

EXECUTIVE

Date: Tuesday 9 February 2021

Time: 5.30 pm

Venue: Legislation has been passed that allows Council's to conduct Committee meetings remotely.

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact John Street, Corporate Manager Democratic & Civic Support on 01392 265106.

During the Corona Virus outbreak, Executive Committee meetings will be held by virtual means. The [live stream can be viewed](#) here at the meeting start time.

Membership -

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

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 12 January 2021.

(Pages 5 -
10)

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 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 items 19

and 20 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part I, Schedule 12A of the Act.

5 Questions from Members of the Public

To receive questions relating to items on the Agenda from members of the public and responses thereto.

Details of questions should be notified to the Corporate Manager Democratic and Civic Support by 10.00am at least three working days prior to the meeting. Further information about speaking at a committee can be found here: [Speaking at a Committee](#).

6 Urgent Decision - Delegated Decision

To note 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. In particular as a response to the greater risk to people experiencing homelessness as a result of the current pandemic. The Council has successfully bid for MHCLG Capital funds of £1.8m and contributed un-ring-fenced S106 funding of £1.54m towards the purchase of 29 units of affordable housing. There is a further revenue grant of £433,000 to provide support to new residents once the Council successfully purchases and brings the properties back into use. There is therefore no impact on the Council's General Fund Balance.

This decision was made by the Director City Development, Housing & Supporting People in consultation with the Leader of the Council, under Council's amended Scheme of Delegation during the Coronavirus Pandemic as approved by Council on 21 April 2020. The amendment provides members of the Strategic Management Board delegated authority to discharge any delegated authority already set out in the Council's Scheme of Delegation to make urgent decisions in consultation with the Leader of the Council. In accordance with Standing Orders 13, 16 and 17, the Chair of Strategic Scrutiny Committee agreed that this was an urgent decision, as any delay in seeking Council approval could jeopardise the funding opportunity.

7 General Fund / HRA Estimates and Capital Programme 2021/22

To consider the report of the Director Finance.

(Pages 11
- 56)

8 Capital Strategy 2021-22

To consider the report of the Director Finance.

(Pages 57
- 66)

9 The Prudential Code for Capital Finance in Local Authorities (Incorporating the Annual Statement of Minimum Revenue Provision)

To consider the report of the Director Finance.

(Pages 67
- 86)

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|----|--|--|----------------------|
| 10 | Treasury Management Strategy Report 2021/22 | To consider the report of the Director Finance. | (Pages 87
- 100) |
| 11 | Annual Pay Policy Statement 2021/22 | To consider the report of the Director Corporate Services. | (Pages
101 - 112) |
| 12 | Gender Pay Gap Report | To consider the report of the Director Corporate Services. | (Pages
113 - 118) |
| 13 | Delegation of Powers to Amend Polling Districts and Polling Places | To consider the report of the Returning Officer Exeter City Council. | (Pages
119 - 126) |
| 14 | Amendments to the Council's Constitution relating to planning decision making | To consider the report of the Director City Development, Housing & Supporting People. | (Pages
127 - 172) |
| 15 | Consultation Charter | To consider the report of the Chief Executive & Growth Director. | (Pages
173 - 182) |
| 16 | General Buller Statue Update | To consider the report of the Portfolio Holder for Communities & Culture and the Director of Culture, Leisure and Tourism. | (Pages
183 - 192) |
| 17 | New Office for Exeter Corn Exchange | To consider the report of the Director Culture, Leisure and Tourism. | (Pages
193 - 200) |
| 18 | Public Spaces Protection Order Renewal | To consider the report of the Director Net Zero Exeter & City Management. | (Pages
201 - 214) |

Part II: Items suggested for discussion with the press and public excluded

No representations have been received in respect of the following items in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- | | |
|----|---|
| 19 | Temporary Extension of the Commercial Manager post |
|----|---|

To consider the report of the Director Net Zero Exeter & City Management.

(Pages
215 - 222)

20 **Culture, Leisure and Tourism, business case, income and COVID-19 risks**

To consider the report of the Director Culture, Leisure and Tourism.

(Pages
223 - 242)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 9 March 2021** at 5.30 pm in the Civic Centre.

A statement of the executive decisions taken at this meeting will be produced and published on the Council website as soon as reasonably practicable.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265115 for further information.

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EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 12 January 2021

Present:

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

In attendance:

Councillor Leadbetter in his capacity as an Opposition Leader.

Apologies:

Councillor K. Mitchell in his capacity as an Opposition Leader

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Director Leisure, Tourism and Culture, Deputy Chief Finance Officer, Service Manager Parks & Green Space, Policy Officer – Community Safety, Safeguarding and Equality & Diversity, Democratic Services Officer (MD) and Democratic Services Officer (HB)

1

MINUTES

The minutes of the meeting held on 1 December 2020, were taken as read and approved as a correct record for signing by the Chair at the earliest possible convenience.

2

THIRD LOCKDOWN

Following the recent Government announcement of a third National Lockdown and to recent Pandemic statistics, the Leader urged all to continue to follow Government guidance and to be careful and to stay safe. He referred to the continuing practical work of the City Council through Wellbeing Exeter and to its work with partners in helping support the roll out of the vaccine.

3

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

4

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

5

GENERAL BULLER STATUE REVIEW

The Executive received the report on the review of the General Buller Statue, which had been brought back to the Executive Committee following a resolution at the July 2020 Executive meeting, that a Scrutiny Task and Finish Group be set up to investigate the continued appropriateness of the statue of General Buller and his horse Biffen at its current location. The investigation was to further contrast the

statue's appropriateness against the backdrop of the Black Lives Matter movement against systemic racism and discrimination.

The Director Leisure Tourism and Culture and the Policy Officer - Community Safety, Safeguarding and Equality & Diversity made particular reference to the following:-

- the wide range of stakeholders who had been consulted including historic and civic societies, community groups and local historians with feedback received from some 20 organisations in total;
- the strong views expressed on the matter by the wider public;
- that no financial provision had been made should a decision be taken to remove the statue other than for the provision of temporary information boards from within existing budgets to contextualise the statue; and
- subject to a decision being made on the application for listed building consent and funds being identified, the matter would be brought back to Members for a final decision to be made.

During the discussion the following points were made:-

- the Task and Finish Working Group were thanked for its time and work in exploring in detail this emotive subject and its recommendations supported, including the proposal for full public consultation before reaching a final decision;
- it would not be an assessment of General Buller himself but the appropriateness of civic statutes and monuments in a modern setting;
- welcome the proposal for an arts based engagement process with residents in order to facilitate a broader examination of the role of public art;
- welcome the support of the University of Exeter and Exeter Culture in working with the Task and Finish Working Group; and
- both the Equality Impact Assessment and Carbon Footprint Statement were procedural tools used to help achieve informed decisions on matters before the Council, reflecting the Council's strong commitment in both areas.

Councillor Leadbetter, as Leader of the main opposition group, expressed his concern that resources were being diverted un-necessarily to this issue given the continuing seriousness of the Covid-19 Pandemic and questioned the need and sensibility in proceeding with the proposals, other than some form of public consultation. He also referred to the general context during the period of the original proposal for a statute commemorating General Buller and to the significant public support at that time.

The Director Leisure, Tourism and Culture advised that the determination of a listed building consent would be a matter for the Planning Committee with the normal planning consultation process carried out. He also stated that the provision of the statute had not been without controversy during that period as evidenced by newspapers of the time.

The Leader concluded by referring to the intention to fully consult the public and that no funds had been identified at present. It was also noted that the continuation of services to residents remained the Council's priority.

The Task and Finish Working Group were thanked for its time and work in exploring in detail this emotive subject and its recommendations supported, including the proposal for full public consultation before reaching a final decision.

The recommendations were moved and seconded and carried unanimously.

RESOLVED that the findings of the Scrutiny Task and Finish Group be noted.

RECOMMENDED that Council approve: -

- (1) an application being made for listing building consent for the relocation of the statue to an alternative location, to allow the opportunity to conduct a public consultation on the proposed Task and Finish Group recommendations prior to a final determination of the matter by full Council;
- (2) temporary information boards be erected near to the statue;
- (3) an arts-based engagement project with residents be established, through a public art working group in conjunction with the University of Exeter and Exeter Culture, to consider the role of public art and create a new public art strategy in Exeter;
- (4) a working group be created to establish a Council Anti-Racism Strategy led by the Portfolio Holder for Culture and Communities; and
- (5) the Corporate Equality and Diversity Group develop a training and awareness raising programme for staff and Councillors on equality impact assessments, and their role in the Council's decision-making process.

6 **TREE REPLANTING PROGRAMME FOLLOWING ASH DIEBACK DISEASE IN EXETER**

The Executive received the report on the Exeter tree replanting programme following Ash Dieback disease, which was a Europe wide issue, requiring the planting of additional trees and associated works to ensure the tree canopy cover was maintained. The works would contribute to the Council's goal for Net Zero carbon and protect people and property from any unacceptable risk.

Particular reference was made to the following:-

- Ward Councillors would be kept fully informed as works progressed;
- mobile platforms would be necessary in some cases to ensure that the tree surgeons could access the trees safely;
- whilst a number of single trees had been mapped, further mapping of groups of trees and small areas of woodland would be undertaken;
- costs were greater than with the management of other trees and funds would be used in the most efficient way as the disease progressed;
- it was vital to ensure public safety whilst maintaining the canopy cover in Exeter; and
- whilst there were areas of private land throughout the city with Ash Trees including Devon County Council land, the City Council was also working with the Saving Devon Treescapes Programme with the Wildlife Trust and hoped to attract funding as part of this work.

During the discussion the following points were made:-

- the Council was committing the necessary funds to ensure the safety of the public;
- the programme would help maintain the tree canopy cover throughout the city and the general green nature of Exeter; and

- there would be a two to one ratio of tree replacement throughout the city, a recent example being the planting of 2,000 trees on the Monkerton Ridge.

RECOMMENDED that Council approve the capital budget presented in the report, to allow the Tree Management Team to begin the replanting of new trees in place of diseased Ash trees following the Ash Die Back emergency and for additional Ash tree works in accordance with the recommended actions by the Exeter City Council Service Manager Public and Green Spaces, in order to maintain tree canopy cover.

7

2021/22 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN

The Executive received the report on the strategic overview of the budgetary position for the 2021/22 financial year and beyond, which included an indication of the likely level of available resources, the current demand for resources and the proposals to ensure that a balanced budget is achieved. Members noted that the Council was required to set a balanced budget and Council Tax prior to the start of the financial year.

Particular reference was made to the following:-

- the Government, through its Local Government Finance Settlement, had announced a Lower Tier Services Grant as a one off, one year settlement. This equated nationally to £110 million with Exeter's allocation to be £228,000 which would result in the Council's core spending power remaining the same as the current financial year;
- a higher contribution had been received in respect of the New Homes Bonus compared with the previous Medium Term Financial Plan;
- the Referendum Principles for the Council Tax set by the Government would allow Councils to increase the tax by £5 or 2% whichever was the higher. A £5 increase equated to 10p a week;
- the Medium Term Financial Plan had built in a drop in Business Rates Income as a result of the Covid-19 Pandemic; and
- savings would be required to achieve a reduction of £6.1 million up to the period 2024/25.

The Leader thanked the Treasury Team for their work on the budget.

RECOMMENDED that Council: -

- (1) note the contents of the report; and
- (2) approve the proposals to establish a balanced revenue budget and capital programme.

8

COUNCIL TAX BASE AND NNDR 1 2021/22

The Executive received the report which set out the 2021/22 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012. The report further sought approval to delegate the Council's estimate of Business Rate Income (NNDR1) for the next financial year to the Director Finance.

Members were advised that the amount calculated for the Council as its tax base would be 37,377, which was an increase of 29 over the figure of 37,348 for 2020/21.

Particular reference was made to the following, both being Covid-19 related:-

- a lower than normal number of properties that are eligible for council tax added for 2021/22; and
- an increase in Local Council Tax Support has also impacted on the tax base

RESOLVED that:-

- (1) in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2021/22 shall be 37,377; and
- (2) the responsibility to approve the Council's NNDR1 return by 31 January 2021 be delegated to the Director Finance (Section 151 Officer).

9

HOUSING RENTS AND SERVICE CHARGES 2021-22

The Executive received the report which set out the proposed changes to Council dwelling rents, garage rents and service charges with effect from 1 April 2021.

Particular reference was made to the following:-

- the impact of Covid-19 had resulted in a lower increase in charges in the Medium Term Financial Plan with approximately £2.3 million less of budgeted rental income over the period to 2024/25 mitigated by the re-profiling of planned capital works over a longer period;
- rentals compared favourably with other socially rented properties and the open market; and
- the Council's continued commitment to re-invest in its housing stock, such as retro-fitting of its properties as well as building new homes.

RECOMMENDED that Council approve: -

- (1) the increase of Council dwelling rent by 1.5% from 1 April 2021;
- (2) the increase of garage rent by 1.5% from 1 April 2021; and
- (3) the increase of Service Charges by 1.5% from 1 April 2021, with the exception of charges detailed in paragraph 13.3 of the report.

(The meeting commenced at 5.30 pm and closed at 6.22 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.

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Finance

Title: General Fund / HRA Estimates and Capital Programme 2021/22

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 To propose the General Fund revenue estimates for 2021/22 and to recommend the Band D level of Council Tax for 2021/22. This report also includes the proposed Capital Programme for 2021/22 and future years, and the proposals in respect of the Housing Revenue Account.

2. Recommendations:

- 2.1 It is recommended that :
 - 2.1.1 The Council's overall spending proposals in respect of both its revenue and capital budgets are recommended to Council for approval;
 - 2.1.2 The council tax for each Band be recommended to the Council as set out in section 8.19.3 subject to Devon County Council, OPCC Devon and Cornwall and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
 - 2.1.3 When the actual council tax amounts for Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority are set then the revised council tax levels be submitted to Council on 23 February 2021 for approval;
 - 2.1.4 Members note the Statement given by the Director Finance as required under Section 25 of the Local Government Act 2003.

3. Reasons for the recommendation:

- 3.1 To ensure that the Council is in a position to set a balanced budget and determine the Council Tax for the City of Exeter in line with the statutory timeframe.
- 4. What are the resource implications including non-financial resources.
- 4.1 The report sets out the proposed budgets for 2021/22. Details of the resource implications are set out in section 8.

5. Section 151 Officer comments:

- 5.1 The proposed budget will achieve the requirement to maintain a minimum balance in excess of £3 million. The Medium Term Financial Plan is reliant on substantial reductions being delivered for the 2022/23 budget and beyond. It is imperative that Members maintain a strong financial discipline to ensure that the reductions already proposed are delivered and that additional reductions are identified to deliver a balanced medium term financial plan.
- 5.2 There is great uncertainty over income targets being achieved next year, and whilst the Government have extended the sales, fees and Charges compensation scheme for a further three months, it is essential that the Council has resources set aside to protect itself from the risk of a further emergency budget being required in 2021-22.
- 5.3 The proposed capital programme aligns with the Medium Term Financial Plan and the revenue implications have been built into both the General Fund and HRA budgets.
- 5.4 The report also sets out the proposed HRA income and expenditure for 2021-22. There is a budgeted deficit of £6.647m, which is in line with the HRA's medium Term Financial Plan. The budgeted deficit is substantially higher than 2020-21, due to the extent of planned capital investment for 2020-21 and the level of revenue contributions required towards financing the planned capital investment. However, the HRA is also under financial pressure as a result of lower rent increases owing to the low rates of CPI inflation.
- 5.5 It is important to remember that Council is legally responsible for setting a balanced budget each year and for taking action when there are adverse movements in the projected financial position during the year. Therefore, if a decision is taken to amend the budget in any way, then Council must identify how that will be funded.
- 5.6 In order to maintain financial discipline and prepare for the reductions required, Council can no longer merely approve additional expenditure without identifying what will be cut to fund it. This is essential as Officers and Members prepare to identify ways to address the gap in funding early in the year.

6. What are the legal aspects?

- 6.1 As part of the budget and the Council Tax fixing process, the Council is required by the Local Government Finance Act 1992 to make various specific calculations and decisions:-

(a) it must calculate its budget requirement in accordance with Section 32 of the Act:

(b) it must calculate the City Council element of the Council Tax - first for Band D and then for all bands - in accordance with Sections 33 to 36;

(c) it must set the overall Council Tax for each band in accordance with Section 30.

7. Monitoring Officer's comments:

7.1 Legislation does not prescribe how much the minimum level of reserves should be. The Section 151 officer is tasked with recommending the minimum level of reserves required as part of the budget setting process having regard to elements of risk in the Council's finances. Section 25 of the Local Government Act 2003 requires the S.151 officer to report on the adequacy of the Council's financial resource.

7.2 The Monitoring officers comments are intended to assist all members of the Council in consideration of the complex legal background to their budgetary and Council Tax decisions and in particular to set out the legal factors and requirements which Members of the City Council need to consider in reaching decisions on the budget and Council Tax.

7.3 In coming to a decision in relation to the revenue budget and the council tax, the City Council and Councillors have the following legal duties:

To act in accordance with their statutory duties and responsibilities;

To act reasonably; and

To have careful regard to their fiduciary duty to its rate payers and Council tax payers.

7.4 The City Council has a clear legal duty to set a balanced budget. A resolution not to set a Council tax would be unlawful so would be a resolution to set a Council tax which deliberately did not balance the budget.

7.5 When making a decision, councillors are reminded of the obligation to act reasonably and in accordance with the principals set down in the Wednesbury case. This means that councillors are required to take into account all relevant considerations and ignore any irrelevant considerations. Put simply, it would be unlawful for the Council to come to a view which is unreasonable in the sense that it is so irrational that no reasonable authority could have reached it.

7.6 The meaning of fiduciary duty is more difficult to define but can be summarised as a duty to conduct administration in a business-like manner with reasonable care, skill and caution and with due regards to the council's rate payers. When discharging their fiduciary duties councillors will need to consider the following:

Prudent use of the council's resources, including the raising of income and the control of expenditure;

Financial prudence both long and short term;

Striking a fair balance between the interest of the council tax payers on the one hand and the community interest and adequate and efficient services on the other hand; and

Acting in good faith with a view to complying with statutory duties and exercising its statutory powers for the benefit of the community.

7.7 The S.151 officer has given very clear advice in paragraphs 5.5 and 5.6 above. Members are obliged to have regard advice to this advice when making decisions about the Council's finances

7.8 Restriction on voting

Members' attention is drawn to the provisions of S.106 of the Local Government Finance Act 1992 which applies to members where:

- (a) They are present at a meeting of full Council, the Executive or Committee and at the time of the meeting an amount of Council tax and has remained unpaid for at least 2 months and
- (b) Any budget or Council tax calculation or recommendation or decision which might affect the making of any such calculation, is the subject of consideration at the meeting.

7.9 In these circumstances, any such members shall at the meeting and as soon as practical after its commencement disclose the fact that S.106 applies to them and shall not vote on any question concerning budget setting.

7.10 Failure to comply with these requirements is a criminal offence unless such member can prove that they did not know S.106 applied to them at the time of the meeting or that the matter in question was the subject of consideration at that meeting.

8. Report details:

8.1 Local Government Finance Settlement 2021-22

8.1.1 The Government confirmed in the Spending Review that the changes proposed to the Business Rates Retention scheme were being delayed for a further year and that a 1 year settlement would follow. The provisional settlement for 2021/22 was announced in December (Appendix 1) and the figures in the Medium Term Financial Plan have been updated. A new Lower Tier Services Grant has been included and Exeter has received £0.228 million. This has enabled Exeter's Core Spending Power to remain the same as last year as compared to a 4.5% rise on average for Local Government as a whole (Appendix 2).

