

## EXECUTIVE

### STATEMENT OF DECISIONS

Set out below is a summary of the decisions taken at the meeting of the Executive held on Tuesday 29 November 2022. Decisions made by the Executive will be subject to call-in. Recommendations made to the Council are not subject to call-in. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Mark Devin, Democratic Services Team Leader on 01392 265477 or email [mark.devin@exeter.gov.uk](mailto:mark.devin@exeter.gov.uk)

#### **Members' Allowances 2023/24**

##### **Agreed:**

##### **RECOMMENDED** to Council that:-

- (1) the basic structure and principles of the current Members' Allowances scheme be retained for 2023/24;
- (2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, be retained;
- (3) the Councillors' Basic and Special Responsibility Allowances, including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should be linked and updated in line with the Local Government Employers (LGE) staff pay award for the previous year, (a 1.75% increase in the annual Local Staff Pay Award was awarded by the Employers side for staff which was effective for staff from April 2021);
- (4) the principle that Special Responsibility Allowances be paid to no more than 50% of the overall number of Councillors to continue to be kept under review and adhered to where possible;
- (5) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the hourly Living Wage as applicable from April of each year (together with the retention of the uplift of the standard rate of income tax). In the case of Members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, (together with the retention of the uplift of the standard rate of income tax) can be agreed by negotiation in advance with the Corporate Manager, Democratic and Civic Support;
- (6) the sum of £50 be paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained; and
- (7) the Travel and Subsistence allowances available for staff to continue to apply to Exeter City Councillors, where appropriate.

**Reason for Decision:** As set out in the report.

**Amendment to Terms of Reference for the Joint Consultation and Negotiation Committee**

**Agreed:**

**RECOMMENDED** that Council approve the amendments to the Council's Constitution terms of reference for the Joint Consultation and Negotiation Committee.

**Reason for Decision:** As set out in the report.

**Working Towards Net Zero - Exeter City Council's Corporate Carbon Footprint Report and Carbon Reduction Action Plan**

**Agreed:**

**RECOMMENDED** that Council:

- (1) note and endorse the Corporate Carbon Footprint report, and acknowledge the detailed analysis and improved data provided on previous year's reports, but also the challenge to improve data capture across the whole organisation. The projections reinforce the measures required across all Council activities, and that organisationally achieving Net Zero in such a short timeframe is extremely challenging;
- (2) acknowledge the scale of the challenge set out in the Corporate Carbon Footprint Report and the combination of aggressive carbon reduction measures included in the projections which require a step change in Council policy, activity, and capacity;
- (3) acknowledge the importance of the Corporate Carbon Reduction Plan, the work already in progress, and service wide commitment required to deliver net zero, with a dedicated team to lead on activity. Equally, the need to undertake an annual assessment of the Council's GHG emissions to monitor, identify change and evaluate actions needed to deliver net zero;
- (4) note that to achieve Net Zero by 2030, an increase in capacity, financial investment and operational resource, both internally and from Government at a national level is required. Whilst the carbon footprint provides accurate carbon reduction measures, the precise amount of resource needed is currently not quantifiable. This will require a detailed investment plan based on costed proposals; and
- (5) recommend the Net Zero team's research options for using carbon offsetting to achieve Net Zero.

**Reason for Decision:** As set out in the report.

**The Local Household Support Fund - scheme 3**

**Agreed:**

**RECOMMENDED** that Council adopt the proposed Local Household Support Fund - scheme 3 (HSF 3), with the majority of the £337,853 funding allocation being targeted as one-off grants to households receiving council tax support with one or more of the following priority characteristics:

Priority characteristic	Component value
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Priority characteristic		Component value
Disabled child		£100
Carer		£100
Non dependant deduction		£150
In work		£150
Large family	<i>3 or more children</i>	£100 <b>OR</b>
	<i>4 or more children</i>	£150

Component amounts are cumulative, so household awards will range between £100 and £650. Component amounts may need to be amended following the final data extract to ensure the scheme could be delivered for the available budget.

Eligibility will be determined based on the household position on 14 December 2022 entitlement date.

