

## **EXECUTIVE**

Tuesday 9 February 2010

### **Present:-**

Councillor Fullam (Chair)

Councillors S Brock, Cole, Edwards, Mrs Henson, Mitchell, Mrs J Morrish, Newton and Wadham

Chief Executive, Director Community and Environment, Director Economy and Development, Director Corporate Services, Assistant Chief Executive, Head of Treasury Services and Member Services Manager

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### **DECLARATIONS OF INTEREST**

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Edwards	24 (employee of Stagecoach Devon)
Mitchell	33 (employee of Royal Devon and Exeter NHS Trust)

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### **GENERAL FUND REVENUE ESTIMATES AND CAPITAL PROGRAMME 2009-10 TO 2010-11**

The report of the Head of Treasury Services was submitted, seeking approval to the General Fund revenue estimates for 2010/11 and recommending the Band D level of Council Tax for 2010/11. The report also included the proposed Capital Programme for 2010/11 and future years, and a note of the proposals in respect of the Housing Revenue Account. The Head of Treasury Services circulated an additional report informing members of the latest financial position regarding the money deposited with the Icelandic banks and the implications that this had on the Council's overall revenue budget for next year and beyond.

Scrutiny Committee – Resources considered the proposed estimates and capital programme at their meeting on 27 January 2010 and their comments were noted. The comments of Scrutiny Committee – Economy were also noted and their proposal to transfer £7,000 from the City Centre Activities budget to the Vibraphonic Festival was supported. The comments of the Scrutiny Committee – Community were also noted, specifically in relation to the street sweeping budget. Executive accepted their request for an approach to be made to the Dean and Chapter and other bodies for whom the Council undertakes cleansing and road sweeping with a view to a contribution being made to the costs of the service.

Councillor Mitchell, seconded by Councillor Cole, moved that the proposal to close public toilets was halted and that instead the provision for next year's staff pay award was reduced from 1% to 0.7%, saving the Council an equivalent amount of £60,000. He emphasised that the budgetary process had been extremely difficult but the Administration was responding to public opinion in respect of the proposed

closure of certain public conveniences. Some Members expressed concern about reducing the budget for the pay award and the message this sent to staff but were informed that this would have no impact on the outcome of the nationally negotiated agreement. The Local Government Employers were proposing a zero increase for staff in 2010/11. Other members suggested the Council should consider other potential measures to generate income or make savings, including increased car parking charges and outsourcing particular services. The proposal to amend the budget in respect of the staff pay award was put to the vote and agreed.

The Head of Treasury Services informed members that following the decision of the Winding-Up Board of Glitnir not to grant preferential creditor status to UK local authorities, the Council had submitted an additional application to Communities and Local Government (CLG) for capitalisation of potential Icelandic bank losses. On 1 February the Council had received a letter from the CLG refusing the Council's application to capitalise £1,832 million. The Council was confident that it had satisfied the CLG's criteria, including the "exceptional financial difficulties test", and had not yet received any specific detail as to why it had been unsuccessful.

Executive members were very disappointed to learn of the CLG's decision and the very serious implications for the Council's revenue finances and urged that the Council continue to lobby and work with other interested parties, including the LGA and the other local authorities affected, to seek a positive outcome.

**RECOMMENDED** that:-

- (1) the budget proposal to close public toilets next year is stopped and that instead the provision for next year's pay award be reduced from 1% to 0.7%, saving the Council an equivalent amount of £60,000;
- (2) £7,000 be transferred from the City Centre Activities budget to the Vibraphonic Festival budget;
- (3) an approach be made to the Dean and Chapter and other bodies for whom the Council undertakes cleansing and road sweeping with a view to a contribution being made to the costs of the service;
- (4) subject to (1) and (2) above, the Council's overall spending proposals in respect of both its revenue and capital budgets be approved;
- (5) the council tax for each band be recommended to the Council as set out in section 24.3 of the report, subject to Devon County Council, Devon and Cornwall Police Authority and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (6) when the actual council tax amounts for Devon County Council, Devon and Cornwall Police Authority, and the Devon and Somerset Fire Authority are set then the revised council tax levels be submitted to Council on 23 February 2010 for approval;
- (7) the statement given by the chief finance officer as required under Section 25 of the Local Government Act 2003 be noted;
- (8) the latest financial position regarding the money deposited with the Icelandic banks be noted and the Council continue to lobby and work with other interested parties in seeking a positive capitalisation decision from Communities and Local Government in respect of the Icelandic investments; and

