



Exeter City Council

To the Chair and Members
of the Executive

Philip Bostock, Chief Executive

Bindu Arjoon, Assistant Chief Executive

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A meeting of the **EXECUTIVE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter at **5.30 pm** on **TUESDAY 4 OCTOBER 2011** 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

Pages

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

1

GRANTS COMMITTEE

To receive and adopt the minutes of the meeting held on 15 September 2011.

1 - 4

(Minutes circulated)

2

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, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3

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 items 15 and 16 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

4

CAPITAL MONITORING STATEMENT TO 30 JUNE 2011

To consider the report of the Head of Treasury Services. 5 - 16

Scrutiny Committee – Resources considered the report at its meeting on 21 September 2011 and comments will be reported.

(Report circulated)

5 **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2011/12**

To consider the report of the Head of Treasury Services. 17 - 24

Scrutiny Committee – Resources considered the report at its meeting on 21 September 2011 and comments will be reported.

(Report circulated)

6 **GOVERNMENT CONSULTATION ON PROPOSALS FOR BUSINESS RATES RETENTION**

To consider the report of the Head of Treasury Services. 25 - 32

(Report circulated)

7 **LOCALISING COUNCIL TAX BENEFIT - IMPLICATIONS**

To consider the report of the Head of Treasury Services. 33 - 36

(Report circulated)

8 **REVIEW OF POLLING DISTRICTS AND POLLING PLACES WITHIN THE EXETER PARLIAMENTARY CONSTITUENCY**

To consider the report of the Chief Executive. 37 - 60

Scrutiny Committee – Resources considered the report at its meeting on 21 September 2011 and comments will be reported.

(Report circulated)

9 **GOVERNMENT CONSULTATION ON THE INTRODUCTION OF INDIVIDUAL ELECTORAL REGISTRATION**

To consider the report of the Chief Executive. 61 - 64

Scrutiny Committee – Resources considered the report at its meeting on 21 September 2011 and comments will be reported.

(Report circulated)

10 **CONSULTATION ON NATIONAL PLANNING POLICY FRAMEWORK**

To consider the report of the Head of Planning and Building Control. 65 - 72

(Report circulated)

11 **WAVELENGTH 23 - SURVEY RESULTS**

To consider the report of the Assistant Chief Executive. 73 - 74

(Report circulated)

12 **THE COUNCIL'S POLICY ON INDEMNITIES FOR REPRESENTATIVES ON
OUTSIDE BODIES**

To consider the report of the Head of Legal Services. 75 - 78

(Report circulated)

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

Executive is requested to appoint Councillor Margaret Clark to replace Councillor Adrian Hannaford as trustee for Age UK.

14 **CHANGE IN COMMITTEE MEMBERSHIP**

Executive is requested to recommend to Council the following changes in Committee membership:-

- (1) Councillor Adrian Hannaford to replace Councillor Paul Bull on Scrutiny Committee – Community
- (2) Councillor Paul Bull to replace Councillor Adrian Hannaford on Scrutiny Committee - Economy

Part II: Items suggested for discussion with the press and public excluded

15 **LIVESTOCK CENTRE - STAFFING**

To consider the report of the Acting Head of Estates Services on staffing at the Livestock Centre. 79 - 84

(Report circulated to Members)

16 **SENIOR MANAGEMENT RESTRUCTURING**

(Report circulated to Members)

DATE OF NEXT MEETING

The next scheduled meeting of the Executive will be held on **Tuesday 22 November 2011** at 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 Edwards (Chair), Denham, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish, Sheldon and Sutton

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.

Agenda Item 1

GRANTS COMMITTEE

Thursday 15 September 2011

Present:-

Councillor John Winterbottom (Chair)
Councillors M A Baldwin, Bull, Newcombe and Spackman

Also Present

Director Community and Environment, Senior Valuer (TJ) Valuer (TW) and Member Services Officer (SJS)

7

MINUTES

The minutes of the meetings held on 2 December 2010 and 24 February 2011 were taken as read and signed by the Chair as correct.

8

DECLARATIONS OF INTEREST

A Member declared the following personal interest:-

COUNCILLOR	MINUTE
Councillor Winterbottom	10 (knows the Treasurer of Exe Water Sports Association)

9

GRANTS BUDGET POSITION

The Director of Community and Environment outlined the current budget position with regards to the grants budget and informed Members the amount currently left unallocated from 2011/12 was £2,504 plus £3,000 that was approved to be carried forward to 2011/12.

10

RENT GRANTS

Councillor Winterbottom declared a personal interest as he knows the Treasurer of Exe Water Sports Association.

The Director Community and Environment outlined to Members the rent grant applications for Exe Water Sports Association and Devon Rape Crisis Service Ltd.

Members raised concerns regarding the pressure that the increase in the rent for the pontoon could put on the financial position of Exe Water Sports Association.

The Senior Valuer updated Members on a proposed way forward with regards to the pontoon licence fee for Exe Water Sports Association. The current licence fee was £750 p.a. From completion of the legal documentation, the licence fee would increase to £1,750 p.a. for the first year, increasing to £2,750 p.a. in the second year and then rising to £3,951.60 p.a. from the third year onwards. He advised that the licence fee year was not the same as a financial year.

Members recognised the excellent work that Devon Rape Crisis Service Ltd were undertaking and invited the organisation to re-submit an application for consideration alongside other applications for 2012/13 funding, with the advice that

a commitment could not be made as to whether the application would be successful.

RESOLVED to recommend to Executive that the decisions as set out below be implemented in respect of the bodies indicated;

GRANT	RECOMMENDED	COMMENTS
Exe Water Sports Association	Approve	£700 towards the rent increase for 62 Haven Road which can be covered by the recommendation at the February 2011 Grant Committee with regards to rental increases for existing properties during the year
	Refuse	£3,052 for the rent for the frontage of the pontoon; from completion of the legal documentation the licence fee would increase to £1,750 p.a. for the first year, increasing to £2,750 p.a. in the second year and then rising to £3,951.60 p.a. from the third year onwards
Devon Rape Crisis Service Ltd	Refuse	Most of the funding the organisation needs for 2011/12 is in place. The organisation be invited to re-submit an application for consideration alongside other applications for 2012/13 funding

(Report circulated)

11 **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 part of the following item on the

grounds that it involves the likely disclosure of exempt information as defined in the paragraph 3 of Part 1 of Schedule 12A of the Act'.

12

MATTHEWS HALL

The Director Community and Environment presented the report to approve rent support to Topsham Community Association for Matthews Hall for a minimum period of five years.

The Senior Valuer advised Members that there had been discussions with the Community Association for them to take over all responsibility for the areas of open space to the side and front of the hall. This would save the Council the cost of managing and maintaining the area and it would remain open for public use unless the Association had an event.

The majority of Members felt that whilst it was extremely unlikely that the rent grant would not be approved the Council was not in a financial position to give the Topsham Community Association an assurance that the rent grant would be approved for the next five years. They also had concerns that any assurance could create a precedent for other community associations in receipt of a rent grant.

RESOLVED to recommend to Executive that it is extremely unlikely that the rent grant would not be paid but, in light of the Comprehensive Spending Review, Grants Committee were unwilling to bind its successors into a five year agreement.

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 5.17 pm)

Chair

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EXETER CITY COUNCIL

SCRUTINY COMMITTEE – RESOURCES 21 SEPTEMBER 2011

EXECUTIVE
4 OCTOBER 2011

COUNCIL
18 OCTOBER 2011

CAPITAL MONITORING STATEMENT TO 30 JUNE 2011

1.0 PURPOSE OF THE REPORT

- 1.1 To report the current position in respect of the Council's revised annual capital programme and to advise Members of the anticipated level of deferred expenditure into future years.

2.0 BACKGROUND

- 2.1 Local authorities are required to estimate the total of capital expenditure that they plan to incur during the financial year when it sets the prudential indicators for capital expenditure. This shows that its asset management and capital investment strategies are affordable, prudent and sustainable.
- 2.2 Capital expenditure is a significant source of risk and uncertainty since cost variations, delays and changing specifications are often features of large and complex capital projects.
- 2.3 This report is prepared on a quarterly basis in order to update Members with any known cost variations, slippage and acceleration of projects.

3.0 REVISIONS TO THE CAPITAL PROGRAMME

- 3.1 The 2011/12 Capital Programme, including commitments brought forward from 2010/11, was last reported to Scrutiny Committee - Resources on 22 June 2011. Since that meeting the following changes have been made that have increased the programme:

Description	£	Approval/funding
Capital Programme, as at 22 June 2011	21,836,950	
King William Street Car Park	900,000	Funding approved by Council 19/07/11
Energy Conservation	89,540	External funding contributions
Children's Play Areas	3,530	Interest on Section 106 monies
Social Housing Grants	1,720	Interest on Section 106 monies
Kinnerton Way Community Centre	120	Interest on Section 106 monies
Revised Capital Programme	22,831,860	

4.0 PERFORMANCE

4.1 Progress

The revised capital programme for the current financial year is £22.832 million. During the first three months of the year the Council spent £2.489 million on the programme, which equates to 10.90% of the revised programme. This compares with £3.305 million (10.99%) being spent in the first three months of 2010/11.

4.2 The current programme is detailed in Appendix 1. The Appendix shows a total forecast spend for 2011/12 of £21.430 million with £1.380 million of the programme potentially deferred to 2012/13.

5.0 VARIANCES AND ACHIEVEMENTS

5.1 The main variances, achievements and issues concerning expenditure which may be deferred to 2012/13 are as follows:

5.1.1 Community & Environment

Cultural City

- **Play Area Refurbishments (Budget £157,390)**

New play equipment has been installed at Harrington Lane Play Area, this is in addition to the MUGA style goal ends provided early in 2011.

Public consultation has been undertaken at Dickens Drive Play Area and the site will be refurbished/improved during autumn 2011.

Work has continued with the Residents' Association at Arena Park Play Area in conjunction with Exeter Parks Watch, various externally funded improvements are taking place at the site.

Cared For Environment

- **Local Authority Carbon Management Programme (Budget £129,130)**

Heating controls have been fitted at the Corn Exchange and solar panels have been ordered for Belle Isle and are due to be installed in September. It is proposed that £42,000 of the budget be carried forward to 2012/13.

Safe City

- **Replace Digital Recording Equipment at Control Centre (Budget £16,000)**

The digital recorders were bought in 2010/11 and were paid for by a grant from the Crime and Disorder Reduction Partnership. This was treated as revenue expenditure.

5.1.2 Economy & Development

Accessible City

- **King William Street Car Park Refurbishment Stage 1 (Budget £218,300)**

The King William Street Car Park Refurbishment has been split into two stages for 2011/12. The remainder of the Stage 1 Refurbishment will now be completed in 2012/13 with slippage of £196,100 to be used for London Inn Square (Paris Street, New North Road and Sidwell Street Improvements).

- **King William Street Car Park Refurbishment Stage 2 (Budget £900,000)**

The second stage of this scheme is at the pre-qualification questionnaire stage. Tenders are due to be sent out in mid September and to be returned by mid November. A contractor will be appointed mid December, with work due to start on site in April 2012. It is therefore anticipated that there will be slippage of £875,000 to 2012/13, with £25,000 to be spent on fees in 2011/12.

The programme for this project has been elongated so that completion coincides with the opening of the new John Lewis store. This stage of the project is due for completion by October 2012.

Cared For Environment

- **City Centre Enhancements (Budget £407,220)**

It is forecast that £140,000 will be spent in 2011/12 on Gandy Street, Northernhay Gate and Rougemont Garden Gate. The works planned for Northernhay Gate are due to start early in September, however it is anticipated there will be delays due to the RAMM reinstatement works. These delays are currently being assessed. The remainder of the budget (£267,220) will be carried forward to 2012/13 to be spent on London Inn Square (Paris Street, New North Road and Sidwell Street).

5.1.3 Housing Revenue Account

Everyone Has a Home

- **Kitchen and Bathroom Replacement Programme (Budget £1,500,000 and £446,690 respectively)**

The kitchen and bathroom replacements have been delayed due to the temporary contractor declining to continue with the work. The tender is due to go out by the end of August and it is planned for the new contract to be in place by December 2011.

6.0 RECOMMENDED

- 6.1 It is recommended that Scrutiny Committee – Resources notes and Council approves the current position in respect of the annual capital programme.

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

**2011/12
CAPITAL MONITORING TO 30 JUNE 2011**

Lead Officer	2011/12 Capital Programme	2011/12 Spend to 30 June	2011/12 Forecast Spend	2011/12 Budget to be Carried Forward to 2012/13	2011/12 Programme Variances Under ()	£	£	£	£
COMMUNITY & ENVIRONMENT									
CULTURAL CITY									
	Playing Fields General Improvements	PM	3,740	0	3,740	0			0
	Bromhams Farm Changing Rooms	PM	14,960	0	14,960	0			0
	Play Area Refurbishments	AC	157,390	25,447	157,390	0			0
	Sports Facilities Refurbishment	AC	179,880	0	179,880	0			0
	Parks Improvements	PM	210,000	11,830	210,000	0			0
	Contribution to RAMM Re HLF Parks Bid	PM	176,800	0	176,800	0			0
	Leisure Management Contract	AC	59,680	47,729	59,680	0			0
	Exwick Community Centre	AC	20,780	0	20,780	0			0
	RAMM Redevelopment	AC	1,655,610	572,612	1,655,610	0			0
	RAMM Off Site Store	AC	40,740	0	40,740	0			0
	Cowick Barton Changing Rooms - External Paving	PM	20,000	0	20,000	0			0
	Cowick Barton Changing Rooms - External Walls etc	PM	8,000	0	8,000	0			0
	Neighbourhood Parks & Local Open Spaces	PM	60,000	0	60,000	0			0
	Allotments - Toilet Replacement	PM	40,000	0	40,000	0			0
	St Katherine's Priory Re-Roofing	MC	47,000	0	47,000	0			0
CARED FOR ENVIRONMENT									
	Home Recycling Scheme	RN	60,000	0	60,000	0			0
	Public Toilet Refurbishment	PM	990	0	990	0			0
	Local Authority Carbon Management Programme	PM	129,130	2,214	87,000	42,130			0
	Improvements to Cemetery Roads & Pathways	PM	14,140	0	14,140	0			0
	Cemeteries & Churches Storage Improvements	PM	33,920	0	33,920	0			0
	Midi Recycling Banks	RN	10,000	0	10,000	0			0
	Upgrade of Turf Sewage Treatment Plant	AC	9,650	5,116	9,650	0			0
	General Open Space Improvements	PM	8,330	592	8,330	0			0
	Green Waste Shredders	PM	36,000	0	36,000	0			0
EXCELLENCE IN PUBLIC SERVICES									
	Vehicle Replacement Programme	PM	418,110	118,721	418,110	0			0
	Replacement of Homecall Equipment	RN	930	0	930	0			0
	New Technology for Cleansing	RN	108,040	21,530	108,040	0			0
	Belle Isle Depot - Secure Equipment Storage	PM	125,000	4,000	125,000	0			0

**2011/12
CAPITAL MONITORING TO 30 JUNE 2011**

	Lead Officer	2011/12 Capital Programme	2011/12 Spend to 30 June	2011/12 Forecast Spend	2011/12 Budget to be Carried Forward to 2012/13	2011/12 Programme Variances Under 0	£	£	£	£
HEALTHY & ACTIVE PEOPLE										
Disabled Facility Grants	RN	321,330	99,514	321,330			0			
EVERYONE HAS A HOME										
Warm Up Exeter/PLEA Scheme	RN	265,540	0	265,540			0			
Wessex Loan Scheme	RN	737,120	58,852	737,120			0			
Glencoe Capital Works	LB	20,000	9,297	20,000			0			
ExtraLet Plus	LB	187,580	0	187,580			0			
Social Housing Grants	LB	4,815,090	43,800	4,815,090			0			
Whipton Methodist Church	LB	17,500	17,500	17,500			0			
St Loyes Design Fees	LB	120,290	34,625	120,290			0			
Private Sector Renewal Scheme	LB	100,000	45,228	100,000			0			
Development of General Fund Housing Land	LB	1,150	0	1,150			0			
PSL Improvement Programme	LB	31,250	180	31,250			0			
Private Landlords	LB	200,000	0	200,000			0			
Renovation Grants	RN	131,780	1,260	131,780			0			
SAFE CITY										
Replace Digital Recording Equipment at Control Centre	RN	16,000	0	0			(16,000)			
COMMUNITY & ENVIRONMENT TOTAL		10,613,450	1,120,046	10,555,320	42,130		(16,000)			

