

## **EXECUTIVE**

Tuesday 7 December 2010

### **Present:-**

Councillor Edwards (Chair)

Councillors D Baldwin, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish, Sheldon and R Sutton

Chief Executive, Director Corporate Services, Interim Director Economy and Development, Assistant Chief Executive, Head of Leisure and Museums, Head of Planning and Building Control, Head of Treasury Services and Member Services Manager

116

### **DECLARATIONS OF INTEREST**

A Member declared the following personal interest:

<b>Councillor</b>	<b>Interest</b>
Prowse	118 (student landlord)

117

### **PETITION FROM RESIDENTS OF ST JAMES WARD - ARTICLE 4 DIRECTION**

The Chair agreed to accept this item as a matter of urgency in order that the petition could be considered together with other representations received, prior to the confirmation of the Article 4 Direction by 31 December, in accordance with the agreed timetable. The petition, which had been signed by 772 residents of St James ward, had been presented to the Portfolio Holder for Sustainable Development and Transport on 1 December 2010.

The report of the Head of Planning and Building Control was submitted. He reported that a meeting had been arranged for members of the six affected wards on 14 December to brief them on the results of the consultation and receive feedback before the delegated power to consider representations was exercised. In response to the request of the petitioners to implement urgently the planning policies, including the Article 4 Direction, he reported that the Council had already moved as quickly as possible. The twelve month notice agreed by Executive prior to the Article 4 Direction taking effect sought to avoid any compensation liability and was in accordance with the decisions of the four other local authorities in the country who had so far sought a Direction.

In response to the specific points raised in the petition, he advised members that Executive on 28 September had requested officers to undertake informal consultation on amending Council policy on student accommodation in residential areas and to report back to Planning Member Working Group on a draft amended document for further consultation. This would include the review of the Nine Principles policy, which required 75% of accommodation to be purpose-built, as well as the Supplementary Planning Guidance on student accommodation. The Localism Bill which was due to be published shortly may also have implications for the Council's ability to allocate sites for family housing and this would be addressed.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order 44. He emphasised that the context of the petition was not anti-student but a desire by residents to preserve a balanced community in St James. They acknowledged the University's significant economic investment in the City, the voluntary service of the students and the work of the University Liaison Officer and their team. He identified the high percentages of student accommodation in the streets of the ward and outlined the problems, including noise, rubbish and car parking which arose in a densely populated area. Whilst understanding the reason for the 12 month notice period in respect of the Article 4 Direction, he sought reassurance that other measures to control student accommodation would be implemented as soon as possible. He also challenged the reference in Policy H5 to student accommodation being "close" to the campus and suggested that it could be spread out over a wider area given the small size of the City and effective transport links.

Councillor Sutton stated that she was happy to receive the petition from residents and that their views would be considered alongside other representations received. She re-iterated that the Article 4 Direction was not "anti-student". Many students wanted to live within the community and made a positive contribution to the vibrancy of areas but she acknowledged the need to manage the situation effectively. The spread of accommodation throughout the city was dictated by students and landlords and not the Council itself.

Whilst expressing sympathy for the views of the residents of St James and understanding their wish to preserve family accommodation in the community, members endorsed the need for the 12 month notice period in view of the potential compensation liability. They requested the Head of Planning and Building Control to review other policies relating to student accommodation and to bring forward a report including a timescale for implementation as soon as possible in order to expedite other measures of control.

**RESOLVED** that:-

- (1) the petition in respect of the proposed Article 4 Direction be considered by the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Development and Transport, in association with other responses to the recent consultation exercise;
- (2) any other petitions received on the proposed Article 4 Direction be treated in the same manner; and
- (3) the representations in respect of future policy on HMOs, purpose built university related accommodation and strengthening the character of St James Ward be referred to Planning Member Working Group for initial consideration.

(Report circulated)

118 **MASTERPLAN FOR THE FUTURE DEVELOPMENT OF STREATHAM CAMPUS,  
UNIVERSITY OF EXETER**

The report of the Head of Planning and Building Control was submitted, updating Members and seeking agreement to the adoption of the Masterplan as a Supplementary Planning Document. He reported on the consultation process and the University's response to the proposed caveats. Agreement with the University had been reached other than on the final text relating to the provision of purpose-

built student accommodation. The adoption of the Masterplan had been delayed due to this issue.

Councillor Prowse attended the meeting and spoke on this item under Standing Order 44. He declared a personal interest in the matter as a student landlord. He considered that the difference between the words “may” and “will” was significant in this context and requested that a decision on the issue was deferred pending further discussion.