8.2 Business Rates

8.2.1 The Government have further delayed the implementation of the Business Rates retention reform and the review of the formula that underpins it. This has meant that the reset, expected in 2021/22 has been put back another year at least. Although, this is positive news for Exeter as we benefit from being significantly above our baseline needs, the impact of Covid-19 means we will still see a drop in our business rates income next year as businesses fail. A drop of £0.3 million has been built into the MTFP. The review is currently expected to be implemented in 2022/23, and will have a further significant, negative impact on our resources, as set out in section 8.5

8.3 Council Tax

- 8.3.1 The medium term financial plan is based upon an assumption that under the council tax referendum threshold, Shire District councils will be allowed increases of less than 2% or up to and including £5, whichever is higher. Exeter's budget strategy for next year assumes that council tax will increase by £5, which, along with the estimated surplus on the collection fund of £92,205 and small increase in the taxbase will raise an extra £174,090. However, the Council is yet to finalise the impact of Covid on the Collection rate in 2020-21, which the Government will allow to be spread over three years. This will reduce the final amount from Council Tax. The Governments assessment of Core Spending Power assumes that the Council will increase Council Tax by the maximum allowed.

8.4 Key Assumptions

- 8.4.1 An overall allowance of £817,780 has been set aside for inflation. The inflationary increases allowed in the budget are:

Pay Award	2.0%
Pay – Increments	0.5%
2020/21 Pay Award in excess of 2% provision	0.8%
Electricity	5.8%
Gas	4.8%
Oil	2.5%
Water	0.0%
Insurance	5.0%
Rates	2.5%
Fuel	3.0%
General Inflation	0.0%
Income (excluding Car Parks)	2.5%

- 8.4.2 General inflation has again been held at zero; however where there are contracts in place, inflation at around RPI has been added. The pay award for 2021/22 has not yet been agreed. An estimate of 2% has been included within budgets.

8.4.3 The medium term financial plan includes the impact on interest payments from the Council borrowing, long term £49.5 million. This has had a positive impact on the Council and should provide sufficient cash to deliver projects intended in the capital programme. The reduction in the net interest budget to be paid is dependent on Exeter City Living taking the loan for the Clifton Hill redevelopment at the start of the financial year.

8.5 Further Issues To Be Considered

8.5.1 Before the Council can finalise its revenue budget for next year there are a number of issues that require further consideration as follows: -

- Equality Impact Assessment
- New Homes Bonus
- Future spending pressures and review of the medium term financial planning process
- The level of reserves and balances

8.6 Equality Impact Assessment

8.6.1 Equality Impact Assessments (EQIA) form part of the Council's decision making process and are a tool to help the Council identify what effect or possible effects its work may have on different groups of people. All local authorities have a legal responsibility to assess their policies and functions, and to set out how they will monitor any possible negative impact on equality target groups. The Council needs to consider the impact on equalities of all new and reviewed Council strategies, policies, projects, services or functions, budget decisions and restructures. By anticipating the consequences of its actions on equality groups the Council can make sure that, as far as possible, any negative consequences are eliminated, minimised or counterbalanced by other measures, and opportunities for promoting equality are maximised. As part of this process any revenue savings proposals will be assessed for any potential equality issues and where an EQIA is required, this will need to be reported back to the Executive.

8.7 New Homes Bonus

8.7.1 The Government have indicated that whilst New Homes Bonus will be payable again this year, the 2021-22 element of the allocation will be for one year only and there will be no payment in respect of the 2020-21 allocation. This gives an award of approximately £1.941 million for 2021/22, which will reduce to £0.678 million in 2022-23. A proposal to replace New Homes Bonus will be announced in the new year.

- 8.7.2 To date the Council has received New Homes Bonus of £25.652 million over the period 2011/12 to 2020/21 and has been notified that it will receive a further £1.941 million in 2021/22. The impact of the pandemic means that it is proposed to use this to support the revenue budget in its entirety this year:-

Year	Top Slice (revenue)	Community Projects	Major Projects /Debt Reduction	Unused / Projects	Revenue	Total
	£000's	£000's	£000's	£000's	£000's	£000's
2011/12	-	-	-	389	-	389
2012/13	120	361	601	241	-	1,323
2013/14	120	286	1,757	42	-	2,205
2014/15	120	286	2,372	-	-	2,778
2015/16	120	286	3,123	-	-	3,529
2016/17	159	150	2,000	923	1,000	4,232
2017/18	164	150	1,500	783	1,000	3,597
2018/19	164	150	1,150	127	1,000	2,591
2019/20	25	150	1,000	149	1,194	2,518
2020/21	25	189	802	374	1,100	2,490
2021/22	-	-	-	-	1,941	1,941
Total	1,017	2,008	14,305	3,028	7,235	27,593

8.8 REVISED MEDIUM TERM REVENUE PLAN (APPENDIX 3)

- 8.8.1 An updated Medium Term Financial Plan (MTFP) is set out in Appendix 3. The MTFP indicates that significant reductions are required from 2022-23 to 2024-25 to address the loss of business rates growth, New Homes Bonus and additional spending pressures. The reductions required total £6 million and whilst the funds will be redistributed across Local Government, there is no certainty at this stage that the Council will receive more than its share under the formula grant system, which will be substantially lower and has been built in to the medium term financial plan. Furthermore, the Government intends to introduce a new formula resulting from the fair funding review currently being undertaken and the move to 75% business rates retention.
- 8.8.2 The amount of savings required in the period could vary significantly based on the results of the fair funding review and any changes to the distribution of growth introduced in the move to 75% business rates retention. Additionally there are further uncertainties and factors that could affect the future financial position. These include: potential costs arising from the review of service plans, the cost of any new statutory functions, and additional borrowing and revenue costs in respect of any new capital programme commitments. Any additional revenue costs / reduced income streams that are not currently identified within the medium term financial plan will have to be met from further savings and will require careful consideration from members.
- 8.8.3 The level of reductions required are such that members must focus on delivery. It would not be appropriate to add further budgets without a clear understanding of how additional expenditure will be funded. Therefore any further requests for funding must have clearly identified reductions to offset the costs.

8.8.4 Appendix 4 sets out details of the reductions delivered by the City Council over the last eleven years. This demonstrates that savings of £16.681 million have been found through a mix of service reductions and additional income.

8.9 BALANCES AND RESERVES

8.9.1 The Council's current policy is such that the minimum level of the General Fund Balance will remain above £3 million. As the Council faces great uncertainty in the medium term over funding it is prudent to hold reserve levels at this level to offset sudden losses of income or unexpected expenditure. The latest estimated position of the General Fund Balance is that it will be £4.624 million as at 31 March 2022, equivalent to 28.3% of Exeter's net revenue budget. The Council's revised medium-term financial plan (Appendix 3) indicates that the General Fund Balance will reduce to £3.331 million by the end of 2023/24.

8.9.2 However, there is such uncertainty over the next year in particular as the effects of the Pandemic continue to impact on the Council's income. There is a higher risk than normal that this figure will reduce as income does not meet the level set in the budget.

8.9.3 The Council also has other reserves that have been earmarked for specific purposes. The Council's proposed revenue budget for 2021/22 includes a net transfer to earmarked reserves of £570,000. This is broken down as shown below:-

Transfer to/(from) reserves:

	2021/22 £'000
Transfers to Reserves	
Budget Volatility	1,000
Redundancy	<u>645</u>
	1,645
Transfers from Reserves	
Capital Fund	(150)
NNDR deficit	(368)
Mallinson	(89)
RAMM	(350)
Corporate	(20)
Planning	(42)
Sports	<u>(56)</u>
	1,075

8.10 REVENUE ESTIMATES 2021/22 (APPENDIX 5)

8.10.1 Service Committee Expenditure for 2021/22 is £16,046,260 which is £2,737,040 higher than the current year.

8.10.2 In addition there are other items to take into account referred to as 'below the line' as they do not form part of the individual service controllable budgets. These include an estimate of £150,000 for net interest payments in respect of the overall cash balances, £692,000 towards repaying debt in respect of the Council's capital programme, New Homes Bonus grant and transfers in respect of balances and reserves. The Council's total General Fund Expenditure budget requirement for 2021/22 is planned to be £15,167,850, an increase of £1,101,040 compared to 2020/21.

8.10.3 Attached at Appendix 6 is a breakdown of the movements for each management unit taking out the amounts that have been removed or added, but that don't actually impact on the Council Tax. This is either because they have been transferred to / from another part of the budget or because there is a statutory override, which means that the costs are removed elsewhere in the budget.

8.11 COUNCIL TAX BUDGET REQUIREMENT 2021/22 (APPENDIX 7)

8.11.1 As stated above, the Government is setting the referendum trigger for District Councils at above £5 or 2%, whichever is higher. The budget has been set on the basis of a £5 increase, although this is ultimately a Member decision. It should be noted that in the Government spending calculations, they have assumed that all District Councils will raise their Council Tax by £5 and have set the spending limits accordingly.

8.11.2 When all the Government Grant funding is taken into account the resultant net expenditure to be financed from council tax is £6,251,823 (indicated in Appendix 7), an increase of £164,619 compared to 2020/21.

8.11.3 Each year the Council must estimate the likely surplus or deficit position on its Collection Fund and any such amounts must be taken into account when determining the band D Council Tax amount for 2021/22. For next year it is estimated that the collection fund will have a surplus (£82,748), which will be used to fund part of the expenditure to be financed from Council Tax. This has been reduced to take account of the likely deficit arising in 2020/21, which the Government are allowing to be spread over the next three years. This has reduced the surplus and will also reduce the amount of Council Tax received by that amount for the following two financial years.

8.11.4 After taking into account the surplus and the taxbase of 37,377, the proposed band D council tax for 2021/22 is £165.05, which means that the council tax would increase annually by £5.00 or 3.12%. An increase of 1.99% would reduce the Council Tax requirement by £67,839, which would have to be taken from reserves.

8.12 HOUSING REVENUE ACCOUNT (HRA) (APPENDIX 8 & 9)

8.12.1 Since April 2012, the Council's HRA is expected to be self-financing. Thus all income collected locally from rents, service charges and other sources are kept at a local level to deliver housing services to tenants and to maintain the housing stock.

- 8.12.2 Since April 2012 each local authority had a limit on the amount of borrowing it could have for the purposes of the HRA, called the 'debt cap'. For Exeter City Council, the debt cap was £57,882,413.

The HRA debt cap was formally removed on 29 October 2018, as a result local authorities are now able to borrow for housebuilding in accordance with the Prudential Code.

The HRA are progressing with the first four new build schemes that will be financed using the new borrowing freedoms, which will deliver 100 new homes into the HRA by summer 2022 at a cost of £18m. These schemes are reflected in the proposed HRA capital programme. Further sites are being identified for additional new home development opportunities.

- 8.12.3 In October 2017, the government announced its intention to set a long term rent policy in respect of annual rent increases on both social rent and affordable rent properties of up to CPI plus 1% from 2020, for a period of 5 years.

The policy on rents for social housing came into effect from 1 April 2020. The Council is permitted to apply the policy of increasing rents by CPI plus 1%, which equates to 1.5% for 2021/22.

For 2021/22 this will result in an average increase of £1.14 per week, over 52 weeks, per property.

- 8.12.4 The proposed budgets for 2020-21 indicate that a total of £6,647,070 will need to be taken out of the HRA Working Balance in order to meet the budgeted deficit. The impact on the HRA Working Balance is set out below.

Movement on HRA Working Balance	£
Estimated HRA Working Balance, as at 1/4/21	11,603,748
Budgeted Deficit for 2021-22	(6,647,072)
Balance resolved to be retained (HRA contingency)	(4,000,000)
Total Forecast Balance Available, as at 31/3/22	956,676

8.13 CAPITAL PROGRAMME RESOURCES (APPENDIX 10)

8.13.1 Historically, the annual capital programme was financed from Government allocated grants together with money from the Council's own capital receipts and capital reserves. However the funding from these sources has now reduced and as a result the Council has to use borrowing instead to fund a significant part of its proposed capital programme. This also has an ongoing impact on the Council's revenue budget. The Council must ensure that any borrowing decisions remain affordable and to this end, has to adopt a number of prudential indicators, which are set out in the Prudential Code for Capital Finance in Local Authorities developed by CIPFA. A separate report to this meeting of the Executive sets out the Council's Prudential Indicators for approval by members.

8.13.2 The following capital resources are available for General Fund (£5.421m) and Housing (£36.064m) in 2021/22. The Capital Programme totals £20.177 million in respect of the General Fund and £24.186 million for the HRA. The borrowing requirement for the General Fund is £14.756 million and is £4.650 million for the HRA. Appendix 9 sets out the forecast use of the resources available for the General Fund and the Housing Revenue Account and the likely amounts of borrowing that will be necessary to fund the capital programme in the future.

8.14 GENERAL FUND CAPITAL PROGRAMME (APPENDIX 11)

8.14.1 The proposed capital programme is set out in Appendix 11. The programme for 2021/22 totals £20.177 million.

8.15 HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME (APPENDIX 12)

8.15.1 For 2021/22, the HRA medium term financial plan provides for a capital programme of £24.186 million. This comprises capital investment of £13.382 million for improvements to the Council's existing housing stock and £10.804 million towards the provision of new council homes.

In terms of investment in existing stock the proposed budgets for 2021/22 include the following:

- 200 kitchen replacements
- 240 bathrooms replacements
- 245 windows replacements
- 500 Boiler replacements
- Re-roofing 150 houses
- Refurbishment of Rennes House
- Completion of the demolish/re-build of 17 LAINGS properties

8.15.2 The HRA Capital Programme will be funded by:

HRA Capital Finance	£
Major Repairs Reserve	7,673,203
Revenue Contribution to Capital	7,950,000
Capital Receipts	3,145,000
Commuted sums	175,000
Borrowing	4,650,000
Other external funding/grants	592,424
Total HRA Capital Financing 2020/21	24,185,627

8.16 RISK ASSESSMENT

8.16.1 It has already been mentioned above in this report that our financial forecasts are based on a number of assumptions including the level of inflation, interest rates, income levels, support from the government and general prevailing economic conditions. The main risks to the Council's financial position are as follows:

- The continued response to the Covid-19 pandemic means that there is great uncertainty around income levels for the Council. This will affect not only sales, fees and charges, but business rates and Council tax income as well;
- The Governments review of the future funding formula for Local Government, including a business rates rest, coupled with the potential loss of New Homes Bonus, leaves a significant gap in funding over the Medium Term Financial Plan. The overall impact of both streams of funding stopping in the next four years would require reductions of around £6 million.

8.16.2 Although the Council faces risks from the assumptions and uncertainties outlined above these have been mitigated by the following:

- Adopting a prudent approach to financial forecasting which involves obtaining information from external professional sources;
- Continuous monitoring and review of the key factors together with regular reports to Members on any key issues;
- Regular budget monitoring meetings with budget managers to ensure that budget pressures are identified at the earliest opportunity;
- The adoption of robust financial management arrangements including option appraisal, risk assessment and financial monitoring;
- Retaining a prudent level of reserves and balances.

8.16.3 As part of the general budget-setting process the Council needs to also consider the risks inherent in the budgets set and the adequacy of the measures put in place to manage the potential risks.

8.17 STATEMENT OF THE ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES

8.17.1 There is a requirement under Section 25 of the Local Government Act 2003 that requires the chief finance officer of a local authority to formally report to its members on the robustness of the estimates and the adequacy of its reserves when it is considering its budget and council tax.

8.17.2 I have already outlined above in this report the key assumptions that have been made in the budget proposals for next year including an assessment of the risks and mitigating factors. As the Chief Finance Officer for this Council I therefore consider that the budget estimates for 2021/22 that have been prepared are both robust and achievable, given the protections that have been put in place.

8.17.3 The Council's current policy is such that the minimum level of the General Fund Balance will be £3 million. In the current financial climate, with uncertainty regarding the new financing of Local Government and taking into account the potential level of financial risk facing the Council in the medium term, it is proposed to maintain minimum reserves at this level. The latest estimated position of the General Fund Balance is that it will be £4.973 million as at 31 March 2021, equivalent to 28.3% of Exeter's net revenue budget. The Council's current medium-term financial plan indicates that the use of the General Fund Balance will be measured and be £3.331 million by the end of 2024/25, although further savings of £6 million are required to deliver this.

8.17.4 The Council's financial strategy recognises the need to maintain a General Fund Balance to provide stability for both medium and longer term planning and to provide a contingency against unforeseen events. In setting this minimum amount of £3 million the following have been taken into account: -

- The size of the authority;
- The volatility of some income and expenditure budgets;
- The risks faced by the Council with regard to funding unforeseen events;
- The financial risks inherent in partnerships, outsourcing deals and as accountable body for external funding.

8.17.5 The Council's estimated revenue Reserves are as follows: -

<u>Earmarked</u>	31/03/2020	31/03/2021	31/03/2022
	£'000	£'000	£'000
Total Earmarked Reserves	8,530	5,239	5,809
<u>Non-Earmarked</u>			
General Fund Balance	5,856	4,973	4,624

8.18 PRECEPTS

8.18.1 Devon County Council, the Office of the Police and Crime Commissioner Devon and Cornwall (OPCC Devon and Cornwall) and the Devon and Somerset Fire Authority will all precept separately upon the council tax payers in Exeter. The County Council, OPCC Devon and Cornwall and Devon & Somerset Fire Authority will meet on the 18th, 5th and 19th February respectively. The precepts will be tabled at the Council meeting for approval.

	2020/21	2021/22	Change	
	£	£	£	%
Devon County Council	1,313.73	x,xxx.xx	xx.xx	x.xx
DCC Adult Social Care	125.73	xx.xx	x.xx	x.xx
OPCC Devon and Cornwall	221.64	xxx.xx	xx.xx	x.xx
Devon and Somerset Fire Authority	88.24	xx.xx	x.xx	x.xx
Total Precept	1,749.34	x,xxx.xx	xx.xx	x.xx

8.19 FINAL POSITION

8.19.1 Based upon the recommendations above the aggregate requirements of Exeter City Council, Devon County Council, OPCC Devon and Cornwall and the Devon and Somerset Fire Authority will result in a council tax for the City of Exeter for 2021/22 of £x,xxx.xx per Band D property.

8.19.2 This is an overall increase of £xx.xx (x.xx%) on the amount of £1,909.39 levied for 2020/21.

8.19.3 The detailed figures are: -

Band	Exeter £	DCC £	Police £	Fire £	Total £
A	110.03	xxx.xx	xxx.xx	xx.xx	x,xxx.xx
B	128.37	xxx.xx	xxx.xx	xx.xx	x,xxx.xx
C	146.71	x,xxx.xx	xxx.xx	xx.xx	x,xxx.xx
D	165.05	x,xxx.xx	xxx.xx	xx.xx	x,xxx.xx
E	201.73	x,xxx.xx	xxx.xx	xx.xx	x,xxx.xx
F	238.41	x,xxx.xx	xxx.xx	xxx.xx	x,xxx.xx
G	275.08	x,xxx.xx	xxx.xx	xxx.xx	x,xxx.xx
H	330.10	x,xxx.xx	xxx.xx	xxx.xx	x,xxx.xx

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The budget underpins the Corporate Plan by determining the amount of funds available to the Council to deliver its priorities.