**2011/12
CAPITAL MONITORING TO 30 JUNE 2011**

	Lead Officer	2011/12 Capital Programme	2011/12 Spend to 30 June	2011/12 Forecast Spend	2011/12 Budget to be Carried Forward to 2012/13	2011/12 Programme Variances Under 0	£	£	£	£
ECONOMY & DEVELOPMENT										
ACCESSIBLE CITY										
National Cycle Network	DH	21,360	440	21,360						0
Signage / Pedestrian Interpretation	RS	31,600	0	31,600						0
Well Oak Footpath/Cycleway	RS	80,000	0	80,000						0
King William Street Car Park Refurb Stage 1	RC	218,300	22,197	22,200	196,100					0
King William Street Car Park Refurb Stage 2	RC	900,000	0	25,000	875,000					0
CULTURAL CITY										
18 North Street Panelling	RS	2,720	0	2,720						0
Corn Exchange Enhancements	MC	7,550	0	7,550						0
Corn Exchange - Haystack Lantern	PM	17,240	14,383	17,240						0
Floodlighting	RS	1,120	0	1,120						0
CARED FOR ENVIRONMENT										
City Centre Enhancements	KH	407,220	41,047	140,000	267,220					0
Mincinglake/Northbrook Study	DH	63,730	1,859	63,730						0
Ibstock Environmental Improvements	MC	3,240	0	3,240						0
Planting Improvements in Riverside Valley Park	RS	14,250	0	14,250						0
Cowick Street Environmental Works		100,000	0	100,000						0
EXCELLENCE IN PUBLIC SERVICES										
Verney House	MC	45,000	0	45,000						0

**2011/12
CAPITAL MONITORING TO 30 JUNE 2011**

	Lead Officer	2011/12 Capital Programme	2011/12 Spend to 30 June	2011/12 Forecast Spend	2011/12 Budget to be Carried Forward to 2012/13	2011/12 Programme Variances Under (£)
LEARNING CITY			£	£	£	£
Improvements to Quay House Visitor Centre	RB	2,010	422	2,010		0
PROSPEROUS CITY						
Basin/Quayside Redevelopment	MC	648,990	15,515	648,990		0
Science Park	RB	761,730	0	761,730		0
SAFE CITY						
Security Measures for Riverside Valley Park	DH	2,570	45	2,570		0
ECONOMY & DEVELOPMENT TOTAL		3,328,630	95,907	1,990,310	1,338,320	0

**2011/12
CAPITAL MONITORING TO 30 JUNE 2011**

	Lead Officer	2011/12 Capital Programme	2011/12 Spend to 30 June	2011/12 Forecast Spend	2011/12 Budget to be Carried Forward to 2012/13	2011/12 Programme Variances Under 0	£	£	£	£	£
CORPORATE SERVICES											
ACCESSIBLE CITY											
Equal Opportunities Improvements	PM	9,230	0	9,230							0
ELECTRONIC CITY											
Electronic Document Management	PE	8,330	0	8,330							0
Server and Storage Strategy	PE	40,000	0	40,000							0
FIMS Replacement	AS	5,130	0	5,130							0
Environmental Health System Upgrade	RN	4,590	0	4,590							0
Security Compliance for GCSx & PCI DSS	PE	48,000	0	48,000							0
Authentication Module	PE	31,000	0	31,000							0
IT Development Time	PE	37,500	13,120	37,500							0
PC & Mobile Devices Replacement Programme	PE	104,100	0	104,100							0
Corporate Network Infrastructure	PE	30,000	781	30,000							0
GIS Strategy	PE	60,000	0	60,000							0
Intranet & Internet	PE	3,000	2,070	3,000							0
Benefits & Council Tax On-Line	PE	0	(5,800)	(5,800)							(5,800)
EXCELLENCE IN PUBLIC SERVICES											
Franking Machine	JS	17,000	0	17,000							0
Capitalised Staff Costs	AS	261,000	0	261,000							0
CORPORATE SERVICES TOTAL		658,880	10,171	653,080	0	0	0	0	0	0	(5,800)

**2011/12
CAPITAL MONITORING TO 30 JUNE 2011**

	Lead Officer	2011/12 Capital Programme	2011/12 Spend to 30 June	2011/12 Forecast Spend	2011/12 Budget to be Carried Forward to 2012/13	2011/12 Programme Variances Under
		£	£	£	£	£
HRA CAPITAL						
EVERYONE HAS A HOME						
Sheltered Accommodation	LB	143,540	101,593	143,540		0
Adaptations	LB	450,000	101,746	450,000		0
D/PS Bristol Steel Properties	LB	10,750	10,753	10,753		3
Rendering of Council Dwellings	LB	260,000	46,328	260,000		0
MRA Fees	LB	364,270	0	364,270		0
Communal Door Entry System	LB	10,000	3	10,000		0
Environmental Improvements - General	LB	25,000	19,769	25,000		0
Programmed Re-roofing	LB	250,000	39,276	250,000		0
Energy Conservation	LB	104,540	11,174	104,540		0
Asbestos Survey	LB	100,000	7,665	100,000		0
Council House Extensions	LB	30,700	12,237	30,700		0
Plastic Windows & Doors	LB	20,000	0	20,000		0
Kitchen Replacements	LB	1,500,000	155,206	1,500,000		0
Asbestos Removal Works	LB	200,000	26,640	200,000		0
Bathroom Replacements - Programmed	LB	446,690	21,620	446,690		0
Other Works	LB	389,250	41,488	389,250		0
Repointing	LB	50,000	2,874	50,000		0
Fire Prevention Work	LB	402,420	1,283	402,420		0
Communal Areas	LB	200,000	0	200,000		0
Structural Repairs	LB	50,000	0	50,000		0
Fire Alarms at Sheltered Accommodation	LB	100,000	0	100,000		0
Replacement Concrete Canopies	LB	250,000	0	250,000		0
Rennes House Heating Replacement	LB	200,000	0	200,000		0
Programmed Electrical Re-wiring	LB	670,050	62,047	670,050		0
Central Heating Programme	LB	1,340,450	186,300	1,340,450		0
HOUSING REVENUE ACCOUNT TOTAL		7,567,660	848,001	7,567,663	0	3

2011/12
CAPITAL MONITORING TO 30 JUNE 2011

Lead Officer	2011/12 Capital Programme	2011/12 Spend to 30 June	2011/12 Forecast Spend	2011/12 Budget to be Carried Forward to 2012/13	2011/12 Programme Variances Under 0
	£	£	£	£	£
COUNCIL HOUSEBUILDING PROGRAMME					
COUNCIL'S OWN BUILD					
Merlin Crescent	LB	663,240	415,222	663,240	0
COUNCIL HOUSEBUILDING TOTAL					
		663,240	415,222	663,240	0

CAPITAL AND PROJECT EXPENDITURE TOTAL 22,831,860 2,489,348 21,429,613 1,380,450 (21,797)

Head of Leisure and Museums	AC
Head of Treasury Services	AS
Engineering and Construction Manager	DH
Acting Head of Estates Services	MC
Head of Environmental Health Services	RN
Director of Economy and Development	KH
Head of Corporate Customer Services	JS
Head of IT Services	PE
Head of Contracts and Direct Services	PM
Head of Economy and Tourism	RB
Head of Administration and Parking Services	RC
Head of Planning Services	RS
Acting Head of Housing	LB

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EXETER CITY COUNCIL

SCRUTINY COMMITTEE - RESOURCES 21 SEPTEMBER 2011

EXECUTIVE
4 OCTOBER 2011

COUNCIL
18 OCTOBER 2011

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2011/12

1. PURPOSE OF THE REPORT

- 1.1 To advise Members of the overall projected financial position of the General Fund Revenue Budget after three months, for the 2011/12 financial year.

2. REVENUE POSITION – EXECUTIVE SUMMARY

FUND	Latest Approved Budget	Stewardship Variance June 2011	Outturn Forecast 2011/12
	£	£	£
General Fund	14,173,520	16,086	14,189,606
HRA*	(499,390)	31,800	(467,590)
* Net deficit			

GENERAL FUND – Appendix A

- 2.1 The Service Committee budgets shows a forecast overspend of £503,990 (3.9%) against a revised Service Committee Net Expenditure budget of £13,003,520 and an overall overspend of £389,165 against General Fund Expenditure including interest and funds set aside for the repayment of debt.
- 2.2 Details of the variances are being disclosed in stewardship reports to individual Scrutiny Committees during the current cycle of meetings. However the main variances are as follows:
- 2.3 **Scrutiny Committee Community – (An underspend of £135,960)**

There will be a saving on staff costs in Environmental Protection as a result of a vacancy which will not be filled. This has caused an underspend of £41,420.

Cleansing services is anticipated to overspend by £70,000 as a result of the increased price of diesel.

Within the Museums Service, there will be a saving on staff costs as a result of some grades being lower than anticipated in the estimates following the Job Evaluation exercise, although in some cases the reduction will not be fully realised in the current year due to pay protection. The anticipated saving is £46,360.

Income from the sale of recyclates is expected to exceed the estimates, and the cost of freight is expected to be less than estimated. While the prices at which materials are currently being sold exceed those assumed for the estimates, the volatility of these prices makes it difficult to predict the outturn. This will be reviewed for the half year stewardship report. It is estimated that the underspend will total £125,000.

Other variances within the Committee result in a net overspend of £6,820, leaving an anticipated total underspend for the Committee of £135,960.

2.4 Scrutiny Committee Economy – (An overspend of £221,940)

Additional expenditure will be incurred in Planning in respect of costs awarded against the Council regarding a planning appeal at Hill Barton Farm. This will result in an anticipated overspend of £68,260.

There is an anticipated overspend in respect of the closure of the Archaeological Field Unit. The cost of £286,120 was reported to the Executive in March 2011.

Additional income is expected in respect of livestock sales, commission and rental income, contributing to an estimated underspend of £74,900.

Other variances within the Committee result in a net underspend of £57,540, leaving an anticipated total overspend for the Committee of £221,940.

2.5 Scrutiny Committee Resources – (An overspend of £418,010)

It is anticipated that there will be a reduction in the amount of Housing Benefit Subsidy received, mainly in respect of non HRA rent allowances. This has resulted in an estimated overspend of £388,190 (0.87%) against the £44.7 million budget.

Other variances within the Committee result in a net overspend of £29,820, leaving an anticipated total overspend for the Committee of £418,010.

3. OTHER FINANCIAL VARIATIONS

3.1 There is a net transfer from Earmarked Reserves of £140,350, an increase of £21,350 from budget.

3.2 The Council has been awarded £389,165 in the form of the New Homes Bonus. This is an unringfenced grant that the Council may use as it chooses.

3.3 After the completion of the final accounts for 2010/11, the provision for the repayment of debt has been calculated and is £118,739 lower than the estimate. It is anticipated that net interest paid will be £20,000 higher than anticipated.

3.4 The overall net transfer to the General Fund Working Balance is estimated to be £85,794 at 31 March 2012 after accounting for July approved supplementary budgets of £147,170.

4. HOUSING REVENUE ACCOUNT (HRA) (APPENDIX B)

4.1 During this period the total of the budget variances indicate that there will be a net deficit of £467,590 which will need to be funded from the HRA working balance at 31 March 2012. However, this represents a reduction of £31,800 compared to the budgeted reduction to the working balance of £499,390. It is estimated that the working balance will stand at £3,448,351 at 31 March 2012.

4.2 Details of the variances are being disclosed in stewardship reports to Scrutiny Committee Community during the current cycle of meetings.

5. OUTSTANDING SUNDRY DEBT

5.1 The Council issues invoices for a range of sundry debts, including :-

- Commercial rent
- Trade waste
- Service charge and ground rent for leasehold flat owners
- Home call alarms
- Housing benefit overpayments
- A range of other services such as room rental.

This does not include housing rent, council tax or business rate debt.

5.2 An aged debt analysis of the Council's sundry debts is shown in the table below. Debt over 30 days old has decreased during the year from £2.204 million in June 2010 to £1.973 million in June 2011. Debts over 5 years old relate in the main to three services, Housing Benefit overpayments (£143,945), Engineering (£33,729) and Housing (£15,671).

Age of Debt	June 2010	June 2011
Up to 29 days (current)	£1,068,689	£774,075
30 days – 1 Year	£1,076,971	£962,441
1 – 2 years	£416,336	£366,265
2 –3 years	£228,996	£235,630
3 – 4 years	£108,025	£155,317
4 – 5 years	£112,007	£58,104
5 + years	£261,603	£194,831
Total	£3,272,627	£2,746,663

5.3 Of the outstanding debt, the table below sets out the main services and debts owing:

	Outstanding debt – 30 June 2011 £
▪ Commercial rent	569,275
▪ Markets & Halls	42,071
▪ Trade waste	84,214
▪ Service charge and ground rent for leasehold flat owners	75,617
▪ Home call alarms	5,917
▪ Housing benefit overpayments*	995,349
▪ Engineering	33,729
▪ AFU	193,888
▪ Economy & Tourism	63,486
▪ HRA	177,240
▪ General Fund Housing	105,267
▪ River & Canal	38,866

* These overpayments occur largely due to claimants' change of circumstances which leads to a lower benefit entitlement once a reassessment is made. This figure represents about 2.2% of the total annual benefits paid and more than 90% of these overpayments are usually recovered. The housing benefits overpayments as at 30 June 2010 were higher at £1,091,055.

6. CREDITOR PAYMENTS PERFORMANCE

6.1 During the first three months of 2011/12, the percentage of invoices paid within 30 days was 97.0%, which is significantly higher than last year's first quarter performance of 92.9%.

7. CONCLUSION

7.1 The forecast increase in Service Committee net expenditure for 2011/12 totals £503,990 including the supplementary budgets of £147,170. This together with transfers from Earmarked Reserves, net interest paid, the New Homes Bonus and provision for the repayment of debt will result in a transfer of £85,794 to the General Fund Working Balance.

7.2 The forecast General Fund Working Balance at 31 March 2012 is £4,278,691 and equates to 30.3% of the General Fund net expenditure.

7.3 It is estimated that the HRA working balance will be £3,448,351 at 31 March 2012.

7.4 The creditor's payment performance has improved and is currently 97%.

8. RECOMMENDATION

8.1 It is recommended that Scrutiny Resources Committee note and Council note and approve:

- The General Fund forecast financial position for the 2011/12 financial year
- The HRA forecast financial position for 2011/12 financial year
- The outstanding Sundry Debt position as at June 2011
- The creditor's payments performance

HEAD OF TREASURY SERVICES

CORPORATE SERVICES DIRECTORATE

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

Background papers used in compiling the report:

None

APPENDIX A

EXETER CITY COUNCIL
2011/12 REVENUE ESTIMATES - SUMMARY
as at 30 June 2011

	Annual Budget £	Supplementary Budgets £	Revised Annual Budget £	Year End Forecast £	Variance to Budget £
SCRUTINY - COMMUNITY	12,923,050	10,000	12,933,050	12,797,090	(135,960)
SCRUTINY - ECONOMY	(2,256,560)	125,170	(2,131,390)	(1,909,450)	221,940
SCRUTINY - RESOURCES	5,547,950	12,000	5,559,950	5,977,960	418,010
less Notional capital charges	(3,024,690)		(3,024,690)	(3,024,690)	0
FRS17 Pension Adjustment	(333,400)		(333,400)	(333,400)	0
Service Committee Net Expenditure	12,856,350	147,170	13,003,520	13,507,510	503,990
Net Interest	100,000		100,000	120,000	20,000
Minimum Revenue Provision	1,070,000		1,070,000	951,261	(118,739)
General Fund Expenditure	14,026,350	147,170	14,173,520	14,578,771	405,251
Transfer To/From(-) Working Balance	227,700	(147,170)	80,530	85,794	5,264
Transfer To/From(-) Earmarked Reserves	(119,000)		(119,000)	(140,350)	(21,350)
General Fund Net Expenditure	14,135,050	0	14,135,050	14,524,215	389,165
Formula Grant	(9,279,790)		(9,279,790)	(9,279,790)	0
Council Tax Freeze Grant	(118,456)		(118,456)	(118,456)	0
New Homes Bonus	0		0	(389,165)	(389,165)
Council Tax Net Expenditure	4,736,804	0	4,736,804	4,736,804	0

Working Balance March 2011 £ 4,192,897

Working Balance March 2012 £ 4,278,691

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HOUSING REVENUE ACCOUNT - SUMMARY
2011/2012

as at 30 June 2011

	Approved Annual Budget	Current Outturn Forecast	Variance To Budget
	£	£	£
85A1 Management	2,846,390	2,800,590	(45,800)
85A3 Sundry Lands Maintenance	266,190	263,190	(3,000)
85A4 Repairs Fund Contribution	9,324,720	9,364,720	40,000
85A6 Capital Charges	0	0	0
85A8 Rents	(16,098,210)	(16,171,210)	(73,000)
85B1 Government Subsidy	4,284,210	4,284,210	0
85B2 Interest	(123,910)	(73,910)	50,000
85B4 Variance in Working Balance	(499,390)	(467,590)	31,800
Net Expenditure	0	0	0
85B5 Council Own Build	0	0	0
Working Balance	£ 3,915,941	31 March 2012	£ 3,448,351
	1 April 2011		

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EXETER CITY COUNCIL

EXECUTIVE
4 OCTOBER 2011

GOVERNMENT CONSULTATION ON PROPOSALS FOR BUSINESS RATES RETENTION

1. PURPOSE OF THE REPORT

- 1.1 This report sets out the Government's consultation proposals for Business Rates Retention as part of the Local Government Resource Review and highlights the key issues to be considered.

