101 in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006;
- (3) a payment of compensation be made in respect of the unexpired period of notice to which the employee would otherwise be entitled under the contract of their employment and the post of Secretary CS01101 be deleted from the establishment of the Council;
- (4) the re-designation of the post of Treasury Administration Officer CS06113 to Personal Assistant and Treasury Support Officer be approved;
- (5) the deletion of one post from the Treasury Clerical Support Team be approved; and
- (6) the creation of a new post of Treasury Administration Support Assistant be approved.

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 28 April 2009.**