The Head of Planning and Building Control responded that the purpose of the caveat, to clearly indicate the importance of the issue to the Council, had been achieved. He considered that there were some advantages to using the word “may” as this accorded the Council greater flexibility in deciding its approach in 2015. A further delay in the adoption of the Masterplan would be regrettable as it may diminish the Council’s ability to influence development at the University.

Councillor Mrs Henson felt that the Council should adhere to its original preference for the word “will”. Other Councillors felt that the University was clear about the Council’s view on the issue and acknowledged the advantage of greater flexibility. They expressed concern about the potential effect of a further delay. They hoped to continue the positive relationship with the University by working together to bring forward development proposals.

**RESOLVED** that Executive adopts the Masterplan as a Supplementary Planning Document including the proposed additional text in place of the two caveats as set out in the Appendix to the report.

(In accordance with Standing Order 43, Councillor Mrs Henson requested that her name be recorded as having voted against the resolution)

(Report circulated)

119

### **OVERVIEW OF REVENUE BUDGET 2010/11**

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 six months, for the 2010/11 financial year. He identified the main variances and issues influencing the projected outturn figure.

Members thanked officers for successfully delivering a very challenging budget and requested clarification on various issues. In response to a request, the Head of Treasury Services agreed to provide a year-on-year comparison in respect of the debt situation in future years, though noting that the current accounting system had only been in place for 12 months.

Scrutiny Committee – Resources considered the report at the meeting of 24 November 2010 and the support of members was noted.

**RECOMMENDED** that Council approve:-

- (1) the General Fund forecast financial position for the 2010/11 financial year;
- (2) the HRA forecast financial position for 2010/11 financial year;
- (3) the outstanding Sundry Debt position as at June 2010; and

(4) the Statutory Performance Indicator BVPI8 for creditors' payments.

(Report circulated)

120

### **CAPITAL MONITORING STATEMENT TO SEPTEMBER 2010**

The report of the Head of Treasury Services was submitted, reporting on the current position in respect of the Council's revised annual capital programme.

The Head of Treasury Services reported that a review of the capital programme had been undertaken to identify the extent to which uncommitted schemes could be deferred, reduced or removed from the programme and to identify any potential savings. He identified the main variances and other issues.

Scrutiny Committee - Resources considered the report at the meeting of 24 November 2010 and the support of members was noted.

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

**RECOMMENDED** that Council note and approve the current position in respect of the annual capital programme.

(Report circulated)

121

### **TREASURY MANAGEMENT 2010/11**

The report of the Head of Treasury Services was submitted on the current performance for the 2010-11 financial year and the position regarding investments and borrowings at 30 September 2010.

The Head of Treasury Services reported on the implications for the Council of the national economic position. He reported that the low interest rates were favourable for the Council in terms of short-term borrowing but the position would be closely monitored. The weak performance of investments had resulted in a significant reduction in investment income. The Council had reduced its borrowing from £21.8 million at the start of the financial year to £10 million at present.

Scrutiny Committee – Resources considered the report at the meeting on 24 November 2010 and the support of members was noted.

**RESOLVED** that the Treasury Management report for the first six months of 2010/11 be noted.

(Report circulated)

122

### **2011/12 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN**

The report of the Head of Treasury Services was submitted, providing a strategic overview of the budgetary position for the 2011/12 financial year and beyond, including an indication of the likely level of available resources and the proposals to ensure that a balanced budget is achieved.

The Head of Treasury Services reported that the Council faced unprecedented reductions in its financial support from the Government although the precise details of the Formula Grant settlement were not yet known. For the purpose of budget planning the Council was working on the basis of an overall cut of 30% in Formula Grant over the next four years. He reported that local authorities who freeze their Council Tax in 2011/12 will have the resultant loss to their Council Tax income funded at the rate of 2.5% in each year of the spending review period. It had therefore been assumed that Exeter would freeze its Council Tax in 2011/12 but thereafter increase it by 2.5% each year from 2012/13 to 2014/15. He reported on the consultation on the "New Homes Bonus" but noted that additional funding would probably come from top-slicing from the formula grant settlement. He identified the other budgetary assumptions, additional spending pressures and proposed budgetary reductions.

A member commented that the level of Council Tax should be a matter for local decision and not for Government direction. Members also expressed concern at the possible implications of the transfer of funding responsibilities for the Concessionary Fares scheme to the County Council. Executive welcomed the prudent approach to the Council's budget strategy for 2011/12 and the Medium Term Financial Plan.