10. What risks are there and how can they be reduced?

- 10.1 The key risks are set out in section 8.16 above

11. Equality Act 2010 (The Act)

- 11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

- 11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

- 11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

- 11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because:

11.4.1 The report sets out the financial parameters for the Council. Any decisions regarding specific changes in the level of service provided will be the subject of a future report

12. Carbon Footprint (Environmental) Implications:

- 12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

- 13.1 Not applicable.

Director Finance, Dave Hodgson

Author: Director Finance, Dave Hodgson

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

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FORMULA GRANT DECREASES - DEVON AUTHORITIES

Authority	Grant 2019/20 £m	Grant 2020/21 £m	Yearly Decrease %	Grant 2021/22 £m	Yearly Decrease %	Grant Decrease 2019/20 - 2021/22	
						£m	%
Devon	101.542	103.197	1.6%	103.200	0.0%	1.658	1.6%
Plymouth	66.932	68.023	1.6%	68.077	0.1%	1.145	1.7%
Torbay	38.440	39.066	1.6%	39.102	0.1%	0.662	1.7%
East Devon	2.625	2.667	1.6%	2.667	0.0%	0.042	1.6%
Exeter	4.429	4.501	1.6%	4.503	0.0%	0.074	1.7%
Mid Devon	2.178	2.213	1.6%	2.213	0.0%	0.035	1.6%
North Devon	2.959	3.007	1.6%	3.007	0.0%	0.048	1.6%
South Hams	1.897	1.928	1.6%	1.928	0.0%	0.031	1.6%
Teignbridge	3.339	3.394	1.6%	3.394	0.0%	0.055	1.6%
Torridge	2.473	2.513	1.6%	2.514	0.0%	0.041	1.7%
West Devon	1.622	1.648	1.6%	1.648	0.0%	0.026	1.6%

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REVENUE SPENDING POWER CHANGES - DEVON AUTHORITIES

Authority	Core Spending Power 2017/18 £m	Core Spending Power 2018/19 £m	Core Spending Power 2019/20 £m	Core Spending Power 2020/21 £m	Core Spending Power 2021/22 £m	Core Spending Power Change £m %	
Devon	520.6	533.9	552.0	590.9	621.0	100.4	19.3%
Plymouth	191.0	186.5	198.4	211.7	221.0	30.0	15.7%
Torbay	113.3	115.1	119.1	127.3	133.5	20.2	17.8%
East Devon	15.5	15.1	15.3	15.5	15.5	0.0	0.0%
Exeter	14.1	13.0	12.8	13.2	13.2	(0.9)	(6.6%)
Mid Devon	10.1	9.5	9.8	10.2	10.2	0.1	1.0%
North Devon	10.7	10.9	11.0	11.8	11.8	1.1	10.3%
South Hams	9.7	9.3	9.9	10.2	10.4	0.7	7.2%
Teignbridge	15.2	14.4	14.5	14.5	14.5	(0.7)	(4.6%)
Torridge	8.7	8.3	8.1	8.1	8.1	(0.6)	(6.9%)
West Devon	7.5	7.2	7.3	7.3	7.5	0.0	0.0%

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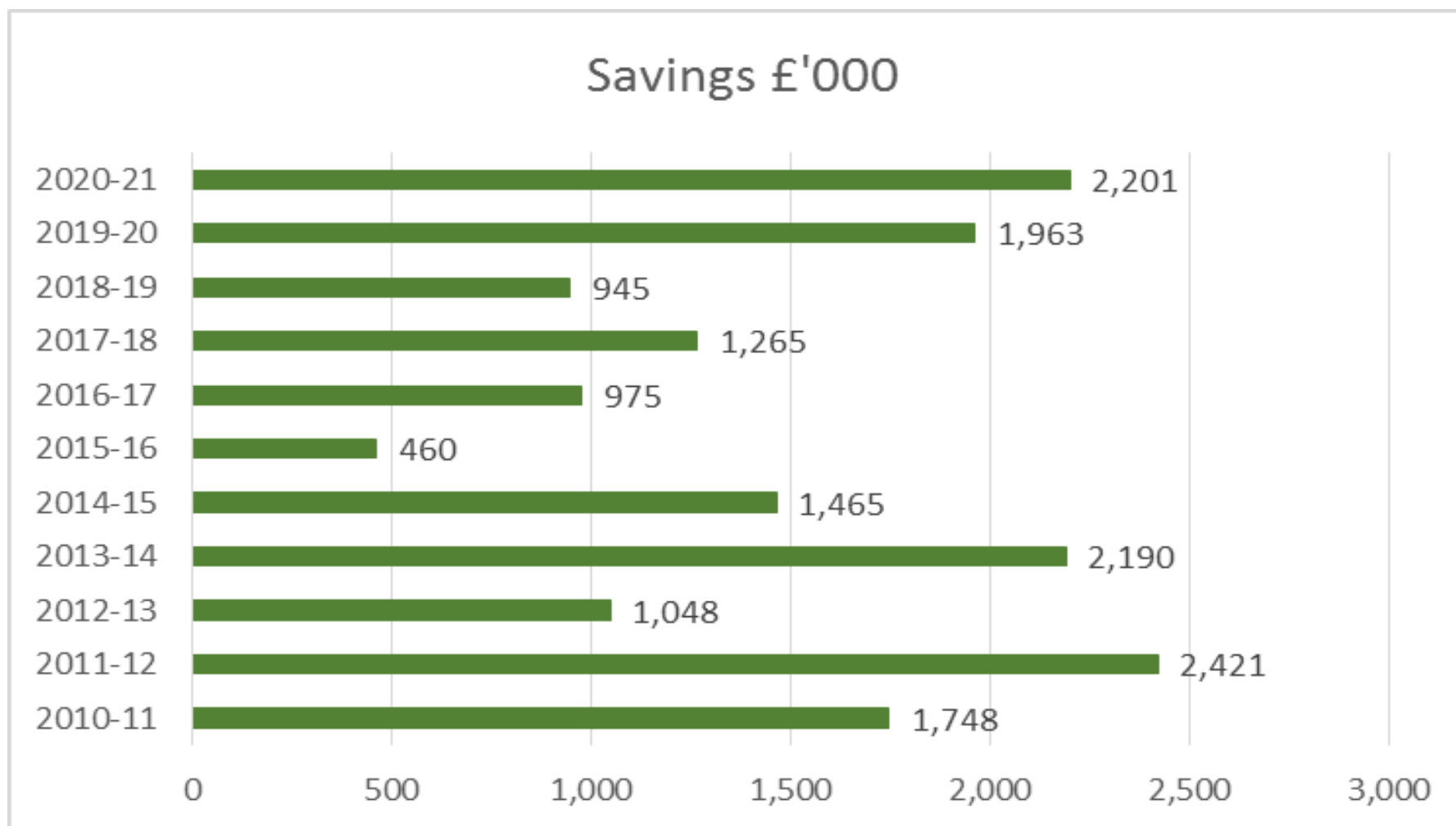
MEDIUM TERM REVENUE PLAN (2019/20 - 2024/25)

APPENDIX 3

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	
Resources							
Revenue Support Grant	365	371	602	373	381	389	
Business Rates Income (assumed by Government)	4,064	4,130	4,130	4,122	4,256	4,662	
Business Rates growth	1,869	2,127	593	0	0	0	
Business Rates pooling / pilot benefit	701	0	0	0	0	0	
NNDR Deficit to Cover	(473)	0	(17,446)	(324)	(324)	0	
Section 31 Grant	0	18,627	1,741	0	0	0	
Excess S31 to earmarked Reserve	0	(18,094)	17,446	324	324	0	
Covid 19 Support	73	1,822	760	0	0	0	
SFC Compensation		3,500					
CIL income	700	1,363	1,090	1,090	1,090	1,090	
New Homes Bonus	2,518	2,490	1,941	678	0	0	
Council Tax	5,831	6,087	6,252	6,393	6,647	6,916	
Likely resources	15,648	22,423	17,109	12,656	12,374	13,057	
Expenditure							
Service expenditure							
Committee expenditure base budget	12,975	12,697	13,309	16,046	12,825	11,650	
Inflation	602	470	817	500	500	500	
Potential increase in service costs	1,083	2,343	2,092	(843)	75	50	
Budgeted reductions	(1,963)	(2,201)					
	12,697	13,309	16,218	15,703	13,400	12,200	
Supplementary Budgets	4,320	1,362					
Net Interest	(97)	673	150	122	98	99	
Forecast Committee movements	(2,159)	10,688					
RCCO	32	15	0	0	0	0	
Repayment of debt	693	1,154	1,961	2,226	2,128	2,389	
Additional repayment of debt	(582)	(604)	(1,269)	(1,451)	(1,080)	0	
	14,904	26,597	17,060	16,600	14,546	14,688	
Other funding							
Contribution to/ (from) earmarked reserves	(717)	(3,291)	570	(76)	0	0	
Contribution to/ (from) balances - Other	1,461	(883)	(349)	(990)	(422)	119	
	744	(4,174)	221	(1,066)	(422)	119	
Further reductions required				(2,500)	(1,750)	(1,750)	(6,000)
Potential reductions identified			(172)	(378)	0	0	
Total Net Budget	15,648	22,423	17,109	12,656	12,374	13,057	
							(6,000)
Opening General Fund Balance	4,395	5,856	4,973	4,624	3,634	3,212	
Closing General Fund Balance	5,856	4,973	4,624	3,634	3,212	3,331	
Balance as a percentage of budget	37.4%	22.2%	27.0%	28.7%	26.0%	25.5%	

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SUMMARY OF SAVINGS 2010-11 TO 2020-21



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	2020-21 Budget	2021-22 Budget	Change
	£	£	£
Chief Executive & Growth Director	2,801,230	2,933,980	132,750
Transformation	1,461,210	1,184,020	(277,190)
City Development, Housing & Supporting People	4,032,630	4,744,710	712,080
Communications, Culture & Leisure Facilities	8,121,670	5,490,450	(2,631,220)
Net Zero Exeter and City Management	1,947,630	3,358,890	1,411,260
Finance	(273,230)	23,380	296,610
Corporate Services	2,533,410	2,548,880	15,470
less Notional capital charges	(7,315,330)	(4,238,050)	3,077,280
Service Committee Net Expenditure	13,309,220	16,046,260	2,737,040
Net Interest	527,000	150,000	(377,000)
New Homes Bonus	(2,489,740)	(1,940,880)	548,860
Revenue Contribution to Capital	838,000	0	(838,000)
Minimum Revenue Provision	1,350,000	692,000	(658,000)
General Fund Expenditure	13,534,480	14,947,380	1,412,900
Transfer To/(From) Working Balance	839,330	(349,530)	(1,188,860)
Transfer To/(From) Earmarked Reserves	(307,000)	570,000	877,000
General Fund Net Expenditure	14,066,810	15,167,850	1,101,040
Formula Grant	(4,501,000)	(4,732,030)	(231,030)
Covid-19 Grant	0	(760,000)	(760,000)
CIL income	(900,620)	(1,090,000)	(189,380)
Business Rates Growth	(2,578,000)	(2,334,000)	244,000
Council Tax	(6,087,190)	(6,251,820)	(164,630)
	0	0	0
Working Balance	March 2021 4,980,250	March 2022 4,630,720	

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	BASE ESTIMATE 2020/2021	INFLATION	NEW PROPOSALS RECURRING	NEW PROPOSALS NON- RECURRING	BUDGET TRANSFERS	DEPRECIATION ADJUSTMENTS	OTHER ADJUSTMENTS	OTHER ADJUSTMENTS	NEW ESTIMATE 2021/2022	EXPLANATION
Chief Executive & Growth Director										
86A6 CENTRAL SUPPORT	313,270	9,670	0	0	0	0	670	670	323,610	No significant changes
86B6 IT SERVICES	1,744,510	(870)	42,000	0	(34,700)	0	89,140	89,140	1,840,080	Recurring: £45k Additional licences and removal of £3k scancoin cost. Manual adjustment added to balance cost centre back to Strata contract payment workings
86B7 STRATEGIC MANAGEMENT	743,450	22,920	9,760	(50,000)	206,270	0	(162,110)	(162,110)	770,290	Recurring £9.8k - Reduction to 4 days a week for one Personal Assistant/Other Adjustment £162k New internal recharge - historically, all went to Corporate Costs
Net Cost	2,801,230	31,720	51,760	(50,000)	171,570	0	(72,300)	(72,300)	2,933,980	
Transformation										
83C7 ACTIVE & HEALTHY PEOPLE	937,820	55,850	0	0	(57,460)	0	(74,190)	(74,190)	862,020	Inflation not required for fixed 3 year contracts and staff saving
83C8 ST SIDWELLS POINT	98,390	0	0	(98,390)	0	0	0	0	0	One off budget forming part of the St Sidwells Point project has now come to an end
86B9 EXETER COMMUNITY GRANTS PROGRA	425,000	0	0	0	0	0	(103,000)	(103,000)	322,000	New grants programme all funded by Neighbourhood CIL
Net Cost	1,461,210	55,850	0	(98,390)	(57,460)	0	(177,190)	(177,190)	1,184,020	
City Development, Housing & Supporting People										
81C2 HOUSING NEEDS & HOMELESSNESS	1,117,460	62,890	0	0	0	840	31,620	30,780	1,211,970	£30k Devon Home Choice expenditure to be funded by reserve
81C5 SUNDRY LANDS MAINTENANCE	89,980	0	0	0	0	0	2,700	2,700	92,680	No significant changes
81E1 GF HOUSING - PROPERTY	179,700	7,950	0	0	0	0	(16,730)	(16,730)	170,920	Reduction in management costs in-line with a reduced number of Private Sector Leased properties and Extralet properties due to hand backs to landlords
83A9 BUILDING CONTROL	47,090	2,330	0	0	0	0	730	730	50,150	No significant changes
83B5 PLANNING SERVICES	489,350	21,970	414,000	(40,000)	(12,800)	0	84,580	84,580	957,100	£70k to be funded by Habitats Mitigation Reserve, £10k increase in costs to be funded from CIL Admin
86A1 REVENUES, BENEFITS&CUST ACCESS	2,109,050	126,690	60,000	0	0	0	(33,850)	(33,850)	2,261,890	Inflationary increase for increments not all required as majority of staff already at the top of grade
86C2 LIVEABLE EXETER GARDEN CITY	0	0	0	0	0	0	0	0	0	Expenditure balanced by income
Net Cost	4,032,630	221,830	474,000	(40,000)	(12,800)	840	69,050	68,210	4,744,710	
Communications, Culture and Leisure Facilities										
83A5 CULTURE	415,460	1,630	0	0	5,800	0	(10)	(10)	422,880	No significant changes
83A6 TOURISM	167,310	3,470	0	0	(43,760)	0	(530)	(530)	126,490	No significant changes
83B9 MARKETS & HALLS	(467,390)	(14,020)	76,500	0	2,660	21,130	31,990	10,860	(370,260)	Recurring additional pressures: £25k - loss of solar power income at the Matford Centre; £30.5k - loss of regular booking at the Corn Exchange. £21k costs of an apprentice at the Matford Centre has historically been added as a supplementary budget - Head of Service is now requesting this funding is made permanent. Has been supported by strategic Director
83C2 MUSEUM SERVICE	2,395,300	72,490	0	(23,960)	0	54,960	58,590	3,630	2,502,420	Non recurring: temporary reduction of hours by Digital Media Officer and Content Management Lead
83C3 LEISURE & SPORT	4,934,890	(2,090)	1,300,000	0	82,060	(4,114,000)	(4,114,160)	(160)	2,200,700	Recurring: £1.3m added due to moving sport facilities in-house. Potential for £1m extra income in a stretch budget forecast; however, not yet added
83C9 VISITOR FACILITIES	205,870	4,650	(106,040)	0	(2,660)	150	0	(150)	116,680	Closure of Exeter Visitor Information & Ticketing. Small amount of depreciation left
86A8 COMMUNICATIONS	470,230	11,200	0	0	13,360	0	(3,250)	(3,250)	491,540	No significant changes
Net Cost	8,121,670	77,330	1,270,460	(23,960)	57,460	(4,037,760)	(4,027,370)	10,390	5,490,450	
Net Zero Exeter and City Management										
81A1 ENVIRONMENTAL PROTECTION	325,610	13,050	0	0	5,000	0	(8,020)	(8,020)	335,640	No significant changes
81A3 LICENCING,FOOD,HEALTH & SAFETY	448,000	14,000	0	0	0	(5,930)	(1,540)	4,390	460,460	No significant changes
81A4 PUBLIC SAFETY	319,350	8,900	0	0	0	11,570	11,530	(40)	339,780	No significant changes
81A6 PARKS & GREEN SPACES	1,589,720	34,330	0	0	119,290	182,530	189,680	7,150	1,933,020	No significant changes
81B2 BEREAVEMENT SERVICES	76,880	4,770	0	0	(56,800)	40,640	35,490	(5,150)	60,340	No significant changes
81B&C BUSINESS & COMMERCIAL OPS	0	0	0	0	0	0	0	0	0	
81C3 AFFORDABLE HOUSING DEVELOPMENT	0	3,730	0	0	0	0	(780)	(780)	2,950	No significant changes
81C4 PRIVATE SECTOR HOUSING	0	0	0	0	0	0	0	0	0	
81D2 DOMESTIC REFUSE COLLECTION	2,125,770	51,620	0	0	0	103,540	42,740	(60,800)	2,220,130	Capitalise bin purchases
81D4 STREET CLEANING	1,559,620	42,670	21,500	0	(13,620)	137,810	132,890	(4,920)	1,743,060	Additional clearance costs of vehicle wash at Exton Rd to meet SWW requirements
81D5 PUBLIC CONVENIENCES	376,410	4,320	0	0	(3,500)	19,650	10,490	(9,160)	387,720	No significant changes
81D6 CLEANSING CHARGEABLE SERVICES	(732,590)	(8,090)	0	0	0	109,730	174,740	65,010	(565,940)	Loss of income on commercial recycling
81D7 CLEANSING & FLEET OVERHEADS	100,220	2,160	21,500	0	0	(310)	17,730	18,040	141,610	Additional clearance costs of vehicle wash at Exton Rd to meet SWW requirements
81D8 RECYCLING	643,290	33,730	0	175,890	0	19,320	(8,100)	(27,420)	844,810	Kerbside recycling project
83A3 PARKING SERVICES	(6,268,780)	46,350	0	0	(25,580)	20,240	29,050	8,810	(6,218,960)	No significant changes
83A4 GROWTH & COMMERCIALISATION	416,600	10,770	0	0	0	0	(34,700)	(34,700)	392,670	Most Transformation Funded activity complete in 20/21
83B4 ENGINEERING SERVICES	526,140	10,020	31,650	203,750	(6,990)	23,170	24,340	1,170	788,910	£129k removal of North St footbridge, £75k year 2 of funding for bridge inspections. Part funding required for Place Project Officer
83C1 WATERWAYS	309,280	6,610	(25,000)	0	0	61,710	66,290	4,580	357,180	Includes commercial income target
83C6 CORPORATE PROPERTY - ENERGY	132,110	3,560	0	0	0	0	(160)	(160)	135,510	No significant changes
Net Cost	1,947,630	282,500	49,650	379,640	17,800	723,670	681,670	(42,000)	3,358,890	