- (9) if a positive decision on capitalisation is not forthcoming, then the Head of Treasury Services will report back to Executive on 13 April on possible options and actions that need to be undertaken in order to deliver a sustainable financial position for the Council in the medium term.

(Report circulated)

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### **TREASURY MANAGEMENT STRATEGY REPORT 2010-2011**

The report of the Head of Treasury Services was submitted, seeking adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2010/11, as required under section 15(1)(a) of the Local Government Act 2003.

In response to a comment from a Member, the Head of Treasury Services reported that whilst the majority of the Council's funds were placed with a fund manager, it was necessary for the day-to-day cash flow to be managed in-house.

**RECOMMENDED** that the Council adopts the Treasury Management Strategy and delegations contained therein.

(Report circulated)

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### **PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES**

The report of the Head of Treasury Services was submitted, setting out the proposed 2010/11 prudential indicators for capital finance for adoption by the Council and setting the annual statement of Minimum Revenue Provision (MRP).

**RECOMMENDED** that:-

- (1) the prudential indicators set out in Appendix A-C of the report be adopted;
- (2) the Annual Statement of Minimum Revenue Provision for the Council be approved.

(Report circulated)

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### **AUTHORISED SIGNATORIES FOR AFFORDABLE HOUSING SCHEMES**

The report of the Head of Housing Services was submitted, to agree signatories to enable the Council to administer, validate and authorise the payment of Other Public Subsidy (OPS), Social Housing Grant (SHG) and Transitional Local Authority Social Housing Schemes (TLASHG), to Registered Social Landlords (RSLs) and developers through the Homes and Communities Agency's online Investment Management System (IMS).

**RESOLVED** that:-

- (1) the following officers be designated as authorised signatories for the purposes set out in paragraphs 1 and 2 and that the Homes and Communities Agency be informed accordingly:

All Financial Grant Claims	Head of Treasury Services (Andrew Stark) or Service Finance Manager (Brenda Steer) or Corporate Finance Manager (David Hodgson) Strategic Housing Manager (Ron Mayers)
Scheme-work Approvals	Head of Housing Services (Steve Warran) Strategic Housing Manager (Ron Mayers) or Housing Enabling Manager (Emma Osmundsen) or Housing Enabling Officers (Gary Stenning and Kerry Plumb)
Monitoring	As per scheme-work approvals plus Strategy and Enabling Assistant (Duncan Brownlie)

- (2) the Strategic Housing Manager (Ron Mayers) be designated as Systems Administrator for these purposes on the IMS Computer System.

(Report circulated)

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### **MASTERPLAN FOR THE FUTURE DEVELOPMENT OF NEWCOURT**

The report of the Head of Planning and Building Control was submitted, briefing Members on a draft Masterplan, seeking approval for its use for Development Management purposes and for its publication for public consultation as a proposed draft Supplementary Planning Document.

The Director Economy and Development reported that Planning Member Working Group that day had supported the proposals, including the mechanism for considering the location for a Gypsy and traveller site. The report was due to be submitted to Planning Committee on 22 February 2010.

Members welcomed the Masterplan and the opportunity it presented to put in place a comprehensive infrastructure for the area, including community facilities, in advance rather than retrospectively.

**RESOLVED** that the use of the Masterplan for Development Management purposes and publication of the draft Masterplan for public consultation as a proposed Supplementary Planning Document be agreed.

(Report circulated)

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### **REDUCING CARBON EMISSIONS IN EXETER: THE ROLE OF PLANNING AND TRANSPORTATION STRATEGY: SUMMARY PAPER**

Councillor Edwards declared a personal interest in this item as an employee of Stagecoach Devon.