**Reason for Decision:** As set out in the report.

### **Mary Arches Street Car Park Re-development**

**Agreed:**

**RECOMMENDED** that Council agree a demolition budget equal to the Land Release Funding received by the Department for Levelling up Housing and Communities and One Public Estate.

**RESOLVED** that

- (1) the Director Finance be authorised to dispose of all or part of the land at Mary Arches Street Car Park, as shown on the site boundary plan in Appendix 1 of the report, to Exeter City Living, on terms to be negotiated by the City Surveyor at a sum that represented no less than the best value valuation, if the option granted in respect of the land is exercised;
- (2) the City Surveyor be authorised to acquire by way of Compulsory Purchase Order (“CPO”) any third party proprietary interests within the site;
- (3) the Director Finance be authorised to close Mary Arches Street Car Park on the grounds of economic obsolescence at the appropriate time in the development process;
- (4) the demolition of MASCP be agreed utilising Brownfield Land Release Fund (“BLRF”) monies received from the Department for Levelling Up, Housing and Communities (“DLUHC”) and One Public Estate (“OPE”);
- (5) that redevelopment of the site for a residential led mixed use scheme comprising new homes and ancillary ground floor commercial uses be agreed with the granting of over sailing licences if required;
- (6) the Director Finance be granted delegated authority in consultation with the Portfolio Holder to agree the final boundary of the land to be disposed of (noting that the area is not to be greater than the land indicated at Appendix 1 of the report);
- (7) the Director Finance be authorised to take all necessary steps to secure the making, submission, confirmation and implementation of a Compulsory Purchase Order to acquire any third party proprietary interests within the site (see Appendix 1 of the report);

- (8) the Director Finance be authorised to issue all relevant notices and certificates in connection with the making, confirmation and implementation of any Compulsory Purchase Order;
- (9) the Director Finance be authorised to acquire third party proprietary interests by private treaty negotiation;
- (10) the Director Finance be authorised to dispose of any third party propriety interest acquired pursuant to the Compulsory Purchase Order to Exeter City Living in accordance with terms to be agreed;
- (11) the Director Finance be authorised to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or serve notices to treat and notices of entry (if required) following confirmation of a Compulsory Purchase Order by the Secretary of State;
- (12) the Director Finance be authorised to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a General Vesting Declarations or service of a notice of entry if it was considered appropriate to do so;
- (13) the Director Finance be granted delegated authority in consultation with the Leader of the Council, to agree the final procurement contracts; and
- (14) the City Surveyor be granted delegated authority to work with Exeter City Living to facilitate the regeneration of this strategic city centre site.

**Reason for Decision:** As set out in the report.

### **Community Infrastructure Levy: Partial Review consultation**

**Agreed:**

**RESOLVED** that:-

- (1) the Draft Charging Schedule (Appendix A of the report) and the supporting evidence (Appendices B and C of the report) be approved as the basis for a six week consultation, commencing in December 2022;
- (2) delegated authority be given to the Director of City Development, in consultation with the Council Leader, to agree minor changes to the Draft Charging Schedule before it is published for consultation;
- (3) following the consultation, the submission of the Draft Charging Schedule, supporting evidence and consultation responses and other information be approved to enable an independent examination on the Draft Charging Schedule to take place, subject to there being no revisions to the proposed CIL charges; and
- (4) following the consultation, if any further proposed revisions to the CIL charges are proposed, that an updated draft be brought to the Executive in advance of submission for examination.

**Reason for Decision:** As set out in the report.

## **Annual Infrastructure Funding Statement 2022**

**Agreed:**

**RESOLVED** that the content and publication of the Annual Infrastructure Statement for 2022 be noted.

**Reason for Decision:** As set out in the report.

## **Pinhoe Community Hub**

**Agreed:**

**RECOMMENDED** that Council approve:

- (1) in principle for up to £1,222,707 of CIL and Section 106 funding towards the development of the Pinhoe Community Hub once full external funding is confirmed;
- (2) that officers to continue working with Trustees for the funding to be released, subject to confirmation of the provision of full funding. Should this not be possible the matter will be brought back to Council; and
- (3) that a Memorandum of Understanding (MOU) be developed with the Pinhoe Community Trustees to confirm the above.