2. BACKGROUND

- 2.1 Under existing arrangements, non-domestic rates (or business rates) revenue collected by local authorities is pooled for redistribution to local authorities in England as part of the overall local government finance settlement. This means that while local authorities have a vital role to play in supporting the local economy, there is limited direct fiscal incentive to do so.
- 2.2 On 18 July 2011, the Government published for consultation its proposals to allow councils to retain their locally-raised business rates as part of its wider Local Government Resource Review. This was followed up on the 19 August 2011 with the Government publishing eight technical papers which provide more details of their proposals. The Government are seeking responses to their consultation by 24 October 2011. The original consultation paper included 33 questions that the government was seeking responses to; the technical papers include an additional 63 questions.

3. OVERVIEW OF THE CURRENT SYSTEM

- 3.1 Under the current system, local government has three main sources of income: grants from central government; council tax; and other locally generated income (such as fees and charges for services). On average, councils receive 53 per cent of their income from central government grants, of which there are two types. Firstly there are 'specific grants', which may be ringfenced for specific purposes, or unringfenced. Secondly there is 'formula grant', which is an unringfenced revenue grant distributed to local authorities each year through the Local Government Finance Settlement. In the case of Exeter, formula grant is by far the most important of these grant streams.
- 3.2 Formula grant funds a wide range of local services, including children's services, adult social services, police, fire, highways maintenance, environmental, protective and cultural services. It includes funding from central government, known as 'Revenue Support Grant'; Police Grant from the Home Office; and National Non-Domestic Rates, commonly known as business rates. Business rates are collected by local authorities, paid into a central government pool and redistributed through the Local Government Finance Settlement. Billing authorities (district councils and unitary authorities) collect business rates from the occupiers of non-domestic properties - mainly businesses such as shops, offices, warehouses and factories. There are approximately 1.7 million properties liable for business rates in England. Each property has a rateable value which is assessed by the Valuation Office Agency on the basis of the annual rent that a tenant would be willing to pay for it on the open market. Every five years there is a revaluation to ensure a property's rateable value reflects changes to the property market.

3.3 The business rates owed are calculated as a function of the rateable value and a multiplier. The national multiplier currently stands at 43.3p in England. So a property with a rateable value of £100,000 would have an annual bill of £43,300. The multiplier is increased each year by the Retail Prices Index (RPI). The multiplier is also adjusted at each revaluation so that the overall tax yield remains the same in real terms before and after revaluation. There are a number of reliefs (with mandatory and discretionary elements) available to occupants to reduce their liability – for example reliefs for charities, community amateur sports clubs, certain businesses in rural areas and Small Business Rate Relief.

4. WHAT COULD THESE PROPOSALS MEAN FOR COUNCILS AND BUSINESSES?

4.1 The consultation seeks views on proposals to change the current system by enabling councils to keep a share of the growth in business rates in their area. The intended outcome is that this will make councils more financially independent from central government and give them a strong incentive to promote local business growth. This in turn could mean that the public will find their local council's budget is more strongly linked to local business growth. In general terms, the more new business premises are developed in an area, the more funding (outside of council tax, fees and charges) local councils could have to provide local services and investment, as well as having positive impacts on employment and the local economy more widely. The proposals include protections to ensure that local authorities are able to meet local service needs in their area.

4.2 Business rates payers see no change in the way in which their business rates bills are calculated. The Government is not proposing to change the way that properties are valued or business rates levels are set. However, it should mean that the rates businesses pay have more impact on local authority budgets in their local area, and that local authorities have more incentive to work closely with the Valuation Office Agency to ensure that all businesses in their area are valued correctly and are paying the right amount of tax.

4.3 Developers will find local authorities have greater incentives to grant planning permissions for appropriately-sited and well-planned non-residential development and go for growth. This is especially true of new renewable energy projects that start paying business rates from year one of the system, as councils would keep all of the business rates paid by such projects. Local authorities would also be able to choose to borrow against future growth in business rates, through Tax Increment Financing schemes, to help fund the provision of infrastructure.

4.4 Billing authorities (district councils, unitary authorities) would still bill and collect business rates, as now. However, instead of contributing all business rates into the central pool and receiving formula grant, under these proposals, some of the business rates would be retained locally. A baseline level of funding would be set so that at the start of the system, each Council's budget is equivalent to what it would have been under the current system. From then on the funding could increase if the business rates base in an area grows, but conversely could fall if the business rate base declines.

4.5 County councils will receive a share of business rates revenues from the districts in their area (and a top up from other areas if relevant), rather than receiving formula grant. As with billing authorities, their baseline level of funding would be set so that at the start of the system their budget is equivalent to what it would have been under the current system. Similarly their funding would grow if the business rates base in the area grows, but could fall if the business rates base declines.

4.6 It is proposed that the police and fire sectors will receive the level of funding for 2013/14 and 2014/15 that was agreed as part of the 2010 Spending Review and their funding will therefore not be affected by fluctuations in business rates in their areas. The way in which they are

funded will be fully reviewed in time for changes to be made at the next Spending Review, from 2015/16.

5. PROPOSED SCHEME FOR BUSINESS RATES RETENTION

5.1 There are seven components to the proposed scheme:

5.1.1 Setting the Baseline

The Government will set out a baseline position in 2013/14 for each local authority. This will use the 2012/13 formula grant as a baseline, either unadjusted or with some limited technical updates.

5.1.2 Setting tariffs and top-ups

Authorities whose business rates income is higher than their baseline would pay the difference to government as a 'tariff'. Those whose business rates are less than their baseline would receive the balance as a 'top-up'. In future years, tariffs and top ups could either be up rated by the Retail Prices Index (RPI) to reflect the annual increase in the business rates multiplier or retained at their original year 1 amounts.

5.1.3 The incentive effect

The Government says that from 'year one' all local authorities would stand to benefit from retaining increases in business rates. This would provide an incentive for councils to engage with businesses in their area to maximize growth.

5.1.4 A levy to recoup a share of 'disproportionate benefit'

The Government proposes to collect a levy from those councils with the highest business rates income. The consultation document says this can help with moderating the 'gearing effect' between different need to spend and ability to raise business rates. There are a number of ways in which this can be calculated:

- It could be based on the same rate for all authorities; this would be simple but would not deal with this gearing effect.
- It could be based on putting authorities in different bands.
- Finally; it could be based on revenue; so that if an authority grows its business rates income by 1% it would be allowed 1% growth in its baseline revenue. This percentage could be varied up or down; for example if it was 2% a high number of authorities would keep all their growth; or conversely if it was 0.5% there would be more of a levy income.

The proceeds of the levy could be used:

- To manage volatility in authorities' business rates income, due to factors such as appeals and changes to properties or due to sudden changes in economic circumstances.
- To support authorities with low growth, through a 'safety net' mechanism. Access to this could be triggered if business rates fall by more than a certain percentage each year or if they drop by more than a certain percentage below the original baseline business rates.
- If there is sufficient income left there are a variety of other possible uses: including providing ongoing support to authorities which have experienced loss, top-up the growth reward for low business rates authorities, support expenditure on targeted projects to encourage growth, or redistribute in proportion to the baseline.

5.1.5 Revaluation

The tariff and top-up for each authority would be adjusted when business rates are revalued; so that the sum of top-ups and tariffs was the same after as before revaluation. The document does not propose any other changes to revaluation; so the multiplier would still fall to reflect any increase in overall taxbase. It is proposed that the impact of transitional relief allowed following revaluation is stripped out from the business rates retention scheme.

5.1.6 Resetting the system

The document says there are two possible approaches to resetting the underlying tariffs and top-ups:

- The Government could decide not to set a fixed period for resets; they say this will allow the incentives to remain in the system for longer.
- Alternatively there could be a fixed period for resets: the possibility of a ten year period is trailed, which would offer a strong incentive effect; alternatively a shorter reset period would allow a more frequent reassessment of spending needs. In addition resets could relate to the baseline position only or to the whole system, including the incentive growth.

5.1.7 Pooling

The Government proposes that local authorities could come together voluntarily to form a pool; the pool would be treated as a unit in the system, with a single tariff and top-up and a single levy. Pools could decide for themselves how they distribute business rates growth, including any levy proceeds, amongst their members. The Government wants to encourage pooling, subject to assurances on workability and governance and what would happen if pools dissolved. The Government suggests that in two tier areas it makes sense for districts to align with their counties; it is suggested that, if a district formed a pool outside its county area, it might still be required to pay a fixed proportion of its business rates to its county.

6. FURTHER INFORMATION COVERED IN THE CONSULTATION

6.1 Police and Fire authorities

The Government propose that police and fire authorities should, for 2013/14 and 2014/15, be funded without being impacted by the business rates retention scheme. Police and fire authorities will therefore continue to receive funding at the levels set in Spending Review 2010 for those years. Beyond that, there will be a full review of future funding arrangements, including the option that the police might receive all funding from the Home Office.

6.2 Tax Increment Financing

- 6.2.1 The Government is consulting on two options for how Tax Increment Financing (TIF) could operate within a business rates retention system. Under 'Option 1', local authorities would have full discretion to determine whether to invest in a TIF scheme. However, any additional business rates growth on top of the tariffs and top ups set in year one would be subject to the "disproportionate growth" levy and growth would also be taken into account in any future reset of tariffs and top ups. 'Option 2' proposes that additional business rates growth would not be subject to any levy or be taken into account in any reset of tariffs and top ups. However, schemes would require government control or approval in order to limit the number of schemes coming forward, with a view to ensuring that the levy pot was maintained at a level sufficient to manage volatilities. The Government also proposes that all uplift in business rate revenues within an Enterprise Zone would be retained by the Local Enterprise Partnership,

and not subject to a levy or reassessment of tariffs or top ups. The Government will publish a detailed technical paper on TIF following the close of the consultation on business rates retention.

6.2.2 The Council will shortly be meeting with representatives from CLG to discuss the feasibility of piloting TIF within Exeter.

6.3 **New Homes Bonus**

The Government proposes to fund the New Homes Bonus from 2013/14 by fixing individual authorities' tariff and top up amounts at a level that would allow a sufficient sum to be top-sliced from the total business rates yield to fund the future cost of the bonus. To ensure that the tariffs and top ups can remain fixed; the Government would take out from 'year one' of the retention scheme the total required to fund the New Homes Bonus at its steady state. Since a significant amount of this pot may not be needed in the early years of the bonus scheme, the Government would return any surplus to local government each year. One option being considered for returning the surplus is to redistribute the amount to local authorities in proportion to their baselines.

6.4 **Business rates reliefs**

No changes to the current system of reliefs, including eligibility, are proposed. An allowance to cover the central government funding element of discretionary reliefs will be provided.

6.5 **Changes to collection and enforcement**

The Government proposes to:

- allow billing authorities to publish certain statutory information which accompanies business rates online, although they would be required to send out hard copies on request;
- operate multi-year billing for business rates; and
- clarify legislation on business rates refunds so that billing authorities can offset outstanding liabilities from previous years before offering refunds.

7. **TECHNICAL PAPERS**

7.1 Further details on the elements above are discussed in the series of further technical papers released in August. The eight 'Technical Papers' are as follows:

Technical Paper	Content
1) Establishing the baseline	How, technically, the government establishes the baselines and the implications of fixing them for a number of years between resets.
2) Measuring business rates	The issues associated with measuring business rates and options for doing so.
3) Dealing with non-billing authorities	The basis for funding police and fire authorities in 2013/14 and 2014/15 and, more widely, that for apportioning rates between authorities.
4) Business rates administration	The consequences for business rates administration of the scheme outlined in the consultation paper.
5) Tariff, top up and levy options	Options for the design of tariffs, top ups, the levy and the use of levy income.
6) Volatility	Causes and the options for dealing with it.

7) Revaluation and transition	The practicalities of assessing business rate income following a revaluation. It will also consider the implications of the transition scheme – and in particular, how this affects business rate administration and the payments made between authorities.
8) Renewable energy	Definitions of renewable energy, the treatment of rates from renewable sources for the purposes of tariffs, top ups and levies, and their distribution between the tiers.

8. THE KEY ISSUES

8.1 There are a number of key issues that need to be considered before making a response to the consultation papers. The key issues for Exeter include:

- Determining how the split of the baseline will be determined between county and district councils and how the benefits of any growth will be apportioned in future years (both within and outside of any pooling arrangements) i.e. using a fixed national share or individual shares and the percentages used to determine the shares. For example, within Devon (but excluding Plymouth and Torbay) the estimated business rates yield for 2011/12 is £207.3 million of which Exeter will contribute £67.9 million (33%). If the split is determined using a fixed national percentage then Exeter's share of the baseline will be only about £7.5 million. Conversely if the split is determined using individual share, Exeter would keep 33% of its individual tax yield i.e. £22.4 million. It would therefore seem that from Exeter's individual point of view it should favour this latter option.
- Considering what local pooling arrangements might be available and whether they will be advantageous to Exeter, including the incentives that might be required to encourage pooling.
- The relationship between the New Homes Bonus Scheme and top-ups and tariffs, given the implications for national control totals.
- The implications of potential changes to how the level of need is assessed (and therefore the tariff and top-up) from 2013/14 onwards.

9. THE COUNCIL'S RESPONSE

- 9.1 In general the Council should support the principle of the Government carrying out a consultation on the proposals for retention of business rates. The City Council has an excellent track record in achieving business rates growth in the City and in theory it therefore should gain from the introduction of a new finance system based upon the retention of local business rates. However it will need to be satisfied that any proposed new system is both fair and gives all Councils greater freedom and incentive to encourage growth in local areas.
- 9.2 The consultation paper including all the technical papers is by its very nature extremely complex. Whilst some commentators including the Local Government Association have already prepared a briefing and highlighted some of the key issues to be aware of, their advice can at best only be of a very general nature.
- 9.3 The Council has received a specific proposal from an independent external provider to do some more detailed analysis and modelling support to finance officers within Devon in relation to the current business rates retention proposals. The analysis would provide forecasts of the key variables that will determine future resource levels under a business rates retention scheme and it would also consider the implications of the upper and lower tier split and the

preferred position for individual authorities. If this proposal was taken up by all of the 8 district councils in Devon some of the work required and costs could be shared. It is estimated that the cost of this work would be £26,850 (£3,350 per authority). If the Council is to make a detailed and considered response to the consultation it will need to commission external support work. We have approached the other Councils within the proposal to see if there is any interest in commissioning some jointly funded external work. To date we have received a positive response from 4 other interested parties.