Finance										
83A1 CORPORATE PROPERTY - ESTATES	(3,704,640)	12,810	(30,000)	0	0	168,810	185,810	17,000	(3,536,020)	Recurring income £30k additional Bus station income. Adjustments: Significant increase in property insurance premiums & backlog of maintenance work at St Loyes Chapel
83B8 MAJOR PROJECTS	30,400	0	0	0	0	0	0	0	30,400	No significant changes
83C5 CORPORATE PROPERTY - ASSETS	1,069,560	14,340	0	0	34,700	7,620	520	(7,100)	1,119,120	No significant changes
86A3 CORPORATE	(39,470)	(6,470)	0	0	(5,000)	0	161,290	161,290	110,350	Adjustment: New split of housing recharge with Strategic Business Managers cost centre (see row 6 above)
86A7 UNAPPORTIONABLE OVERHEADS	1,560,270	10,100	(14,000)	0	0	0	0	0	1,556,370	Recurring: Pension backfunding
86B1 FINANCIAL SERVICES	594,590	22,850	27,920	(16,000)	(106,820)	0	11,400	11,400	533,940	Recurring: Reductions in fee income & internal recharge income; Non-recurring - Removal of cost of Finance Systems Officer
86B2 INTERNAL AUDIT	99,950	3,810	0	0	0	0	(1,730)	(1,730)	102,030	No significant changes
86B8 PROCUREMENT	116,110	6,520	0	(11,560)	0	0	(470)	(470)	107,190	Non recurring - Apprentice leaving end of July and will not be replaced. Recurring saving of £17k from 22/23
Net Cost	(273,230)	63,960	(16,080)	(27,560)	(77,120)	176,430	356,820	180,390	23,380	
Corporate Services										
83A2 TRANSPORTATION	0	0	0	0	0	0	0	0	0	No significant changes
86A2 ELECTIONS & ELECTORAL REG	381,690	9,970	(3,880)	0	0	0	740	740	388,520	Recurring: Reduction of service leads' hours to 4 days a week
86A4 CIVIC CEREMONIALS	276,700	6,370	(4,650)	0	5,000	8,510	6,650	(1,860)	290,070	Recurring: Reduction of service leads' hours to 4 days a week
86A5 DEMOCRATIC REPRESENTATION	635,770	16,550	(8,230)	0	0	3,910	(600)	(4,510)	643,490	Recurring: Reduction of service leads' & Administrative Assistant's hours, both to 4 days a week
86B3 HUMAN RESOURCES	619,950	14,250	0	0	(49,710)	0	910	910	585,400	No significant changes
86B4 LEGAL SERVICES	208,080	16,920	0	0	(49,740)	0	1,470	1,470	176,730	No significant changes
86B5 CORPORATE SUPPORT	411,220	20,530	(3,880)	0	(5,000)	47,120	41,800	(5,320)	464,670	Recurring: Reduction of service leads' hours to 4 days a week
Net Cost	2,533,410	84,590	(20,640)	0	(99,450)	59,540	50,970	(8,570)	2,548,880	
TOTAL										
TOTAL	20,624,550	817,780	1,809,150	139,730	0	(3,077,280)	(3,118,350)	(41,070)	20,284,310	

**EXETER CITY COUNCIL
2020/21 COUNCIL TAX - SUMMARY**

APPENDIX 7

	2020/21		2021/22	
Council Tax Base	37,348		37,377	
	Total Expenditure £	Band D Council Tax £	Total Expenditure £	Band D Council Tax £
General Fund Budget	6,087,204	162.99	6,251,823	167.26
Collection Fund (Council Tax) Surplus	(109,657)	(2.94)	(82,748)	(2.21)
TOTAL	5,977,547	160.05	6,169,075	165.05

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2021/22 HRA ESTIMATES

	2020/21 BUDGET £	2021/22 BUDGET £	CHANGE £
Management	5,248,915	5,655,745	406,830
Sundry Land Maintenance	699,810	732,590	32,780
Repair & Maintenance Programme	7,207,570	6,848,315	(359,255)
HRA SERVICE PROVISION EXPENDITURE	13,156,295	13,236,650	80,355
Revenue Contribution to Capital	5,246,550	7,950,000	2,703,450
Capital Charges	3,513,540	3,742,940	229,400
Net Interest	1,893,360	2,259,030	365,670
HRA EXPENDITURE	23,809,745	27,188,620	3,378,875
Dwelling Rents	(18,700,000)	(18,760,000)	(60,000)
Service Charges	(1,081,000)	(1,098,000)	(17,000)
Other	(707,140)	(683,550)	23,590
HRA NET EXPENDITURE	3,321,605	6,647,070	3,325,465
Transfer to / (from) HRA Working Balance	(3,321,605)	(6,647,070)	(3,325,465)
TOTAL NET HRA BUDGET	0	0	0

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MEDIUM TERM REVENUE PLAN - HOUSING REVENUE ACCOUNT (2020/21 - 2024/25)

	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Resources					
Rents	17,875	#REF!	#REF!	#REF!	#REF!
Service Charges	1,081	#REF!	#REF!	#REF!	#REF!
Other	702	#REF!	#REF!	#REF!	#REF!
Inflation on income	-	#REF!	#REF!	#REF!	#REF!
Likely resources	19,658	#REF!	#REF!	#REF!	#REF!
Expenditure					
HRA expenditure base budget	12,278	13,159	#REF!	#REF!	#REF!
Inflation on expenditure	-	288	110	111	111
Repairs & Maintenance Programme uplift	-	-	210	201	165
New non-recurring budgets	-	60	-	-	-
New recurring budgets	-	53	-	15	-
Remove non-recurring budgets	-	(322)	(60)		(265)
Depreciation	3,514	3,742	3,742	3,742	3,742
Revenue Contribution to Capital Outlay	447	7,950	1,900	2,450	2,300
Net interest	2,055	2,259	2,306	2,305	2,305
	18,294	27,189	#REF!	#REF!	#REF!
Other Funding					
Contribution to / (from) HRA Working Balance	1,364	#REF!	#REF!	#REF!	#REF!
Total Net budget	-	#REF!	#REF!	#REF!	#REF!
Opening HRA Working Balance	10,239	11,603	#REF!	#REF!	#REF!
Closing HRA Working Balance	11,603	#REF!	#REF!	#REF!	#REF!

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GENERAL FUND AVAILABLE RESOURCES

GENERAL FUND	2020-21 £	2021-22 £	2022-23 £	2023-24 £	2024-25 £	TOTAL £
CAPITAL RESOURCES AVAILABLE						
Capital Receipts Brought Forward	4,333,210					4,333,210
GF Capital Receipts	3,949,000	0	0	0	0	3,949,000
Revenue Contributions to Capital Outlay	17,520	89,670	0	0	0	107,190
Disabled Facility Grant	899,470	800,000	800,000	800,000	800,000	4,099,470
New Homes Bonus	68,410	0	0	0	0	68,410
Community Infrastructure Levy	837,830	0	0	0	0	837,830
Other - Grants/External Funding/Reserves/S106	616,014	1,637,180	160,000	160,000	160,000	2,733,194
Total Resources Available	10,721,454	2,526,850	960,000	960,000	960,000	16,128,305
GENERAL FUND CAPITAL PROGRAMME						
Capital Programme	63,731,720	20,177,320	12,035,200	6,616,800	7,300,250	109,861,290
Overspends/(Savings)	(60,000)					(60,000)
Slippage	(550,410)					(550,410)
Total General Fund	63,121,310	20,177,320	12,035,200	6,616,800	7,300,250	109,250,880

UNCOMMITTED CAPITAL RESOURCES:						
Capital Receipts Brought Forward	4,333,210	5,036,770	2,142,420	2,142,420	2,038,510	4,333,210
Resources in Year	6,388,244	2,526,850	960,000	960,000	960,000	11,795,095
Less Capital Receipts to carry forward	(5,036,770)	(2,142,420)	(2,038,510)	(2,038,510)	(1,988,510)	(2,038,510)
Less Spend in Year	(63,121,310)	(20,177,320)	(12,035,200)	(6,616,800)	(7,300,250)	(109,250,880)
Borrowing Requirement	57,436,626	14,756,120	10,971,290	5,552,890	6,290,250	95,007,176

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HRA AVAILABLE RESOURCES

HOUSING REVENUE ACCOUNT	2020-21 £	2021-22 £	2022-23 £	2023-24 £	2024-25 £	TOTAL £
CAPITAL RESOURCES AVAILABLE						
Usable Receipts Brought Forward						9,755,844
Major Repairs Reserve Brought Forward						11,831,831
Other HRA Sales	555,000	550,000				1,105,000
RTB sales	1,500,000	825,000	825,000	825,000	825,000	4,800,000
Surrender back to DCLG - pending investment in replacement affordable housing	0		(2,218,849)			(2,218,849)
Major Repairs Reserve	3,755,495	3,755,500	3,755,500	3,755,500	3,755,500	18,777,495
Revenue Contributions to Capital	446,550	7,950,000	1,900,000	2,450,000	2,300,000	15,046,550
External contributions	0	592,424		-	-	592,424
Grant funding - Estate Regeneration Funding	0					0
Grant funding - Zero Energy Buildings Project	0					0
Commutated sums	4,200,218	175,000				4,375,218
Borrowing	15,360,000	4,650,000	750,000	750,000	750,000	22,260,000
Total Resources available	25,817,263	18,497,924	5,011,651	7,780,500	7,630,500	86,325,513
CAPITAL PROGRAMME						
HRA Capital Programme	25,188,577	24,185,627	17,355,396	10,147,873	8,782,210	85,659,683
Total Housing Revenue Account	25,188,577	24,185,627	17,355,396	10,147,873	8,782,210	85,659,683
UNCOMMITTED CAPITAL RESOURCES:						
Usable Receipts Brought Forward	9,755,844	6,779,218	5,009,218	369,125	344,125	9,755,844
Major Repairs Reserve Brought Forward	11,831,831	15,437,144	11,519,441	3,815,789	1,473,416	11,831,831
Resources in Year	25,817,263	18,497,924	5,011,651	7,780,500	7,630,500	64,737,838
Less Estimated Spend	(25,188,577)	(24,185,627)	(17,355,396)	(10,147,873)	(8,782,210)	(85,659,683)
Uncommitted Capital Resources	22,216,361	16,528,659	4,184,914	1,817,541	665,831	665,830
WORKING BALANCE RESOURCES:						
Balance Brought Forward	10,239,475	11,603,748	4,956,676	4,667,691	4,137,280	10,239,475
HRA Balance Transfer - Surplus/(Deficit)	(4,127,671)	(6,647,072)	(288,985)	(530,411)	265,194	(11,328,945)
Cumulative forecast under/(over)spend 2020-21	5,491,944					5,491,944
Balance Carried Forward	11,603,748	4,956,676	4,667,691	4,137,280	4,402,474	4,402,474
Balance Resolved to be Retained	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)
Uncommitted HRA Working Balance	7,603,748	956,676	667,691	137,280	402,474	402,474
TOTAL AVAILABLE CAPITAL RESOURCES	29,820,109	17,485,335	4,852,605	1,954,821	1,068,305	1,068,304

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GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS						
SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Chief Executive & Growth Director						
Customer Contact Platform		100,000				Contribution to Strata led projects
Annual Contribution to Strata		53,910	53,910	53,910	53,910	
Datacentre Relocation		35,940				
SAN Replacement		179,700				
Door Access RAMM		100,000				
NCSC Zero Trust		53,910				
TOTAL		523,460	53,910	53,910	53,910	
Transformation						
Leisure Complex - Build Project		112,180				To develop a new leisure complex and swimming pool on part of the bus station site to replace Pyramids.
TOTAL		112,180	0	0	0	
Net Zero Exeter and City Management						
Parks Infrastructure		189,560				To ensure public safety in parks and open spaces. Works include resurfacing parking areas and repairs to steps, railings and gates.
Cemeteries & Churchyards Infrastructure Improvements		119,790				To provide adequate and safe access to graves. Works include improvements to path and road layout and surfacing improvements and provision of suitable parking.
Tree Removal & Replacement		173,140	150,480			
Outdoor Leisure Facilities		121,270				To provide facilities at Omaha Drive.
Repair Canal Bank at M5		26,890				To re-strengthen and raise canal banks at this known vulnerable location.
City Wide Property Level Protection		46,660				
Bowling Green Marshes Coastal Defence Scheme		340,000	160,000	160,000	160,000	To repair the coastal defences to retain the level of protection to the freshwater marshes. The scheme is entirely funded by the Environment Agency.
Exeter Flood Alleviation Scheme		29,250				Approximately 30 to 40 properties that are not protected from the Environment Agency's main flood scheme will be offered property level protection. The scheme is entirely funded by the Environment Agency.
Pinhoe Playing Field Upgrades		50,000				
Topsham Flood Prevention Scheme		800,000				

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS						
SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Repairs to Turf Lock Pier Head		73,500				Stabilisation work to Turf Lock Pier Head by providing rock protection on the seaward side and making good displaced masonry slabs in other areas.
Repair to Walls at Farm Hill		40,000				To ensure stability and integrity of structures.
Waste Infrastructure		144,000				To reduce on-street presentation of domestic and commercial rubbish. Infrastructure to consist of communal domestic waste collection points in selected streets, 'Recycle on the Go' bins in the city centre and communal trade waste facilities.
Improved recycling containers		2,150,000				To provide recycling containers to implement kerbside-sort recycling collection, incorporating glass and food waste collection.
Enhance the Materials Reclamations Facility		1,500,000				To provide necessary improvements to the Materials Reclamation Facility and ensure adapted for the planned improvements to rubbish collection.
Disabled Facility Grants		800,000	800,000	800,000	800,000	To meet the legal duty to pay grants to enable disabled people to remain in their homes.
Exhibition Way Bridge		41,200	169,760			Full Repair (specification dependent upon PI Report findings) & redecoration
Cricklepit Bridge		128,750				Full Repair (specification dependent upon PI Report findings) & redecoration. Last full paint coat was 15 years ago and is due for renewal
Yaroslavl Bridge		77,250				Full Repair (specification dependent upon PI Report findings) & redecoration, including redecking and replacement of handrail. Last full paint coat was 15 years ago and is due for renewal
Leypark Road Footbridge		41,200	169,760			Full Repair (specification dependent upon PI Report findings) & redecoration
Paul Street Car Park Bridge & Ramp			21,220	87,440		Full Repair (specification dependent upon PI Report findings) & redecoration
King William Footbridge			21,220	87,440		Full Repair (specification dependent upon PI Report findings) & redecoration
Farm Hill Retaining Walls (23 no.)			53,050	218,600	281,250	Stabilising works and other remedial actions (specification dependent upon PI Report findings)
Mallison Bridge		772,500	265,250			Replace bridge as per prepared Design, creating new public boardwalk and raised platfotm alongside quay walls
Trews Weir		103,000	901,850			Repair weir structure insitu
Riverside Walls at Quay		51,500	477,450			Underpinning or sheet piling existing Quay walls. Potential opportunity to deliver alongside Trews Weir
Exeter Arena Skatepark		20,600				Divert foul sewer around North & West edges of new Skate-park and reconnect into existing at manhole to SW of new Skatepark
Bonhay Rd/Andlaw House Footpath			42,440			Remedial works to replace existing gabion baskets or shore up existing gabion baskets - plus resurfacing of path with tarmac

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS						
SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Turf Pierhead				27,330	140,620	Construction of new sheet piled wall around the pierhead
Northernhay & Rougemont Gardens					168,750	Footpath improvements including resurfacing, replacement of handrails and fencing, repairs to retaining walls, refurbish bandstand. Improve electrical and water supplies for events, plus realignment of gates for easier events access
Longbrook Street wall behind 30-38					56,250	Localised repairs and strengthening of masonry wall
Underground Passages		30,900				Carry out all works identified in the inspection report
District Street Lighting		103,000	159,150	163,950	168,750	Complete stock replacement of aging lighting columns to drop-down type and to LED lamps over 5 year programme.
Okehampton Street & Parr Street Car Parks				54,650		Completely resurface both Car Parks and re-line Parking Spaces
Exwick Cemetery				21,860		Fill potholes and fit grates to open gullies. Carry out resurfacing to a number of localised areas to eliminate trip hazards
Higher Cemetery				21,860		Fill potholes, fill ruts in soft ground, eradicate trip hazards, raise sunken gullies/manhole covers and carry out resurfacing to a number of localised areas
St James' Weir & Ducks Marsh Meadow banks			212,200	1,093,000		Following the collapse of St James Weir, works are required to protect Council owned public open space from erosion and further loss. This cost is a likely maximum as other contributions will be sought.
St David's Church Boundary Wall			31,830			Deconstruction of unstable sections of Heavitree stone wall followed by full reconstruction including replacement of stored copings
Canal Basin, Topsham Quay, Countess Wear		82,400	106,100			provision of purpose-built concrete craning pads
Double Locks Access Road & paths		10,300		43,720		Repair & resurface roadway
Heavitree Paddling Pools		309,000	159,150			Redesign and rebuild Paddling Pools, add new Splash Pad & replace dated Plant & Plant-Room. Expand and replace play area with a designed site
Cemetery Fields Play Area		77,250	79,580			Delivery of new major play area including ground improvements and accessibility improvements. May permit closure of 1 or 2 nearby local sites with lower play value which will offset revenue costs.
Budlake Road				109,300		Remedial works to highways including resurfacing and drainage improvements. Possibility of DCC adopting the highway if brought up to standard., and this would then take away a future maintenance burden.
Taddiford Brook @ New North Road / Taddiford Road		10,300		43,720		Delivery of flood scheme comprising flood storage areas in Taddiford Brook valley. ECC will contribute approximately £50k of the fundng towards this with the rest being provided by the EA, DCC and University

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS						
SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Flowepot Skate-park		25,750				To supply & install 8 no. 380 watt Philips BVP651 Clearflood Large T25 DX60 LED floodlight luminaires complete with internal drivers, commission and Certificate. Commission a contractor to remove all graffiti on site, and install CCTV for enforcement and deterrent against graffiti
Piazza Terracina (Public Realm & Corporate Property)					157,500	Repaving and landscaping Terracina, with new service points to improve suitability for events. Could include spaces for street food and pop-up stalls similar to Guildhall. Potential income from stalls and events which would help to offset some of the costs
Numerous Play Areas		206,000	212,200	218,600	225,000	Supply & Installation of new play equipment at multiple play areas across the city to replace old, end of life equipment. Cost includes 2 potential full redesigns where all equipment is old and the site could provide better play value and more accessible play in areas of multiple indices of deprivation (Lakeside Avenue & Chestnut Avenue)
Landfill Gas Extraction Systems @ Clifton Hill & Mincinglake Valley Park (Public Realm & Environmental Health)			53,050	601,150		Significant upgrade or replacement of all three extraction systems.
Mincinglake Valley Park Reed Beds & Pipe Inlet		51,500	106,100			Re-lining of the lagoon to minimise leaks, coupled with design and construction of new debris screens to minimise blockage risks.
Exeter Ship Canal - M5 Viaduct		154,500				Raise and widen approximately 250m length of canal bank in the vicinity of the M5 crossing. Reinforce with geotextile (terram / enkamat or similar) to reduce future erosion.
Exeter Ship Canal - Bottleneck & Bird Hide		10,300	106,100			Top-up and reinforce approximately 200m length of canal bank and reinforce.
Exeter Ship Canal - Swans Nest Car Park					56,250	re-surface car park with asphalt, re-line car park spaces
Exeter Ship Canal - Green Tip to Salmonpool		51,500				re-surface path.
Exeter Quay Cellars & cliff face .		128,750	318,300			Undertake full geotechnical investigations to determine the continuity of materials along cliff & determine the seasonal variation of the water table, plus monitoring further movement. Likely that each archway may need to be provided with rock anchors and water proof lining.
Capitalised Staff Costs		50,000	50,000	50,000	50,000	To provide for the cost of certain Council employees, which will be directly involved in the construction or acquisition of assets and qualify as capital expenditure, including engineers and surveyors.
TOTAL		9,141,510	4,826,240	3,802,620	2,264,370	
Finance						
Fire Risk Assessment Works		418,190				

