

## EXECUTIVE

Tuesday 5 April 2011

### Present:-

Councillor Edwards (Chair)

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

Chief Executive, Director Corporate Services, Director Economy and Development, Assistant Chief Executive, Head of Legal Services, Head of Treasury Services and Member Services Officer (HB)

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### DECLARATIONS OF INTEREST

A Member declared the following personal interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor RM Hannaford	Min. No. 50 (Civil Partner is a Board Member of Age Concern)

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### OVERVIEW OF GENERAL FUND 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 nine months, for the 2010/11 financial year.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support and comments were noted.

**RECOMMENDED** that Council notes and approves:

- (1) the General Fund forecast financial position for the 2010/11 financial year;
- (2) the HRA forecast financial position for the 2010/11 financial year;
- (3) the outstanding Sundry Debt position as at 31 December 2010; and
- (4) the Statutory Performance Indicator BVP18 for creditors' payments.

(Report circulated)

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### CAPITAL MONITORING STATEMENT TO DECEMBER 2010

The report of the Head of Treasury Services was submitted, setting out the current position in respect of the Council's 2010/11 capital programme and advising Members of the anticipated variations.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their comments and support were noted.

**RECOMMENDED** that Council approves:-

- (1) the current position in respect of the annual capital programme; and
- (2) a reduction in the disabled facilities grants budget of £198,330.

(Report circulated)

43

**ANNUAL SUSTAINABLE PROCUREMENT AND COMMISSIONING REPORT  
2010/11**

The report of the Head of Contracts and Direct Services was submitted reporting to Members progress made against last year's Sustainable Procurement and Commissioning Action Plan and outlining the Sustainable Procurement and Commissioning Action Plan for 2011/12.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support and comments were noted.

**RESOLVED** that Executive:

- (1) agrees the Sustainable Procurement and Commissioning Action Plan for 2011/12; and
- (2) notes that changes to the Contract Regulations will be made under delegated powers to reflect the new requirements identified in section 4 of the report.

(Report circulated)

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**CORPORATE GOVERNANCE RISK REGISTER ANNUAL REVIEW 2011**

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

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support and comments were noted.

**RESOLVED** that Executive approves:-

- (1) the annual corporate risk register; and
- (2) the revised risk management policy.

(Report circulated)

45

**PROPOSED ARTICLE 4 DIRECTION TO CONTROL DEMOLITION OF OR  
ALTERATIONS TO 60-66 UNION ROAD**

The report of the Head of Planning and Building Control was submitted, proposing an Article 4 Direction (under the Town and Country Planning (General Permitted Development) Order 1995, as amended) to remove the permitted development right for demolition and alterations, and having immediate effect, to be applied to 60-66 Union Road, Exeter.

Councillor Hobden attended the meeting and spoke on this item having given notice under Standing Order No. 44. She welcomed the proposals set out in the report.

**RESOLVED** that Executive:-

- (1) considers that the development to which the proposed Direction relates would be prejudicial to the proper planning of the Council's area or constitute a threat to the amenities of the Council's area; and
- (2) delegate to the Head of Planning and Building Control, in consultation with the Portfolio Holder for Sustainable Development and Transport, the responsibility to make an Article 4 Direction relating to 60–66 Union Road in the form of (or substantially in the form of) the draft Direction in Appendix 1 to the report, to consider any representations and to decide whether to confirm the Direction with or without amendments.

(Report circulated)

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

The report of the Head of Legal Services and Monitoring Officer was submitted, highlighting the changes required to be made to Exeter City Council's Constitution as a result of the provisions of the Local Government and Public Involvement in Health Act 2007 ("the Act"). Members were informed that the legislation also required the Leader to appoint a Deputy Leader.

**RECOMMENDED** that Council approves the changes required to the Council's Constitution, as set out in the Appendices to the report, together with an additional change requiring the Leader to appoint a Deputy Leader whose term of office will be coterminous with that of the Leader.

(Report circulated)

47 **PROPOSED CHANGE TO DELEGATION SCHEME - GUILDHALL BOOKINGS**

The Scheme of Delegation to Officers, as set out in Part 3 of the Council's Constitution, gave the Head of Corporate Customer Services the authority:

"In consultation with the Executive member with relevant portfolio, to authorise the use of the Guildhall for private functions".

The Head of Corporate Customer Services currently discharged this function, on the receipt of a request, by referring his recommendation to the Leader of the Council. In practice, this had become a very routine task involving relatively small amounts of money and the Head of Corporate Customer Services and the Leader felt that the current procedure involved a disproportionate administrative burden. In order to streamline the process, the Head of Corporate Customer Services had therefore requested an amendment to his authority to enable him to make decisions without reference to the Leader of the Council on a routine basis. He would, nevertheless, continue to consult the Leader in any circumstance where there might be any conflict or controversy associated with the requested booking.

**RECOMMENDED** that item 3 of the list of powers delegated to the Head of Corporate Customer Services in the Scheme of Delegation to Officers in the Constitution be amended to read:

"To authorise the use of the Guildhall for private functions."

48            **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 during consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Part I, Schedule 12A of the Act.

49            **IT SERVICES RESTRUCTURE**

The report of the Head of IT Services was submitted, requesting Members' approval for the termination of employment of a post holder to enable service efficiencies.

Scrutiny Committee - Resources considered the report at their meeting on 23 March 2011 and their support was noted.

**RESOLVED** that the proposal to terminate the employment of the holder of post CS08114 be approved, 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.

(Report circulated to Members)

50            **POTENTIAL USE OF 137 COWICK STREET BY AGE CONCERN**

Councillor RM Hannaford declared a personal interest in this matter as his Civil Partner was a Board Member of Age Concern.

The joint report of the Acting Head of Estates Services and Head of Contracts and Direct Services was submitted, seeking to agree the acquisition of 137 Cowick Street, a scheme of refurbishment and its lease to Age Concern Exeter.

**RESOLVED** that:-

- (1) the Head of Contracts and Direct Services be authorised to proceed with tendering for all work;
- (2) assuming that the results of the tenders confirm that all the work can be achieved within the identified budget, then McCarthy & Stone be advised that the Council wishes to proceed with the transfer;
- (3) the Council proceeds with the acquisition of the property together with the surrender and grant of a new lease of the extended property to Age Concern, Exeter on terms as indicated in the report; and

- (4) the rent under the new lease be grant-aided for a minimum of five years from the commencement of the new lease.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.05 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 12 April 2011.**