

## **EXECUTIVE**

Tuesday 1 December 2020

Present:

Councillor Bialyk (Chair)

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

Apologies:

Councillors

Also present:

Chief Executive & Growth Director, Director City Development, Housing & Supporting People, Director Net Zero Exeter & City Management, Director Finance, Corporate Manager Democratic and Civic Support, Service Lead - Environmental Health & Community Safety, Service Improvement Lead (Benefits), Policy Officer – Community Safety, Safeguarding and Equality & Diversity, Principal Project Manager - Housing Delivery, Democratic Services Officer (MD) and Democratic Services Officer (HB)

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### **MINUTES**

The minutes of the meeting held on 3 November 2020, were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

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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**

No questions from members of the public were received.

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### **COUNCILLORS LYONS AND BUSWELL**

The Leader referred to the recent hospitalisation of Councillor Lyons and an injury incurred by Councillor Buswell and wished them both a speedy recovery.

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### **COVID-19 - END OF SECOND LOCKDOWN**

Following the recent Government announcement that Exeter would be in Tier 2 following the end of the second National Lockdown on 2 December 2020, the Leader urged all to continue to follow Government guidance and not to become complacent. He referred to the recent opening of the Nightingale Hospital in Exeter which had not been used during the first Lockdown and to the figure of 136 cases for Exeter recorded on 28 November for the previous week, being a rate of 103.5 per 100,000 for the general population and 148.4 for the over 60's. It was particularly important to maintain vigilance to protect all in the city, particularly the elderly. He thanked City Council staff as well as health and care workers in the city for their work in helping combat Covid-19.

The Leader also referred to the following:-

- the City Council having been granted £100,000 as part of its designation as a City Of Literature; and
- the provision of nine new homes at Thornpark Rise through Exeter City Living in conjunction with the Housing Revenue Account (HRA).

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### **MEMBERS ALLOWANCES 2021/22**

The Chair welcomed Derek Phillips, the Chair of the Independent Remuneration Panel, to the meeting.

Derek Phillips presented the report of the Council's Independent Remuneration Panel relating to the Members' Allowances for the period 2021/22. The Independent Remuneration Panel provided a review and guidance to the Council on a scheme of Members' Allowances and to make recommendations on the allowance to be paid to Members, following the legislation set out under the Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003.

Derek Phillips thanked those Members who had been interviewed by the Panel and made particular reference to:-

- the new Special Responsibility Allowances it was recommended should be paid to the Chairs of the newly formed Harbour Board and the Council Housing and Development Advisory Board, the latter funded from the Housing Revenue Account, both to be reviewed after 12 months as it was unclear at this stage the level of work involved;
- an additional clause proposed in respect of specialist care within the Dependants' Carers' allowance;
- to continue to match the Allowances with the Local Government Employers (LGE) staff pay award;
- a Panel suggestion for a review in 12 months' time in view of the continuing Covid-19 crisis; and
- the Panel had also thanked Councillors for the work they had undertaken during the crisis.

The Chair thanked Derek Phillips and the Independent Remuneration Panel for their work and Derek for attending the meeting.

**RECOMMENDED** to Council that: -

- (1) the basic structure and principles of the current Members' Allowances scheme for 2021/22 be retained;
- (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 LGE staff pay award for the previous year (a 2.75% increase in the annual Local Staff Pay Award was awarded by the Employers side for staff which was effective for staff from April 2020), and be uplifted by this amount with effect from 1 April 2021;

- (4) the principle that Special Responsibility Allowances be paid to no more than 50% of the overall number of Councillors be kept under review and adhered to where possible;
- (5) a new Special Responsibility Allowance be paid to the Chair of the newly formed Harbour Board;
- (6) a new Special Responsibility Allowance, to be funded from the Housing Revenue Account, be paid to the Chair of the newly formed Council Housing and Development Advisory Board;
- (7) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the Living Wage of £9.30 (with effect from 1 April 2020) per hour or part of (retaining the uplift of the standard rate of income tax to £11.16). 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, can be agreed by negotiation in advance with the Corporate Manager, Democratic and Civic Support;
- (8) the sum of £50 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
- (9) the Travel and Subsistence allowances available for staff, to continue to apply to Exeter City Councillors, where appropriate.