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS						
SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Corn Exchange		555,880	152,700			Condition Survey Backlog for all currently surveyed operational and commercial properties
Guildhall		636,240	174,770			
Matford Centre		329,920	90,630			
MRF		200,050	54,950			
Underground Passages		16,940	4,650			
Clock Tower		32,770	9,000			
Higher Cemetery Chapels		154,770	42,520			
Old Exe Bridge and St Edmunds Church		40,030	11,000			
Alphington Community Centre		41,950	11,520			
Barnfield Theatre		38,620	10,610			
Bettys Mead Changing Rooms		46,990	12,910			
Bradninch Place		384,570	105,640			
Cowick Barton Changing Rooms		116,960	32,130			
Hamlin Lane Changing Rooms		36,600	10,050			
King George V Changing Rooms		255,610	70,210			
Pinces Garden Bowls Club		24,100	6,620			
Pinces Gardens Croquet Pavilion		21,980	6,040			
Pinhoe Station Road Changing Rooms (pending outcome of asset transfer)		52,130	14,320			
St Katherine's Priory		79,450	21,830			
St Thomas Bowls Club		105,570	29,000			
Topsham Museum		29,040	7,980			
Ark		12,500	3,430			
Exwick Chapel		17,750	4,870			
Oakwood House		12,400	3,410			
RAMM		210,530	57,830			
Topsham Cemetery Chapel (working)		22,280	6,120			
Belmont Bowls Club		56,360	15,480			
Catacombs		84,800	23,290			
Old Paper Mill		27,630	7,590			
Topsham Cemetery Chapel (non-working)		24,300	6,680			
Vicars Choral		11,490	3,160			
Guildhall roof replacement			614,190			
RAMM - roof replacement		388,400	600,130			

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS						
SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Mary Arches MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements. No allowance for works to North Street foot bridge. This scheme is subject to ECL review		1,959,470	1,467,960			Current Corporate Property Maintenance Requirements
Guildhall MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements				1,014,340	1,160,040	
Cathedral and Quay MSCP including allowance for structural repairs, expansion joint replacements, drainage improvements and secure access control. This scheme is subject to ECL review		3,496,800				
Harlequins MSCP					352,930	
John Lewis MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements					2,709,760	
Princesshay 2 MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements			2,384,310			
Princesshay 3 MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements				567,580	649,110	
Leighton Terrace and King William Street MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements			606,660	1,071,350		
Commercial Property Ancillary Accommodation flat roof recovering			124,640			
Bradnich Place - additional actions to enable potential asset transfer including heating system, roof access and removal of the BMS system. These works are in addition to the condition survey backlog of £598,000			242,350			
Wat Tyler House - resolving ongoing water ingress with new rainwater system		235,270				
Verney House - roof access and rainwater drainage improvements. Potential for mitigation if asset transferred for residential development opportunity		121,000				
Commercial Properties - capital improvements to enable ongoing income (compliance with EPC legislation)		100,830	103,870	107,000	110,130	
TOTAL		10,400,170	7,155,050	2,760,270	4,981,970	
TOTAL CAPITAL PROGRAMME		20,177,320	12,035,200	6,616,800	7,300,250	
New Bids		0	0	0	0	
Pre-Approved		20,177,320	12,035,200	6,616,800	7,300,250	
TOTAL CAPITAL PROGRAMME		20,177,320	12,035,200	6,616,800	7,300,250	

DESCRIPTION	2021-22	2022-23	2023-24	2024-25	Total
	£	£	£	£	£
INVESTMENT IN EXISTING STOCK					
1 Adaptations	560,810	560,000	560,000	560,000	2,240,810
2 Balcony Walkway Improvements	126,952	156,232	156,232	108,000	547,416
3 Bathroom Replacements (inc. Communal)	900,574	904,500	904,500	892,000	3,601,574
4 Boiler Replacement Programme & Central Heating	697,140	698,800	699,620	694,680	2,790,240
5 Common Area Footpath & Wall Improvements	159,364	159,370	159,370	159,370	637,474
6 Communal Area Improvements - New Flooring	126,070	126,070	126,070	100,000	478,210
7 Communal Door and Screen Replacements	411,947	248,557	248,557	208,070	1,117,131
8 Door Replacements (inc. Outbuildings)	416,000	416,000	416,000	416,000	1,664,000
9 Electrical Central Heating	15,760	15,000	15,000	15,000	60,760
10 Electrical Rewires - Communal	230,050	236,950	64,060	43,350	574,410
11 Electrical Rewires - Domestic	331,530	341,480	351,720	321,870	1,346,600
12 Estate Improvements	50,000	50,000	50,000	0	150,000
13 Fire Risk Assessment Works	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
14 Fire Safety Storage Facilities	150,000	150,000	150,000	0	450,000
15 Kitchen Replacements (inc. Communal)	1,058,154	1,047,756	1,047,756	915,500	4,069,166
16 LAINGS Refurbishments	500,000	0	0	0	500,000
17 Lift Upgrades	80,000	80,000	80,000	80,000	320,000
18 Reroofing - Flats	300,000	300,000	307,904	250,000	1,157,904
19 Reroofing - Houses (outbuildings, chimney, gutters, downpipes, fascia)	1,100,805	1,100,805	1,139,505	1,040,000	4,381,115
20 Porch Canopies	59,413	64,173	64,173	19,070	206,829
21 Rennes House Structural Works	3,000,000	1,732,322	0	0	4,732,322
22 Soil Vent Pipe Replacement	46,333	46,333	46,333	36,000	174,999
23 Structural Repairs	210,535	210,535	210,535	173,300	804,905
24 Window Replacements	1,100,538	1,100,538	1,100,538	1,000,000	4,301,614
25 Energy Conservation	750,000	750,000	750,000	750,000	3,000,000
Sub total - Investment in Existing Stock	13,381,975	11,495,421	9,647,873	8,782,210	43,307,479
PROVISION OF NEW COUNCIL HOMES					
26 Social Housing Acquisitions - Section 106	99,507	50,000	0	0	149,507
27 Social Housing Acquisitions - Open Market	1,000,000	500,000	500,000	0	2,000,000
28 St Loyes Extracare Scheme	250,000	0	0	0	250,000
29 Council House Building Programme - Hamlin Gardens	2,454,145	900,000	0	0	3,354,145
30 Council House Building Programme - Vaughan Road	4,000,000	4,409,975	0	0	8,409,975
31 DP Development budget	3,000,000	0	0	0	3,000,000
Sub total - Investment in the Provision of New Homes	10,803,652	5,859,975	500,000	0	17,163,627
Total HRA Capital Programme	24,185,627	17,355,396	10,147,873	8,782,210	60,471,106

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Finance

Title: Capital Strategy 2021-22

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To approve the Capital Strategy.

2. Recommendations:

It is recommended that Council approve the Capital Strategy as set out in Appendix 1.

3. Reasons for the recommendation:

The aim of the capital strategy is to ensure all elected members fully understand the long-term policy objectives and resulting capital strategy requirements, governance procedures and risk appetite.

4. What are the resource implications including non financial resources.

The financial resources required are set out in the body of this report.

5. Section 151 Officer comments:

The Capital Strategy underpins the Council's approach to capital expenditure setting out the principles, which guide the decisions made. The Recent condition survey results which were approved in late 2020, sets out the Council's capital programme for the next five years. The cost of this is significant and will use the majority of the Council's capital resources, without generating additional income to fund any borrowing and therefore Council should only consider further building projects that either deliver external funding or an income stream to offset the costs of borrowing. In addition, the Council will continue to invest in IT projects as required and vehicles under the vehicle lease contract. The Council will continue to fund these investments through capital receipts or revenue resources where possible.

6. What are the legal aspects?

The capital expenditure system is framed by the Local Government and Housing Act 1989.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

The capital strategy is reported separately from the Treasury Management Strategy Statement; non-treasury investments will be reported through the former. This ensures the separation of the core treasury function under security, liquidity and yield principles, and the policy and commercialism investments usually driven by expenditure on an asset.

The proposed Capital Strategy is attached at Appendix 1.

9. How does the decision contribute to the Council's Corporate Plan?

The Capital Strategy contributes to all of the key purposes, as set out in the Corporate Plan.

10. What risks are there and how can they be reduced?

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 The report is for information only

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

No

Director Finance, David Hodgson

Author: Kayleigh Searle, Finance manager - Corporate

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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EXETER CITY COUNCIL
CAPITAL STRATEGY 2021/22

1. Introduction

- 1.1. This capital strategy sets out how, when the City Council considers often-competing demands for investments, it takes account of stewardship, value for money, prudence, sustainability and affordability in a long term context, and gives due consideration to both risk and reward and impact on the achievement of the Council's priority outcomes. It is part of the Council's integrated operational, revenue, capital and balance sheet planning.
- 1.2. As local authorities become increasingly complex and diverse, it is vital that Councillors and senior Officers are fully informed about the long term context in which investment decisions are made and about all the financial and operational risks to which the authority is exposed. With local authorities having increasingly wide powers around commercialisation and being part of group arrangements or combined authorities, it is increasingly important for Councils to look outside their own individual authority and take into account the residual risks and liabilities all around them.
- 1.3. This capital strategy covers both the General Fund and the Housing Revenue Account, supporting service provision and linking with the Council's Corporate Strategy and Medium Term Financial Strategy. It provides a framework for the development of the three year capital programme.

2. Purpose and Aims

- 2.1. The Prudential Code for Capital Finance in Local Authorities was updated by the Chartered Institute of Public Finance and Accountancy in December 2017. The framework established by the Prudential Code supports local strategic planning, local asset management planning and proper option appraisal.
- 2.2. The objectives of the Prudential Code are to ensure that the capital expenditure plans of local authorities are affordable, prudent and sustainable and that treasury management decisions are taken in accordance with good professional practice and in full understanding of the risks involved.
- 2.3. The Prudential Code requires authorities to look at capital expenditure and investment plans in the light of overall organisational strategy and resources and ensure that decisions are made with sufficient regard to the long run financing implications and potential risks to the authority.
- 2.4. The Prudential Code sets out that in order to demonstrate that the authority takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability and affordability, authorities should have in place a capital strategy. The capital strategy should set out the long term context in which capital expenditure and investment decisions are made and gives due consideration to both risk and reward and impact on the achievement of priority outcomes.

2.5. The purpose of this capital strategy is to help achieve the strategic priorities of the Corporate Plan, which are to:

- Help deliver the emerging Exeter Vision 2040, by providing services and developments that build on Exeter's growth and success and meet local communities' aspirations.
- Focus on three strategic programmes that address the current, major challenges facing the city:
 - Net Zero Exeter 2030;
 - Wellbeing, active lifestyles and active travel;
 - Building great neighbourhoods / Liveable Exeter.
- Provide value-for-money services despite continuing central government budget reductions.
- Lead a well-run Council.

These priorities contribute to developing the Exeter Vision for 2040, which at the time of writing (December 2020) is:

"By the time they are an adult, a child born in Exeter today will live in a city that is inclusive, healthy and sustainable – a city where the opportunities and benefits of prosperity are shared and all citizens are able to participate fully in the city's economic, social, cultural and civic life."

3. What is Capital Expenditure?

3.1. An understanding of what constitutes capital expenditure is fundamental to realising the benefits that an authority can obtain under the Prudential framework. Unless expenditure qualifies as capital it will normally fall outside the scope of the framework and be charged to revenue in the period that the expenditure is incurred. If expenditure meets the definition of capital, there may be opportunities to finance the outlay from capital receipts or by spreading the cost over future years' revenues.

There are three ways in which expenditure can qualify as capital under the framework:-

- The expenditure results in the acquisition, construction or enhancement of fixed assets (tangible and intangible) in accordance with 'proper practices'.
- The expenditure meets one of the definitions specified in regulations made under the 2003 Local Government Act.
- The Secretary of State makes a direction that the expenditure can be treated as capital expenditure.

4. Approach to Capital Investment

4.1. The Council's approach to capital investment is fundamental to the Council's financial planning processes. It aims to ensure that:

- Capital expenditure contributes to the achievement of the Council's strategic plan.
- An affordable and sustainable capital programme is delivered.
- Use of resources and value for money is maximised.
- A clear framework for making capital expenditure decisions is provided.
- A corporate approach to generating capital resources is established.
- Access to sufficient long term assets to provide services are acquired and retained.
- Invest to save initiatives to make efficiencies within the Council's revenue budget are encouraged.
- An appraisal and prioritisation process for new schemes is robust.

5. Governance Arrangements

5.1. Capital Programme Approvals

The Authority's constitution and financial regulations govern the capital programme as set out below:

- All capital expenditure must be carried out in accordance with the financial regulations and the Council's Constitution.
- The expenditure must comply with the statutory definition of capital purposes as defined within this document and wider financial standards.
- The Capital Programme approved by Full Council as part of the Council's annual budget report sets the capital funding availability for the Council, the prioritisation of funding and the schemes receiving entry into the Capital Programme.
- Officers are not authorised to commit expenditure without prior formal approval as set out in the financial regulations.
- Each scheme must be under the control of a responsible person/project manager.
- Any agreements (such as section 106) which contractually commit to procure capital schemes will need to follow the same approval process as other capital expenditure before it can be formally incorporated into the capital programme.

Full Council:

- Approves the capital programme as part of the Annual Budget Report within the strategic boundaries set by the Council.
- Approves capital schemes into the approved capital programme to enable commencement of delivery and schemes to start to incur expenditure.

6. Funding Streams

Exeter City Council's Capital Programme is funded from a mix of sources including:

- **Prudential Borrowing** – The introduction of the Prudential Code in 2004 allowed the Council to undertake unsupported borrowing. This borrowing is subject to the requirements of the Prudential Code for Capital Expenditure for Local Authorities. The Council must ensure that unsupported borrowing is affordable, prudent and cost effective. This funding can also be used as an option to front fund development to stimulate growth. This has provided the Council with the flexibility to raise capital funding as demand and business need have dictated. This type of borrowing has revenue implications for the Council in the form of financing costs.
- **External Grants** – The largest capital grant received by Exeter City Council is the Better Care Fund payment administered by Devon County Council.
- **Section 106, Community Infrastructure Levy (CIL) and External Contributions** – Elements of the capital programme are funded by contributions from private sector developers and partners.
- **Revenue Funding** – The Council can use revenue resources to fund capital projects on a direct basis and this funding avenue has been used in the past. However, the impact of austerity on the Council's revenue budget has reduced options in this area and therefore the preference is for Invest to Save options to be adopted where feasible.
- **Capital Receipts** – The Council is able to generate capital receipts through the sale of surplus assets such as land and buildings. The Council seeks to maximise the level of these resources which will be available to support the Council's plans.

The size of the Capital Programme will be influenced by funding sources and financing costs. The main limiting factor on the Council's ability to undertake capital investment is whether the revenue resource is available to support in full the implications of capital expenditure, both borrowing costs and running costs, after allowing for any support provided by central government, now mainly through capital grants.

The Council is required to set aside a Minimum Revenue Provision (MRP) in respect of capital expenditure previously financed by borrowing. To reduce risk and minimise cost on the General Fund, it has been decided to defer borrowing where possible, however some targeted long term borrowing will be undertaken in 2021-22, where the costs will be offset against future income streams.

7. Stewardship of Assets

The Council's Asset Management Plan sets out the condition of its assets and the arrangements for managing these effectively. The Council's Corporate Property Strategy enhances these arrangements, including increasing the awareness that efficient use of property is an important element of maximising the value obtained from the Council's overall resources.

An extensive stock condition survey has been carried out on the majority of the Council's assets. This has identified actions required, which have been approved at a projected cost of £37 million and this has built the capital programme for the next four years.

8. Service Objectives

The option appraisal of proposed capital schemes overseen considers, amongst other factors, the following:

- How the proposal help achieve the objectives and priorities set out in the Council's Strategic Plan 2018-2021.
- How the proposal will help achieve objectives set out in Departmental Strategic Plans.
- The service improvements and other anticipated benefits expected to be delivered from the investment.

9. Monitoring

- Capital budget holders are responsible for providing quarterly forecasts to the Finance Team. Any slippage, acceleration, underspends or overspends on schemes is identified as soon as possible.
- All forecasts are collated by the Finance Team and reported to the Executive and Council on a quarterly basis.

DIRECTOR FINANCE
DECEMBER 2020

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Finance

Title: The Prudential Code for Capital Finance in Local Authorities (Incorporating the Annual Statement of Minimum Revenue Provision)

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To set out the proposed 2021/22 prudential indicators for capital finance for adoption by the Council and set the annual statement of Minimum Revenue Provision (MRP).

2. Recommendations:

It is recommended that Corporate Services Scrutiny Committee supports and the Executive recommends to Council to approve the adoption of:

- i. The Prudential Indicators set out in Appendix A-C
- ii. The Annual Statement of Minimum Revenue Provision for the Council

3. Reasons for the recommendation:

With effect from 1 April 2004, the Government abolished the capital finance legislation in Part 4 of the Local Government and Housing Act 1989 and the Local Authorities (Capital Finance) Regulations 1997 (Statutory Instrument 1997/319) and replaced it with a new Prudential system based on self-regulation. This means that Councils are free to borrow for capital investment where the borrowing is affordable.

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 came into force on 31 March 2008. The Regulations require Full Council to approve an Annual Statement of Minimum Revenue Provision which is the amount set aside from revenue for the repayment of debt principal relating to the General Fund only. The Housing Revenue Account remains exempt from making Minimum Revenue Provision although it can make voluntary set asides if it wishes.

The Prudential Indicators / MRP report will be incorporated within the Budget Book for approval at the full Council meeting as per the statutory requirement.

4. What are the resource implications including non financial resources.

The financial resources required are set out in the body of this report.

5. Section 151 Officer comments:

- 5.1 The Prudential Code, whilst complex, allows members to ensure that capital expenditure and in particular, the impact it has on the revenue budget is both affordable and prudent. The key indicators are set out below and members should ensure that they are comfortable with the limits set and the levels of borrowing allowed.
- 5.2 The MRP policy enables the Council to prudently manage the repayment of debt. The Council's policy of using the annuity method allows it to repay debt in line with the loan repayments required, where borrowing is taken out with the PWLB. Members should note that the MTFP relies on the Council taking advantage of the opportunity to use the overpayments made in previous years to help smooth the reductions required in the revenue budget. This is considered prudent by the section 151 Officer.

6. What are the legal aspects?

With effect from 1 April 2004, the Government abolished the capital finance legislation in Part 4 of the Local Government and Housing Act 1989 and the Local Authorities (Capital Finance) Regulations 1997 (Statutory Instrument 1997/319) and replaced it with a new Prudential system based on self-regulation. More detailed information is set out in paragraph 3 above.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring officer.