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

(Report circulated)

123 **NEW EXECUTIVE ARRANGEMENTS UNDER THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

The report of the Head of Legal Services was submitted, highlighting the requirement set out in the Local Government and Public Involvement in Health Act 2007 for authorities to change their Executive Arrangements and move towards either:

- (a) a new style of Leader and Executive where the Strong Leader is elected by members of the Council for a four year term or until the Leader's term of office ends. The Executive members are appointed by the Leader from members of the Council; or
- (b) a directly elected Mayor and Executive where the Mayor is elected for a period of four years. The Executive members are appointed by the Mayor from members of the Council.

Executive was informed that the present government had publicised its intention to revoke the relevant provisions in the Act but it was unlikely that the necessary legislation would be passed before the end of 2011. In the meantime the Council was required to pass a resolution by 31 December 2010 to move to one of the new models, to take effect in May 2011. Should the Council fail to do so, Executive decisions made after that date could be subject to legal challenge.

Members noted the four responses that had been received in response to the consultation. They commented that, in the spirit of "localism", the constitutional arrangements of the Council should be a matter for the Council to determine in consultation with local residents, rather than central Government. A number of members commented that the proposed models did not fit well with a system of election by thirds.

Executive expressed a strong preference for the new style “Strong Leader” rather than the elected Mayor model but requested that the Constitution should be amended in such a way as to preserve some of the effective governance conventions which currently operated.

**RECOMMENDED** to Council that:-

- (1) having regard to the views of interested parties and the electorate and the preference of the Executive for the “Strong Leader” option, this option be adopted with effect from May 2011;
- (2) the Assistant Chief Executive be authorised to make any associated and necessary changes to the Council’s Constitution in accordance with paragraphs 5.3, 5.5 and 5.6 of the report to be effective from May 2011; and
- (3) the Assistant Chief Executive be authorised to publish a notice in accordance with paragraph 7.5 of the report.

(Report circulated)

124

#### **WHEELCLAMPING**

Council on 12 October 2010 considered a Notice of Motion submitted by Councillor Shiel and seconded by Councillor Mrs Henson in the following terms:-

“Exeter City Council feels that the practice of wheel clamping vehicles is no longer appropriate and will not allow its use on any Council land in the future and looks for the day when it is outlawed altogether.”

Council was concerned that the implications of withdrawing the practice, together with possible alternative methods of parking control, should be the subject of further investigation and consultation, before a decision was made. It was therefore resolved to refer the Notice of Motion to Executive for further consideration in order that any decision was made in the light of legal and other relevant considerations.

Executive noted that investigation into the issue was continuing and a full report would be made to Executive in the New Year.

125

#### **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 involve the likely disclosure of exempt information as defined in Paragraph 1, 3 and 4 of Part I, Schedule 12A of the Act.

126

#### **LEGAL SERVICES - STAFFING REDUCTION**

The report of the Head of Legal Services was submitted, reviewing the staffing establishment of the Legal Services unit.

**RESOLVED** that subject to a full and proper consultation, Post No. CS05103 be reduced to three days a week with appropriate compensation payable in accordance with the provisions of the Local Government (Early Termination) (Discretionary Compensation (England and Wales) Regulations 2006 to that employee who is made redundant after a selection process.

(Report circulated to Members)

127

### **QUARTERLY PROGRESS REPORT - RAMM DEVELOPMENT PROJECT**

The report of the Head of Leisure and Museums was submitted bringing the Committee up to date with the current situation with respect to the various contracts now let for the RAMM Development Project. Although the project was making progress and was stable, he pointed out that there were a number of risk factors which could still affect the timetable and the cost which had yet to be eliminated.

The Head of Leisure and Museums updated Executive on recent progress and informed members that monthly programme boards took place with the Architects, contractors and senior Council officers in addition to regular meetings with the Senior Members' Group.

Scrutiny Committee - Resources considered the report at their meeting of 15 September 2010 and the support and comments of members were noted.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order 44. He complimented the Head of Leisure and Museums and senior officers for the way they had managed the contract despite the very major issues which had arisen.

Members thanked officers for their continuing work on the project and supported the approach proposed in the report.

**RECOMMENDED** to Council that:-

- (1) officers continue to maintain strenuous efforts to control costs and delays;
- (2) in the light of the latest information on the risks which the project continues to face, contained in the Focus Strategic Cost Review of August 2010, the budget for the project be increased to £24.263m, noting the reasons for the increase in the forecast expenditure as reported in the report.

(Report circulated to members)

(The meeting commenced at 5.30 pm and closed at 7.30 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 14 December 2010.**