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### **FREEDOM OF THE CITY**

The Executive received the report which set out a proposal to offer the Freedom of the City to Mr Gareth Steenson for gaining national and international recognition for his rugby playing career with Exeter Chiefs.

Councillor Leadbetter, speaking as an Opposition Leader, welcomed the recommendation.

**RECOMMENDED** to Council that: -

- (1) the title of Honorary Freeman of the City Status be conferred on Gareth Steenson; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held on the rising of the Ordinary Meeting on 15 December 2020, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

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### **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2020/21 – QUARTER 2**

The Executive received the report on the overall financial position of the General Fund Revenue Budget for the 2020/21 financial year after six months.

The Director Finance made particular reference to:-

- no significant change to the overall position although services had gone from an underspend of £500,000 to an overspend of £620,000 because of the impact of the second lockdown on Council income, notably car park income. However, much would be offset by the Government's Sales, Fees and Charges Compensation Scheme;
- despite the Government's announcement of a pay freeze for public sector staff, Local Government pay was devolved to Local Government employers who could still negotiate an increase with the Unions;
- the one year Comprehensive Spending Review limiting Council Tax increases to less than 2%, although it was hoped that Districts would be able to levy a £5 rise;
- extension of the Sales, Fees and Charges Compensation Scheme by three months to June 2021 with pressures on Local Government to be kept under review;
- £800 million support for irrecoverable business rates and Council Tax this financial year; and
- the New Homes Bonus scheme to continue for another year.

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

- (1) the General Fund forecast financial position for the 2020 financial year;
- (2) the supplementary budget as detailed in paragraph 8.10 of the report presented to the meeting;
- (3) the outstanding Sundry Debt position as at September 2020; and
- (4) the creditors' payments performance.

124      **2020/21 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 2**

The Executive received the report on the current position in respect of the Council's revised annual capital programme. The report further advised Members of the anticipated level of deferred expenditure into future years and sought Member approval to amend the annual capital programme in order to reflect the reported variations.

The Director Finance advised that there had been no significant change in the capital programme since Quarter 1 and that the Council had spent 15.5% of the programme to date as opposed to 30% for the same period in the previous year as a result of the Covid pandemic.

**RECOMMENDED** that Council approve the revision of the annual capital programme to reflect the reported variations detailed in paragraph 8.1 and Appendix 1 of the report.

125      **2020/21 HRA BUDGET MONITORING REPORT – QUARTER 2**

The Executive received the report on the overall financial position of the HRA Revenue and Capital Budgets for the 2020/21 financial year after three months. Members noted the budgetary over/under-spend and the further areas of risk and acknowledged that certain budgets had been identified as vulnerable due to factors beyond the Council's control, leading to potential deviation from the budget.

The Director Finance advised that the Medium Term Financial Plan showed that the HRA was likely to use the majority of its resources as part of its ambitious programme.

The Portfolio Holder for Council Housing Development and Services reported on a successful first meeting of the Council Housing and Development Advisory Board involving other professionals from the housing sector who recognised, and were supportive of, the Council's ambitious and achievable plans for developing and improving its housing stock.

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

- (1) the HRA forecast financial position for 2020/21 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

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### **TREASURY MANAGEMENT 2020/21 HALF YEAR UPDATE**

The Executive received the report on the current Treasury Management performance for the 2020/21 financial year and the position regarding investments and borrowings at 30 September 2020.

The Director Finance advised that:-

- with a bank rate of 0.1% it was difficult to generate interest on short term funds to lend to other local authorities and that the Government had placed a charge of 0.02% for Council's to deposit money in its overnight deposit fund run by the Debt Management Office; and
- as part of the Comprehensive Spending Review, the Government had withdrawn the ability for local authorities to borrow from the Public Loans Work Board to invest in commercial property but had reduced the borrowing rate by a full 1%.

**RECOMMENDED** that Council note the Treasury Management report in respect of the first six months of the 2020/21 financial year.

