

## **EXECUTIVE**

Tuesday 9 July 2019

### Present:

Councillor Bialyk (Chair)  
Councillors Sutton, Foale, Ghusain, Harvey, Leadbetter, Mitchell, K, Pearson and Wright

### Apologies:

Councillor Morse

### Councillors in attendance under Standing Order 44

Councillor D Moore speaking on items 7 and 15 (minutes 66 and 74 below)  
Councillor Sills speaking on item 7 (minute 66 below)

### Also present:

Chief Executive & Growth Director, Director (JY), Director (BA), Director (J-PH), City Solicitor & Head of HR, Chief Finance Officer, Active & Healthy People Programme Lead, Growth & Commercialisation Manager, Cleansing & Fleet Manager, City Surveyor and Corporate Manager Democratic and Civic Support

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### **MINUTES**

The minutes of the meeting held on 11 June 2019, were taken as read, approved and signed by the Chair as a correct record.

The Corporate Manager, Democratic & Civic Support informed the Executive that in relation to minute number 57 (Honorary Alderman), the nomination contained therein, cannot currently proceed at the present time, due to the nominee (Mr Percy Prowse) being a Devon County Councillor, as this was contrary to the Council's scheme agreed in 2013. He informed the Executive that he had spoken with Mr Prowse who understood the situation.

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### **DECLARATIONS OF INTEREST**

No declaration of disclosable pecuniary interests were made.

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### **ENVIRONMENTAL HEALTH & LICENSING STATUTORY SERVICE PLAN**

The Executive considered a report, which had already been presented to Place Scrutiny Committee on 13 June 2019 and set out the Council's regulatory function in respect of food safety, health and other licensing, environmental permitting and other statutory functions over the forthcoming year. Members' attention was drawn to the detailed minutes of Place Scrutiny which had been circulated.

The Leader made particular reference to the amount of work this service undertakes on behalf of the Council, and wished to place on record his thanks to the staff for the excellent service they provide.

**RECOMMENDED** that Council approves:-

- (1) The Statutory Service Plan 2019/20; and
- (2) The Environmental Health and Licensing Manager being authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

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### **IN EXETER BUSINESS PLAN 2020-2025**

The Executive considered a report, which had already been presented to Place Scrutiny Committee on 25 June 2019 and set out the process and proposals for a second term of InExeter Business Improvement District (BID), as well as a five year business plan. Members' attention was drawn to the detailed minutes of Place Scrutiny which had been circulated.

Particular reference was made to:-

- The extension of the BID area (at the request of businesses in the proposed extended areas);
- The additional cost to the City Council as a consequence of the extension to the BID area;
- The increase in the BID levy to 1.25% (from 1%);
- The intention to charge the true cost of collecting the BID levy; and
- The important role that the BID had in focussing support for businesses in the City Centre.

**RECOMMENDED** that:-

- (1) The City Council votes in favour of continuing the InExeter Improvement District (BID) for a second term, covering the period 2020-2025;
- (2) The City Council casts its votes in favour of continuing the BID in the forthcoming ballot in October 2019;
- (3) Council approve a budget of £5,000 to undertake the ballot to be funded from General Fund reserves;
- (4) The Portfolio Holder for Environment & City Management be appointed to sit on the InExeter Board, with the support of the Growth & Commercialisation Manager, to oversee the interests of the City Council and wider city centre, through activity undertaken by InExeter;
- (5) The BID boundary be extended to include businesses located on Magdalen Road, at the request of the businesses association and businesses located on Magdalen Road;
- (6) The City Council charge a true cost of supporting InExeter in collecting the BID levy, calculated at £12,000 + VAT per annum (from £1,500 + VAT per year); and
- (7) The Growth & Commercialisation Manager draw up contingency plans, to be implemented in the result of a no vote in October 2019.

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### **TOWARDS CARBON NEUTRAL EXETER**

The Executive received a report, which had already been considered at its previous meeting, prior to being presented to Place Scrutiny Committee on 18 June 2019, which concerned the approach to enable the city to become carbon neutral by 2030. Members attention was drawn to the detailed minutes of the Place Committee on 18 June, which had been circulated.

