

EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 9 February 2021

Present:

Councillor Bialyk (Chair)
Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wood and Wright

In attendance:

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

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Director of Culture, Leisure and Tourism, Director Finance, Corporate Manager Democratic and Civic Support, Corporate Manager – Executive Support, Service Lead - HR Services, Service Lead - Environmental Health & Community Safety, Growth & Commercialisation Manager, Assistant Service Lead (Planning) City Development, Electoral Services Manager, Democratic Services Officer (MD) and Democratic Services Officer (HB)

10

MINUTES

The minutes of the meeting held on 12 January 2021, were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

11

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

12

QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were received from members of the public.

13

URGENT DELEGATED DECISION

The Executive noted the urgent Delegated Decision taken under the Council's Finance Regulations to create a budget for expenditure to be incurred as part of the Government's and Council's work to address rough sleeping and, in particular, as a response to the greater risk to people experiencing homelessness as a result of the current pandemic. The Council had successfully bid for Department of Housing, Communities and Local Government Capital funds of £1.8 million and contributed un-ring-fenced Section 106 funding of £1.54 million towards the purchase of 29 units of affordable housing. There was a further revenue grant of £433,000 to provide support to new residents once the Council successfully purchased and brought the properties back into use.

This decision had been made by the Director City Development, Housing and Supporting People in consultation with the Leader of the Council, under the Council's amended Scheme of Delegation during the Coronavirus Pandemic and in

accordance with Standing Orders 13, 16 and 17, the Chair of Strategic Scrutiny Committee having agreed that this was an urgent decision, as any delay in seeking Council approval could jeopardise the funding opportunity.

RESOLVED that the urgent decision be noted.

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GENERAL FUND/HRA ESTIMATES AND CAPITAL PROGRAMME 2021/22

The Executive received the report on the proposed General Fund revenue estimates for 2021/22 and recommending the Band D level of Council Tax for 2021/22. The report also included the proposed Capital Programme for 2021/22 and future years, and the proposals in respect of the Housing Revenue Account.

Particular reference was made to the following:-

- the recent Government announcement of the Local Government Finance Settlement with no change to the provisional settlement;
- the Referendum Principles for the Council Tax set by the Government would allow the Council to increase the tax by £5 but, if increased above that level, would lead to a requirement for a referendum to be held;
- the Council's core spending power would remain the same as the current financial year;
- the Medium Term Financial Plan required savings of £6 million up to the period 2024/25;
- the HRA Medium Term Financial Plan would drop reserves close to minimum levels by 2023/24; and
- final figures would be reported to the Extraordinary Council on 23 February 2021 when the Devon County Council, the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire Authority precepts would be known.

Members noted that a £5 increase in the Council Tax equated to 10p a week.

RECOMMENDED that Council:-

- (1) approve the overall spending proposals in respect of both its revenue and capital budgets;
- (2) the Council Tax for each Band be approved as set out in section 8.19.3, subject to Devon County Council, the Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) when the actual Council Tax amounts for Devon County Council, the Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority are set, then the revised Council Tax levels submitted to Council on 23 February 2021 be approved; and
- (4) the Statement given by the Director Finance as required under Section 25 of the Local Government Act 2003 be noted.

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CAPITAL STRATEGY 2021-22

The Executive received the report on the Capital Strategy 2021-22 which provided Members with details of the long-term policy objectives and resulting capital strategy requirements, governance procedures and risks for the capital programme.

RECOMMENDED that Council approve the Capital Strategy as set out in Appendix 1 of the report presented to the meeting.

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THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES (INCORPORATING THE ANNUAL STATEMENT OF MINIMUM REVENUE PROVISION)

The Executive received the report on the proposed 2021/22 prudential indicators for capital finance for adoption by the Council and to set the annual statement of Minimum Revenue Provision (MRP), which would be incorporated within the Budget Book for approval at the full Council meeting as per the statutory requirement.

Particular reference was made to the three key indicators of the capital financing requirement, the operational boundary and the authorised limit. It was noted that debt was repaid on an annuity basis.

RECOMMENDED that Council adopt:-

- (1) the Prudential Indicators set out in Appendix A-C of the report presented to the meeting; and
- (2) the Annual Statement of Minimum Revenue Provision for the Council.

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TREASURY MANAGEMENT STRATEGY REPORT 2021/22

The Executive received the report seeking the adoption of the Treasury Management Strategy Report and the incorporated Annual Investment Strategy 2021/22, as required under section 15(1) (a) of the Local Government Act 2003.