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### **LOCAL COUNCIL TAX SUPPORT SCHEME 2021-22**

The Executive received the annual report which sought agreement on the Local Council Tax Support Scheme for working age residents for 2021/22 and to continue exploring options for a simpler discount-style scheme for 2022/23.

The Director City Development, Housing and Supporting People made reference to:-

- the scheme related solely to working age customers as the pensioners scheme was set by Government and that 45% of spend on Council Tax support related to the former; and
- work on a new scheme for 2022/23, which, in conjunction with Members, would start in February 2021. A new scheme was required to compensate for the reduction of funds given to administer the scheme and to align the scheme with the Council's digitalisation programme and to align with other Council tax discounts.

Members thanked the Director and her team for the considerable extra work that continues to be done to administer the Government's grants for individuals and households.

**RECOMMENDED** that Council approve:-

- (1) that the Local Council Tax Support Scheme for the current year continues for 2021-22 without substantive changes; and
- (2) the work to develop options for Members' consideration for a simpler scheme, that was halted in March 2020 due to Covid-19 response priorities recommence in February 2021.

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**FUTURE STRATEGIC PLANNING WITH EAST DEVON, MID DEVON AND TEIGNBRIDGE DISTRICT COUNCILS AND DEVON COUNTY COUNCIL**

The Executive received the report which sought formal agreement for Exeter City Council to withdraw from the Greater Exeter Strategic Plan project and presented alternative options for joint strategic planning approaches for the Greater Exeter area. Members noted that joint strategic planning needed to continue in the form of a non-statutory plan, to be prepared by East Devon, Exeter, Mid Devon and Teignbridge Councils in partnership with Devon County Council.

The Director City Development, Housing and Supporting People advised that:-

- much of the work undertaken on the GESP would transfer to both the non-strategic plan and the Local Plan;
- work had commenced on the preparation of the Local Plan with additional staff to be recruited shortly, the Plan to be developed in consultation with partners;
- there was no requirement for an Examination of the non-statutory plan by the Planning Inspectorate;
- although there was no requirement for public consultation on a non-statutory plan, the Councils were likely to want to engage with the public and this would be proposed in a detailed, future paper to Members; and
- a more detailed report would be submitted to Executive outlining the scope and timetable of the joint non-statutory plan.

During the discussion the following points were made:-

- it was crucial to continue to work with neighbouring authorities as much as possible given the extent of developments on either side of the city's boundary to ensure a strategic approach;
- the production of the new Local Plan would involve consultation with local stakeholders and the public as required by legislation;
- both plans would be brought forward with regard to the Government White Paper on Planning, changes to which were anticipated after the recent round of consultation; and
- the provision of additional housing of 12,000 on the eight identified strategic sites in the city would require a visionary approach given the limited availability of land and Exeter's role as a major travel to work and regional centre.

**RECOMMENDED** that Council: -

- (1) approve the formal withdrawal of Exeter City Council from preparing the Greater Exeter Strategic Plan (GESP);
- (2) support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council. This would be subject to agreement at a later date of details of the scope of the plan, a timetable for its production, the resources required and governance arrangements; and
- (3) note that the work to develop Exeter's Local Plan had commenced, as agreed in the report to Council on 21 July 2020. A report outlining the scope and timescale for the development of the Local Plan would be presented to Members early next year.

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**ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY ENFORCEMENT  
POLICY**

The Executive received the report which sought to revise the Council's Enforcement Policy, to reflect the changes created by new legislation, Government guidance and the revised structure of the service. The proposed amendments would provide clarity and consistency in regards to how the Council resolves known breaches of regulatory control.

Particular reference was made to the introduction of civil penalties under the Housing and Planning Act 2016 of up to £30,000 to tackle rogue landlords and to protect the most vulnerable in society in poor accommodation. A proactive, ambassadorial and "carrot and stick" approach were seen as key to bring forward the principles of the policy.

**RECOMMENDED** that Council adopt the revised Enforcement Policy.

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**AMENDMENT TO STREET TRADING POLICY AND TERMS OF REFERENCE  
FOR THE LICENSING SUB-COMMITTEE**

The Executive received the report, which sought approval to amend the Terms of Reference for the Licensing Sub-Committee, to coincide with the amendment to the Street Trading Policy, which had been supported by the Licensing Committee on 30 November 2020 (minute number 19 refers). The amendments to the policy and terms of reference would enable future Street Trading Applications to be determined at a Licensing Sub Committee hearing, in a timelier manner.