During discussion, the following points were raised:-

- The consideration by Place Scrutiny Committee of the report, and its support of the recommendations contained therein, together with two additional recommendations relating to biannual Special meetings of the Scrutiny Committee to discuss progress towards the Council's objective; as well as a request for council reports to include a section detailing progress and impact on working towards this goal;
- The accountability relationships between Exeter City Futures and the City Council ensuring that it is managed and scrutinised appropriately;
- The involvement of communities in helping the City Council achieve its goals;
- The potential for the inclusion of biodiversity in the Council's goals;
- Members were reminded of the amount of work which the Council had already undertaken in driving towards its carbon neutral goals;
- A recognition that the Council's and community's ambitions must be considered alongside the resources available to the Council, Exeter City Futures and its partners and how these must be tempered accordingly;
- No-one should be in any doubt as to the ambition of the City Council to achieve this, but that a roadmap setting out how this could be realistically achieved is needed as soon as practicably possible so that the appropriate planning can be undertaken;
- The list of current members of the ECF CIC Partner Network which was provided in the circulated report;
- The list of the 12 Goals of EFC which were appended to the circulated report, and which would be reviewed following the comments made during the Council's consideration of this matter.

**RECOMMENDED** that:-

- (1) Exeter City Council declare a 'Climate Emergency';
- (2) The carbon neutral target for Exeter is framed in a way that links to wider regional targets. This shows Exeter's intention to decrease its emissions without increasing emissions in the wider region;
- (3) Exeter City Council commit to its operations becoming carbon neutral ahead of the 2030 date and mobilise resources to develop internal plans to deliver the target;
- (4) A "Carbon Neutral Delivery Team" be convened by Exeter City Futures Community Interest Company (ECF CIC) to establish a city plan for delivery that builds on the Energy Independence Roadmap produced by ECF CIC and uses the 12 Goals as the basis of the approach. The Carbon Neutral delivery team will:
  - o Draw together existing evidence and data to establish baseline state of the city presented under each of the 12 Goals;
  - o Conduct a full audit of the city to highlight gaps between current plans and what is required to achieve carbon neutrality;

- Define a clear city plan showing outcomes that will need to be met to deliver carbon neutrality, how existing activities support and where there are gaps;
  - Identify immediate opportunities and crucial first steps.
- (5) Resources be committed to be part of the Carbon Neutral Delivery Team and, due to the urgency required, those resources be co-located with ECF CIC to ensure that the City Council is leading by example and sharing learning with other ECF CIC Member organisations and the wider ECF CIC Partner Network;
  - (6) Exeter City Futures CIC be requested to convene a “Carbon Neutral Mandate Group” through a series of summits to validate, challenge and endorse the Roadmap produced by the Carbon Neutral working group.
  - (7) The work of the Devon Climate Emergency Response Group (CERG) be supported with the outcomes and recommendations noted. Exeter City Council will participate in a "People’s Assembly" with the governance arrangements to be confirmed by the CERG;
  - (8) A special meeting of Place Scrutiny Committee, be convened on a biannual basis, to collate and discuss all of the work by Exeter City Council in respect of Climate Change and also allow the opportunity for outside bodies to continue to update Members; and
  - (9) Once the aforementioned roadmap/action plan has been received, Council reports should include an analysis of the progress and impact in working towards a Carbon neutral city goal, as they currently do for the impact on any decision in relation to equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults; economy, safety and the environment.

67      **THE EXETER LIVE BETTER MOVE MORE PHYSICAL ACTIVITY STRATEGY**

The Executive received a report, which had already been considered by Place Scrutiny Committee on 25 June 2019 and described the results of the public consultation exercise on the draft strategy, including some proposed minor changes to the original proposals. Members’ attention was drawn to the detailed minutes of Place Scrutiny which had been circulated.

Particular reference was made to the high levels of responses received during the public consultation (some 1650), with 94% of respondents agreeing with the proposed priorities.

**RECOMMENDED** that Council adopts the revised Exeter Live Better and Move More Physical Activity Strategy.

68      **THE EXETER LIVE BETTER MOVE MORE DRAFT BUILT FACILITIES, PLAYING FIELDS, PITCHES, PLAY AREAS, PARKS AND OPEN SPACES STRATEGY**

The Executive received a report, which had already been considered by Place Scrutiny Committee on 25 June 2019 and described the results of the public consultation exercise on the draft strategy, including some proposed minor changes

to the original proposals. Members' attention was drawn to the detailed minutes of Place Scrutiny which had been circulated.

Particular reference was made to the setting up of a task force which would devise a strategy whereby as many residents as possible would have a suitably equipped play park within a certain distance from their home.

**RECOMMENDED** that:-

- (1) Council adopts the revised Exeter Live Better and Move More Built Facilities, Playing Fields, Pitches, Play Areas, Parks and Green Spaces Strategy; and
- (2) A full consultation exercise be held with local residents and stakeholders on the future use of Northbrook Approach Golf Course site.