10. RECOMMENDATIONS

It is recommended that: -

- 10.1 The Council seeks to commission some jointly funded external support work and submits a response to the consultation before the due date.
- 10.2 The Government is informed that the Council does not support the approach of using a fixed national percentage for determining either the baseline or future growth.
- 10.3 Any proposed new scheme based upon retention of business rates has sufficient incentive to reward funding based upon growth in local areas.

HEAD OF TREASURY SERVICES

CORPORATE SERVICES DIRECTORATE

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

Background papers used in compiling this report:

The government consultation document is at

<http://www.communities.gov.uk/publications/localgovernment/resourcereviewbusinessrates>

The LGA Briefing on this document is at

<http://www.lga.gov.uk/lga/tio/19377920>

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EXETER CITY COUNCIL

EXECUTIVE
4 OCTOBER 2011

LOCALISING COUNCIL TAX BENEFIT - IMPLICATIONS

1. PURPOSE OF THE REPORT

- 1.1 To update Members on the Government's proposal to replace Council Tax Benefit with a local scheme and the implications that this has for the Council.
- 1.2 To provide information to enable the Council to respond by the deadline of 14 October 2011, to the consultation paper launched by the Department for Communities and Local Government (DCLG) on 2 August 2011. The consultation document is available in The Members' Room and on the internet at: [Council Tax Benefit](#).

2. BACKGROUND

- 2.1 Council Tax Benefit (CTB) is currently paid by the Department for Work and Pensions to various groups of people, but the Government is planning to devolve it to local authority level from April 2013 onwards, and reduce expenditure by 10%. On 17 February 2011 the Government published the Welfare Reform Bill containing provisions for the abolition of Council Tax Benefit, paving the way for new localised schemes.
- 2.2 CTB is a means tested benefit, administered by local authorities, which, when awarded, reduces the applicant's Council Tax bill.
- 2.3 For working age people there is a limit on savings of £16,000. Those on out of work benefits (Income Support, Jobseeker's Allowance and Employment and Support Allowance) generally receive full CTB meaning that they do not pay any Council Tax at all. Those in work or receiving other income may still get CTB, but the amount will vary depending on the household make up and financial circumstances of the applicant and any partner they have.
- 2.4 A more generous system applies to pensioners. For those claiming Pension Credit (guarantee element) there is no limit on the amount of savings they can have and they will not normally pay any Council Tax at all. Pensioners with higher incomes, not getting Pension Credit can also qualify with an income of £400 a week or more. About 60% of pensioners are entitled to CTB, but many fail to claim.
- 2.5 Localising support for Council Tax is part of a wider policy of decentralisation, to give councils increased financial autonomy and a greater stake in the economic future of their local area. The framework for local council tax support schemes will be established in a local government finance bill to be introduced in this Parliamentary session, and in regulations.
- 2.6 The localisation of support for Council Tax is taking place within a wider programme of welfare reform which is intended to help move people back into work, however there are certain low-income groups, in particular pensioners, whom the Government does not expect to work to increase their income. The Government therefore intends to protect pensioners from any change in award as a direct result of this reform and is consulting on whether other groups should similarly be protected.
- 2.7 It is intended that local authorities will establish their own local scheme by April 2013 with the expectation that the scheme should support the positive work incentives being introduced through plans for Universal Credit for people of working age.

3. THE PROPOSALS

- 3.1 Help with Council Tax will be a local authority responsibility and will not become part of Universal Credit.
- 3.2 Local authorities will receive a budget for the new system based on 10% less than current spending on CTB.
- 3.3 Support for pensioners will not be affected by this cut in spending and will remain at existing levels with existing rules.
- 3.4 Local authorities will be free to establish, subject to any restrictions set by government, whatever rules they choose for their schemes for working age people, and will administer the scheme for pensioners using national rules.
- 3.5 Central government will provide a fixed amount of money to local authorities to operate their new schemes. Unlike current arrangements, this grant will not be ring-fenced and will not vary according to demand. Local authorities will be able to keep any under spend, but will have to fund any over spend themselves.
- 3.6 Local authorities will be free to collaborate to reduce costs, develop schemes that support priorities that are shared by a number of neighbouring authorities, and manage financial risks.
- 3.7 The new system must be in place by April 2013.

4. IMPLICATIONS

- 4.1 A 10% cut in current CTB expenditure is expected to save nationally around £480 million a year. However as pensioners are excluded from the new system, in terms of the population of working age claimants, who are the only ones that can be affected by the new rules, the cut is much larger than 10%. The table below shows the expected impact for Devon. (Information sourced from "The impact of the government's proposals for replacing Council Tax Benefit" by Dr Phil Agulnik, August 2011.)

	Total number of CTB claimants	% of working age claimants	Spending on working age claimants (£ millions)	Size of budget cut (£ millions)	% cut in spending on working age claimants
Exeter	9,640	54%	£4.08	£0.75	18%
Torbay	17,980	50%	£7.50	£1.51	20%
Plymouth	27,120	58%	£11.52	£2.00	17%
East Devon	9,700	40%	£3.41	£0.86	25%
Mid Devon	5,680	44%	£2.20	£0.49	22%
North Devon	8,580	44%	£3.25	£0.74	23%
South Hams	6,420	45%	£2.63	£0.59	22%
West Devon	4,000	42%	£1.50	£0.36	24%
Teignbridge	10,310	39%	£3.67	£0.93	25%

- 4.2 However this table makes no provision for any rise in Council Tax over the next two years. The table below shows the impact for Exeter if Council Tax is increased, based on projected CTB for this year.

Groups currently getting CTB	Number of people getting benefit	Weekly Benefit	Annual CTB awarded for 2011-12	Cost of giving help equivalent to that already getting if C/Tax rises by this % over next two years		
				2.5%	3.0%	4.5%
Elderly	4,567	£73,695	£3,842,686	£4,037,222	£4,076,705	£4,196,309
Passported*	2,979	£50,037	£2,609,075	£2,741,160	£2,767,968	£2,849,175
Remainder	2,263	£29,184	£1,521,713	£1,598,749	£1,614,385	£1,661,748
Total	9,809	£152,916	£7,973,473	£8,377,131	£8,459,058	£8,707,232
2013 Council Tax Rebate budget**				£7,176,126	£7,176,126	£7,176,126
Elderly will cost	4,567			£4,037,222	£4,076,705	£4,196,309
Balance for remainder	5,242			£3,138,904	£3,099,421	£2,979,817
Cost to protect current Passported	2,979			£2,741,160	£2,767,968	£2,849,175
Balance for remainder	2,263			£397,744	£331,453	£130,642

Anyone 60 or over on 1 April 2013 is in the Elderly group no matter what their income.

*Anyone of working age getting either Income Support, Jobseeker's Allowance (IB) or Employment and Support Allowance (IR) is known as a Passported claim.

** based on £7,973,473 less 10%

4.3 The consultation states that pensioners will be protected and that other vulnerable groups may be too, although it doesn't specify which these groups are. From the table above it can be seen that should there be an increase in Council Tax of 2.5% each year over the next two years, if Elderly and Passported are protected, then the Council will have £397,744 left to help the remainder that are currently costing us over £1.5 million.

4.4 As at 7 August 2011 the Council had 11,641 live claims for Benefit of which 9,840 are entitled to Council Tax Benefit. Of those 9,840 claims, 44% are aged 60 or more and 56% under 60. Breakdown by Council Tax Band is:

Property Band	Number of CTB claimants within that band	% of total number of CTB claimants
A	3,891	40%
B	3,437	35%
C	1,824	19%
D	505	5%
E	128	1%
F	38	<1%
G	17	<1%

5. OTHER CONCERNS

5.1 The timetable for implementing a new scheme is too short. There is currently no information available on which to base proposals for a local scheme which will have to be in place in 18 months time.

- 5.2 Given that there is no detail available upon which new or revised software plans could be drafted, and the type of information needed by software suppliers will not be available until early 2012, with testing needing to be done by the end of 2012, there is a real danger that the software needed will not be ready in time. Indeed the Parliamentary Public Accounts Committee have recently highlighted their concern that any successful transition to Universal Credit will depend heavily on the development of a new IT system to a very tight timetable and in their experience such projects are rarely delivered to time, budget and specification. Yet the timetable for introducing a new scheme to replace CTB, and developing the software to be able to administer it is even tighter. Currently, the whole of the Council's benefit administration is managed electronically with over half the assessment staff being home workers. This raises significant issues for the Council in being able to administer a new scheme if software is not available.
- 5.3 DCLG are holding a number of consultation briefings, however they are not making any more information available, are working firmly to the April 2013 date and seem uninterested in addressing the 10% reduction by other means. For example, 35% of Council Tax households in Exeter get Single Occupier Discount, which is not means tested. Removing the Single Occupier Discount in Exeter would generate over £5 million per year. Doubling the charge for empty properties would bring revenue in as well as acting as an incentive to get these properties occupied.
- 5.4 It has not even been possible to clarify which current expenditure level will be reduced by 10%; gross expenditure (i.e. total paid out in CTB), net expenditure (i.e. total paid out less overpayments) or subsidy level (as claimant error overpayments attract 40% subsidy and local authority error overpayments 100% subsidy).
- 5.5 The Council will have to make very large savings from working age claimants to meet the Government's savings target. It could mean having to collect Council Tax from a group who currently pay nothing because they qualify for means-tested benefit like Income Support, where by definition the amount of money they have to live on is at 'safety net' levels. Collection of Council Tax from these people with little income will be difficult and potentially expensive. As Exeter has a relatively low-wage high-cost economy this could affect a significant number of people. If a lot more small amounts of Council Tax end up needing to be recovered, the Council could find itself writing-off more than it is saving.

6. RECOMMENDATION

It is recommended that the Government be informed:

- 6.1 that the current timetable is unrealistic given the lack of specific information required to design a scheme and the software necessary to administer it, which means there is a high risk of failure which has to be addressed urgently;
- 6.2 that by exempting such a large proportion of current claimants and preventing other elements of Council Tax being open to change, such as the single occupier discount, the reductions in benefit to be applied to working age claimants will be disproportionately severe.

HEAD OF TREASURY SERVICES

CORPORATE SERVICES DIRECTORATE

Background papers used in compiling this report:

- The impact of the government's proposals for replacing Council Tax Benefit. Author: Dr Phil Agulrik, August 2011.

EXETER CITY COUNCIL

SCRUTINY COMMITTEE – RESOURCES 21 SEPTEMBER 2011

EXECUTIVE
4 OCTOBER 2011

COUNCIL
18 OCTOBER 2011

REVIEW OF POLLING DISTRICTS AND POLLING PLACES WITHIN THE EXETER PARLIAMENTARY CONSTITUENCY

1 PURPOSE OF REPORT

This report sets out for consideration by the Scrutiny Committee - Resources proposals for new polling districts and polling places arrangements recommended as a result of the Council's responsibilities under the Electoral Administration Act 2006.

2 BACKGROUND

- 2.1 The Electoral Administration Act 2006 requires each Council to carry out a review of polling districts and places for all of the existing Parliamentary Constituencies contained within its boundaries.
- 2.2 The review must be completed by 31 December 2011. Each Council is subsequently required to carry out a further polling district and polling places review before the end of a period of no longer than four years has expired; beginning with the date of the end of the previous review. The last review was approved by the Council on 11 December 2007.
- 2.3 A public consultation phase was carried out between 26 May and 1 July 2011. Additionally, all Exeter City and Devon County Councillors, political parties and other stakeholders such as disability charities were contacted (see list at Appendix A). Further opportunity to comment on the proposals put forward by the Acting Returning Officers for the Exeter Parliamentary Constituency and the part of the East Devon Parliamentary Constituency which falls within Exeter City Council, was carried out up until 22 July 2011.
- 2.4 Since the last polling district review carried out in 2007, Exeter has grown slightly in terms of residential housing (up 3%) and registered electors (up 2%). There are though several anticipated housing developments in the pipeline.
- 2.5 Due to its urban nature, to afford the maximum flexibility in selecting polling stations (particularly if required at short notice), Exeter City Council has always defined its polling places as being coterminous with its polling district boundaries. The only exception to this rule being where the polling station may be located just outside of the ward boundary. It is recommended that this practice be continued.

3 PROPOSALS

3.1 POLLING DISTRICTS /PLACES

Following the completion of the consultation phase, the following proposals for the designation of polling districts and places are put forward. Comments received as a result of the consultation are available on the internet and a hard copy in the member's room. These have been taken into consideration as far as reasonably practicable.

3.1.1 St. Loye's Ward (Map A)

St. Loye's Ward is currently made up of 4 polling districts, QA, QB, QC and QD. The QD district was created at the last polling district review in 2007 to take account of the general development of housing in the Clyst Heath area. However, this development now appears to have reached its peak in terms of electors. Thus a more accurate assessment of the numbers of electors allocated to polling stations can be made.

The polling station for QA is the South West MS Centre at West Grange, Clyst Heath and the polling station for QD is Clyst Heath Nursery and Primary School in Royal Crescent. They serve 660 and 1300 electors respectively. They are situated only a few hundred yards apart and therefore combining the two polling districts QA and QD into a new larger polling district designated QA, with the polling station at the Nursery School, should not cause too much inconvenience for the electors in the current QA district. It is proposed that the polling place should be defined as the whole of the new QA district.

3.1.2 Topsham Ward (Map B)

The largest residential development currently under way, is the housing being built and steadily occupied on the site of the Old Royal Navy Stores. In particular, the site at the Upper Store already has 200 or more new residential properties, with a further 200 to be commenced at the Lower Stores. Additionally, up to 400 new properties are due to be built near Old Rydon Lane, with 700 due on the 'Dart Land'.

Along with further longer term substantial development, it is estimated that up to 3,500 additional properties will be built over the next few years. At the present time, the area bordered by Rydon Lane, the A379, the M5 and the River Exe, already has approximately 750 electors (some of whom have to make a journey of almost 2 miles), who vote at their current polling station at Matthew's Hall. It is therefore proposed that a new polling district be created in this area and be designated SC.

Topsham AFC has been contacted and is prepared to allow the use of its club house as a polling station. (There are currently no community facilities located within the Old Royal Navy Stores).

Given the expected rate of growth over the next few years, the number of electors in this new polling district area will be monitored. Therefore, this may require a further specific review before the next statutory polling district review is due (2015).

3.1.3 Whipton Barton Ward (Map C)

During the consultation period, in response to a matter raised in the 'Particular Known Concerns' section of the consultation fact sheet (appendix A); the Exeter Labour Party made a suggestion regarding polling district TD (See appendix B PDR009). The suggestion proposed altering the boundaries between polling districts TA and TD, to reduce the number of electors currently allocated to the Rennes House polling station.

Whilst this suggestion has merits it is felt that the number of electors involved (approx. 252), would not be of sufficient benefit when weighed against the potential disruption for the electors concerned. The railway line provides a natural boundary in this respect and the electors have been used to accessing a polling station in the Vaughan Road area for a significant period of time.

3.1.4 All other Wards

No changes proposed.

4. **RECOMMENDATION**

It is recommended that Scrutiny Committee – Resources notes and Council approves:

- 4.1 To adopt the proposals above (at 3.1.1 and 3.1.2) for implementation from a revised register of electors to be published on 1 December 2011.
- 4.2 For the Council to formally publish its final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency on 11 October 2011, as required by the Electoral Administration Act 2006.
- 4.3 For the Council to complete a further review by 11 October 2015, as required by the Electoral Administration Act 2006.

CHIEF EXECUTIVE

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

Background papers used in compiling this report:

Electoral Administration Act 2006
& Consultation Responses

Appendices/Attachments

Appendix A - Copy of Original Consultation Document

Appendix B - Copies of correspondence received – *available to view in the member's room and on the internet*

Appendix C - Maps A - C

Appendix D - Acting Returning Officer Comments

Appendix E - List of proposed new polling stations and estimated numbers of electors (including postal voters)

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Exeter City Council

Philip Bostock, Chief Executive

Please reply to: Jeff Chalk, Electoral Services Manager

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Tel: 01392 277888 www.exeter.gov.uk

Direct dial: 01392 265141

Fax: 01392 265060

email: electoral.services@exeter.gov.uk

Our ref:

Your ref:

25 May 2011

REVIEW OF POLLING DISTRICTS & POLLING PLACES/STATIONS

The Electoral Administration Act 2006 requires each local authority to undertake a review of all Parliamentary polling districts and places and to consider access arrangements at polling stations. The review must be carried out every four years. The last review was conducted in 2007.