RECOMMENDED that Council adopt the new Treasury Management Strategy and delegations contained therein.

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ANNUAL PAY POLICY STATEMENT 2021/22

The Executive received the report on the Annual Pay Policy Statement 2021/22 which required approval by Full Council each financial year in line with legislation.

It was highlighted that the Council had adopted the Real Living Wage from 1 January 2014 and that the lowest graded wage would increase to £9.50/hour from 1 April 2021.

RECOMMENDED that Council:-

- (1) adopt the Policy, Report and Appendices and publish in accordance with the legislation; and
- (2) grant delegated authority to the Director - Corporate Services to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

GENDER PAY GAP

The Executive received the report on the Gender Pay Gap which was a statutory requirement of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, for the local authorities employing 250 or more employees. The report detailed a snap shot taken from 31 March 2020 and presented a detailed list of hourly pay rates between male and female staff.

It was highlighted that:-

- the average pay of females across the Council was higher than that of males;
- there were over three times more males in the lower quartile of earnings than females; and
- the report also covered agency staff.

RECOMMENDED that Council approve:-

- (1) annual reviews to track the relationship between both female and male earnings; and
- (2) the publication of the Gender Pay Gap Report and its findings on the Exeter City Council website and on the centrally held database on gov.uk.

DELEGATION OF POWERS TO AMEND POLLING DISTRICTS AND POLLING PLACES

The Executive received the report on the delegation of power to amend the designation of Parliamentary and Local Government polling districts and polling places, on a temporary basis, to the Returning Officer of Exeter City Council, or Acting Returning Officer or other relevant post (or appointed Deputy) if there was a requirement at short notice.

The Covid-19 Pandemic had highlighted potential implications of disruption to the electoral process should there be a sudden unavailability of a polling place or polling station, and to allow the Returning Officer to make alternative arrangements where there was insufficient time to follow the usual process of gaining Council approval to seek an alternative location.

In the unlikely event of a change being necessary, all Councillors, candidates and their agents and the voting public would be notified at the earliest opportunity.

RECOMMENDED that Council approve delegated powers being given to the Returning Officer of Exeter City Council or Acting Returning Officer (or appointed Deputy) to amend the designation of Parliamentary and Local Government polling districts and polling places, on a temporary basis, should it become necessary to do so, at short notice to facilitate the conduct of elections within the City of Exeter, due to any urgent issues which might arise, concerning the availability of polling places and polling stations and where there is insufficient time for amendments to be made and approved by Council.

AMENDMENTS TO THE COUNCIL'S CONSTITUTION RELATING TO PLANNING DECISION MAKING

The Executive received the report on the proposed changes to the Council's Constitution in relation to the scheme of delegation in respect of planning matters and amendments to clarify and streamline the planning process.

RECOMMENDED that Council approve the following changes to the Council's Constitution:-

- (1) the amendment of the Terms of Reference for Planning Committee to include:-
 - Applications referred by the Chair and/or Deputy Chair of Planning Committee
- (2) the amendment of the Terms of Reference for Delegation Briefing to state:-
 - Delegation Briefing is a sounding board of Members of Planning Committee that is open to all Members which meets periodically for a briefing on applications where the planning officers are minded to determine them under their delegated powers. The Chair (or Deputy Chair) of the Planning Committee reserves the right to refer any applications for determination by the full Planning Committee, having first sought the views of the relevant ward member at the delegation briefing.
- (3) the inclusion in the Scheme of Delegation to Officers of the following delegated powers to the Service Lead City Development in consultation with the Delegation Briefing:-
 - Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation; and
 - Applications that have been subject to objections from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, that Officers are minded to approve under delegated powers.

CONSULTATION CHARTER

The Executive received the report which sought agreement to adopt a Consultation Charter, setting out the Council's commitment to best practice in consultation and to ensure a consistent approach to consultation arrangements.

Particular reference was made to:-

- the charter formalising the Council's overall approach to consultation to ensure a standard approach to each consultation undertaken; and
- positive feedback received from the Consultation Institute.

The Leader referred to comments he had received from Councillor Diana Moore on the proposed Charter and stated that it would be appropriate for the Scrutiny Programme Board to examine these suggestions. He welcomed the best practice approach and the feedback from the Consultation Institute and, whilst it was right to look to further improve the Charter, regard should be had to costs and the availability of existing resources.