8. Report details:

- 8.1 The Prudential Code requires authorities to look at capital expenditure and investment plans in the light of overall organisational strategy and resources and ensure that decisions are being made with sufficient regard to the long run financing implications and potential risks to the authority. Effective financial planning, option appraisal, risk management and governance processes are essential in achieving a prudential approach to capital expenditure, investment and debt.
- 8.2 **Key issues to consider**
Appendix C summarises the prudential code indicators for the Council and of particular importance are:
- The Capital Financing Requirement - demonstrates the amount that the Council has an underlying need to borrow, regardless of whether that amount has actually been borrowed.
 - The Operational Boundary - this sets the amount of borrowing that the Council intends to keep within over the period covered by the indicators.
 - The Authorised Limit - the maximum that the Section 151 officer is allowed to borrow to cover the Operational Boundary and day to day cashflow needs. The Council is not

allowed to exceed this amount of borrowing without first authorising an increase to the limit.

8.3 Lifting of the HRA Borrowing Cap

Since April 2012 each local authority had a limit on the amount of borrowing it could have for the purposes of the HRA, called the 'debt cap'. For Exeter City Council, the debt cap was £57,882,413.

The HRA debt cap was formally removed on 29 October 2018, as a result local authorities are now able to borrow for housebuilding in accordance with the Prudential Code.

The HRA have borrowed an additional £15.3m for the development of new sites since the debt cap was lifted. Further sites are being identified for the development of new council housing in order to make use of this new flexibility and to contribute to local housing delivery and further investigations by officers for further new sites are ongoing.

8.4 ANNUAL STATEMENT OF MINIMUM REVENUE PROVISION

The Regulations require that "a local authority shall determine for the current financial year an amount of minimum revenue provision which it considers to be prudent".

Minimum Revenue Provision (MRP) is an amount set aside from revenue to meet the repayment of debt principal. It is in effect a replacement for depreciation that you would normally expect to see within a Company's Accounts. Under the old Regulations this was 4% of principal outstanding for the General Fund and no requirement to set aside MRP in the Housing Revenue Account. In local government accounting depreciation is charged and then reversed out so it does not affect the level of Council Tax, however MRP is charged to the General Fund and therefore does affect levels of Council Tax.

The Secretary of State for Communities and Local Government has issued guidance under section 21(1A) of the Local Government Act 2003. This states that "the broad aim of prudent provision is to ensure that debt is repaid over a period that is either reasonably commensurate with that over which the capital expenditure provides benefits, or, in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of the grant."

The guidance notes detail five options which the Secretary of State considers prudent. These are described in section 10 below:

- (a) Regulatory Method;
- (b) Capital Financing Requirement Method;
- (c) Asset Life (Equal Instalment) Method;
- (d) Asset Life (Annuity) Method; and
- (e) Depreciation Method

8.5 Key issue to consider

Section 8.7 sets out the proposed policy for MRP, which matches the amount set aside against the useful life of the assets. The only exception to this is the writing off of historic debt which is being undertaken over 50 years.

8.6 MRP OPTIONS

Regulatory Method

MRP is equal to the amount determined in accordance with the former regulations 28 and 29 of the 2003 Regulations as if they had not been revoked. In effect this is 4% of the debt principal outstanding.

Capital Financing Requirement Method

MRP is equal to 4% of the non-housing Capital Financing Requirement, which is a Prudential Indicator.

Asset Life (Equal Instalment) Method

Where capital expenditure on an asset is financed wholly or partly by borrowing then MRP is determined by reference to the life of the asset and an equal amount charged in each year.

Asset Life (Annuity) Method

MRP is the principal element for the year of the annuity required to repay over the asset life the amount of capital expenditure financed by borrowing.

Depreciation Method

MRP is equal to the provision required in accordance with depreciation accounting in respect of the asset, including any amount of impairment chargeable to the Income and Expenditure Account. As standard depreciation rules are used where an asset is part financed by loan, e.g. 50% loan, 50% Capital Receipt, then the full 100% depreciation charge on the asset is required to be charged as MRP. MRP is required to be charged annually until the cumulative amount of the provision is equal to the original expenditure financed by borrowing. Should the asset be disposed of then the charge needs to continue as if the asset had not been disposed of unless the debt is repaid.

8.7 MINIMUM REVENUE PROVISION POLICY 2020/21

The Council's MRP policy is to match borrowing against specific capital investment and adopt either the Asset Life (Equal Instalment) or the Asset Life (Annuity) method for MRP. In this way the funding for the asset will be paid off over the useful life of that asset. This will ensure that loans are repaid over the asset life thus freeing financial resources for investment in other schemes or in asset renewal. They are also simple to operate and gives certainty in each year as to the level of charge for principal.

The other advantage is that it makes business cases and scheme appraisals easier to compile. As a general rule the Council will seek to borrow over the same period of the asset life up to a maximum of 50 years in line with the Regulations. The total capital financing requirement at the end of 2020/21 is likely to be approximately £186.15m.

The MRP for 2021/22 will be calculated based on the capital financing requirement at the end of 2020/21 using the varying periods of repayment. The MRP charge for 2021/22 will be approximately £1.269 million. For the avoidance of doubt, it is proposed to use both options from 2016/17 onwards, depending on the asset being financed. However, unless there is a good reason, for not doing so, all borrowing will adopt the Asset Life (Annuity) method.

8.8 MRP Overpayments

A change introduced by the revised MHCLG MRP Guidance was the allowance that any charges made over the statutory minimum revenue provision (MRP), voluntary revenue provision or overpayments, can, if needed, be reclaimed in future years if deemed necessary or prudent. In order for these sums to be reclaimed for use in the budget, this policy must disclose the cumulative overpayment made each year. Up until the 31 March 2021 the total VRP overpayments will be £4.44 million.

9. How does the decision contribute to the Council's Corporate Plan?

The Capital Programme contributes to all of the key purposes, as set out in the Corporate Plan.

10. What risks are there and how can they be reduced?

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates.

11. Equality Act 2010 (The Act)

- 11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:
- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
 - advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
 - foster good relations between people by tackling prejudice and promoting understanding.
- 11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.
- 11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 The report is for information only

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

No

Director Finance, David Hodgson

Author: Kayleigh Searle

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

General Fund Prudential Indicator Calculations

The purpose of the prudential indicators is to demonstrate that the Council's financial plans meet the statutory requirement to be affordable, prudent and sustainable.

General Fund Capital Expenditure

The prudential indicator for capital expenditure should be based upon a capital programme that takes into account the Council's asset management and capital investment strategies.

Director	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Chief Executive & Growth Director	180	910	523	54	54
Transformation	15,673	37,122	112	0	0
Net Zero Exeter and City Management	2,062	2,403	9,142	4,826	3,803
City Development, Housing & Supporting People	128	838	-	-	-
Communications, Culture and Leisure Facilities	5	79	-	-	-
Finance	22,573	23,769	10,400	7,155	2,760
Total General Fund Capital Expenditure	40,621	65,121	20,177	12,035	6,617

General Fund Financing costs

The figures for the actual financing costs will be taken from the Council's financial statements using the definition of financing costs specified in the Prudential Code. Estimates for the current and future years should be calculated in a manner consistent with this definition.

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Interest payable with respect to short term borrowing	408	350	350	350	350
Interest payable under 'irredeemable' long term liabilities	639	1,196	1,557	1,529	1,501
Interest and investment income	(1,145)	(1,019)	(1,757)	(1,757)	(1,753)
Replacement for Minimum Revenue Provision (England and Wales)	693	604	1,269	1,451	1,575
Voluntary contribution to financing costs in respect of short-life assets	(582)	0	0	0	0
Total General Fund Financing Costs	13	1,131	1,419	1,573	1,673

General Fund Estimates of the ratio of financing costs to net revenue stream

The net revenue stream is the estimate of the amounts to be met from government grants and local taxpayers. An important theme of the Code is transparency. For this reason the authority's calculation of the net revenue stream should be consistent with the figure that can be identified in the Income and Expenditure Account for 'Net Operating Expenditure'.

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Financing costs	13	1,131	1,419	1,573	1,673
Net revenue stream	12,430	13,464	12,928	11,142	11,538
Ratio of financing costs to net revenue stream %	0.1%	8.4%	11.0%	14.1%	14.5%

General Fund Capital Financing Requirement

The Capital Financing Requirement will reflect the Council's underlying need to finance capital expenditure.

Actual General Fund Capital Financing Requirement at 31 March 2020

	£'000
Property, Plant and Equipment	163,348
Investment Properties	54,837
Heritage Assets	22,826
Intangible Assets / Other Long term Assets	13,983
Revaluation Reserve	(88,822)
Capital Adjustment Account	(94,852)
General Fund Capital Financing Requirement 31 March 2020	71,320

Estimated General Fund Capital Financing Requirement at 31 March 2021

Estimate of General Fund Capital Financing Requirement 31 March 2020	71,320
Estimate of change in Property, Plant and Equipment	0
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	49,574
Estimate of General Fund Capital Financing Requirement 31 March 2021	120,894

Estimated General Fund Capital Financing Requirement at 31 March 2022

Estimate of General Fund Capital Financing Requirement 31 March 2021	120,894
Estimate of change in Property, Plant and Equipment	0
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	9,618
Estimate of General Fund Capital Financing Requirement 31 March 2022	130,512

Estimated General Fund Capital Financing Requirement at 31 March 2023

Estimate of General Fund Capital Financing Requirement 31 March 2022	130,512
Estimate of change in Property, Plant and Equipment	0
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	7,940
Estimate of General Fund Capital Financing Requirement 31 March 2023	138,452

Estimated General Fund Capital Financing Requirement at 31 March 2024

Estimate of General Fund Capital Financing Requirement 31 March 2023	138,452
Estimate of change in Property, Plant and Equipment	0
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	3,368
Estimate of General Fund Capital Financing Requirement 31 March 2024	141,820

HRA Prudential Indicator Calculations

Local authorities that have a Housing Revenue Account (HRA) are required to prepare separate calculations for their HRA and non-HRA elements.

HRA Capital Expenditure

The prudential indicator for capital expenditure should be based upon a capital programme that takes into account the Council's asset management and capital investment strategies.

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
MAINTAIN OUR PROPERTY ASSETS	7,218	11,144	13,382	11,495	9,648
HELP ME FIND SOMEWHERE SUITABLE TO LIVE	8,515	14,045	10,804	5,860	500
Total HRA Capital Expenditure	15,733	25,189	24,186	17,355	10,148

HRA Financing costs

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Interest payable with respect to short term borrowing	0	0	0	0	0
Interest payable under 'irredeemable' long term liabilities	1,980	2,181	2,387	2,387	2,386
Interest and investment income	(298)	(103)	(103)	(103)	(103)
Voluntary Revenue Provision (England and Wales)	0	0	0	0	0
Voluntary contribution to financing costs in respect of short-life assets	0	0	0	0	0
Total HRA Financing Costs	1,682	2,078	2,284	2,284	2,283

HRA Estimates of the ratio of financing costs to net revenue stream

For the Housing Revenue Account the net revenue stream, for the purposes of the Code, is the amount to be met from rent income.

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Financing costs	1,682	2,078	2,284	2,284	2,283
Net revenue stream	18,210	18,371	18,770	19,370	19,990
Ratio of financing costs to net revenue stream %	9.2	11.3	12.2	11.8	11.4
Negative for a debt free authority	%	%	%	%	%

HRA Capital Financing Requirement

The Capital Financing Requirement will reflect the Council's underlying need to finance capital expenditure.

Actual HRA Capital Financing Requirement at 31 March 2020

Description	£'000
Property, Plant and Equipment	273,485
Investment Properties	0
Intangible Assets / Other Long term Assets	3,794
Revaluation Reserve	(64,160)
Capital Adjustment Account	(155,237)
Actual HRA Capital Financing Requirement 31 March 2020	57,882

Estimated HRA Capital Financing Requirement at 31 March 2021

Estimate of HRA Capital Financing Requirement 31 March 2020	57,882
Estimate of change in Property, Plant and Equipment	25,189
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	(17,811)
Estimate of HRA Capital Financing Requirement 31 March 2021	65,260

Estimated HRA Capital Financing Requirement at 31 March 2022

Estimate of HRA Capital Financing Requirement 31 March 2021	65,260
Estimate of change in Property, Plant and Equipment	25,189
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	(20,604)
Estimate of HRA Capital Financing Requirement 31 March 2022	69,845

Estimated HRA Capital Financing Requirement at 31 March 2023

Estimate of HRA Capital Financing Requirement 31 March 2022	69,845
Estimate of change in Property, Plant and Equipment	24,186
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	(23,186)
Estimate of HRA Capital Financing Requirement 31 March 2023	70,845

Estimated HRA Capital Financing Requirement at 31 March 2024

Estimate of HRA Capital Financing Requirement 31 March 2023	70,845
Estimate of change in Property, Plant and Equipment	17,355
Estimate of change in Investment Properties	0
Estimate of change in Intangible Assets / Other Long term Assets	0
Estimate of change in Revaluation Reserve	0
Estimate of change in Capital Adjustment Account	(17,355)
Estimate of HRA Capital Financing Requirement 31 March 2024	70,845

Limit on indebtedness

The HRA borrowing cap was limited to £57,882k, but the cap was formally removed on 29 October 2018 so Local Authorities can now borrow for housebuilding.

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Prudential Indicator CalculationsPRUDENTIAL INDICATORS OF AFFORDABILITYTotal Actual / Estimates of Capital Expenditure

The prudential indicator for capital expenditure should be based upon a capital programme that takes into account the Council's asset management and capital investment strategies.

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Total General Fund Capital Expenditure	40,621	65,121	20,177	12,035	6,617
Total HRA Capital Expenditure	15,733	25,189	24,186	17,355	10,148
Total Actual / Estimates of Capital Expenditure	56,354	90,310	44,363	29,390	16,765

Total Actual / Estimates of Financing Costs

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Total General Fund Financing Costs	13	1,131	1,419	1,573	1,673
Total HRA Financing Costs	1,682	2,078	2,284	2,284	2,283
Total Actual / Estimates of Financing Costs	1,695	3,209	3,703	3,857	3,956

Actual / Estimates of Ratio of Financing Costs to Net Revenue Stream

The net revenue stream is the estimate of the amounts to be met from government grants and local taxpayers, and for the Housing Revenue Account, is the estimate of the amounts to be met from rent income.

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
General Fund Ratio of Financing Costs to Net Revenue Stream	0.0	0.1	0.1	0.1	0.1
HRA Ratio of Financing Costs to Net Revenue Stream	9.2	11.3	12.2	11.8	11.4

Prudential Indicator Calculations**Actual / Estimates of Capital Financing Requirement**

The Capital Financing Requirement will reflect the Council's underlying need to finance capital expenditure.

Description	2019/20 Actual £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
General Fund Capital Financing Requirement	71,320	120,894	130,512	138,452	141,820
HRA Capital Financing Requirement	57,882	65,260	69,845	70,845	70,845
Total Actual / Estimates of Capital Financing Requirement	129,202	186,154	200,357	209,297	212,665

Authorised Limit

In England and Wales the prudential indicator for the Authorised Limit for external debt for the current year is the statutory limit determined under Section 3 (1) of the Local Government Act 2003: 'A local authority shall determine and keep under review how much money it can afford to borrow'

The Authorised Limit should not be set so high that it would never in any possible circumstances be breached. It should reflect a level of borrowing which, while not desired, could be afforded but may not be sustainable. The Authorised Limit must therefore be set to establish the outer boundary of the Council's borrowing, based on a realistic assessment of the risks.

Description	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Borrowing	255,000	265,000	265,000
Other long term liabilities	0	0	0
Authorised Limit	255,000	265,000	265,000

Prudential Indicator Calculations**Operational Boundary**

The Operational Boundary is the focus of day-to-day treasury management activity within the authority. It is a means by which the authority manages its external debt to ensure that it remains within the self-imposed Authorised Limit. The Operational Boundary may be breached temporarily on occasions due to variations in cashflow. However, a sustained or regular trend above the Operational Boundary would be significant and should lead to further investigation.

Description	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Borrowing	235,000	245,000	245,000
Other long term liabilities	0	0	0
Operational Boundary	235,000	245,000	245,000

The Authorised Limit and the Operational Boundary have been increased to include capacity to enable the establishment of a HRA development programme following removal of the debt cap.

Actual External Debt

The prudential indicator for actual external debt will not be directly comparable to the authorised limit and operational boundary, since the actual external debt will reflect the actual position at one point in time.

Description	2019/20 Actual £'000	To be repaid	
		within 12 months	after 12 months
Actual borrowing as at 31 March 2020	110,415	925	109,490
Actual long term liabilities as at 31 March 2020	2,010	303	1707
Actual External Debt as at 31 March 2020	112,425	1,228	111,197

Prudential Indicator Calculations
PRUDENTIAL INDICATORS OF PRUDENCE

Gross Debt and Capital Financing Requirement

The Code makes it necessary, if a financial strategy is to be prudent, that it is one in which in the medium term gross debt is only used for capital purposes. In the Code this requirement is to be demonstrated through a comparison of gross debt with the Capital Financing Requirement.

Description	£'000
Total Capital Financing Requirement at 31 March 2020	129,202

2020/21 Estimated Change in Capital Financing Requirement	
Capital expenditure	90,310
Application of useable capital receipts	(7,429)
Application of capital grants/contributions	(25,325)
The replacement for MRP	(604)
Additional voluntary contributions	0
Total Estimated Change in Capital Financing Requirement 2020/21	56,952

2021/22 Estimated Change in Capital Financing Requirement	
Capital expenditure	44,363
Application of useable capital receipts	(6,039)
Application of capital grants/contributions	(22,853)
The replacement for MRP	(1,269)
Additional voluntary contributions	0
Total Estimated Change in Capital Financing Requirement 2021/22	14,202

Prudential Indicator Calculations

2022/23 Estimated Change in Capital Financing Requirement	
Capital expenditure	29,390
Application of useable capital receipts	(5,569)
Application of capital grants/contributions	(13,430)
The replacement for MRP	(1,451)
Additional voluntary contributions	0
Total Estimated Change in Capital Financing Requirement 2022/23	8,940

Capital Financing Requirement:	
Opening Balance 2019/20	129,202
Estimated Closing Balance 2022/23	209,296
This is an increase over the three years of	80,094

Operational Boundaries to Exposure to Interest Rate Risks

Interest rate risk management is a top priority for local authority management. The setting of upper limits has the effect of setting ranges within which the Council will limit its exposure to both fixed and variable interest rate movements.

Description	2020/21 £'000	2021/22 £'000	2022/23 £'000
Total projected interest payable on borrowing	4,294	4,266	4,237
Total projected interest receivable on investments	(1,860)	(1,860)	(1,856)
Net Interest	2,434	2,406	2,381
Upper limit - fixed rates = 100%	(1,860)	(1,860)	(1,856)
Upper limit - variable rates = 20%	(372)	(372)	(371)

This means that the Chief Finance Officer will manage fixed interest rate exposure within the range 0% to 100% and variable interest rate exposure within the range 0% to 20%

Prudential Indicator Calculations

Operational Boundary to the Exposure Inherent in the Maturity Structure of Borrowings

This indicator is designed to be a control over the Council having a large concentration of fixed rate debt needing to be replaced at times of uncertainty over interest rates. The indicator is, in effect, a limit on longer term interest rate exposure and is set for the forthcoming year.

The analysis of borrowing by maturity used in the Code uses the same periods as that required in the local authority SORP.

Amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate.

Period	Upper Limit	Lower Limit
Under 12 months	100%	0%
12 months and within 24 months	20%	0%
24 months and within 5 years	20%	0%
5 years and within 10 years	20%	0%
10 years and above	100%	0%

Investments

Description	At 31/3/2020 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000
Long-term investments	5,695	5,695	5,695	5,695
Short-term investments	45,192	10,000	5,000	5,000
Cash and cash equivalents	17,136	15,000	5,000	5,000
Total Investments	68,023	30,695	15,695	15,695

REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Finance

Title: Treasury Management Strategy Report 2021/22

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To seek adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2021/22, as required under section 15(1)(a) of the Local Government Act 2003.