To this end I am writing to you as a stakeholder, to ask for your assistance in this matter. I would be most grateful, if you have any observations or comments on the current arrangement of polling districts and access to polling stations, that you would let me know by **1 July 2011**.

I have attached a fact sheet, which may help you to consider the issues.

If you have any queries would you please direct them to the Electoral Services Office in the first instance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Philip Bostock', with a long horizontal flourish extending to the right.

Philip Bostock
Chief Executive

EXETER CITY COUNCIL
REVIEW OF POLLING DISTRICTS & POLLING PLACES/STATIONS 2011

Information Sheet

General Information

- The last full review of Parliamentary polling districts and places, was undertaken in 2007. The Electoral Administration Act of 2006, requires each local authority to undertake a review every four years.
- Since 2007, Exeter's electorate has risen slightly to about 88,000 (up 2%) and the number of properties has grown to 51,600 (up 3%).
- The Parliamentary polling districts and places are replicated for local government elections.
- It should be noted that Ward boundaries cannot be changed.
- The final decision on the situation of polling stations rests with the Returning Officer.
- A **polling district** is a geographical sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division.
- A **polling place** is a geographical area in which a polling station is located. In Exeter polling places are the same as the polling district to allow a greater degree of flexibility in deciding where a polling station should be .
- A **polling station** is the actual room or building where the process of voting takes place, and must be located within the polling place designated for the particular polling district. The Returning Officer for the particular election must provide a sufficient number of polling stations, and allot the electors to those polling stations in such manner as he or she thinks the most convenient.

List of Current Polling Stations

REGISTER	WARD	POLLING STATION
AA	Alphington	St Andrews Church Hall, Alphington Road
AB	Alphington	Exeter Sea Cadet HQ, Canal Banks, Haven Road
AC	Alphington	Westexe Technology College, Hatherleigh Road
AD	Alphington	Alphington Sports Club, Church Road
AE	Alphington	Alphington Village Hall, Ide Lane
BA	Cowick	Buddle Lane Hall, Merrivale Road
BB	Cowick	Bowhill, Dunsford Road
CA	Duryard	University of Exeter, Common Room, Lopes Hall, St Germans Road
CB	Duryard	University of Exeter, Common Rm, Moberly House, Lwr Argyle Rd
DA	Exwick	Redhills Primary School, Landhayes Road
DB	Exwick	Exeter Civil Service Club, Exwick Road
DC	Exwick	Exwick Community Centre, Kinnerton Way *
EA	Heavitree	Scout Hut, South Lawn Terrace *
EB	Heavitree	South West Baptist Assoc, Wonford Street
FA	Mincinglake	Beacon Heath Church, King Arthur's Road
FB	Mincinglake	Whipton Community Hall, Pinhoe Road
FC	Mincinglake	The Knight Club, Beacon Lane
GA	Newtown	Belmont Chapel, Western Way
GB	Newtown	School of Education, College Road (St Luke's)
GC	Newtown	Fountain Community Education Centre, St James Road
HA	Pennsylvania	Stoke Hill Infant & Nursery School, Stoke Hill *
HB	Pennsylvania	Sylvania Community Hall, Mincinglake Valley Park
JA	Pinhoe	Mobile Station, Orwell Garth
JB	Pinhoe	Trinity Community Centre, Arena Park, Beacon Heath
JC	Pinhoe	The Hall Church, Main Road, Pinhoe
JD	Pinhoe	Pinhoe C of E School, Harrington Lane
KA	Polsloe	Ladysmith Junior School, Pretoria Road, (Parent Room)
KB	Polsloe	St Mark's Church Hall, St Mark's Avenue
KC	Polsloe	Baptist Church Hall, Pinhoe Road
LA	Priory	100 Club, Wear Barton Road
LB	Priory	St Luke's Church Rooms, School Lane
LC	Priory	Wonford Methodist Church Hall, Burnthouse Lane
LD	Priory	Wynstream Primary School, Burnthouse Lane
MA	St. David's	Community Room, 66 Weaver's Court, Shilhay
MB	St. David's	Wesley Room, Mint Methodist Church, Fore Street
MC	St. David's	St. David's Church, Queen's Terrace (off Hele Road)
NA	St. James	St. Sidwell's C of E School, York Road *
NB	St. James	Community Room, York House, Longbrook Street
PA	St. Leonard's	Abbeville Community Room, Abbeville Close
PB	St. Leonard's	Church Hall, Roberts Road
PC	St. Leonard's	St Leonards Church Centre, Topsham Road
PD	St. Leonard's	Victoria Park Tennis Club, Lyndhurst Road
QA	St. Loye's	The South West MS Centre, West Grange, Clyst Heath
QB	St. Loye's	Walter Daw Primary School, Woodwater Lane
QC	St. Loye's	St. Peter's High School, Quarry Lane

REGISTER	WARD	POLLING STATION
QD	St. Loye's	Clyst Heath Nursery & Community School, Royal Crescent
RA	St. Thomas	Montgomery Primary School, Manor Road
RB	St. Thomas	Exeter Karate Centre, Church Road
RC	St. Thomas	West Exe Childrens Centre, Cowick Street
SA	Topsham	Matthews Hall, Fore Street *
SB	Topsham	Community Room, Grandisson Court
TA	Whipton Barton	Hamlin House, Hamlin Gardens
TB	Whipton Barton	Community Centre, Bodley Close
TC	Whipton Barton	Community Room, Russet House, Russet Avenue
TD	Whipton Barton	Community Room, Rennes House, Vaughan Road*

* Double station

Current Arrangement of Polling Districts

See attached map(s).

(If maps are not attached but copies are required please contact the Electoral Services Office).

What the Rules say*.

- (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
- (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled;
- (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place..
- (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate any area wholly or partly outside the district;
- (e) the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.

**(Electoral Administration Act 2006(pt 4)(18B)(4))*

Please also note that the Council must publish any correspondence submitted in respect of this review.

Access

All polling stations should have access facilities for disabled electors. This includes wheelchair users. There are various building regulations which determine how adaptations can be made. It is not always possible for the owners of buildings to make permanent structural changes. Where permanent facilities are not possible, Electoral Services try to make temporary provision, usually by means of a portable ramp. However, it must be remembered that, on occasion these ramps can cause a hazard and thus it is not always a practical solution.

A polling station should be within reasonable walking distance for most electors.

Practical Considerations

Availability

There is no such thing as a purpose built polling station. We have to adapt and use the buildings which are available in the locality. Whilst regulations permit the Returning Officer to use schools, the owners of other buildings (Church halls, sports clubs etc.) have no such obligation.

Suitability

When selecting a polling station there are some basic criteria which need to be considered.

- Geographically central for the majority of the electorate.
- Appropriate for democratic use.
- Health and safety arrangements
- Enough useable space.
- Exclusive use.
- Access (including parking)
- Welfare facilities for staff
- Cost

Topography

Considerations such as steep hills and other natural boundaries, railway lines, busy main roads etc. need to be taken into account.

Other Factors

Use of Schools

The current policy is that schools should not be used, where there is a reasonable and viable alternative.

Overall Number of Polling Stations

The number of polling stations in Exeter was relatively constant over the decade prior to the 2007 review, when two new polling stations were added. Over the past four years the level of new developments has slowed. However there are still some areas where new residential properties are beginning to become occupied and will do so over the next few years.

There are no legislative limits on the number of polling stations an authority can provide.

Timetable

Publication of Notice of the Review – 26 May 2011

Consultation period - 27 May – 8 July 2011

Publication of the Returning Officers representations – within 30 days of receipt

Report to Executive Committee – 4 October 2011

Submit to Council – 18 October 2011

Publication of Review Report – 25 October 2011

Implementation of report recommendations – from Register of Electors published on 1 December 2011, to take effect for any subsequent election and for the City Council elections due 3 May 2012

Particular Known Concerns

There are some situations which are already known and these are shown below, with a suggestion where solutions may have already been considered. Additionally, some questions are raised for consideration and comment.

1. Alphington Ward – A new polling station was introduced at the Exeter City Council elections and National AV Referendum in May 2011. This was due to the closure of Willey's Athletic and Sports Club. It is not currently proposed to change the boundaries of the polling district.
2. Heavitree Ward – The only available polling station in polling district EB is actually slightly outside of the Ward boundary. The building currently used is suitable in most aspects but it is not geographically well situated. There are currently no known viable alternatives.
3. St. Loye's Ward – The QA polling district is fairly small in terms of electors. The numbers of electors in the neighbouring QD district appears to have stabilised. On this basis it would be possible to absorb QA into QD and use the existing polling station (Clyst Heath Nursery and Community Primary School) in Royal Crescent. Although it may be marginally less convenient for the electors who currently use the South West MS Centre.
4. Pennsylvania Ward – The Head teacher and the School Governors, along with some of the parents, have vigorously expressed their desire for Stoke Hill Infant School (polling district HA) not to be used as a polling station. There are two alternative buildings in the area, Toronto House in Prince Charles Road and St. James Church Centre in Mount Pleasant Road. Both of these buildings have been designated as polling places in the past on different ward arrangements and Toronto House was discontinued due to access difficulties. Additionally Stoke Hill Junior School has been used but was discontinued for the same reasons as those now being cited in respect of the First School. Should either Toronto House or St. James Church now be considered for inclusion within the designation of polling places for HA?
5. Pinhoe Ward – The current mobile polling station in Orwell Garth (JA) is unsatisfactory and presents a number of logistical and access problems for disabled electors, along with significant costs. The only known alternative is Willowbrook School. It is suggested that this is adopted as the polling station for JA.
6. Whipton Barton Ward – The current polling station at Rennes House is located on one side of a fairly large polling district and the room itself just about accommodates the number of electors allocated to this polling station. If a venue could be found, would an additional polling district/polling station in the area east of Vaughan Road help to improve accessibility?
7. Topsham Ward - Significant development has taken place on the site of the Old Royal Navy Stores over the past few years and is expected to continue in the next few years. These electors currently have to go to the polling station at Matthews Hall in the centre of Topsham. It is suggested that a new polling district is created, in the area between Rydon Lane and the M5. However, this is only feasible if a polling station site can be found. It is suggested that initially Topsham Town FC may be able to provide a room at their clubhouse until such time as a community building is available in the area of greatest development.

Point of Contact

Electoral Services Office
Exeter City Council
Civic Centre
Paris Street
EXETER
EX1 1JN

(01392) 265141

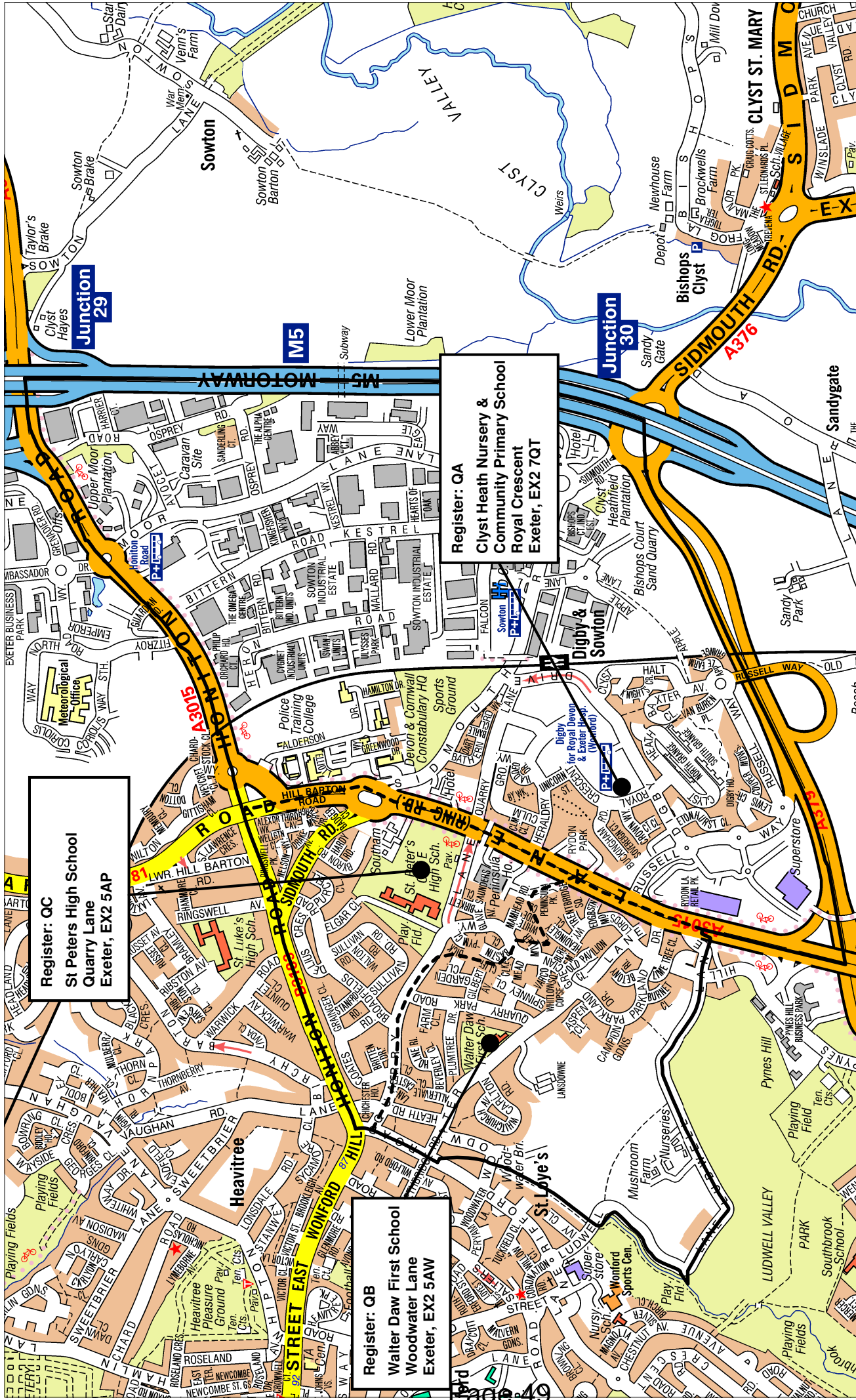
electoral.services@exeter.gov.uk

www.exeter.gov.uk

List of Consultees

The (Acting) Returning Officer, Exeter City Council (Exeter Constituency)
The (Acting) Returning Officer, East Devon District Council (East Devon Constituency)
The Returning Officer, Devon County Council
All Exeter City Councillors
All Devon County Councillors for Exeter
Ben Bradshaw MP (Exeter Constituency)
Hugo Swire MP (East Devon Constituency)
Exeter Labour Party
Exeter Conservative Association
Exeter Liberal Democrats
Exeter Liberal Party
Exeter Green Party
Exeter UKIP
East Devon Labour Party
East Devon Conservative Association
East Devon Liberal Party
East Devon Liberal Democrats
East Devon Green Party
East Devon UKIP
Age UK Exeter
RNID South West
Devon County Association for the Blind
Exeter Society for the Blind
Living Options Devon
St.Loye's Foundation, Exeter
Scope

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Register: QC
St Peters High School
 Quarry Lane
 Exeter, EX2 5AP

Register: QB
Walter Daw First School
 Woodwater Lane
 Exeter, EX2 5AW

Register: QA
Clyst Heath Nursery & Community Primary School
 Royal Crescent
 Exeter, EX2 7QT