The report of the Director Economy and Development was submitted, introducing four reports which outlined the challenges facing the City in reducing carbon emissions over the next two decades and beyond. The report summarised a set of actions for the short and medium term which were proposed for adoption.

Scrutiny Committee – Economy considered the report at their meeting of 21 January 2010 and their comments and general support were noted.

The Director Economy and Development introduced the report identifying the main challenges and the catastrophic consequences of global warming, including unstable weather patterns, rising sea levels and significant loss of species.

Councillor Martin attended the meeting and spoke on this item under Standing Order 44. He welcomed the visionary nature of the papers and emphasised the Council's responsibility to plan a City for future generations. He outlined his vision of a pleasant pedestrianised City Centre with additional public spaces and an efficient high-tech public transport system. He referred to a letter from the Exeter Vision 20:20 Group who were keen to participate in the development of ideas.

Executive members welcomed the visionary nature of the documents and the opportunity to open the debate on the Council's contribution to a low-carbon Exeter. Members commented on individual elements of the papers but acknowledged that the radical nature of some proposals required serious and detailed debate and hoped that there would be plenty of opportunity for Members to do so, including regular progress reports and possibly a Member briefing. They spoke of the various "carrot" and "stick" methods of controlling car use and the need for a reliable, integrated and affordable public transport system to provide a real alternative. They discussed the consequences of traffic control systems and referred to the debate on payment for workplace parking. Whilst supporting increased pedestrianisation, members drew attention to the access needs of less mobile people. They regretted that "public" transport had been privatised and was not under local authority control.

In response to a query regarding the mechanism for imposing a workplace parking levy, the Director Economy and Development reported that the legislation was in place to do so but there was a set procedure which required public consultation and Government approval. One member expressed concern about the potential impact on businesses if this were to be implemented. Other members commented that the Council should not start with a presumption that businesses would be against such proposals and many employers would recognise the wider environmental benefits of such a tax.

Members welcomed the proposals with regard to energy efficient homes and radical building design. They felt the Council should keep an open mind and explore all possibilities for low carbon living. A number of members commented that whilst they supported the strategy and measures proposed by the Turner Committee in relation to building and transport, they did not support proposals for generating nuclear power.

The Director Economy and Development undertook to bring forward a planned timetable for further consideration of the proposals. He urged Councillors to take a long-term view of the City's needs with an incremental approach to implementation and not rule anything out at this stage.

The Chair welcomed the vision for the future of the City and thanked the Director for bringing forward the comprehensive papers. He referred to the significant environmental and economic pressures facing the city and the country and the need to consider all options with an open mind. He noted that many of the proposals were

already underway and cited the Cranbrook development as a model for sustainable energy provision and energy efficient housing. He looked forward to working with a wide range of interest groups to develop the proposals.

**RECOMMENDED** that the actions set out in the following minutes be approved.

(Report circulated)

25      **REDUCING CARBON EMISSIONS IN EXETER: THE ROLE OF PLANNING AND TRANSPORTATION STRATEGY**

The report of the Director Economy and Development was submitted, looking at the longer term strategy for reducing carbon emissions in the City and proposing a range of short and medium term measures in respect of planning and transport issues.

Scrutiny Committee – Economy considered the report at their meeting of 21 January 2010 and their comments were noted.

**RECOMMENDED** that:-

- (1) the considerable challenge facing the City and County Councils in securing the major reductions in carbon use that are necessary be noted;
- (2) the strategy and measures proposed by the Turner Committee be supported, with the exception of the views expressed on nuclear energy;
- (3) the actions set out in the attached papers be endorsed as the City's contribution to meeting its carbon reduction obligations; and
- (4) six-monthly progress reports be submitted to Members.

(Report circulated)

26      **LAND USE PLANNING AND DEVELOPMENT MANAGEMENT**

The report of the Director Economy and Development was submitted, looking at the changes that are needed in our land use policies and actions if we are to address the challenge of climate change set out in the previous paper.