During the discussion the following points were raised:-

- some elements could be clarified and amended in light of comments from Councillor Diana Moore;
- the Charter followed the core principles of good public consultation; and
- whilst many of the additional suggestions had merit such as meeting the Crystal Mark, training for Members and Officers and the provision of a digital consultation platform these would need to be assessed in the context of available resources.

The recommendation was amended for the Charter to be considered by the Scrutiny Programme Board.

RECOMMENDED that Council approve the Consultation Charter, subject to consideration by the Scrutiny Programme Board at its forthcoming meeting on 18 February 2021.

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GENERAL BULLER STATUE UPDATE

The Executive received an updated report on the General Buller statue, an earlier report having been presented to the Executive on 12 January 2021 (minute reference 5/21 Refers) . Recommendation 2.2 of the 12 January report had read “that without prejudice to a final decision on the matter, an application be made for listed building consent for the relocation of the statue to an alternative location. This will provide an opportunity for public consultation on the proposed recommendation by the Task and Finish Group prior to a final determination of the matter by Council”

The updated report requested Members to withdraw their support for recommendation 2.2 in the 12 January report, following a subsequent announcement by The Rt. Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, about legislation to ‘call in’ and potentially overturn any such formal planning decision about a statue.

Members noted that it was not therefore the intention to remove the statue.

RECOMMENDED that Council:-

- (1) withdraw recommendation 2.2 of the report that went to Executive on 12 January 2021 and that the application for listed building consent for relocation and the formal consultation now not take place; and
- (2) approve all the other recommendations in the 12 January 2021 report, which remain unchanged.

24

NEW OFFICE FOR EXETER CORN EXCHANGE

The Executive received the report which detailed the opportunity to create a new office to accommodate the staff engaged in the management and administration of Exeter Corn Exchange. The current venue office was not currently fit for purpose and presented a number of accessibility issues.

Members noted that the venue office would provide future opportunities for increased income, partnership working and hosting of other Council services as well

as supporting the business environment in that part of the city. Members also noted that a street level presence would increase visibility from passing members of the public.

RECOMMENDED that Council approve:-

- (1) the use of the vacant retail unit at 89 Fore Street as a public facing office/box office for the Corn Exchange; and
- (2) the removal of the rental income requirement within the budget of Corporate Property Estates for this unit.

25

PUBLIC SPACES PROTECTION ORDER RENEWAL

The Executive received the report on the renewal of the Public Spaces Protection Order 2017 (PSPO) which was due to expire on the 20 June 2021, for a further year, following a review and consultation.

Members noted the data from the Police logs Exeter Business Against Crime Partnership on the anti-social behaviour complaints and the impact they were having on the quality of life of residents.

Particular reference was made to letters of support from the Devon and Cornwall Police and Crime Commissioner and the Chief Constable Devon and Cornwall Police.

Councillor K. Mitchell, speaking as a group leader, welcomed the report.

RECOMMENDED that Council approve:-

- (1) the renewal of the Public Space Protection Order (PSPO), on the existing boundaries as shown in Appendix A of the report presented to the meeting, for a further one year period from the commencement date of 20 June 2021;
- (2) delegated power being given to the Service Lead - Environmental Health and Community Safety to authorise staff within the Environmental Health and Community Safety Service to be able to enforce the prohibitions of the PSPO; and
- (3) the continuation of the current policy of funding received from fixed penalty notices issued for a breach of any PSPO to be ring-fenced for initiatives to address anti-social behaviour and that the Exeter Community Safety Partnership continue to administer the funding.

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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 the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

27

TEMPORARY EXTENSION OF THE COMMERCIAL MANAGER POST

The Executive received the report to extend the Commercial Manager post for a further two years, to manage various contracts within waste and recycling and a wider range of commercial projects.

Particular reference was made to the value of this work in enhancing the Green Agenda of the City Council itself and those of the participating companies.

RECOMMENDED that Council approve:-

- (1) the extension of the Commercialisation Manager post for an additional two years, from April 2021 to March 2023; and
- (2) the review of the role and outcomes of the post in March 2022, to determine the continuation of the post.

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CULTURE, LEISURE AND TOURISM, BUSINESS CASE, INCOME AND COVID-19 RISKS

The Executive received the report which provided Members with information on the cost and how services would be delivered, following the decision to bring services in house. The report highlighted the pandemic related risks and proposed permanent structure.

Members noted the benefits and risks in bringing the service in-house and recognised the challenges being faced by the leisure sector in general.

RESOLVED that the content and risks posed by the pandemic as outlined in the report presented to the meeting be noted.

(The meeting commenced at 5.30 pm and closed at 6.38 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.