

## **EXECUTIVE**

Tuesday 15 September 2009

### **Present:-**

Councillor Fullam (Chair)  
Councillors S Brock, Cole, Edwards, Mrs Henson, Mitchell, Mrs J Morrish, Newton and Wadham

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

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### **MINUTES**

The minutes of the meetings of Executive held on 16 June and 29 June 2009 were taken as read and signed by the Chair as a correct record.

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### **DECLARATIONS OF INTEREST**

Councillors declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Mrs Morrish	100 (member of Methodist Church)
Newton	102 (employer is potential future user of Bedford Square)

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### **PROGRESS UPDATE - ENVIRONMENTAL AND CLIMATE CHANGE STRATEGIES**

The report of the Head of Environmental Health Services was submitted, outlining the progress that has been made by the Council in terms of implementing the action plans of both the Environmental and Climate Change Strategies.

Scrutiny Committee – Community considered the report at their meeting on 1 September 2009 and their comments were noted.

The Director Community and Environment reported concern at Devon County Council's indication that it may not be possible to fully exploit the heat output resulting from the Waste to Energy Plant.

#### **RESOLVED** that:-

- (1) the examples of progress made to date be noted;
- (2) the revised action plan for the Climate Change Strategy be approved for adoption;
- (3) the Council reaffirms its commitment to manage and continually improve its own sustainability performance;

- (4) the current status of the Council's Carbon Management Strategy and Implementation Plan is noted;
- (5) the Council continues to work in partnership with other organisations within the City and the community to tackle climate change and improve quality of life in the City; and
- (6) progress continues to be reported to the Scrutiny Committee – Community on an annual basis.

(Report circulated)

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### **SUPPORTING THE GREEN ACCORD INITIATIVE**

The report of the Head of Contracts and Direct Services was submitted, seeking support from Executive to market the Green Accord to local authorities and private businesses thereby obtaining financial benefits for the Council from the initiative.

The Director Community and Environment reported that the Met Office and Bristol University had expressed interest in using the Green Accord and it was hoped that other clients may follow. A minimal financial risk in the region of £15,000 in the first financial year had been identified.

Members were pleased to note the success of the initiative.

**RESOLVED** that:-

- (1) Executive recognises that wider support for the Green Accord would reinforce the Council's position as a lead authority in terms of supplier engagement, sustainable practises and driving environmental improvement for the benefit of the community whilst contributing to the City Council's target to reduce carbon by 20% by 2013 and meeting the requirements of the Sustainable Task Force Flexible Framework;
- (2) Executive supports the team driving the Green Accord initiative by approving the necessary funding, as outlined in the business plan, thereby supporting the external marketing of the Green Accord to other local authorities and private businesses to achieve financial benefits for the Council from the initiative, and if and when the scheme turns to profit a further report be brought so that Executive can give consideration to the setting up of a local authority controlled company; and
- (3) Executive supports the setting up of a separate dedicated website, linked to the Council website, for the better promotion and operation of the accreditation.

(Report circulated)

100

### **PROPOSED COUNCIL HOUSEBUILDING PROGRAMME 2009-11**

Councillor Mrs Morrish declared a personal interest as a member of the Methodist Church.

The report of the Head of Housing Services was submitted.

Members were pleased to note the success of the first funding bid to the Homes and Communities Agency and acknowledged the hard work by staff from across the Council which had made this possible. They hoped the Council would be equally successful with future bids.

The Director Community and Environment considered that the high quality and eco standards and low maintenance costs would make the new properties very desirable and did not feel that the exhaustion of the financial incentives in the current year to encourage tenants over 55 to downsize to smaller properties would have an adverse impact. A report reviewing the incentive scheme for downsizing would be made to a future Scrutiny Committee – Community.

**RECOMMENDED** that the policy of building new Council properties, where Government funding exists to enable such a programme, be approved provided the schemes are financially viable and can be delivered within the timescales stated.

(Report circulated)

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### **MOTION TO WITHDRAW SUNDAY CAR PARK CHARGES**

The report of the Head of Parking, Engineering and Business Support was submitted, seeking Members' views on a motion to withdraw Sunday charges in all City Council car parks. The motion had been considered by Scrutiny Committee – Economy at their meeting on 3 September 2009 and they had referred their comments to this Committee to enable Executive to reach an informed decision.

The Director Economy and Development reported that if the revenue from Sunday parking was lost, the Council would need to identify other savings to meet the predicted shortfall of approximately £150,000. He considered that the Sunday parking tariff was already set at a competitive rate and doubted whether the proposal would achieve the desired effect of boosting Sunday trade in the City.