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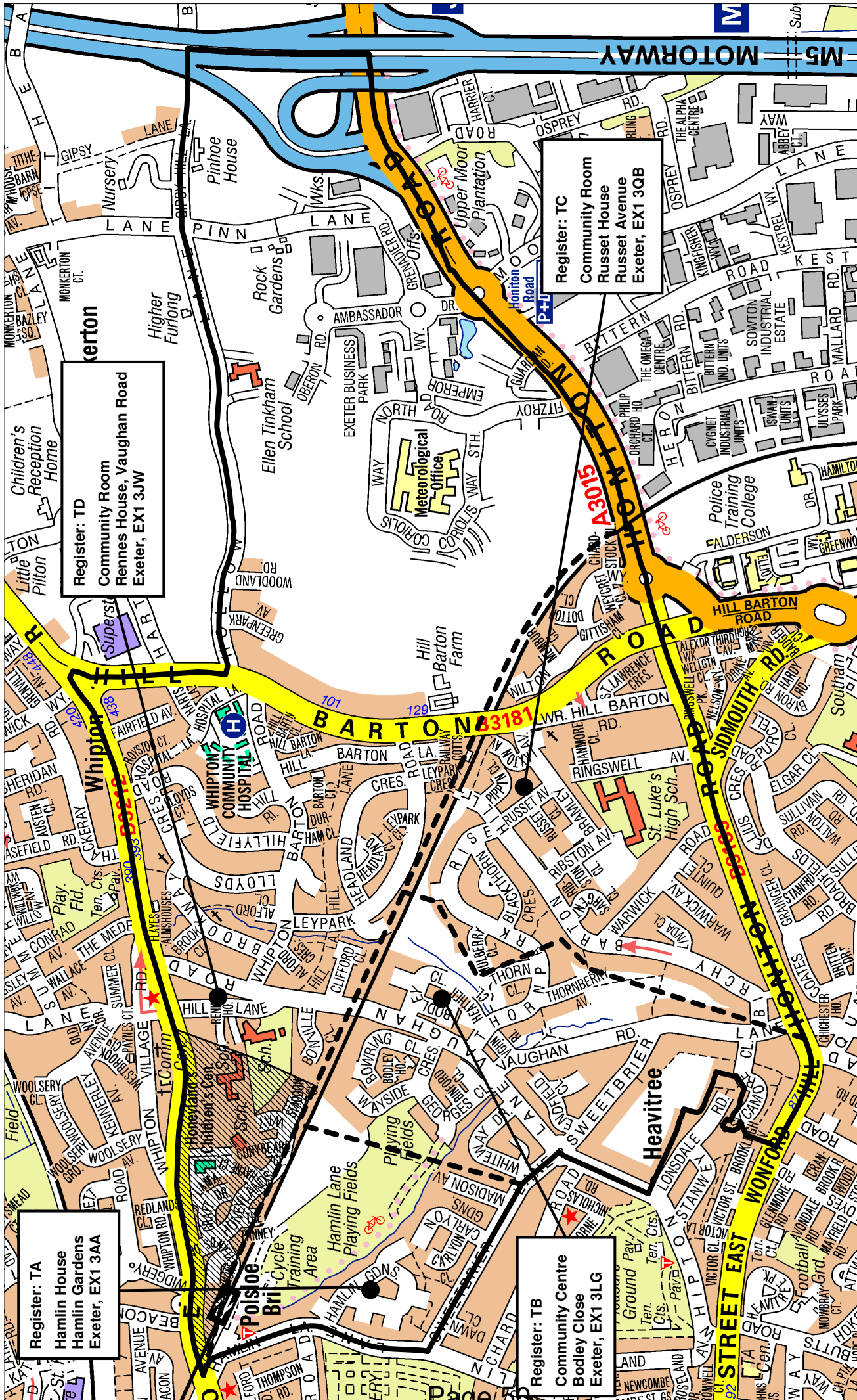
Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

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St Loyes Ward : Proposed polling districts and Polling Stations from 1st Dec 2011



Exeter City Council



Register: TA
 Hamlin House
 Hamlin Gardens
 Exeter, EX1 3AA

Register: TD
 Community Room
 Rennes House, Vaughan Road
 Exeter, EX1 3JW

Register: TB
 Community Centre
 Bodley Close
 Exeter, EX1 3LG

Register: TC
 Community Room
 Russet House
 Russet Avenue
 Exeter, EX1 3QB

Whipton Barton Ward : Location of Polling Stations

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Register: SB
Community Room
Grandison Court
Off Bishop Westall Road
Exeter, EX2 6NJ

Register: SC
Topsham Town FC
Coronation Field
Topsham Road
Exeter, EX2 7DT

Register: SA
Matthews Hall
Fore Street
Topsham
Exeter, EX3 0HF

Topsham Ward : Proposed polling district and Polling Stations from 1st Dec 2011

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ELECTORAL ADMINISTRATION ACT 2006

Review of Parliamentary Polling Districts & Polling Places June 2011Report of the Returning Officer concerning existing polling arrangements in the Exeter Constituency

Polling District	Polling place	Station	Comments	Proposals
AA	Alphington	St Andrews Church Hall, Alphington Road	Satisfactory	None
AB	Alphington	Exeter Sea Cadet HQ, Canal Banks	Satisfactory	None
AC	Alphington	Westex Technology College, Hatherleigh Road	Satisfactory	None
AD	Alphington	Alphington Sports Club, Church Road	Satisfactory	None
AE	Alphington	Alphington Village Hall, Ide Lane	Satisfactory	None
BA	Cowick	<i>Buddle Lane Youth Centre, Merrivale Road</i>	Satisfactory	None
BB	Cowick	Bowhill, Dunsford Road	Satisfactory	None
CA	Duryard	University of Exeter, Common Room, Lopes Hall, St Germans Road	Not an ideal polling station, but no readily available alternatives	None
CB	Duryard	University of Exeter, Common Room, Moberly House, Lwr Argyle Rd	Not an ideal polling station, but no readily available alternatives	None
DA	Exwick	Redhills Primary School, Landhayes Road	Satisfactory	None
DB	Exwick	Exeter Civil Service Club, Exwick Road	Satisfactory	None
DC	Exwick	Exwick Community Hall, Kinnerton Way	Satisfactory	None
EA	Heavitree	Scout Hut, South Lawn Terrace *	Satisfactory	None
EB	Heavitree	South West Baptist Assoc, Wonford Street	Satisfactory polling station but is not centrally located. Currently no viable alternatives	None
FA	Mincinglake	Beacon Heath Church, King Arthur's Road	Satisfactory.	None
FB	Mincinglake	Whipton Community Hall, Pinhoe Road	Satisfactory	None
FC	Mincinglake	Knight Club, Beacon Lane	Satisfactory	None
GA	Newtown	Belmont Chapel, Western Way	Satisfactory	None

Polling District	Polling place	Station	Comments	Proposals
GB	Newtown	School of Education, College Road (St Luke's)	Satisfactory polling station, but situated a long way from main college entrance. No viable alternative	None
GC	Newtown	Fountain Community Education Centre, St James Road	Satisfactory polling station, but situated just outside Ward	None
HA	Pennsylvania	Stoke Hill First School, Stoke Hill*	Satisfactory but the school have expressed dissatisfaction at the use of their premises as a polling station. However, the two possible alternate premises, at St. James's Church and Toronto House, are much less satisfactory in terms of accessibility and size of accommodation respectively.	Propose to retain existing polling station arrangements.
HB	Pennsylvania	Sylvania Community Hall, Mincinglake Valley Park	Satisfactory	None
JA	Pinhoe	Mobile Station, Orwell Garth	Unsatisfactory. Mobile station used, numerous complaints received from candidates, agents, electors and staff. No disabled access. Currently no viable alternative situated within Ward	Whilst the use of a mobile station is not ideal, the site it is situated upon is conveniently located. Possible consideration could be given to moving to Willowbrook School, but this is much less conveniently located.
JB	Pinhoe	Trinity Community Centre, Arena Park, Beacon Heath	Satisfactory	None
JC	Pinhoe	The Hall Church, Main Road, Pinhoe	Satisfactory	None
JD	Pinhoe	Pinhoe C of E Primary School, Harrington Lane	Satisfactory	None
KA	Polsloe	The Parent Room, Ladysmith Junior School, Pretoria Road	Satisfactory but disabled access could be improved	Consider improvement of disabled access as circumstances allows
KB	Polsloe	St Mark's Church Hall, St Mark's Avenue	Satisfactory	None
KC	Polsloe	Baptist Church, Pinhoe Road	Satisfactory	None

Polling District	Polling place	Station	Comments	Proposals
LA	Priory	100 Club, Wear Barton Road	Satisfactory	None
LB	Priory	St Luke's Church Rooms, School Lane	Satisfactory but disabled access could be improved	Consider improvement of disabled access as circumstances allow.
LC	Priory	Wonford Methodist Church Hall, Burnthouse Lane	Satisfactory	None
LD	Priory	Wynstream Primary School, Burnthouse Lane	Satisfactory	None
MA	St. Davids	Community Room, 66 Weaver's Court, Shilhay	Satisfactory	None
MB	St. Davids	Lecture Room, Mint Methodist Church, Fore Street	Satisfactory	None
MC	St. Davids	St. David's Church, Queen's Terrace	Satisfactory polling station, some access difficulties.	<u>None</u>
NA	<u>St. James</u>	St. Sidwell's C of E Primary School, York Road *	Satisfactory	None
NB	St. James	Community Room, York House, Longbrook Street	Satisfactory polling station, but location could be improved however no known viable alternatives in this polling district	None
PA	St. Leonard's	Abbeville Community Room, Abbeville Close	Satisfactory	None
PB	St. Leonard's	Church Hall, Roberts Road	Satisfactory	None
PC	St. Leonard's	St Leonards Church Centre, Topsham Road	Satisfactory	None
PD	St. Leonard's	Victoria Park Tennis Club, Lyndhurst Road	Satisfactory but some issues with access for wheelchair users	None
QA	St. Loye's	The South West MS Centre, West Grange, Clyst Heath	Satisfactory polling station but relatively small number of electors (661)	Consider merging this polling station with QD (Clyst Heath Nursery School).
QB	St. Loye's	Walter Daw Primary School, Woodwater Lane	Satisfactory	None
QC	St. Loye's	St. Peter's High School, Quarry Lane	Satisfactory	None

Polling District	Polling place	Station	Comments	Proposals
QD	St. Loye's	Clyst Heath Nursery & Primary School, Royal Crescent	Satisfactory	None
RA	St. Thomas	Montgomery Primary School, Manor Road	Satisfactory but school advise that new school building will not allow polling station use without closing the school on the day.	Consider alternative premises if possible
RB	St. Thomas	Exeter Karate Centre, Church Road	Satisfactory	None
RC	St. Thomas	West Exe Children's Centre, Cowick Street	Satisfactory	None
SA	Topsham	Matthews Hall, Fore Street †	Satisfactory but there has been significant growth in population on the site of the old Navy Stores and this area is some distance from the current polling station. A new polling district based around this area should be strongly considered.	A new polling district should be created using the ward boundaries north and south and the Motorway and Rydon Lane, east and west. The facilities at Topsham FC should be investigated as a polling station premises pending any future developments of community buildings within this proposed new polling district.
SB	Topsham	Community Room, Grandisson Court	Satisfactory	None
TA	Whipton Barton	<u>Hamlin House, Hamlin Gardens</u>	Satisfactory	None
TB	<u>Whipton Barton</u>	Community Centre, Bodley Close	Satisfactory	None
TC	Whipton Barton	Community Room, Russet House, Russet Avenue	Satisfactory	None
TD	Whipton Barton	Community Room, Rennes House, Vaughan Road	Satisfactory but the room used as a polling station is a tight squeeze at elections with a reasonably high turnout, especially Parliamentary elections.	Consider investigation of additional venue to serve as an additional station/district in the east of the current polling district.

* Double station at Parliamentary election.

† Double station at all elections

N.B. Comments regarding polling districts/places and polling stations located in St. Loye's Ward (QA, QB, QC, QD) and Topsham Ward (SA, SB) are made with regard to local government elections.

Comments received from (Acting) Returning Officer East Devon Constituency:

'East Devon District Council has no comments regarding the current Polling Station Review beyond the fact that we have noted the comments regarding St Loye's and Topsham Wards and support the observations and comments made'.

Philip Bostock
Acting Returning Officer
Exeter Constituency
Civic Centre,
Paris Street,
EXETER
EX1 1JN

20 June 2011

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APPENDIX E

List of Proposed Polling Stations incl. Numbers of electors

REGISTER	NO. OF ELECTORS	WARD	POLLING STATION
AA	671	Alphington	St Andrews Church Hall, Alphington Road
AB	1,357	Alphington	Exeter Sea Cadet HQ, Canal Banks, Haven Road
AC	1,221	Alphington	Westexe Technology College, Hatherleigh Road
AD	1,204	Alphington	Alphington Sports Club, Church Road
AE	2,087	Alphington	Alphington Village Hall, Ide Lane
BA	2,012	Cowick	Buddle Lane Hall, Merrivale Road
BB	2,352	Cowick	Bowhill, Dunsford Road
CA	1,489	Duryard	University of Exeter, Common Room, Lopes Hall, St Germans Road
CB	2,589	Duryard	University of Exeter, Common Rm, Moberly House, Lwr Argyle Rd
DA	2,118	Exwick	Redhills Primary School, Landhayes Road
DB	2,057	Exwick	Exeter Civil Service Club, Exwick Road
DC	2,403	Exwick	Exwick Community Centre, Kinnerton Way *
EA	2,738	Heavitree	Scout Hut, South Lawn Terrace *
EB	1,676	Heavitree	South West Baptist Assoc, Wonford Street
FA	1,507	Mincinglake	Beacon Heath Church, King Arthur's Road
FB	794	Mincinglake	Whipton Community Hall, Pinhoe Road
FC	1,776	Mincinglake	The Knight Club, Beacon Lane
GA	1,649	Newtown	Belmont Chapel, Western Way
GB	1,339	Newtown	School of Education, College Road (St Luke's)
GC	900	Newtown	Fountain Community Education Centre, St James Road
HA	2,384	Pennsylvania	Stoke Hill Infant & Nursery School, Stoke Hill *
HB	1,813	Pennsylvania	Sylvania Community Hall, Mincinglake Valley Park
JA	1,300	Pinhoe	Mobile Station, Orwell Garth
JB	564	Pinhoe	Trinity Community Centre, Arena Park, Beacon Heath
JC	1,510	Pinhoe	The Hall Church, Main Road, Pinhoe
JD	1,476	Pinhoe	Pinhoe C of E School, Harrington Lane
KA	1,115	Polsloe	Ladysmith Junior School, Pretoria Road, (Parent Room)
KB	2,040	Polsloe	St Mark's Church Hall, St Mark's Avenue
KC	1,174	Polsloe	Baptist Church Hall, Pinhoe Road
LA	1,629	Priory	100 Club, Wear Barton Road
LB	694	Priory	St Luke's Church Rooms, School Lane
LC	2,003	Priory	Wonford Methodist Church Hall, Burnthouse Lane
LD	2,328	Priory	Wynstream Primary School, Burnthouse Lane
MA	488	St. Davids	Community Room, 66 Weaver's Court, Shilhay
MB	2,196	St. Davids	Wesley Room, Mint Methodist Church, Fore Street
MC	1,597	St. Davids	St. David's Church, Queen's Terrace (off Hele Road)
NA	2,279	St. James	St. Sidwell's C of E School, York Road *
NB	1,600	St. James	Community Room, York House, Longbrook Street
PA	1,141	St. Leonard's	Abbeville Community Room, Abbeville Close
PB	903	St. Leonard's	Church Hall, Roberts Road
PC	828	St. Leonard's	St Leonards Church Centre, Topsham Road
PD	1,139	St. Leonard's	Victoria Park Tennis Club, Lyndhurst Road

REGISTER	NO. OF ELECTORS	WARD	POLLING STATION
QA	1,950	St. Loye's	Clyst Heath Nursery & Community School, Royal Crescent
QB	1,534	St. Loye's	Walter Daw Primary School, Woodwater Lane
QC	1,266	St. Loye's	St. Peter's High School, Quarry Lane
RA	1,642	St. Thomas	Montgomery Primary School, Manor Road
RB	1,861	St. Thomas	Exeter Karate Centre, Church Road
RC	1,109	St. Thomas	West Exe Childrens Centre, Cowick Street
SA	2,892 [∞]	Topsham	Matthews Hall, Fore Street *
SB	755	Topsham	Community Room, Grandisson Court
SC	750 [∞]	Topsham	Topsham AFC, Coronation Field, Topsham Road
TA	616	Whipton Barton	Hamlin House, Hamlin Gardens
TB	1,201	Whipton Barton	Community Centre, Bodley Close
TC	1,570	Whipton Barton	Community Room, Russet House, Russet Avenue
TD	2,313	Whipton Barton	Community Room, Rennes House, Vaughan Road*

* Double station

[∞] Estimate

EXETER CITY COUNCIL

SCRUTINY COMMITTEE – RESOURCES 21 SEPTEMBER 2011

EXECUTIVE
4 OCTOBER 2011

GOVERNMENT CONSULTATION ON THE INTRODUCTION OF INDIVIDUAL ELECTORAL REGISTRATION

1. PURPOSE OF REPORT

This report sets out the Government's consultation proposals on the introduction of individual electoral registration (IER) and the issues they raise.

