

## **EXECUTIVE**

Tuesday 2 November 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton, Williams and Wood

Apologies:

Councillors Leader and K. Mitchell (as opposition group Leaders)

In attendance:

Councillor D. Moore (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Corporate Manager – Executive Support, Service Lead  
Legal Services, Service Lead - Environmental Health & Community Safety and Democratic  
Services Team Leader

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### **MINUTES**

The minutes of the meeting held on 5 October 2021, were taken as read, approved and signed by the Chair as a correct record.

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### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

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### **QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19**

A member of the public, Mr Cleasby submitted the following question, related to Minute No. 106:-

- Does the Council agree that taking a more consistently open approach to disclosing information, such as a clear default position in favour of publication, would reduce the costs of the Council complying with the legislation?

The Council Leader responded that under its publication scheme and commitment to openness and transparency, the Council already openly disclosed a significant amount of information, which included more than 1,200 pages on its website. This was in addition to more than ten datasets, such as contracts, grants and expenditure over £500 that were published regularly under the Transparency Code. The costs of preparing that information, included redacting personal and commercially-sensitive information, were already significant and fixed.

The Council Leader explained that the Council held an existing commitment to openness and transparency, and that any information that was not published could be requested, and that the Council abided by the Information Commissioner's presumption in favour of disclosure. It was often the case that information requested under the Freedom of Information Act was not routinely published as it needed to be retrieved from various information systems and often in liaison with external parties.

Officers were then required to review the information to redact information that the Council was entitled to withhold on the basis of personal, commercially-sensitive, or legally-privileged exemptions. It was in the interest of the Council, its partners, residents and taxpayers to ensure that the Council did not breach other legislation,

such as the Data Protection Act 2018. There was a cost to that processing, regardless of when the information was published or the default position and the report presented at the meeting outlined what work was being undertaken to reduce the burden.

Mr Cleasby on putting a supplementary question enquired, whether the Council Leader would agree, that because the Council performance to information request responses was not 100%, would a change to the culture of openness and transparency with additional staff training, improve the response rate for requests for information?

The Council Leader responded that he was not in agreement.

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### **REQUESTS FOR INFORMATION**

The Executive received the report which provided an update on the available options for accessing Council held information, including the use of the Freedom of Information Act. The report provided a summary of the number and type of information requests received by the Council over the last three years, and how the requests were managed and their resource implications.

Councillor D. Moore, as an opposition leader, enquired on whether the Council would consider publishing Freedom of Information requests on the Council website, in a similar way to Devon County Council.

The Corporate Manager Executive Support explained that, although it was possible to publish a register of information requests, there would need to be a justification and evidence supporting a demand for a public register. Each information request required a tailored response, so the Council would have to address the benefit of publishing each request against available resources.

The Leader noted that the report had been brought to Members to raise awareness of the number of requests received, and their respective cost and resource implications.

Members welcomed the report and noted that there had been an increase in the number of Freedom of Information requests received and further noted that details reported in Council papers and minutes were already of a high transparency level. Residents could also contact Councillors, which could help alleviate the number of requests received and support officer time and resources.

**RECOMMENDED** that Council note the report.

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### **THE EXETER ARTICLE 4 DIRECTION: HOUSES IN MULTIPLE OCCUPANCY - RESPONSE TO PETITION**

**RESOLVED** that the item be deferred.

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### **DRAFT STATEMENT OF GAMBLING POLICY 2021-2023**

The Executive received the report on the Statement of Gambling Policy, which had a legal requirement to be reviewed every three years. The proposed updated Gambling Act 2005 Statement of Licensing Policy had been presented to the Licensing Committee at the meeting held on 14th September 2021 to agree sharing

the draft policy with the statutory consultees. A consultation for representations had been undertaken between 20 September and 20 October 2021. The Licensing Committee had considered the report at its meeting on 26 October 2021 and supported its adoption.

Particular reference was made to there being no national changes made to the policy, with the only changes being minor administrative amendments.

Members welcomed the report and noted that the policy allowed the Council to make its own requirements for gambling matters for the city.

**RECOMMENDED** that Council approves and adopts the updated Gambling Act 2005 Statement of Licensing Policy.

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### **PROPOSED CONSULTATION ON VARYING THE PUBLIC SPACES PROTECTION ORDER**

The Executive received the report which sought approval to commence a consultation on the draft proposals for amending the dispersal powers in Prohibition E of the Public Spaces Protection Order (PSPO), to address a continuance of certain anti-social behaviour in the city in recent years. Currently the PSPO could only disperse a group of two or more people for a maximum of six hours. The consultation would seek the views of residents to change the dispersal powers to include any individual for up to 24 hours.

The consultation period would run between 2 November and 31 December 2021 and a report would be presented to the Executive on 8 February 2022 and Council on 22 February 2022, ahead of the PSPO expiry date of 20 June 2022.

Councillor D. Moore, as an opposition leader, enquired for clarification, that the potential risks highlighted in the Equality Impact Assessment (EQIA), for those with mental health issues and homeless residents would be addressed and that there would be supplementary guidance provided for officers.

In response to the enquiry, the Service Lead – Environmental Health and Community Safety explained that guidance would be issued and reviewed

During the discussion, the following points were raised:-

- the eight week consultation period would allow appropriate time for the public to contribute to the consultation and address any concerns; and
- the consultation would be a proactive approach, which would be welcomed by residents who felt a sense of discomfort from antisocial behaviour.

**RESOLVED** that the Executive note and approve:-

- (1) the contents of the proposed variation of Prohibition E as detailed in Appendix A of the report;
- (2) a consultation to take place between 2 November and 31 December 2021, to obtain the views of the public and other stakeholders; and
- (3) a report to be presented to the Executive on 8 February 2022 and Council on 22 February 2022, with recommendations on whether to amend or seek continuance of the current Public Spaces Protection Order.

**REPRESENTATION AT COURT: SECTIONS 222 AND 223 LOCAL  
GOVERNMENT ACT 1972**

The Service Lead Legal Services requested Member approval to authorise Chris Garlick and Max Murphy to represent the Council at the County and Magistrates' Courts. The two apprentices had joined the Council in 2015 and 2017 respectively, and had worked hard throughout their development as Apprentice Solicitors. Approval of the recommendations would provide them with the opportunity to further develop their legal skills in the Courts.

Members welcomed the recommendations, to enable the apprentice Solicitors to represent the Council on Court and noted that the apprenticeship scheme offered by the Council was continuing to provide opportunities for young people to develop their careers.

**RESOLVED** that in accordance with Section's 222 and 223 of the Local Government Act 1972, the following officers be authorised to represent the Council at the County and Magistrates' Courts:-

- Chris Garlick - Apprentice Solicitor; and
- Max Murphy - Apprentice Solicitor.

(The meeting commenced at 5.30 pm and closed at 5.58 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 14 December 2021.**