Members noted the range of views expressed by Scrutiny Committee - Economy but considered that the proposal was unlikely to achieve its stated objective and should not be pursued in the context of the budgetary situation facing the Council.

**RESOLVED** that no change be made to the Sunday parking tariff scheme.

(Report circulated)

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### **USE OF BEDFORD SQUARE**

Councillor Newton declared a personal interest as her employer was a potential future user of Bedford Square.

The joint report of the Director Economy and Development and the City Centre Manager was submitted, seeking approval to revised guidelines for the use of Bedford Square. The report reflected the decision of Executive on 16 June in relation to the use of the Square by political organisations and identified other minor revisions to the guidelines.

**RESOLVED** that the revised Bedford Square guidelines be approved.

(Report circulated)

**LOCAL DEVELOPMENT FRAMEWORK - CORE STRATEGY CONSULTATION**

The report of the Head of Planning and Building Control was submitted asking Members to consider the content of a report on the City Council's Core Strategy for public consultation.

The Director Economy and Development informed Executive of the delay in adoption of the Regional Spatial Strategy (RSS) due to legal challenges which may have implications for the South West RSS. The Government requires local authorities to demonstrate a five year supply of housing land. Whilst the Council had significant reservations about the scale of development proposed by the Government, specifically the proposed 3000 additional dwellings, it was nevertheless preferable for the Council to proceed with the consultation in order to resist unsatisfactory housing proposals. The Director Economy and Development reported the views of the Planning Member Working Group which had considered the issue at their meeting on 8 September 2009 and supported this approach.

The consultation draft of the Core Strategy outlined how it was proposed to meet both the 12,000 and 15,000 dwelling targets and set out broad guidance on the required infrastructure. Members commented on the importance of ensuring the adequacy of schools, health and other facilities to support the new homes and the Director explained the process for delivering this. A member queried the consistency of references to potential gypsy sites in the three identified urban extension areas and the Director undertook to confirm the situation. In relation to questions regarding the impact of a change to the City Council's status, the Director responded that, should Exeter achieve unitary status, it was likely that preparation of the current Core Strategy would cease and a new exercise would start afresh covering the new authority's boundary.

Executive members supported the consultation and emphasised the importance of protecting the City from indiscriminate development.

**RESOLVED** that:-

- (1) the content of the proposed consultation report be approved; and
- (2) the proposal be approved that the required additional consultation be carried out in order to be able to make progress towards Submission as soon as the Regional Spatial Strategy is adopted, but only on the basis that the 12,000 dwellings target is demanding but achievable whilst the 15,000 target is a last resort.

(Report circulated)

**LOCAL GOVERNMENT PENSION SCHEME - CONSULTATION PAPER**

The report of the Head of Human Resources was submitted, informing Executive of the details of the Local Government Pension Scheme (LGPS) consultation paper and agreeing feedback to the consultation as appropriate.

Members agreed the importance of mitigating the short-term adverse impacts on the scheme of the current economic recession and stock market fluctuations. They noted the views expressed by the Employee Liaison Forum on the proposals.

**RESOLVED** that:-

- (1) the consultation paper be noted and the principle of seeking measures that both ensure that the LGPS fund has the capacity to meet its full benefit liabilities, whilst mitigating significant short-term fluctuations in employer contributions be agreed; and
- (2) the proposals to amend the employee contributions as stated, be supported.

(Report circulated)

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**HONORARY ALDERMAN**

Section 249 of the Local Government Act 1972 empowers the Council to confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent service to the Council as a past member of the Council. An Honorary Alderman is invited to participate in those Civic ceremonies which the Mayor attends In State, and to which it is usual to invite Past Mayors.

The Council resolved in 1976 to confer the title on past Members who had rendered eminent service as Past Mayors, Past Lord Mayors, Past Leaders or as Members with 12 years' service or more. Former Councillors are eligible to have the title of Honorary Alderman conferred upon them should the Council so decide.

**RECOMMENDED** that:-

- (1) the title of Honorary Alderman be conferred on Mrs Valerie Dixon; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held prior to the ordinary meeting on 6 December 2009, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

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**AFFILIATION BETWEEN THE CITY OF EXETER AND HMS DEFENDER**

The report of the Head of Corporate Customer Services was submitted, asking Members to consider an opportunity to be one of only two affiliated Cities to HMS Defender, one of the Royal Navy's latest Type 45 class destroyers.

Members appreciated the honour afforded by this invitation and welcomed the continuation of the close relationship between the City of Exeter and the Royal Navy, following the long association with the HMS Exeter.

**RECOMMENDED** that the City Council accept the offer of the Royal Navy to be affiliated with its new Type 45 destroyer HMS Defender.

(Report circulated)

107        **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

The schedule of appointments to outside bodies was circulated.