2. Recommendations:

That Executive recommend to Council the adoption of the new Treasury Management Strategy and delegations contained therein.

3. Reasons for the recommendation:

The Council adopted the CIPFA Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes, which requires the Council to approve a treasury management strategy before the start of each financial year.

In addition, the Ministry of Housing, Communities and Local Government (MHCLG) Guidance on Local Authority Investments requires the Council to approve an investment strategy before the start of each financial year.

The MHCLG and CIPFA have extended the meaning of 'investments' to include both financial and non-financial investments. This report deals solely with financial investments. Non-financial investments are covered in the Capital Strategy which is presented in a separate report to this Committee.

The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Authority's treasury management strategy.

4. What are the resource implications including non financial resources

Treasury Management is carried out by the Finance team of the Council, with advice procured from a specialist advisor. Prudent Treasury Management supports the Council's financial position by generating interest on investments / deposits and seeking to minimise the amount of interest paid on borrowing.

5. Section 151 Officer comments:

The strategy sets out the parameters under which the section 151 Officer and his team can operate. The Strategy aligns with the assumptions set out in the Council's MTFP and will enable good management of the Council's cash position throughout the year.

6. What are the legal aspects?

In February 2012 the Council adopted the updated *CIPFA Treasury Management in the Public Services: Code of Practice*, which requires the Council to approve a treasury management strategy before the start of each financial year. Adoption of the Code is required by regulations laid under the Local Government Act 2003.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

This is a statutory Strategy recommended for adoption by full Council. The key issues to be considered are:

- Investments in the CCLA – LAMIT fund have been made and details of the dividend yield are included in paragraph 3.1 of Appendix A attached to this report.
- Section 4.3 sets the limits on the value of investments to be held by any one institution and the type of institution that can be used.
- The maximum limit to be lent to any one organisation in respect of Property Funds was approved in December 2017, the maximum to be lent to any one organisation for this type of investment is £10m.
- All other limits on the value of investments to be held by one institution remains at £5m (other than the UK Government and money market funds).
- Section 3 of Appendix A attached to this report, sets out the current levels of borrowing and investments, along with the estimated changes and the financial impact for the year on both the General Fund and HRA.
- Sections 5 and 6 set out the planned strategy for the year, which Council must be satisfied meets their objectives and is in line with the level of risk they are comfortable to take.

9. How does the decision contribute to the Council's Corporate Plan?

Treasury Management supports the Council in generating additional funds for investing in Services, whilst minimising the amount of interest paid on borrowings. It does not in itself contribute to the Council's Corporate Plan.

10. What risks are there and how can they be reduced?

The investment limits are designed to reduce risk as far as possible, however with any investments there is a risk of default. The Council minimises this risk by imposing limits on where cash can be invested based on credit ratings from the two main rating agencies and setting monetary and time limits on investments. Investments tend to be in immediate access accounts, or short term (less than three months).

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 The report is for information only

11. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

12. Are there any other options?

No

Director Finance, David Hodgson,

Author: Kayleigh Searle, Finance Manager - Corporate

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
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01392 265275

APPENDIX A

EXETER CITY COUNCIL

TREASURY MANAGEMENT STRATEGY 2021/22

1. Introduction

- 1.1. The Council's strategy is based on the requirements of the MHCLG's Guidance on Local Government Investments ("Guidance"), CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes 2017 ("the Code") and CIPFA Treasury Management Guidance Notes 2018
- 1.2. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in counterparties or instruments commensurate with the Council's risk appetite, providing adequate liquidity initially before considering investment return.
- 1.3. The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning, to ensure that the Council can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans, or using longer-term cash flow surpluses.
- 1.4. The contribution the treasury management function makes to the authority is critical, as the balance of debt and investment operations ensure liquidity or the ability to meet spending commitments as they fall due, either on day-to-day revenue or for larger capital projects. The treasury operations will see a balance of the interest costs of debt and the investment income arising from cash deposits affecting the available budget.

2. Economic Context

UK economy. The economy had been recovering quite strongly from its contraction in 2020 of 10.2% due to the pandemic with GDP only 3.5% below its pre-pandemic level and the unemployment rate dropping below 7%. However, the rise in new cases to the highest levels poses a threat that the recovery in the economy could stall.

Brexit. While the UK has been gripped by the long running narrative of whether or not a deal would be made by 31 December 2020, the final agreement on 24 December 2020, followed by ratification by Parliament and all 27 EU countries in the following week, has eliminated a significant downside risk for the UK economy. The initial agreement only covers trade so there is further work to be done on the services sector where temporary equivalence has been granted in both directions between the UK and EU; that now needs to be formalised on a permanent basis.

Inflation. The Consumer Price Index (CPI) measure of inflation fell to 0.2% in August 2020 and has marginally increased since, but remains low. The bank has stated that "it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and achieving the 2% target sustainably". The current forecast is that inflation is expected to briefly peak at just over 2% towards the end of 2021, but this is a temporary short lived factor and so not a concern at this stage.

2.1. Interest rate forecasts

The Council has appointed Link Asset Services as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. The following table gives Link Asset Services forecast to March 2024.

Link Group Interest Rate View		9.11.20													
		These Link forecasts have been amended for the reduction in PWLB margins by 1.0% from 26.11.20													
		Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
BANK RATE		0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 month ave earnings		0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
6 month ave earnings		0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
12 month ave earnings		0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20
5 yr PWLB		0.80	0.80	0.80	0.80	0.80	0.90	0.90	0.90	0.90	0.90	1.00	1.00	1.00	1.00
10 yr PWLB		1.10	1.10	1.10	1.10	1.10	1.20	1.20	1.20	1.20	1.20	1.30	1.30	1.30	1.30
25 yr PWLB		1.50	1.50	1.60	1.60	1.60	1.60	1.70	1.70	1.70	1.70	1.80	1.80	1.80	1.80
50 yr PWLB		1.30	1.30	1.40	1.40	1.40	1.40	1.50	1.50	1.50	1.50	1.60	1.60	1.60	1.60

The coronavirus outbreak has done huge economic damage to the UK and economies around the world. After the Bank of England took emergency action in March to cut Bank Rate to first 0.25%, and then to 0.10%, it left Bank Rate unchanged at its subsequent meetings to January 2020, although some forecasters had suggested that a cut into negative territory could happen. However, the Governor of the Bank of England has made it clear that he currently thinks that such a move would do more damage than good and that more quantitative easing is the favoured tool if further action becomes necessary.

As shown in the forecast table above, no increase in Bank Rate is expected in the forecast table above as economic recovery is expected to be only gradual and, therefore, prolonged.

3. Current and Expected Treasury Portfolios

3.1. Investments

The Council's current investments as at 20 December 2020 was as follows:

Fixed Term Deposits - Current

Amount	Investment	Interest rate	Date Invested	Maturity Date	No. of Days
£5,000,000	Thurrock Council	0.12%	16/11/20	16/02/21	92
£3,000,000	Standard Chartered – Sustainable deposit	0.04%	13/11/20	15/02/21	92
£2,000,000	Surrey Heath Borough Council	0.10%	23/10/20	23/04/21	94
£3,000,000	Surrey Heath Borough Council	0.10%	14/12/20	14/06/21	182
£5,000,000	Flintshire County Council	0.06%	30/09/20	05/01/21	97
£5,000,000	Wirrell Metropolitan Borough Council	0.03%	26/10/20	26/01/21	92
£2,000,000	Monmouthshire County Council	0.07%	23/11/20	23/05/21	182
£5,000,000	Wokingham Borough Council	0.10%	27/11/20	27/05/21	181

The Standard Chartered Sustainable deposit guarantees that investment is referenced against sustainable assets aligned to the United Nations' Sustainable Development Goals (SDGs).

Property Funds

Amount	Investment	Dividend Yield
£5,000,000	CCLA – LAMIT Property Fund	4.37%

Note: Dividend yield as at 30 September 2020

Money Market Funds

Amount	Investment	Interest rate*
£10,000,000	Federated Investors	0.15%
£10,000,000	Aberdeen Standard Investments	0.17%
£nil	CCLA - The Public Sector Deposit Fund	0.19%
£nil	Black Rock Asset Management	0.12%

* Interest rate is variable (therefore rates quoted are an average to 31 December 2020)

3.2. Borrowings

The Council's long term borrowing is currently £126.044 million (£53.8 million General Fund and £72.244 HRA) and there is currently no short-term borrowings. Details of current loans are set out below.

- 3.3. The Council made a one-off payment on 28 March 2012, to buy itself out of the HRA subsidy system. The final settlement figure of £56.884 million was confirmed in February 2012. The amount was borrowed from the Public Works Loans Board over a 50 year period and is repayable on maturity at the end of the loan term. The interest rate was 3.48% fixed for the term of the loan.
- 3.4. The Public Works Loan Board (PWLB) long-term borrowing rates fell during the period, prompting a decision on 26 September 2019 to borrow in readiness for the on-going capital programme. This was a timely decision as there was an announcement on 9 October 2019 to increase the interest rates offered on new PWLB loans by 1% with immediate effect.
- 3.5. At Spring Budget 2020, the Government announced a new, discounted rate of PWLB lending to support social housing, which enables the Council to borrow at 1% below the rate at which the local authority would usually borrow from the PWLB, specifically for social housing projects.
- 3.6. On 25 November 2020, there was a further announcement by the Chancellor regarding PWLB loan rates; the standard and certainty rates were reduced by 1% but a prohibition was introduced to deny access to borrowing from the PWLB for any local authority which had purchase of assets for yield in its three year capital programme. This means that the Council now has access to more favourable borrowing rates, comparable to those received pre-October 2019.

Existing loans

Amount	Lender	Interest rate	End date
£56,884,000	PWLB maturity (HRA)	3.48%	28/03/2062
£2,200,000	PWLB 25 year annuity	2.34%	11/01/2044
£2,150,000	PWLB 25 year annuity	2.08%	04/04/2044

£4,650,000	PWLB 30 year annuity	1.61%	26/09/2049
£8,800,000	PWLB 35 year annuity	1.71%	26/09/2054
£36,000,000	PWLB 50 year annuity	1.80%	26/09/2069
£15,360,000	PWLB maturity (HRA)	1.31%	14/04/2070

3.7. Expected changes

The current financing forecast includes planned borrowing of £14.76 million as part of the 2021/22 General Fund capital programme and £4.83 million for the HRA 2021/22 capital programme. The decision of whether to take external long-term borrowing will be made in light of current and forecast interest rates and the decision is delegated to the section 151 Officer and Leader of the Council.

3.8. Budget implications

The net budget for interest payments in 2021/22 is £150,000 in respect of the General Fund and £2.26m in respect of the HRA. The HRA covers the interest costs relating to the long term borrowing of £56.9 million and the interest on any other borrowings directly related to the HRA. If actual levels of investments and borrowing, and actual interest rates differ from those forecast, performance against budget will differ correspondingly.

4. **Investment Strategy**

- 4.1. The Council holds surplus funds, which represent income received in advance of expenditure plus balances and reserves held. Both the CIPFA Code and the MHCLG Guidance require the Council to invest its funds prudently, and to have regard to the **security** and **liquidity** of its investments before seeking the highest rate of return, or **yield**.

4.2. Specified Investments

Specified investments are those expected to offer relatively high security and liquidity, and can be entered into with the minimum of formalities. The MHCLG Guidance defines specified investments as those:

- denominated in pounds sterling,
- due to be repaid within 12 months of arrangement,
- not defined as capital expenditure by legislation, and
- invested with one of:
 - the UK Government,
 - a UK local authority, parish council or community council, or
 - a body or investment scheme of “high credit quality”.

- 4.3. The Council defines the following as being of “high credit quality” for making specified investments, subject to the monetary and time limits shown.

In-house investment	Monetary limit¹	Time limit
UK owned banks and building societies holding short-term credit ratings no lower than F1+ and P-1	£4m each	12 months
Foreign owned banks that deal in sterling holding short-term credit ratings no lower than F1+ and P-1	£3m each	9 months
UK owned banks and building societies holding short-term credit ratings no lower than F1 and P-1	£3m each	6 months

Money market funds ² and similar pooled vehicles holding the highest possible credit ratings (AAA)	£10m each	3 months
Property Funds	£10m each	3 months
UK Central Government	no limit	12 months
UK Local Authorities ³ Upper Tier Lower Tier	£5m each £5m each	12 months 12 months

¹ banks within the same group ownership are treated as one bank for limit purposes

² as defined in the Local Authorities (Capital Finance and Accounting) Regulations 2003

³ as defined in the Local Government Act 2003

- 4.4. The maximum that will be lent to any one organisation (other than the UK Government) will be £5 million, with the exception of Property Funds and Money Market Funds where the limit is £10m. For an individual bank, the limit is £4 million. A group of banks under the same ownership will be treated as a single organisation for limit purposes.

4.5. Non specified Investments

No non specified investments will be made by the Council.

4.6. Foreign countries

Investments in foreign countries will be limited to those that hold a AAA or AA+ sovereign credit rating from all three major credit rating agencies, and to a maximum of £3 million per country. Only banks that are domiciled in the UK but are owned in another country will be used and need to meet the rating criteria of and will count against the limit for both countries. There is no limit on investments in the UK.

4.7. Liquidity management

The Council uses purpose-built cash flow forecasting to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a pessimistic basis, with receipts under-estimated and payments over-estimated to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments.

Limits on long-term investments are set by reference to the Council's medium term financial plan and cash flow forecast.

4.8. Credit ratings

The Council uses credit ratings from two main rating agencies Fitch Ratings Ltd and Moody's Investors Service to assess the risk of loss of investments. The lowest available credit rating will be used to determine credit quality.

Credit ratings are obtained and monitored by the Council's treasury advisers, who will notify changes in ratings as they occur. Where an institution has its credit rating downgraded so that it fails to meet the above criteria then:

- no new investments will be made,
- any existing investments that can be recalled at no cost will be recalled, and
- full consideration will be given to the recall of any other existing investments

Where a credit rating agency announces that it is actively reviewing an organisation's credit ratings with a view to downgrading it so that it is likely to fall below the above criteria, then no further investments will be made until the outcome of the review is announced.

4.9. Other information on the security of investments

Full regard will be given to other available information on the credit quality of banks and building societies, including credit default swap prices, financial statements and rating agency reports. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may meet the above criteria.

4.10. Other information on the security of investments

Full regard will be given to other available information on the credit quality of banks and building societies, including credit default swap prices, financial statements and rating agency reports. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may meet the above criteria.

4.11. Investment instruments

Investments may be made using any of the following instruments:

- interest paying bank accounts
- fixed term deposits
- call or notice deposits (where the Council can demand repayment)
- certificates of deposit
- treasury bills and gilts issued by the UK Government
- bonds issued by multilateral development banks
- shares in money market funds

5. **Planned investment strategy for 2021/22 – In-House**

5.1. The cash flow forecast will be used to divide surplus funds into three categories:

- Short-term – cash required to meet known cash outflows in the next month, plus a contingency to cover unexpected cash flows over the same period.
- Medium-term – cash required to manage the annual seasonal cash flow cycle, including amounts to cover forecast shortages, planned uses of reserves, and a longer-term contingency.
- Long-term – cash not required to meet cash flows, and used primarily to generate investment income.

5.2. The Council's in-house managed funds are based on the likely cash-flow position. Investments will be made to ensure that cash flow is protected and borrowing is minimised. However, on occasion, money has been invested for a longer period up to 364 days. These are funds which are not required for day-to-day cash management purposes.

5.3. The Council will seek to utilise money market funds (Aberdeen, Blackrock, Federated, and CCLA) and use short-dated deposits to ensure liquidity of assets for day-to-day cashflow. Although these are essentially cash, a monetary limit in line with the banks credit rating is retained on the accounts. The Council can also make use of the Government's Debt Management Office to ensure the highest possible security for cash. Additionally, the Council will hold a balance on its general account to cover any payments due. On occasion, where significant payments are to be made, there may be in excess of £3 million in this account.

6. **Borrowing Strategy**

6.1. The Council's capital financing requirement (CFR, or underlying need to borrow) as at 31 March 2021 is expected to be £186.15 million, and is forecast to rise to £200.36 million by March 2022 as capital expenditure is incurred.

6.2. The maximum expected long-term borrowing requirement for 2021/22 is:

	£m
Borrowed in prior years	53.80
Long term borrowing (HRA)	72.26

Not borrowed in previous years	45.88
Forecast increase in CFR	14.21
TOTAL	186.15

- 6.3. Despite taking out new borrowings during the year, the Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and to mitigate exposure to counterparty risk.

Against this background and the risks within the economic forecast, caution will be adopted with the 2021/22 treasury operations. The section 151 Officer will monitor interest rates in financial markets and adopt a pragmatic approach to any change in circumstances.

- 6.4. To reduce risk and minimise cost on the General Fund, it has been decided to defer borrowing where possible, however some targeted long term borrowing will be undertaken in 2021-22, where the costs will be offset against future income streams.
- 6.5. In addition, the Council may borrow for short periods of time (normally up to two years) to cover cash flow shortages.
- 6.6. If borrowing is required advice will be sought from the treasury management advisors in order that the most cost effective form of borrowing can be secured.

6.7. Sources of borrowing

The approved sources of long-term and short-term borrowing will be:

- Public Works Loan Board
- any institution approved for investments above
- any other bank or building society on the Financial Services Authority list.

6.8. Debt instruments

Loans will be arranged by one of the following debt instruments:

- fixed term loans at fixed or variable rates of interest
- lender's option borrower's option (LOBO) loans.

As an alternative to borrowing loans, the Council may also finance capital expenditure and incur long-term liabilities by means of:

- leases
- Private Finance Initiative.

6.9. Borrowing strategy to be followed

With short-term interest rates currently much lower than long-term rates, it continues to be more cost effective in the short-term to not borrow and reduce the level of investments held instead, or to borrow short-term loans. However, with long-term rates forecast to rise in the coming years, any such short-term savings will need to be balanced against potential longer-term costs.

If required, the council may arrange forward starting loans during 2021/22, where the interest rate is fixed in advance, but the cash is received in a later period.

7. Policy on Use of Financial Derivatives

- 7.1. Local authorities have previously made use of financial derivatives embedded into loans and investments both to reduce interest rate risk (e.g. interest rate collars and forward

deals) and to reduce costs or increase income at the expense of greater risk (e.g. LOBO loans).

- 7.2. The Localism Bill 2011 includes a general power competence that removes the uncertain legal position over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment). The latest CIPFA Code requires authorities to clearly detail their policy on the use of derivatives in the annual strategy.
- 7.3. The Council will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks that the Council is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be taken into account when determining the overall level of risk. Embedded derivatives will not be subject to this policy, although the risks they present will be managed in line with the overall treasury risk management strategy.
- 7.4. **Derivative counterparties**
Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria. The current value of any amount due from a derivative counterparty will count against the counterparty credit limit and the relevant foreign country limit.
- 7.5. In reality, whilst the Council is required to include the above policy, the only type of transaction used is the forward deal, which means the Council agrees to borrow funds at a set price for a set period, in advance of the date the loan is actually taken. This is done to ensure the availability of funds at the time that they are needed.

8. Treasury Management Prudential Indicators

- 8.1. The Council sets each year, in February, prudential indicators for Treasury Management, to ensure that proper control of borrowing and investing is maintained. These indicators can be found in the Council's budget book.