2. BACKGROUND

- 2.1 At present, electoral registration is undertaken by an annual household canvass, where all eligible electors' details are returned to the Electoral Registration Officer (ERO) for entry onto the electoral register, which is published on 1 December each year. The return of this household form is compulsory and failure to provide the information requested is a criminal offence, punishable by a fine of up to £1,000. A declaration is required to be signed by the person completing the form.
- 2.2 Additionally, electors can update their entry on the register each month between January and September each year. Unlike the annual canvass, this is not compulsory.
- 2.3 In July 2009, the Political Parties and Elections Act legislated for a move to IER via a voluntary phase with pilots of data-matching schemes that would aim to improve the quality of the register.
- 2.4 In May 2010, the Conservative – Liberal Democrat Coalition agreement made a commitment to speed up the introduction of IER and to achieve this before the next scheduled General Election in 2015. In June 2011 the Cabinet Office published its White Paper setting out the draft legislation and inviting comments and views, by Friday 14 October 2011.
- 2.5 The White Paper drops the previous Government's plans for a voluntary phase of IER and speeds up the implementation of IER to 2014, so that it is in place before the next Parliamentary election. It makes proposals on all aspects of the intended process for the implementation of IER. The main points can be summarised as follows:
- (i) IER will be introduced with a canvass of all registered electors from 1 July 2014. This will be about 3 weeks after the planned European Parliamentary election, which may be combined with Exeter City Council elections. In Exeter, this will require the ERO to send a form to about 90,000 electors requesting two personal identifiers, which are intended to be a date of birth and national insurance number. A revised register will be published on 1 December 2014.

- (ii) The White Paper states that it is not the intention to require electors to provide a signature, though the legislation retains an option for a signature to be prescribed.
- (iii) It will not be compulsory for electors to return the form which requests the provision of the two identifiers. Indeed an elector can return the form instructing the ERO not to make any further requests for the provision of identifiers. For the first canvass, anyone not providing identifiers will have their entry on the register carried over, so that they will not be disenfranchised for the planned 2015 Parliamentary election.
- (iv) A household form will be sent to any property which does not have any registered electors. The household form will require the householder to notify the ERO of any registered electors in residence. The return of the household form will remain compulsory. The ERO will then be required to write to those electors shown on the household form, requesting identifiers before they can be added to the register. The return of the form requiring identifiers will not be compulsory.
- (v) From the canvass held in 2015 and for subsequent canvasses, the ERO must send a household form to every property. If the form is returned showing electors who have already provided their identifiers, they will not be required to provide further information and they will remain on the register. Only new electors will be required to provide identifiers but will not be compelled to do so. The ERO, in keeping with his statutory duty, will be required to follow up the non-return of forms, including making house-to-house enquiries where necessary.

2.6 The aim of the move to IER is to make electoral registration and access to democracy a personal responsibility, rather than it being potentially reliant on the actions of another person. It also aims, through accompanying systems of data matching, to improve accuracy and completeness and to tackle fraud.

2.7 The following paragraphs outline some of the main administrative consequences and issues in implementing IER:

- (i) It is likely that a move away from a registration system based on the compulsory theme attached to the current household canvass, to one where registration will depend on the non-compulsory provision of identifiers, will mean a decrease in the number of registered electors, at least in the first few years. In urban areas with a mobile population this effect may be particularly marked. In Exeter, for example, many of the electors currently registered by means of a bulk household return at Student Halls of Residence, would have to be written to and asked for their identifiers. It is probable that a large number of students, who will also potentially be registered at their home addresses, may decline to do so. There are currently just under 4,000 students registered in Halls, the majority of whom are within the Duryard ward. This could have an effect on not only the numbers of registered electors for the Duryard Ward (which has total electorate of about 4,300) but also the City as a whole. This may cause an electoral imbalance. Fewer registered electors may also affect the numbers to be considered in any Parliamentary boundary reviews.
- (ii) Currently, electors can register up to 11 working days before an election and it is very likely that anyone not registering at any other time of year will leave their registration to be completed just before an election. If unsolicited applications are received the ERO will be compelled to establish a connection between an individual and an address to determine residence. To do this it is proposed that a unique identifying number be posted to the applicant's address. The applicant

will be required to return the unique identifying number to activate their registration. This may delay the process and will inevitably place a large operational burden on the ERO. At the Parliamentary election of 2010, 2,500 applications were received in the Electoral Services office within a 2-week period.

- (iii) The electoral register is used by the Courts Service to select jury members. A further consequence of non-compulsory registration could have an effect on the numbers of people available to serve on a jury.
- (iv) It is inevitable that the levels of administrative work carried out by the ERO will increase significantly. Whilst the City Council has been proactive in this approach by ensuring robust levels of staffing within the electoral services office following the passing of the Political Parties and Elections Act of 2009; the levels of work are likely to increase significantly. Some of this additional work may be absorbed through careful management of staffing resources but inevitably overall costs will increase.
- (v) The White Paper estimates that the overall cost for implementation of IER will be £108.3 million. The Government is committed to fully funding implementation costs to local authorities but does not appear to make any provision for ongoing costs from 2015 onwards.

3. PROPOSALS

- 3.1 As the forward to the White Paper states, 'the electoral register is a key building block for our democracy' and the implementation of IER is the biggest change to the system in a hundred years.
- 3.2 It is proposed that the Chief Executive respond to the Government's consultation on IER regarding the issues raised in this report and particularly Exeter City Council should comment on:
 - (i) The potential effect that non-compulsory registration will have on the late registration facility available during the election timetable and the affect on, for example, student registration.
 - (ii) The consequences relating to the selection of juries.
 - (iii) The effect that the implementation of IER will have on resources and the need to ensure that adequate funding for the initial and on-going additional costs are adequately provided for.

4. RECOMMENDATION

- 4.1 That the Chief Executive submits a response along the lines suggested in paragraph 3.2 above.

CHIEF EXECUTIVE

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

Background papers used in compiling this report:

Individual Electoral Registration – White Paper and draft legislation – Cabinet Office June 2011
<http://www.cabinetoffice.gov.uk/sites/default/files/resources/individual-electoral-reform.pdf>

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EXETER CITY COUNCIL

EXECUTIVE
4 OCTOBER 2011

CONSULTATION ON NATIONAL PLANNING POLICY FRAMEWORK

1 PURPOSE OF REPORT

- 1.1 To provide Members with an overview of the draft National Planning Policy Framework and to illicit Member response to the general principles underlying the document so as to enable officers to prepare a detailed response to the consultation by 17 October.

2 BACKGROUND

- 2.1 The Government have had a consistent desire to simplify the planning process going back so far as the Conservative Party "Open Source Planning" document published in February 2010. On 25 July 2011 a draft National Planning Policy Framework (NPPF) was published for consultation. The aim of this document is to replace the present national planning guidance contained in twenty five Planning Policy Statements and some older Planning Policy Guidance Notes and a number of Circulars with one all encompassing single document, the NPPF.
- 2.2 Whilst few within or indeed outside the planning profession would see the simplification of the planning process as anything other than a laudable aim, the reduction of nearly a million words of present guidance into one document of just over 16,000 words, represents a challenging ideal. It would be wrong however to merely see the NPPF as an editorial exercise the NPPF brings forward some substantial changes in emphasis and direction for planning and also seeks to introduce some new concepts.

3 KEY CONCEPTS

- 3.1 At the heart of the NPPF is a presumption in favour of **sustainable development**. This concept has of course underpinned much of planning in recent years and has generally attracted much support as a central tenet of the planning process. In the desire to bring about "Positive Growth" however the NPPF takes the concept further than exists at present and charges the planning system to adopt a presumption in favour of sustainable development as underpinning plans, policies and decisions. The introduction to the NPPF says that "sustainable development should go ahead without delay".
- 3.2 Where local authorities do not have up to date planning policies and documents the presumption in favour of sustainable development will make it difficult for authorities to refuse any planning application for such development. Exeter will hopefully shortly have an adopted Core Strategy so will be able to adopt a "plan led" approach to sustainable development and, in any event, the authority is largely a pro-growth Council seeking to ensure the prosperity and well being of the sub region by maximising sustainable development. This shift in emphasis in the NPPF should have little impact therefore within the City.
- 3.3 The Government have consistently maintained that the planning system had become too centralised and "top" down. **Decentralisation** therefore is one of the central themes of the NPPF. The revocation of the regional planning system has

already been well trailed with the expected revocation of Regional Strategies following the enactment of the Localism Bill. The NPPF seeks to take further forward the concept of **Neighbourhood Planning** whereby local communities are able to draw up Neighbourhood Plans and Development Orders to have a say in the development of their local areas. Such plans produced at very local levels could cumulatively have a significant impact on both the workload and stance of local authorities towards their communities. Initially at least it appears that it is authorities with Parish and Town Councils who are experiencing the greatest interest in neighbourhood planning but in the City St James Forum have expressed the avowed intention to produce a Neighbourhood Plan and have been awarded “Front Runner” status and funding from DCLG. The St James exercise will provide a useful test bed for the City Council to refine its work and policies in connection with such local initiatives.

- 3.4 The likely removal of the regional planning system will place greater emphasis on adjoining local authorities working together to solve sub regional planning problems. This sort of working is of particular importance to an authority such as Exeter where much of the future prosperity and growth associated with the City will take place on land within East Devon or Teignbridge. The NPPF seeks to replace regional planning with a general **Duty to Cooperate** being placed on authorities to work “constructively, actively and on an ongoing basis in the planning process”. The establishment of a meaningful structure for sub regional planning both in terms of a political structure and a day to day working structure is perhaps the greatest strategic planning challenge faced by the City Council. The Growth Point Structure and the emerging Local Enterprise Partnership provide useful practical foundations to establish such cooperative working.
- 3.5 **Increasing the delivery of new housing** is said to be one of the key objectives of the Government and of the NPPF. Local Authorities are held to be the most able to judge their individual housing needs and demands yet the NPPF seeks to impose an arbitrary requirement that local authorities should now be able to show 5 years housing land supply plus 20% additional capacity. Such an artificial target may have utility in districts with large amounts of land allowing for alternative strategies, but in a tight urban area such as Exeter where all the suitable land is allocated for development, the concept of a 5 year supply is unhelpful where the real problem centres on delivery rather than land supply.
- 3.6 **Viability** is a central theme of the NPPF and the Government is keen to ensure that any burdens placed on developers such as the provision of affordable housing, sustainable construction methods or achievement of low carbon targets, should be of such a scale so as not to threaten the viability of development schemes. The Core Strategy has been amended to place the concepts of viability and feasibility at the centre of policies requiring contributions or actions from developers so, in practice, this concept should present no problem for the City Council. However it is likely to mean long and protracted debate over individual planning applications and schemes with the local authority and applicants each having their own idea as to what is viable. Such arguments could have implications for staff resources and expertise. Viability issues will also be central to the calculation of the appropriate level of Community Infrastructure Levy (CIL) which the Council are hoping to introduce shortly.

- 3.7 Environmental considerations such as **renewable energy, protection of green areas** and the **natural environment and protection of habitats** are also considered important issues in the NPPF. Once again such issues are at the forefront of Core Strategy policies so present little new in the Exeter context. The need to deal with the issue of appropriate assessments and the protection of “European Sites” such as the Exe Estuary, stills remains to be settled by the three authorities in the sub region and the sort of protection the NPPF proposes to extend to other types of important parts of the natural environment.

4 PLANNING GUARANTEES

- 4.1 Although not part of the NPPF, the Planning Minister Greg Clarke, announced at the same time the draft NPPF was published a proposed Planning Guarantee System. This system would mean that no planning application should take longer than 12 months to determine (including any appeal) and the public would be able to see how their local authority are performing by the local authority publishing information probably on a quarterly basis. It also seems likely that central government will publish a regular “league table” of local planning authority performance. Further detail and consultation is proposed on the planning guarantee system in the autumn.
- 4.2 The speeding up and simplification of the planning system is to be welcomed by all but much of the present delay in processing applications relates to central government imposition of ever increasing consultation and validation procedures. If the Planning Guarantee System is to be meaningful Government needs to address these centrally imposed requirements. Similarly the recent move away from the submission of long and complex returns to central government could be meaningless if it is replaced by overly complex reports made on performance in each quarter. The detailed consultation in the Autumn will hopefully address these issues.

5 THE NPPF DEBATE

- 5.1 The draft NPPF has attracted support and opposition in almost equal measure. The development and property industry generally welcome the publication whilst conservation groups most notably the National Trust have vehemently opposed the document seeing it as a licence to build over large parts of the countryside including green belts.
- 5.2 As with much of the present proposed planning legislation the NPPF is as interesting for what it does not say as for what it does. The planning profession generally have given it a cautious welcome but really want to see greater detail on the transitional phase between the present and future system. The major concern of the profession is the continued absence of any effective regional planning system and a general concern that the “Duty to Cooperate” will do little to bring about effective strategic planning.
- 5.3 In the context of the tight urban area of Exeter City, and an authority relatively well advanced with its forward planning, the impact in the short term of the NPPF will be minimal (Appendix A shows a detailed breakdown prepared for the Examination of NPPF policies set against the Core Strategy policies). The longer term impact is difficult to judge given the relative paucity of detail.

6 CONCLUSION

- 6.1 Planning Member Working Group considered this report at their meeting on 20 September and expressed concern that the NPPF should link in closely with the provisions outlined in the recent Natural Environment White Paper published by DEFRA and that the NPPF generally should have more to say on the protection of green spaces. Members expressed concern that in a tight urban area such as Exeter the calculation and need to show an improved five year land supply was not a workable concept; and Members also felt that the Framework could be more explicit as to how it saw the “Duty to Cooperate” working in practice.
- 6.2 The consultation process accompanying the draft Framework is not particularly sophisticated merely asking on a sliding scale how much agreement or disagreement each consultee has with the key concepts. It would be helpful therefore if Members have strong reservations or endorsements for or against any of the key concepts, to add to those expressed by the Planning Member Working Group, they could let officers know so that a considered response can be submitted on behalf of the City Council by the 17 October deadline.

7 RECOMMENDATION

- 7.1 Executive is recommended to endorse a proposed response to DCLG based upon this report and the concerns expressed by Planning Member Working Group.

**RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL**

ECONOMY AND DEVELOPMENT DIRECTORATE

EXETER CITY COUNCIL'S EMERGING CORE STRATEGY AND CONFORMITY WITH DRAFT NATIONAL PLANNING POLICY FRAMEWORK

1.0 Introduction

- 1.1 Exeter City Council submitted their Core Strategy to the Secretary of State on 28 February 2011 and an Examination into the soundness of the plan was held over a three day period beginning on 21 June 2011. Following the three day hearing the Inspector appointed to conduct the Examination decided to reconvene the hearing at a future date to specifically discuss issues relating to the 5 year housing land supply and the provision, costs and timing of infrastructure on the proposed strategic allocations to the east of the City. The reconvened hearing was arranged for 24 August 2011.
- 1.2 On 25 July 2011 the Department for Communities and Local Government published a consultation draft of the National Planning Policy Framework (NPPF) the primary purpose of which is to consolidate into one document existing Planning Policy Statements, Planning Policy Guidance Notes and some Circulars'.
- 1.3 The City Council have now been asked by the Inspector to assess how far the provisions of the Core Strategy conform to the principles outlined in the draft NPPF. This report considers this issue by considering how the vision and general policies of the Core Strategy conform to the general planning policies outlined in the NPPF. The report also highlights some areas where some dissonance occurs between the two documents.
- 1.4 This report draws upon three principal documents to assess the degree of conformity. Firstly the draft National Planning Policy Framework itself :-
<http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>
- Secondly the Impact Assessment published at the same time :-
<http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkimpact>
- and lastly the practice guidance issued by the Planning Inspectorate to enable its Inspectors to familiarise themselves with the NPPF :-
http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf_consult.pdf
- 1.5 The part of this report concerned with general conformity assesses this against the same headings below as set out in the Planning Inspectorate Advice Note.