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### **COMMUNITY AND ARTS GRANT REVIEW**

The Executive received a report, which had already been considered by People Scrutiny Committee on 26 June 2019 and described the public consultation on the proposed Exeter Grants Programme, highlighting feedback themes and proposing a revised grants programme to replace the current core, rent, city and grass roots grants schemes. Members' attention was drawn to the detailed minutes of People Scrutiny which had been circulated.

Particular reference was made to the high level of funding which the Council was continuing to offer (approximately £1m per annum out of a total Council budget of £12.5m), against the budgetary pressures it was facing, and that this was a sign of the council's on-going commitment to working with its communities.

**RECOMMENDED** that:-

- (1) Council adopts the proposed Exeter Grants Programme appended to the report presented to the meeting, and allocates a start-up budget of £30,000 from the New Homes Bonus Local Community Reserve to mobilise the new Exeter Grant Programme;
- (2) Council approves the creation of the Exeter City Fund from the sources described and notes that the extensive listening and consultation process has enabled the Council to seek views on spending priorities with regard to the Neighbourhood Portion of the Community Infrastructure Levy (CIL) 2. This is in line with CIL Regulations 2010 (Regulation 59F) and the underpinning Planning Practice Guidance (PPG Paragraph 73); and
- (3) Council approves the establishment of the Exeter Grants Panel to provide strategic oversight and leadership of the Exeter Grants Programme.

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### **OVERVIEW OF REVENUE BUDGET**

The Executive received a report, which had already been considered by Corporate Services Scrutiny Committee on 27 June 2019 and advised Members of the overall financial position of the Housing Revenue Account (HRA) and General Fund revenue budgets for the 2018/19 financial year. It sought approval for the General Fund working balance, HRA working balance, a number of supplementary budgets and the creation of new earmarked reserves. Members' attention was drawn to the detailed minutes of Corporate Services Scrutiny which had been circulated.

**RECOMMENDED** that Council notes and approves (where applicable):

- (1) That the net transfer of £1,717,058 to Earmarked Reserves as detailed in paragraph 9.3.6 of the report circulated, is approved;
- (2) That supplementary budgets of £2,344,257 be approved as detailed in paragraph 9.3.8 of the report circulated;
- (3) That Earmarked Reserves at 31 March 2019 be noted;
- (4) That the Council Tax account and collection rate be noted;
- (5) That the outstanding sundry debt, aged debt analysis and debt write-off figures be noted;
- (6) That the creditor payments performance be noted;
- (7) That by taking into account the overall financial position of the Council, the General Fund working balance at 31 March 2019, be approved at £4,395,024; and
- (8) That the Housing Revenue Account working balance at 31 March 2019 be approved at £10,025,355 and the Council Own Build working balance be approved at £274,855.

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### **CAPITAL OUTTURN**

The Executive received a report, which had already been considered by Corporate Services Scrutiny Committee on 27 June 2019 and advised Members of the Council's overall financial performance of the capital programme for the 2018/19 financial year and sought approval of the 2019/20 revised capital programme. Members' attention was drawn to the detailed minutes of Corporate Services Scrutiny which had been circulated.

Particular reference was made to the request for an additional budget of £10m from the capital fund to invest in potential commercial opportunities, as the previously approved budget had been used to purchase a commercial property which, it was noted, would generate income for the Council.

**RECOMMENDED** that Council approve:-

- (1) The overall financial position for the 2018/19 annual capital programme;
- (2) The amendments and further funding requests to the Council's annual capital programme for 2019/20; and
- (3) An additional £10 Million to allow consideration of any further potential commercial opportunities if they arise.

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### **TREASURY MANAGEMENT REPORT**

The Executive received a report, which had already been considered by Corporate Services Scrutiny Committee on 27 June 2019 and described current treasury management performance for the 2018/19 financial year, as well as the position of investments and borrowings as at 31 March 2019. Members' attention was drawn to the detailed minutes of Corporate Services Scrutiny which had been circulated.

Particular reference was drawn to the benefits of active treasury management especially with regards to the low levels of interest which had been paid during the year (£80,515).

**RECOMMENDED** that Council note the content of this report.

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### **MODERN SLAVERY TRANSPARENCY STATEMENT**

The Executive received a report, which had already been considered by Corporate Services Scrutiny Committee on 27 June 2019 and explained that whilst the Council did not have a statutory requirement to adopt a modern slavery transparency statement, it was considered best practice so to do. This would encourage ethical business practices and policies and would protect employees from exploitation. Members' attention was drawn to the detailed minutes of People Scrutiny which had been circulated.