**Reason for Decision:** As set out in the report.

## **Overview of General Fund Revenue Budget 2022/23 - Quarter 2**

**Agreed:**

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

- (1) the General Fund forecast financial position for the 2022 financial year;
- (2) the supplementary budgets as detailed in paragraph 8.12 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at September 2022;
- (4) the creditors payments performance; and
- (5) the One Exeter programme update.

**Reason for Decision:** As set out in the report.

## **2022/23 General Fund Capital Monitoring Statement - Quarter 2**

**Agreed:**

**RECOMMENDED** that Council approve:

- (1) the overall financial position for the 2022/23 Annual Capital Programme; and
- (2) the amendments and further funding requests to the Council's annual capital programme for 2022/23.

**Reason for Decision:** As set out in the report.

## **2022/23 HRA Budget Monitoring Report - Quarter 2**

**Agreed:**

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

- (1) the HRA forecast financial position for 2022/23 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

**Reason for Decision:** As set out in the report.

### **Treasury Management 2022/23 Half Year Update**

**Agreed:**

**RECOMMENDED** that Council note the Treasury Management report in respect of the first six months of the 2022/23 financial year.

**Reason for Decision:** As set out in the report.

### **Management provision of the Councils Temporary Agency Staff**

**Agreed:**

**RESOLVED** that the Temporary Agency Staff contract be awarded to Comensura through a neutral vendor arrangement for an initial period of two years with an option to extend for a possible two further one year extensions.

**Reason for Decision:** As set out in the report.

### **Request for a variation of Hackney Carriage Fares**

**Agreed:**

**RESOLVED** that the Hackney Carriage Fare Tariff proposal be approved and implemented with effect from 1 January 2023.

**Reason for Decision:** As set out in the report.

### **Live and Move Strategy and Governance Proposal**

**Agreed:**

**RECOMMENDED** that Council approve:

- (1) the revised Governance Structure and Terms of Reference;
- (2) the updating of the Council's constitution; and
- (3) that the Live and Move Strategy is noted with delegated powers granted to the Director of Culture, Leisure and Tourism, in consultation with the relevant Portfolio Holder.

**Reason for Decision:** As set out in the report.

## **The Exeter Community Lottery**

**Agreed:**

**RECOMMENDED** that Council approve:

- (1) the establishment of a local community lottery for Exeter;
- (2) for the Director of Culture, Leisure and Tourism, in consultation with the Portfolio Holder for Communities and Homelessness Prevention to contract an 'External Lottery Manager' to deliver the scheme on the Council's behalf;
- (3) the distribution of any proceeds through the Exeter Grants Programme; and
- (4) the Council joining the the Lotteries Council in order to deliver the lottery through best practice and access free membership services on legal and compliance issues.

**Reason for Decision:** As set out in the report.

## **Major capital projects budgets: Edwards Court Extra Care Scheme and Exeter Bus Station & St. Sidwell's Point programme.**

**Agreed:**

**RECOMMENDED** that Council approve:

- (1) additional funding of £1,164,049 in connection with the assessed contractual entitlement costs on the Exeter Bus Station and St. Sidwell's Point programme being - 2.15% of the original programme budget;
- (2) the funding of £1,750,000 in relation to the 'Covid Settlement' payment in relation to St Sidwell's Point;
- (3) additional funding of £363,385 in connection with the assessed contractual entitlement costs on the Edwards Court Extra Care scheme, being - 2.55% of the original programme budget;
- (4) funding of £416,921 in relation to the 'Covid Settlement' in relation to Edwards Court Extra Care scheme; and
- (5) payments to Kier as set out in recommendations 1- 4 being be made before 24 December 2022, provided that Kier agree the sums set out above are in full and final settlement of all/any claim they may have against the Council in relation to their accounts for the Exeter Bus Station and St.Sidwells Point programme and Edwards Court Scheme and formalised by way of settlement agreement signed by both parties.

**Reason for Decision:** As set out in the report.

## **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**Agreed:**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

**Reason for Decision:** As set out in the report.

**Major Capital Projects budgets: Edwards Court Extra Care Scheme and Exeter Bus Station & St. Sidwell's Point programme.**

**Agreed:**

See decision above.

**Reason for Decision:** As set out in the report.

**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 13 December 2022.**