**RESOLVED** that the following appointments to outside bodies be renewed:

- Mrs A Lloyd and Mr D Orchard to St Leonard's with Holy Trinity Charities
- Cllr Shepherd to St Sidwell's Parish Lands and other Charities

(Schedule circulated)

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

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 2, 3, 4 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

109        **PROPOSED COUNCIL HOUSEBUILDING PROGRAMME 2009-11**

The financial information in respect of the proposed Council Housebuilding Programme relating to Item 6 of the agenda (Minute 100 refers) was noted.

(Report circulated to Members)

110        **RESTRUCTURING OF CONTRACTS DEVELOPMENT AND BEST**

The report of the Head of Contracts and Direct Services was submitted, seeking approval for the restructuring of Contracts Development and the Building and Electrical Service Team (BEST) sections within Contracts and Direct Services in order to improve efficiency, respond to changing circumstances whilst still providing a customer focussed service and making efficiency savings of up to £40,500 subject to job evaluation.

Scrutiny Committee – Community considered the report at their meeting on 1 September 2009 and the comments and support of members was noted.

**RESOLVED** that:-

- (1) the continuation of a limited internal building service be supported and the restructuring of Contracts and Direct Services as described in the report be approved;
- (2) the deletion of the post of Building and Electrical Manager (CE11106) be approved;
- (3) the deletion of the post of Energy Manager (CE11121) be approved;
- (4) the employment of the holder of the post of Quantity Surveyor (CE11115) be terminated on the grounds of redundancy on the implementation of the new structure in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the holder of the post 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; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment / and the post be deleted from the establishment of the Council;

- (5) the redesignation of the post of Senior Architectural Surveyor (CE11131) to Building Maintenance Manager be approved with the grade subject to job evaluation;
- (6) the redesignation of the post of Assistant Commercial and Development Officer (CE11120) to Commercial & Energy Technician be approved with the grade subject to job evaluation;
- (7) the Contract Development Manager (CE11104) and the Principal Quantity Surveyor (CE11114) posts be reviewed to reflect the changes to their posts;
- (8) the retention of the sum of £20,000 within the budget be approved to fund specialist advice in respect of energy management and quantity surveying; and
- (9) the continuation of the temporary arrangements currently in place for the support officers be approved whereby the post holder of post CE11136 is filling post CE11128 and post CE11136 is filled on a temporary basis until such time as firm proposals are brought forward for the support officers.

(Report circulated to Members)

111

### **LAND SECURITIES OWNERSHIPS IN EXETER**

The report of the Head of Estates Services was submitted setting out proposals put forward by Land Securities for the future ownership arrangements for their property holdings in Exeter.

**RESOLVED** that:-

- (1) the proposal from Land Securities for the future ownership of their Exeter holdings be supported;
- (2) new leases for the affected properties be granted to the Crown Estate on the basis identified in this report, with consequential variations to be put in place between the Crown and Ravenseft for the existing Head Leases of these properties;
- (3) any further agreements required between ECC and the Crown ancillary to the proposed leasehold structure be entered into as appropriate; and
- (4) settlement of the detailed terms required to give effect to these proposals be delegated to the Head of Estates Services.

(Report circulated to Members)

112      **MUSEUM ACQUISITION OF PAINTINGS UNDER THE "ACCEPTANCE IN LIEU" SCHEME**

The report of the Head of Leisure and Museums was submitted advising the Committee to rescind a decision to accept works of art under the Acceptance in Lieu scheme.

The Director Community and Environment circulated correspondence received from Lord Devon's solicitors, the Heritage and Taxation Advisory Service at Christie's and the Estate Director of Powderham Castle.

Executive members regretted that it had not been possible to achieve a satisfactory conclusion after 14 years of negotiation despite the considerable time and effort that had been spent on the matter and agreed that the Council should withdraw from further negotiations.

**RESOLVED** that:-

- (1) Exeter City Council does not proceed with the acquisition of the portraits under the 'acceptance in lieu' scheme; and
- (2) Exeter City Council's decision is communicated to Lord Devon's solicitors and the relevant Government Agencies.

(Report circulated to Members)

113      **REVIEW OF RAMM DEVELOPMENT PROJECT**

The report of the Head of Leisure and Museums and Head of Legal Services was submitted regarding the appointment of specialist experts.

**RESOLVED** that:-

- (1) the Head of Legal Services be authorised to appoint a specialist to advise on the issue as proposed in the report;
- (2) the Head of Legal Services be authorised to agree the choice of independent expert as detailed in the report; and
- (3) the spending cap proposed in the report in relation to (1) and (2) above be agreed initially before reporting back to Executive.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.45 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 13 October 2009.**