Particular reference was made to the fact that once the Council had adopted this statement, all of its suppliers of goods and services would need to similarly adhere to ethical business practices and policies with this forming part of future procurement exercises.

**RESOLVED** that Executive approve:-

- (1) the adoption of the Modern Slavery Transparency Statement 2019-20; and
- (2) the Leader and the Chief Executive & Growth Director be authorised to update and amend the document and republish on an annual basis.

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### **LIVEABLE EXETER GARDEN CITY**

The Executive received a report of the Chief Executive & Growth Director which sought approval to put in place the required staffing and governance arrangements to support, direct and oversee the response to the Housing Minister's recent announcement that the Exeter and East Devon's bid under the Garden Communities programme had proved successful.

This was a transformational housing programme which would deliver 11,000 dwellings over the next 20 years and reflected the desire to increase housing provision within the established built up area of the city; to increase housing densities; and to support ambitions for active lifestyles. It very much reflected the Council's previously published aspirational document of Liveable Exeter, and focussed on supporting active travel reducing the need to travel by car, and thus prioritising pedestrians, cyclists and public transport. It also therefore mirrored the Council's aspirations for carbon neutrality as had been discussed earlier in this meeting (minute number 67 above refers).

During discussion, the following points were raised:-

- The Government's announcement of the success of the Liveable Exeter Garden City bid gave the opportunity to link many different projects together, including the Royal Institute of British Architect's award of Future Place and the Sport England delivery project. This would allow for the development of a joined up framework for development in the area;

- There would be a requirement to build a team to drive this forward, and that this would be funded from the initial £750,000 provided by the Ministry of Housing, Communities and Local Government to support the delivery of the programme;
- The need to establish a governance structure to support this programme, which would initially be via a Steering Board, who would report to this Executive. It was noted that decision making powers for the progression of this project would continue to lie with this Council's Executive.

**RECOMMENDED that:-**

- (1) Council approve the creation of the Post of Project Director (Liveable Exeter Garden City);
- (2) Delegated authority be granted to the Chief Executive & Growth Director (CE&GD) to make necessary amendments to the Job Description and reporting lines in the light of comments that may arise from Homes England and our sub regional partners;
- (3) Council approve the creation of the following posts: Project Manager (Liveable Exeter Garden City); Commercial Surveyor (Liveable Exeter Garden City); Planning Officer (Liveable Exeter Garden City).
- (4) Council approve the establishment of a board to oversee the Liveable Exeter Garden City programme, the proposed composition of the Board and the draft terms of reference be delegated to the CE&GD in consultation with the Leader of the Council and be reported back to a future meeting of Executive; and
- (5) Council approve the establishment of a budget of up to £750,000, to be funded by an Earmarked reserve, set up for this purpose.

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**CULTURAL STRATEGY**

The Executive received a report which included the City's Arts and Cultural Strategy and set out a clear direction for progress until 2024. It was noted that the Strategy had been commissioned by Exeter Culture, in partnership with the City Council, and built on the Council's work in supporting the organisation as the driver of the creative industries in the City.

As such, the vision of the strategy was noted as being:-

*Exeter will be known nationally and internationally as a city of culture. It will innovate and lead in the areas of the environment, wellbeing, cultural literacy, creative making and heritage to build a living city where everyone lives well.*

Particular reference was made to:-

- The fact that due to timing issues surrounding the launch of the Strategy on 10 July (i.e. the day after this meeting), there had not been the opportunity for this matter to be firstly presented to Scrutiny;
- The opportunity this Strategy gave to apply as a city for UNESCO City of Culture status;
- The five key themes of the strategy being:-
  - A city of culture for the Environment;
  - A city of Cultural wellbeing;



- A city of cultural literacy and learning;
- A city of heritage innovation; and
- A city of creative making.

**RESOLVED** that Members acknowledge The Arts and Cultural Strategy and support the work of Exeter Culture, the cultural sector and key stakeholders in delivering it.

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### **CIL INFRASTRUCTURE PAYMENTS**

The Executive received a report which sought approval to implement and apply a Community Infrastructure (CIL) "Infrastructure Payments" document. This was required so as to allow the delivery of infrastructure by others where considered to be beneficial. The report also allowed for the transfer of an element of the, yet to be received CIL receipts, from the Sandrock development to Devon County Council to deliver part of a strategic cycle route.