**RECOMMENDED** that:-

- (1) the change in land use planning priorities and design philosophy outlined in Section 4 and 5 of the report be endorsed, in particular relating to the co-location of uses and adopting higher densities;
- (2) the development of a sustainable energy supply strategy for the City's growth areas be endorsed with an implementation plan based on advice from the Centre for Energy and the Environment;
- (3) the Local Government Association (LGA) be lobbied to ensure that:
  - the Government provides a comprehensive policy and funding regime for delivering whole house/neighbourhood enhancements to secure substantial reductions in CO<sub>2</sub> emissions

- the Government maintains a firm line on the Code for Sustainable Homes and for the parallel tightening of Part L of the Building Regulations for commercial premises
  - the Government addresses the lack of an effective tie up between Approved Inspectors and the Local Planning Authority in delivering low carbon designs;
- (4) the draft responses to consultations on zero carbon in new non domestic buildings at Appendix 1 to the report and on permitted development rights for small scale renewables at Appendix 4 be approved;
  - (5) the need for appropriate training for staff and, if desired, Members be agreed to ensure they are skilled in this new area of work; and
  - (6) the finalised Residential Design Guide adequately addresses all of those issues relating to sustainable design.

(Report circulated)

27

**TRANSPORTATION STRATEGY: MEASURES TO REDUCE CARBON EMISSIONS/ PROPOSED CITY COUNCIL INPUT TO DCC LOCAL TRANSPORT PLAN 2011-16**

The report of the Director Economy and Development was submitted, reviewing recent progress and trends in the City in terms of transportation and proposing a number of major priorities for Devon County Council to consider as part of the preparation of their Local Transport Plan.

**RECOMMENDED** that:-

- (1) the core objectives outlined in Section 4.2 of the paper be agreed;
- (2) the measures proposed in Section 6 of the paper be supported;
- (3) a submission based on the above is made to Devon County Council as input to the preparation of LTP3;
- (4) a joint ECC/DCC city centre transportation strategy should be prepared in the first half of this year;
- (5) a review of the City's Parking Strategy be completed in parallel;
- (6) a joint ECC/DCC strategy on providing for electric and hybrid vehicles be prepared and the prospect for a City trial be brought to a meeting of the Scrutiny Committee - Economy later this year; and
- (7) recommendations 4, 5 and 6 above be the basis for the preparation of a CLEAR zone strategy for the City Centre linked to the designation of a Low Emission Zone.

(Report circulated)

**CITY CENTRE: CARBON EMISSIONS, AIR QUALITY AND TRAFFIC**

The report of the Director Economy and Development was submitted, reviewing current conditions in the City Centre, setting out a framework for the longer term and proposing a range of short and medium term priorities.

**RECOMMENDED** that:-

- (1) the transportation element of these proposals be submitted to Devon County Council as input to the LTP3; and
- (2) work proceeds on the draft strategy and key projects with a view to its incorporation into the City Centre Area Action Plan to be prepared later this year.

(Report circulated)

**COUNCILLORS ALLOWANCES 2010/11**

The report of the Assistant Chief Executive was submitted, considering the report and recommendations of the Independent Remuneration Panel on Members Allowances in relation to Councillors' Allowances for 2010/11.

Executive placed on record their appreciation of the work of the Independent Remuneration Panel, and particularly the retiring Chair, over a number of years.

Councillor Cole proposed that Executive support all of the Panel's recommendations with the exception of Recommendation 5 of the report relating to the annual increase. She proposed a zero increase for 2010/11 instead of linking the increase to the annual local government staff pay award of 1% for 2009/10. The proposal was seconded by Councillor Edwards, put to the vote and agreed.

Councillor Mrs Morrish proposed a 1% reduction on all allowances but this was not supported.