**RESOLVED** that Executive note and support the amendment to the Street Trading Policy and the Terms of Reference for the Licensing Sub-Committee.

**RECOMMENDED** that Council approve the following addition to the Council's Constitution Terms of Reference for the Licensing Sub-Committee: -

- To determine whether to grant or refuse a street trading consent.

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**DRAFT RESOURCE AND WASTE MANAGEMENT STRATEGY FOR DEVON  
AND TORBAY**

The Executive received the report on the draft Resource and Waste Management Strategy for Devon and Torbay, which provided the basis for the management of Local Authority Collected Waste across Devon and Torbay to 2030. The objective of the management strategy would be to work with other local authorities and partners to both reduce waste and its carbon impact. Members noted that part of the process required for preparing the draft strategy involved undertaking a public consultation, which required approval from the members of the Devon Waste Partnership.

Approved by the Partnership on 15 October 2020, the draft Strategy would be published for consultation over the winter of 2020/21 and shared with relevant stakeholders and the public. Any changes after consultation would be reported back for approval. The key objectives of the Strategy were:-

- to manage waste in a sustainable and cost effective way;
- to minimise waste created;
- reduce the impact of waste management on climate change and carbon footprint; and
- maximise the value of recycling materials and align waste strategy with the expected Government strategy on waste currently under consultation.

**RECOMMENDED** that Council approve the draft Resource and Waste Management Strategy for Devon and Torbay for public consultation.

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### **REVIEW OF SAFEGUARDING POLICY**

The Executive received the report which sought approval for the adoption of the revised Safeguarding Policy, which had been updated to ensure it reflected the best practice for safeguarding measures and was in line with the recent updates to the Statutory Taxi and Private Hire Vehicle Standards.

The Policy Officer - Community Safety, Safeguarding and Equality and Diversity advised that the policy, last reviewed in 2018, was backed by a substantial action plan, a key element being safeguarding training, particularly for Members of the Licensing Committee and staff. The Policy would be further updated to include revised Portfolio Holder and Director titles, as appropriate.

The Portfolio Holder for Supporting People made particular reference to the importance of the policy and stated that all Councillors as well as employees had a responsibility for safeguarding children, young people and adults and she thanked the officer for arranging the training in recent months.

**RESOLVED** that the revised Safeguarding Policy be supported; and

**RECOMMENDED** that Council approve the revised Safeguarding Policy.

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### **REVIEW OF EQUALITY AND DIVERSITY POLICY**

The Executive received the report, which sought approval to adopt the revised Equality and Diversity Policy, which had been amended to ensure it considered the current process relating to the production of Equality Impact Assessments and the recent updates to Statutory Taxi and Private Hire Vehicle Standards.

Councillor Oliver, having given notice under Standing Order No. 44, spoke on this item. She made the following points:-



- the City Council had provided over £320,000 for disabled facilities grants this year including the provision of 60 stair-lifts;
- have great confidence in the Leader, the Chief Executive & Growth Director and all officers in their commitment to equality and diversity and heartened by the work done on equality impact assessments and thank the Policy Officer for her work in this area;
- each Councillor has a responsibility to comply with the equality and diversity policy and training is being planned;
- the tragic death of George Floyd is a reminder to continually question embedded prejudices;
- the nine protected characteristics that require protection are age, disability, gender, gender re-assignment, sexual orientation, marriage or civil partnership, pregnancy or maternity, race and religion or belief and Exeter's policy is exceptional in that it is a policy covering all socio-economic backgrounds;
- whilst the policy is an exemplar, it is increasingly relevant during the current Covid-19 crisis to ensure that no-one is left behind and to ensure Exeter is a city where everyone has opportunities and is protected from discrimination; and
- welcome and support the recommendations.

**RESOLVED** that the revised Equality and Diversity Policy be supported; and

**RECOMMENDED** that Council approve the revised Equality and Diversity Policy.

(The meeting commenced at 5.30 pm and closed at 6.54 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**

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