**RESOLVED** that Executive approves the production of a Community Infrastructure Levy (CIL) 'Infrastructure Payments' Document, and delegates authority to the Director to develop and finalise the content of the document in discussion with the Leader of the Council and Portfolio Holder for City Planning & Development and subsequently to issue the document.

**RECOMMENDED** that Council approves the transfer of up to a maximum of £375,000 of the CIL receipts from the Sandrock development at Monkerton (application reference: 17/1320/FUL) to Devon County Council, to address the fact that the section of the strategic cycle link between the Monkerton strategic allocation and city centre, which passes through the site, must effectively be paid for by the County Council. Such funds are not to be paid to Devon County Council until they have been received in relation to the Sandrock Development at Monkerton by the Council. Authority to transfer the funds to be delegated to the Service Lead City Development in consultation with the Leader of the Council.

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### **REVIEW OF CIL CHARGING SCHEDULE**

The Executive received a report which sought to initiate a review of the Council's Community Infrastructure Levy (CIL) charging schedule. It was noted that the current charging schedule had been introduced in December 2013. As such, it was felt prudent to start this process now, as it was likely to be at least 18 months before any changes could be introduced, due to the processes which needed to be followed. During discussion, Members requested that this be the matter of a Members' Briefing which would include confirmation as to whether section 106 agreements could be effective in certain circumstances.

**RECOMMENDED** that Council approves:-

- (1) The initiation of a review of the CIL Charging Schedule which was attached as an Appendix to the report presented to the meeting; and
- (2) The allocation of a budget of up to £75,000 in order to instruct Consultants to review the Community Infrastructure Levy Charging Schedule.

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### **BULL MEADOW REPORT**

The Executive received a report which requested reconsideration of its previous decision of 12 February 2019 (Executive minute number 22/19 refers), to dispose of land at Bull Meadow Recreation Ground. This was in the light of continuing representations against the disposal of this land, as well as a reconsideration of the principle of disposal of the land to facilitate development, as the park provides a valuable resource to the local community and that, as such, should be preserved as far as possible.

**RESOLVED** that no area of Bull Meadow Park at the end of Temple Road be disposed of.

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### **RECYCLING & MRF INVESTMENT PRESENTATION - PART 1**

The Executive received a presentation from the Service Lead – Recycling, Waste and Fleet which detailed the business case for investment in the Materials Recycling Facility (MRF), which, if approved, would facilitate opportunities for the generation of additional income, the proceeds from which would be used to provide an enhanced kerbside recycling service, as well as the introduction of the collection of glass and food waste.

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### **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 20(b) and 21 on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1,2,3 and 4 of Part 1, Schedule 12A of the Act.

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### **RECYCLING & MRF INVESTMENT REPORT - PART 2**

The Executive received a confidential report, which had already been considered by Place Scrutiny Committee on 25 June 2019 and detailed a number of options to improve the financial and environmental outcomes of the Materials Recycling Facility (MRF), as well as meeting the expectations of residents and future government requirements in respect of recycling. Of the options presented, option 4 was identified as offering the best technical solution to address this. Members' attention was drawn to the detailed minutes of People Scrutiny which had been circulated.

**RESOLVED** that:-

- (1) The findings of the report be noted (Appendix 1 – Update to the Business Case Investigation of Options for Collection of Household Food Waste);
- (2) Option 4 (weekly kerbside-sort recycling collection, incorporating glass and food waste collection, with three weekly rubbish collection), be supported with a detailed analysis of the cost, health & safety and organisational change implications being presented in the next committee cycle; and
- (3) The investment in appropriate material sorting technology to implement Option 4 be supported, to maximise commercial recycling opportunities, and that a detailed cost analysis of this be considered in the next committee cycle.

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### **LEISURE CONTRACT COMPENSATION PAYMENT - PART 2**

The Executive received a confidential report which set out the level of compensation to be paid to the leisure operator in relation to the on-going closure of the pool and health spa areas within the Riverside Swimming Pool and Leisure Centre, and requested the establishment of a budget to make the required payments, with such funds being met from earmarked reserves. It was noted that an initial payment had already been made under delegated powers.

**RECOMMENDED** that Council approve the establishment of a budget to be funded by money set aside in an earmarked reserve for the purpose of compensation payments to the Leisure Operator for the loss of income resulting from the on-going closure of the Riverside Swimming Pool and Leisure Centre pool and health spa.

(The meeting commenced at 5.30 pm and closed at 8.12 pm)

Chair

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