**RECOMMENDED** that:-

- (1) Council note the recommendation of Executive that no annual increase be made to Councillors' Basic and Special Responsibility Allowances for 2010/11;
- (2) in the light of the recommendation of Executive regarding Recommendation (v) below, Council consider and decide on the following recommendations of the Independent Remuneration Panel:
  - (i) the basic structure of the current Members' Allowances scheme be retained for 2010/11, pending a more fundamental review including consideration of remuneration in the event of a shadow authority, when the outcome of the current review of Local Government in Devon is known, but that in the meantime a "light touch" review be progressed;
  - (ii) the level of Basic Allowances continue unchanged in 2010/11, subject to updating using the index previously agreed i.e. the annual local government staff pay award for the previous year, as set out in Recommendation (v) below;



- (iii) subject to updating for inflation as set out in Recommendation (v) below, the Special Responsibility Allowances continue unchanged;
- (iv) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, should be retained;
- (v) for the year 2010/11 Councillors' Basic and Special Responsibility Allowances should be updated in line with the annual local government staff pay award for 2009/10 (1.00%);
- (vi) the Travel and Subsistence allowances provisions for staff continue to apply to Exeter City Councillors, where appropriate;
- (vii) the current Dependants' Carers' Allowance scheme be maintained and the level of allowance, currently £5.80 per hour, continue to be linked to and updated in line with the minimum wage; and
- (viii) the Co-optees' Allowance payable to the co-opted members of the Standards Committee continue at £25 per session for 2010/11.

(Report circulated)

30 **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 the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

31 **PLAY DEVELOPMENT SERVICE**

The report of the Head of Leisure and Museums was submitted, seeking formal approval to implement changes to the Council's Play Development service agreed by Executive on 26 January 2010.

**RESOLVED** that:-

- (1) the employment(s) of the holder(s) of the post(s) of Play Development Officer (CE12204), Scrapstore Assistant and Membership Administrator be terminated on the grounds of redundancy on expiry of their contractual notice in accordance with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, with compensation being paid to the holders of the posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006;
- (2) the posts of Play Development Officer (CE12204), Scrapstore Assistant and Membership Administrator be deleted from the Council's establishment;

- (3) the postholder of Play Training & Resource Centre Administrator CE12125 transfers to the role of Scrapstore Officer (22½ hours); and
- (4) the role of Scrapstore Officer (11½ hours) be filled following advertisement.

(Report circulated to members)

32

### **HUMAN RESOURCES STAFFING**

The report of the Director Corporate Services was submitted, looking to agree the extension of the post of Temporary Human Resources Advisor (CS03116) for a further period of twelve months from 1 April 2010.

**RESOLVED** that the extension of the post of Temporary Human Resources Advisor (CS03116) be approved for a further period of twelve months from 1 April 2010.

(Report circulated to members)

33

### **PROPOSED STAFFING REDUCTIONS IN THE BUSINESS SUPPORT TEAM AND PARKING SERVICES**

Councillor Mitchell declared a personal interest in this item as an employee of Royal Devon and Exeter NHS Trust.

The joint report of the Director Economy and Development, Head of Parking, Engineering and Business Support and the Projects and Business Manager was submitted seeking approval to a number of proposed changes to the Economy and Development Directorate's Business Support Team and the Parking Services Team. The Chair had agreed to accept the item as a matter of urgency in view of the need to implement the cost saving from 1 April 2010.

**RESOLVED** that:-

- (1) the employment of the equivalent of 1.2 FTE Clerical Assistant posts in the Business Support Team, be terminated on grounds of redundancy on 31 May 2010 in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the post holders in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;
- (2) the Directorate Administration budget be amended accordingly;

- (3) if no alternative employment is found, the employment of the holder of an Administrative Assistant post in the Parking Support Team (ED09133, 30 hours per week) be terminated on grounds of redundancy on 31 May 2010 in accordance where applicable with the provisions of Regulation 19 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; with compensation being paid to the post holder in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; a payment of compensation be made in respect of the notice/unexpired period of notice to which the employee would otherwise be entitled under their contract of employment and the selected post be deleted from the establishment of the Council;
- (4) the post of Hospital Parking Supervisor (ED091012) be deleted on 31 May 2010, or earlier as appropriate, and the post holder retired or redeployed to a Civil Enforcement Officer post;
- (5) three Civil Enforcement Officer posts (ED091002/91006/91010) be deleted with immediate effect; and
- (6) Parking Services budgets be amended accordingly.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 8.00 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 23 February 2010.**