2.0 General Conformity

2.1 Presumption in favour of sustainable development

The City Council view the continued employment and housing growth of the City as essential to the well being of the City, the sub region and indeed to a substantial part of the south west peninsula. The vision and policies underlying the Core Strategy seek to propose sustainable growth and is therefore in general conformity with both the recent ministerial statement on "Planning for Growth" and the presumption in favour of sustainable development that is a central tenet of the NPPF. The City Council recognise that Exeter is the most sustainable location to accommodate the levels of growth outlined in the Regional Strategy for the sub region and, to that end, sought to provide for as much growth as can be accommodated within the urban area in a sustainable fashion. The Core Strategy seeks to place no barriers to development other than the need to provide appropriate infrastructure in a comprehensive manner and to seek to minimise the impact of climate change.

- 2.2 Removing office development from Town Centre First policy**
The Core Strategy has no proposal to apply a town centre first policy in relation to office development indeed the plan encourages the provision of B1 uses throughout the employment allocations.(Policy CP2 and minor change 38) and paragraphs 5.6 and 5.16 whilst encouraging the need to provide additional office space in the city centre also recognise the need to provide for offices elsewhere. The core strategy therefore is in conformity with this part of the NPPF.
- 2.3 Time horizon for assessing impacts**
The Core Strategy makes no reference to this policy other than to talk generally about Planning Policy Statement 4. This matter will be dealt with in the proposed Development Management Development Plan Document (DMDPD) and there is no conflict between the Core Strategy and the NPPF in relation to this topic.
- 2.4 Removing the maximum non residential car parking standards for major developments**
There is no policy in the Core Strategy relating to this subject. The NPPF policy will be dealt with via the DMDPD.
- 2.5 Selection of sites for Peat extraction**
This proposal in the NPPF has no relevance to the Exeter urban area.
- 2.6 Mineral land banks**
This proposal of the NPPF is relevant to the mineral planning role of the County Council and is not an appropriate Core Strategy policy.
- 2.7 Removal of the brownfield target for housing development**
The Core Strategy has no minimum target for development on brownfield land. Paragraph 6.13 postulates that the Core Strategy housing targets will actually amount to 51% of these houses being built on previously developed land. The Core Strategy makes significant housing allocation on greenfield urban extensions and the Council would, in any event, argue that a tight urban area facing substantial employment and housing growth has to make efficient and effective use of all its land, and cannot afford to adopt challenging brownfield targets if it is to successfully deliver sustainable development based on local circumstances. The Core Strategy and NPPF are in conformity on this topic.
- 2.8 Allocation of an additional 20% of their sites against a five year housing supply**
The ability of the City Council to show a five year housing land supply set against the annualised requirement of the Core Strategy was discussed at some length during the Examination into the Core Strategy. The Council's view was that the issue was one of delivery rather than land supply and that sufficient land was allocated to deliver the additional housing but, due to the economic downturn, developers were not bringing sites forward. The Inspector asked the Council to draw up an Interim Action Plan to seek to improve the land supply situation. Such an Interim Plan was prepared and was discussed at the reconvened Examination. The land supply situation has improved significantly with a number of planning permissions being granted and developers submitting applications for large development. There is no conflict in principle between the Core Strategy and the NPPF, the land supply requirement has just become more challenging.
- 2.9 Remove the national minimum site size threshold for requiring affordable housing to be delivered**
Policy CP7 of the Core Strategy sets a lower minimum site threshold than the present minimum and seeks to achieve an optimum affordable housing solution for the City. This policy is in conformity with the provisions of the NPPF.
- 2.10 Removing rural exception sites policy**
This policy is not applicable to the urban area of Exeter.

- 2.11 **Protecting community facilities**
Policy CP10 of the Core strategy seeks protection of community facilities and is therefore in conformity with NPPF.
- 2.12 **Green Belt**
There is no Green Belt within the City Council boundary.
- 2.13 **Green infrastructure**
CP16 of the Core Strategy seeks to protect and enhance the strategic green infrastructure and is therefore in line with the provisions set out in the NPPF.
- 2.14 **Green Space designation.**
The concept of locally important green space is central to the policies contained in the Core Strategy. Such green space is presently protected by broad landscape designation with a proposal to introduce a criteria based policy to allow for development on this space in appropriate circumstances in the DMDPD. The Council welcomes the recognition of locally important green space in the NPPF and sees no conflict between this concept and the provisions of the Core Strategy.
- 2.15 **Clarification on which wildlife sites should be given the same protection as European sites**
Proposed amendments to the Core Strategy following consultation with Natural England and RSPB have established a working method for applying the provision of the Habitats Directive to European sites. The Council believe such methods could be utilised if wider protection was required for other areas and see no conflict between the provisions of the Core Strategy and NPPF in this respect.
- 2.16 **Decentralised energy targets**
Policy CP13 of the Core Strategy supports the concept of decentralised energy and is thus in conformity with the provisions of NPPF.
- 2.17 **Proactive approach to identifying opportunities for renewable and low carbon energy**
Policy CP14 of the Core Strategy seeks to promote the use of decentralised and renewable low carbon sources and takes a proactive approach by requiring developments over a certain size to conform to the policy. This policy is therefore in line with NPPF provisions.
- 2.18 **Historic environment**
Detailed policies for protection and enhancement of the historic environment will be set out in the DMDPD. The provisions of the Core Strategy do not conflict with NPPF in this regard
- 3.0 Dissonance**
- 3.1 The NPPF seems to envisage in the section on “plan making” a move away from the present Local Development Framework of Core Strategies supplemented by other Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) towards a single local plan document and proposals map. The very basis on which the Core Strategy has been prepared utilising the Regional Spatial Strategy and conforming with the strategic targets set out in the Regional Strategy sit rather incongruously alongside the NPPF which clearly not only envisages the abolition of Regional Strategies but also Core Strategies and the Planning Policy Statements.
- 3.2 The City Council remain convinced however that there is no conflict between the basic visions and policies of the Core Strategy and the NPPF and the Core Strategy remains a sound and robust basis for the future growth of Exeter.

- 3.3 The Council does however recognise that to some extent the Core Strategy now represents a transitional phase and will look to reconfigure its forward planning programme post Core Strategy to move nearer to the tenets of the NPPF. Such a reconfiguration may involve an amalgamation or abandonment of SPDs and DPDs presently set out in the Local Development Scheme and an enlarged Development Management DPD which together with the Core Strategy can provide the basis for a subsequent Local Plan.
- 3.4 The City Council recognises the importance of cross boundary working and there are references to such working in a number of sections in the Core Strategy. The expected demise of Regional Strategies will place greater emphasis in the “Duty to Cooperate” between local authorities and the Growth Point Board, set up by Exeter and East Devon Council, can provide a useful focus for such working. The NPPF re-emphasises the need for such inter-authority working and establishment of a system and structure for such work remains a priority for the City Council.

AUGUST 2011

EXETER CITY COUNCIL

EXECUTIVE
4 OCTOBER 2011

WAVELENGTH 23 - SURVEY RESULTS

1.0 PURPOSE OF REPORT

1.1 To present the main findings of the Wavelength 23 survey to SMT

2.0 BACKGROUND

2.1 There were **705** forms returned from **1105** sent out. This is a return rate of **63.7%**

2.2 The Wavelength panel is representative of the city for gender and for ward population but is under-represented in the younger age-groups and over-represented among the older groups. To compensate for this a weighting has been applied to ensure the percentage figures reported are reflective of the city's population.

2.3 Wavelength 20 covered three topics:-

- **Customer Access to Services:** Looking at how customers access council services and information, including the website
- **Customer Service Centre:** To look at how customers make use of the CSC and their satisfaction with the service provided
- **Complaint & Feedback Form:** To give panellists a chance to comment on the draft complaint & feedback form.

2.5 This Executive Summary only provides a commentary on the figures returned for Wavelength 23. For a full comparison with previous Wavelengths, please see the main report.

3.0 SUMMARY OF RESULTS

3.1 Customer Access To Services

3.2 The results showed:

- Exeter Citizen is still the favourite way for people to get Council information (63%)
- Internet use by panellists is increasing (88% in 2011 up from 70% in 2006)
- Respondents visit the website primarily for information (1029 responses) as opposed to directly accessing services (363 responses)
- The most popular reason for visiting the website was to get information on refuse collection and recycling (69%)
- There was little enthusiasm for registering to use the Exeter City Council website (94 responses)
- Panellists tend to visit the website infrequently (monthly or less frequently)
- The site search and the ease of finding specific information were the weakest areas, with satisfaction scores of 64%

3.3 Customer Service Centre

3.4 The results showed:

- Just under half of panellists (44%) had visited the Customer Service Centre in the last 12 months
- The most frequent reason for visiting the Customer Service Centre was to make a payment (33%)
- Very few respondents had used the payments machines (2%) but usage has increased dramatically since the cashiering service was withdrawn
- The vast majority of enquiries were resolved (93%) with 91% of visitors satisfied with the outcome and 86% satisfied with the process involved

3.5 Complaints & Feedback leaflet

3.6 The results showed that:

The overwhelming majority of respondents (93%) found the leaflet clear and easy to understand

4.0 NEXT STEPS

4.1 Results from Wavelength 23 have been passed to the commissioning Directorates.

4.3 Results from the survey will be posted on the Council's website, a summary will be sent to Wavelength panellists and produced in the Citizen.

5.0 RESOURCE IMPLICATIONS

There are no resource implications

6.0 RECOMMENDATIONS

Executive are asked to note the report

14/09/11

Background papers used in this report:

- Wavelength 23 full report

EXETER CITY COUNCIL

EXECUTIVE
4TH OCTOBER 2011

REVIEW OF THE COUNCIL'S POLICY ON INDEMNITIES TO MEMBERS AND OFFICERS ACTING ON OUTSIDE BODIES AND GUIDANCE TO MEMBERS

1 PURPOSE OF REPORT

- 1.1 The issue of appointing Members and officers to represent the Council on outside bodies, and of the indemnities that the Council could give to them for that purpose, was last considered by the then Policy Committee in April 1998. At that time there was great concern, arising from recent High Court cases, about the extent to which the Council could effectually provide indemnity if Members or officers incurred liabilities whilst acting on outside bodies.
- 1.2 The need to update both the Council's policy and the guidance given to Members for acting on outside bodies has been highlighted by recent enquiries from some Members.

2. BACKGROUND

- 2.1 The problems that had been identified in 1998 were subsequently resolved when Parliament passed the Local Authorities (Indemnities for Members and Officers) Order 2004 ("The Order"), although it appears that the City Council did not formally review its policy at that time. The Order removed the previous uncertainties and gave authorities express powers to indemnify Members and officers as they saw fit, so that the giving of indemnities now has a clear legal basis.
- 2.2 The different roles of acting as a Councillor and acting as the Council's representative on an outside body can sometimes be difficult to distinguish. Therefore the Head of Legal Services has updated the Council's Guidance on this which is set out in more detail in the Guidance Note annexed to this report.

3. RELEVANT PROVISIONS OF THE 2004 ORDER

- 3.1 The Order gives a wide discretion to local authorities in respect of indemnities. Article 5 of the Order states:

"..an indemnity may be provided in relation to any action of, or failure to act by, a member or officer which

- (a) *is authorised by the authority; or*
- (b) *forms part of, or arises from, any powers conferred, or duties placed, upon that member or officer (whether or not when exercising that function he does so in his capacity as a member or officer of the authority):*
 - (i) *at the request of, or with the approval of the authority, or*
 - (ii) *for the purposes of the authority."*

- 3.2 By virtue of Article 7 an indemnity can include actions which are beyond the powers of the authority, or beyond the powers of the Member's or officer's appointment, so long as the person concerned believed that the action was within the authority's powers (or within the powers of his or her appointment) and it was reasonable to hold that belief.
- 3.3 No indemnity may be provided in relation to conduct which is criminal or the result of fraud or deliberate wrongdoing or recklessness on the part of the Member or officer or in relation to an alleged defamation of (but not by) a Member or officer.
- 3.4 It should be noted that this wide power potentially enables the Council to grant indemnities which go beyond the extent of the Council's insurance cover.

4. PROPOSAL

4.1 The proposal is that the Council should give an indemnity to:

- (a) Members of the Council in relation to any action of, or failure to act by, them in the course of functions exercised by them (in their capacity as a Member of the Council) by virtue of any appointment to a body other than the Council;
- (b) Officers of the Council in relation to any action of, or failure to act by, them in the course of functions exercised by them (in their capacity as an officer of the Council and in the course of their employment), by virtue of any appointment to a body other than the Council;

subject (in each case) to the following conditions:

- (i) the appointment being approved by the Council or its Executive or other Committee of the Council or, in the case of an officer, by a Director acting within the scope of his/her delegated powers;
 - (ii) the Member or officer acting solely as a representative of the Council or in a decision-taking capacity but solely in furtherance of the Council's objectives; and
 - (iii) those matters set out in paragraph 3.3 above being excluded from the indemnity..
- 4.2 Treasury Services have confirmed that the indemnities referred to in 4.1 already fall within the scope of the Council's current insurance cover for normal Council business.
- 4.3 Appointments to outside bodies which involve acting in a decision-making capacity within the outside body will be outside the scope of the Council's insurance policy, unless the purpose of the role is in furtherance of one or more of the Council's objectives (such as promoting the economic well-being of the City). It is suggested that the Council follows the approach taken by Zurich Insurance, and does not provide an indemnity to those acting on an outside body where there is no direct link between that body's activities and the Council's normal business.

5. RESOURCE IMPLICATIONS

- 5.1 The indemnities referred to in 4.1 above are covered by the Council's existing liability insurance, so there should be no resource implications if the recommendation is followed.

6. RECOMMENDED

That Executive agrees:

- 6.1 That the Council gives an indemnity to officers and Members in the terms set out in Paragraph 4.1.
- 6.2 To adopt the guidance for Members set out in Annex A to this report.

BAAN AL-KHAFAJI, HEAD OF LEGAL SERVICES

CORPORATE SERVICES DIRECTORATE

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

Background papers used in compiling this report:-

The Local Authorities (Indemnities for Members and Officers) Order 2004 (Statutory Instrument 2004 No. 3082)

25.8.2011

GUIDE FOR MEMBERS APPOINTED TO OUTSIDE BODIES

As a Councillor you may be asked to act as the Council's representative on an outside body. Such appointments may vary considerably in respect of the nature and scope of the responsibilities that you are asked to take on. Please bear in mind the following guidance, which is in general terms. If you need more specific advice please contact the Head of Legal Services.

1. When acting as a representative of the Council on another body you are acting in your official capacity as a City Councillor, and so you must comply with the Members' Code of Conduct at all times.
2. Your role as a representative of the Council is limited to representing the views and interests of the Council to the outside body, or acting as an observer or facilitator in the exchange of views or information between the Council and that body. As an individual Member you cannot make decisions which are binding on the Council.
3. So long as you are acting in a representative capacity, in accordance with the Council's normal business and within the terms of your appointment, you will be covered by an indemnity from the Council which protects you against any claims or liability. The Council in turn is protected by its insurance cover.
4. However, some appointments to outside bodies involve undertaking work on behalf of that body, rather than acting purely as a representative of the Council (even though it was the Council which made the appointment). For example, if your role involves participating in the decision taking process of the organisation, then you will owe that organisation a general duty of skill and care, which means, for example, that you will need to obtain proper advice on any matter which is outside your general competence.

If you are appointed as a company director or as a trustee, these roles import specific obligations, and your duty will be to the company or trust and not the Council.

Unless the purpose of the appointment is the furtherance of a function of the Council (such as promoting the economic well-being of the City) then this type of role will take you outside the scope of the Council's indemnity referred to in 3 above, so you will need to look to the organisation itself to provide insurance cover for your protection.

5. Where you find yourself in a situation described in 4 above, in which you will be taking on duties to the organisation to which you are appointed, you will need to consider whether there is any risk of a conflict between those duties and your responsibilities as a Councillor. If there is a risk of a significant conflict you should not take on the appointment.
6. You can of course take on roles on other bodies on your own account, but subject to the same proviso that there should be no conflict with your role as a Councillor. Such roles are not covered by the Council's indemnity.

For further advice please contact the Head of Legal Services.

4th October 2011

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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