9. Other Matters

- 9.1. The revised MHCLG Investment Guidance also requires the Council to approve the following matters each year as part of the investment strategy:

9.2. Investment consultants

The Council contracts with Link Asset Services to provide advice and information relating to its investment and borrowing activities. However, responsibility for final decision making remains with the Council and its officers. The services received include:

- advice and guidance on relevant policies, strategies and reports,
- advice on investment decisions,
- notification of credit ratings and changes,
- other information on credit quality,
- advice on debt management decisions,
- accounting advice,
- reports on treasury performance,
- forecasts of interest rates, and
- training courses.

The quality of the advisory service is monitored by the Director Finance.

9.3. Investment training

The needs of the Council's treasury management staff for training in investment management are assessed annually as part of the staff appraisal process, and additionally

when the responsibilities of individual members of staff change. Staff regularly attend training courses, seminars and conferences provided by Link Asset Services and CIPFA.

9.4. Investment of money borrowed in advance of need

The Council may, from time to time, borrow in advance of spending need, where this is expected to provide the best long term value for money. Since amounts borrowed will be invested until spent, the Council is aware that it will be exposed to the risk of loss of the borrowed sums, and the risk that investment and borrowing interest rates may change in the intervening period. These risks will be managed as part of the Council's overall management of its treasury risks.

The total amount borrowed will not exceed the authorised borrowing limit. The maximum periods between borrowing and expenditure is expected to be two years, although the Council does not link particular loans with particular items of expenditure.

9.5. The Treasury Management Role of the Section 151 Office

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance;
- submitting regular treasury management policy reports;
- submitting budgets and budget variations;
- receiving and reviewing management information reports;
- reviewing the performance of the treasury management function;
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function;
- ensuring the adequacy of internal audit, and liaising with external audit;
- recommending the appointment of external service providers.
- preparation of a capital strategy to include capital expenditure, capital financing, non-financial investments and treasury management, with a long term timeframe (say 20+ years – to be determined in accordance with local priorities.)
- ensuring that the capital strategy is prudent, sustainable, affordable and prudent in the long term and provides value for money
- ensuring that due diligence has been carried out on all treasury and non-financial investments and is in accordance with the risk appetite of the authority
- ensure that the authority has appropriate legal powers to undertake expenditure on non-financial assets and their financing
- ensuring the proportionality of all investments so that the authority does not undertake a level of investing which exposes the authority to an excessive level of risk compared to its financial resources
- ensuring that an adequate governance process is in place for the approval, monitoring and ongoing risk management of all non-financial investments and long term liabilities
- provision to members of a schedule of all non-treasury investments including material investments in subsidiaries, joint ventures, loans and financial guarantees
- ensuring that members are adequately informed and understand the risk exposures taken on by an authority
- ensuring that the authority has adequate expertise, either in house or externally provided, to carry out the above
- creation of Treasury Management Practices which specifically deal with how non treasury investments will be carried out and managed, to include the following
 - Risk management (TMP1 and schedules), including investment and risk management criteria for any material non-treasury investment portfolios;
 - Performance measurement and management (TMP2 and schedules), including methodology and criteria for assessing the performance and success of non-treasury investments;

- Decision making, governance and organisation (TMP5 and schedules), including a statement of the governance requirements for decision making in relation to non-treasury investments; and arrangements to ensure that appropriate professional due diligence is carried out to support decision making;
- Reporting and management information (TMP6 and schedules), including where and how often monitoring reports are taken;
- Training and qualifications (TMP10 and schedules), including how the relevant knowledge and skills in relation to non-treasury investments will be arranged.

10. Investment Reports

- 10.1. At the end of the financial year, the Council will prepare a report on its investment activity as part of its Annual Treasury Report. Progress will also be reported after six months of the financial year.

DIRECTOR FINANCE
DECEMBER 2020

REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Corporate Services

Title: Annual Pay Policy Statement 2021/22

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To set out the council's annual Pay Policy Statement 2021/22 which must be approved by Full Council each financial year in line with legislation.

2. Recommendations:

That Executive recommends to Council to approve:

- (i) The attached Policy, Report and Appendices be adopted and published in accordance with the legislation.
- (ii) Delegated authority be given to the Director – Corporate Services to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

3. Reasons for the recommendation:

Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a statutory Pay Policy Statement each financial year commencing in 2012/13 and thereafter each subsequent financial year. The Secretary of State for Communities and Local Government issued further guidance in early 2013.

4. What are the resource implications including non financial resources.

There are no new resource implications created as a result of the revisions to the Pay Policy Statement.

5. Section 151 Officer comments:

There are no financial implications for Council to consider within this report.

6. What are the legal aspects?

Local Authorities are required by Section 38 (1) of the Localism Act 2011 to set out a written statement each financial year relating to:

- The remuneration of chief officers;
- The remuneration of its lowest paid employees;
- The relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers

7. Monitoring Officer's comments:

This report has been prepared in order that the Council complies with its statutory reporting requirements.

8. Report details:

In line with statutory requirements, the Council's Pay Policy Statement has been reviewed and updated for 2021/22 for approval by full Council prior to publishing on the Council's website.

The revised policy and appendix take into account the following changes:

- The increase in the nationally determined living wage (Grades A) in November 2020 which comes into effect at Exeter City Council on 1 April 2021 (paragraph 3.2)
- New legislation restricting the termination payments made to public sector employees. (paragraph 5.8)

The appendix will/may require amending once the pay negotiations have been completed for 2021/22.

9. How does the decision contribute to the Council's Corporate Plan?

The attached Statement supports a well-run Council and our compliance with statute.

10. What risks are there and how can they be reduced?

There are no new implications arising from the recommendations.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and

Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 Consideration has been given to the impact upon differing groups and a full assessment is not required.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

No.

Director Corporate Services, Baan Al-Khafaji

Author: David Knight, System Lead - Information and Payroll Services

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
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01392 265275

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1 Purpose and scope of the Policy

- 1.1 Section 38 (1) of the Localism Act 2011 (Part 1, Chapter 8, Sections 38 to 43) requires English and Welsh local authorities to produce a statutory pay policy statement each financial year.
- 1.2 The Act requires that a relevant authority must approve, through Full Council, a pay policy statement for the following financial year and this must set out the authority's policies for the financial year relating to:
- (a) the remuneration of its chief officers, (see Appendix 1)
 - (b) the remuneration of its lowest-paid employees (see Section 4 and Appendix 1), and
 - (c) the relationship between:
 - (i) the remuneration of its chief officers (Section 4 and Appendix 1), and
 - (ii) the remuneration of its employees who are not chief officers (see Section 4 and Appendix 1)
- 1.3 The statement must state:
- (a) the definition of "lowest-paid employees" adopted by the authority for the purposes of the statement, and (see Section 3)
 - (b) the authority's reasons for adopting that definition. (see Section 3)
- 1.4 The statement must include the authority's policies relating to:
- (a) the elements of remuneration for each chief officer, (see Section 2 and 5 and Appendix 1)
 - (b) remuneration of chief officers on recruitment, (see Section 5 and Appendix 1)
 - (c) increases and additions to remuneration for each chief officer, (see Section 5)
 - (d) the use of performance-related pay for chief officers, (see Section 5)
 - (e) the use of bonuses for chief officers, (see Section 5)
 - (f) the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and (see Section 5)
 - (g) the remuneration of chief officers who return to local authority employment (See Section 5)

- (h) the publication of and access to information relating to remuneration of chief officers. (see Section 6)
- 1.5 This policy also takes into account “Openness and accountability in local pay: Guidance under section 40 of the Localism Act February 2012” and the letter from the Secretary of State to leaders of local authorities and chairs of fire and rescue authorities of 20 February 2013 which advocate:
- (a) Publishing the ratio between the highest paid employee and the median average earnings across an organisation (Section 4, Appendix 1)
 - (b) Explaining the approach to the setting and publication of fees for chief officers in respect of local election duties (Section 5)
 - (c) Setting out the policy for the remuneration of chief officers who return to Local Authority employment where the chief officer was a previously employed chief officer who left with a severance payment and applies to come back as a chief officer under an employment contract or contract for services (Section 5)
 - (d) Setting out the policy in respect of the employment of individuals and Chief Officers in receipt of a Local Government Pension Scheme pension, including pension abatement arrangements (Section 5)
 - (e) Full Council having the opportunity to approve salary packages and the cost of severance packages of £95,000 or more (Section 5)
- 1.6 In the context of managing scarce public resources, remuneration at all levels within the Council needs to be adequate to secure and retain high-quality employees dedicated to the service of the public, but at the same time providing value for money to the residents of Exeter.
- 1.7 Exeter City Council already works within a pay and reward framework which seeks to ensure that its pay and reward processes and procedures facilitate the retention and recruitment of employees with the right skills and capabilities to meet the needs of the Council now and in the future. The framework also takes account of regional and national variations, local market factors and is open and transparent and complies with equal pay legislation.
- 1.8 This Statement complies with the requirements of the Localism Act 2011 and the statutory guidance issued by Communities and Local Government in ‘Openness and accountability in local pay: Guidance under section 40 of the Localism Act’ which was issued on 17 February 2012.

2 Definition of Chief Officers

- 2.1 The posts which are defined as ‘Chief Officers’ for the purposes of this Statement are those scheduled in the Local Government and Housing Act 1989 under sections 4(1), 5(1), 2(6, 7 and 8) together with other members of the councils Strategic Management Board. For Exeter City Council this term includes:

- Chief Executive and Growth Director (Head of Paid Service Section 4(1))
- Directors x4 (Non-Statutory Officers Section 2 (7a))
- Director Finance (Section 151 Officer (Statutory Officer Section 2 (6d))
- Director – Corporate Services (The Council's Monitoring Officer)
- Corporate Managers x3

2.2 The post of Chief Executive & Growth Director is made on terms and conditions of employment agreed by the Joint National Council for Chief Executives and supplemented by local terms and conditions of employment agreed by Exeter City Council.

2.3 All the remaining posts are made on the terms and conditions of employment agreed by the Joint National Council for Chief Officers and supplemented by terms and conditions of employment agreed by Exeter City Council.

2.4 With the exception of the Chief Executive and Growth Director all Chief Officer posts as defined in this Statement are subject to job evaluation using HAY. The remuneration of the Council's Chief Officers is set out in Appendix 1.

3 Definition & Remuneration of Lowest Paid

3.1 All posts which are not designated as Chief Officers in accordance with this Statement, and with the exception of apprentice roles, are subject to job evaluation using the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.

3.2 The Council has adapted the National Local Government Pay Scale to include locally agreed spinal column points. With effect from 1 January 2014, the Council adopted the Real Living Wage as its minimum spinal column point, and the Living Wage of £9.50 / hour from 1 April 2021 equates to Grade A of the Council's pay scale. The Living Wage is determined nationally in or around November each year. The Council applies any uplift to the living wage from 1 April in the year following the increase.

3.3 The Council therefore defines its lowest paid employees as those on Grade A of the Council's pay scale. The Council has adopted this definition as it can be easily understood.

3.4 The Council has 16 grades (excluding Apprentice) on its existing pay scale for employees not designated as Chief Officer in this Statement. With the exception of Grades A, B and C each Grade provides for incremental progression of either 3 or 5 scale points subject to satisfactory service. Increments are applied on the 1 April each year (or on the 6 month anniversary of the employee's appointment if the appointment falls between October and March inclusive, with subsequent increments applying from 1 April each year) until the postholder reaches the maximum of the grade.

4 Relationship between Remuneration

- 4.1 The Hutton Review of Fair Pay in the Public Sector outlined that the most appropriate metric for pay dispersion is the multiple of Chief Executive to median earnings. Whilst not a requirement of this Statement, tracking this multiple as recommended in the Code of Recommended Practice for Local Authorities on Data Transparency will ensure public service organisations are accountable for the relationship between the pay of their executives and the wider workforce.
- 4.2 The Council also publishes as part of this Statement the relationship between its Chief Executive and lowest paid employee. Both of these pay multiples are set out in Appendix 1.
- 4.3 Through this policy the pay multiple of the Chief Executive and Growth Director will be monitored annually. Should the multiplier between the annual salary paid to a full time employee on the lowest spinal column point and the annual full time salary payable to the Chief Executive and Growth Director be greater than 10, this will be reported to full Council for consideration.

5 Chief Officer Remuneration

- 5.1 The Joint Negotiating Committee has previously emphasised that ‘it is good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives and chief officers have been made in an open and accountable way.’
- 5.2 Salaries for chief officers operate on the basis of fixed pay points and are therefore not subject to a salary scale providing for incremental progression. New appointments will be made to the appropriate pay point in force at the time of the appointment. These fixed pay points will be agreed through an accountable and transparent process. Salary levels will be consistent with similar organisations which aim to pay according to median salaries. There will be due regard to balance the need to ensure value for money but enable Exeter City Council to recruit and retain high quality chief officers in the context of national, regional and local labour markets.
- 5.3 In determining any future changes to the remuneration package for appointments to Chief Officer posts as defined in this Statement, the Leader of the Council will take independent pay advice. The Leader will then, in consultation with the Chief Executive and Growth Director, except in relation to the pay of the Chief Executive and Growth Director, make recommendations which will be subject to the approval of full Council.
- 5.4 The Leader of the Council, in consultation with the Chief Executive and Growth Director, except in relation to the remuneration package of the Chief Executive and Growth Director, may recommend to full Council changes to the remuneration package following an annual review. Any changes to the remuneration packages will be subject to full Council approval.

- 5.5 Salary increases for Chief Officers defined in this Statement in relation to cost of living will be made in line with increases agreed by the Joint National Council's for Chief Officers and Chief Executives as appropriate.
- 5.6 At present, there are no additional payments made to chief officers in relation to performance related pay or the use of bonuses.
- 5.7 Any termination payments to chief officers on ceasing office will comply with Local Government Pension Scheme Employer Discretions Policies which are subject to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as amended and in force at the time. All such payments are equally applicable to all employees.
- 5.8 The Restriction of Public Sector Exit Payments Regulations 2020 (SI 2020/1122) restricts the termination payment, which include (*not exhaustive*) redundancy, pension strain and settlement agreement, to a public sector employee to £95,000. Discretionary relaxation will require the approval of Full Council. A business case will need to be submitted to Ministry of Housing, Communities and Local Government and HM Treasury for approval.
- 5.9 A chief officer appointment (under an employment contract or contract for services) will not be offered to any former chief officer in receipt of a severance payment, except in circumstances where they left employment as a result of being made redundant from their previous Chief Officer role, without the approval of Full Council.
- 5.10 Exeter City Council will not enter into employment or service contracts with any persons in receipt of a local government pension within 12 months of the termination date of their previous employment without the approval of Full Council. Employees of the Council who are also in receipt of a local government pension may have their pension abated in accordance with legislation / policy as enacted / determined by the relevant pension administrator.
- 5.11 The Council's Policy on Market Supplements applies to all posts at the Council, including Chief Officers. Evidence based market supplements will be subject to periodic review (every 2 years) to ensure they continue to be justifiable. No Chief Officer is currently in receipt of a Market Supplement.
- 5.12 Additional payments are made by Central Government to officers (including the Returning Officer) carrying out additional duties at Parliamentary, European and other national elections and referendums. These payments are set nationally and are not within the scope of this Statement. Payments to the Returning Officer and other officials for duties in relation to City Council elections are linked proportionately to these national rates.

6 Transparency & Publication of Data

- 6.1 This Statement aims to ensure that the process for setting pay at a senior level is transparent fair and consistent. This policy will be reviewed annually to track the relationship of chief officer pay with the rest of the workforce.
- 6.2 The Council will publish its Pay Policy Statement on the Exeter City Council website alongside information related to the Council's management structure. Further information relating to the remuneration of Chief Officers is published in the Council's annual Statement of Accounts.

7 Equality Impact Considerations

- 7.1 The principles of equal pay are integral to this policy and applied consistently within the pay and reward frameworks adopted by Exeter City Council. The definition of Equal Pay is:
- Like work where the woman and the man are doing the same job
 - Work rated as equivalent where the 2 jobs are different but have been evaluated by the employer's job evaluation scheme at the same level/grade
 - Work of equal value where the jobs are different but an argument is made that both jobs should be regarded as being of equal value or worth.

8 Related Policies/Strategies, Procedures and Legislation

- 8.1 Exeter City Council pay and reward policies and procedures are operated within the framework of JNC and NJC terms as nationally negotiated and agreed and supplemented by local agreements. The Council applies the national framework for job evaluation and works within equality and equal pay legislation in order to apply all pay related issues in a fair, consistent and transparent way.
- 8.2 Key policies/procedures/strategies and legislation include:
- Exeter City Council Pay and Reward Policies, frameworks and local agreements
 - Equal Pay Legislation
 - Equality Act 2010
 - Localism Act 2011
 - Openness and accountability in local pay: Guidance under section 40 of the Localism Act February 2012
 - Local Government Act 1972
 - Local Government & Housing Act 1989

1. Levels and elements of remuneration for each chief officer role as at April 2021

Post title	Full time Remuneration
Chief Executive and Growth Director	£119,954
Directors x6	£85,521
Corporate Manager x 3	£62,289

2. The FT remuneration of the lowest paid employee

Post title	Full time Remuneration
MRF Operative	£18,328

3. The multiplier of the remuneration of the chief officer based upon taxable earnings:

Post Title	Full time Remuneration
Annual median pay of all employees	£24,491
Pay multiple of Chief Executive and Growth Director to median	4.90
Pay multiple of Chief Executive and Growth Director to lowest paid FT employee	6.54

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Corporate Services

Title: Gender Pay Gap Report

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires local authorities who employ over 250 or more employees to produce a gender pay gap report.

1.2 The Act requires that an authority must report on the following information: (see Appendix 1)

- Their mean gender pay
- Their median gender pay gap
- Their mean bonus gender pay gap
- Their median bonus gender pay gap
- Their proportion of males receiving a bonus payment
- Their proportion of females receiving a bonus payment
- Their proportion of males and females in each quartile pay band

1.3 Calculations:

- Mean average involves adding up all of the numbers and dividing the result by how many numbers were in the list.
- Median average involves listing all of the numbers in numerical order. The median is the middle figure.

1.4 Exeter City Council does not operate any bonus schemes.

1.5 The relevant or snapshot date is the key date on which the calculations must be made. The relevant date is 31st March 2020. It is also the date from which an employer has a year to publish their gender pay report.

2. Recommendations:

This report will be reviewed annually to track the relationship between both females and males earnings.

The Council will publish its Gender Pay Gap Report on the Exeter City Council website, as well as on the centrally held database on gov.uk.

Findings and Observations

- The average rate of pay for females is higher than males across the Council.
- The difference has decreased slightly since last year from 5.25% to 4.59%.
- There are over 3 times more males in the lower quartile of earnings than females.

3. Reasons for the recommendation:

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires local authorities who employ over 250 or more employees to produce a gender pay gap report.

4. What are the resource implications including non-financial resources.

There are no new resource implications created as a result of the revisions to the Gender Pay Gap Report.

5. Section 151 Officer comments:

There are no financial implications for Council to consider within this report.

6. What are the legal aspects?

The Equality Act 2010 (Specific Duties and Public Authorities) regulations 2017 requires local authorities who employ over 250 or more employees to produce a gender pay gap report comparing the difference in pay between females and males.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

The relevant date for the Gender Pay Gap Report is 31st March 2020. The results of the report need to be published before 31st March 2021.

9. How does the decision contribute to the Council's Corporate Plan?

The attached Statement supports a well-run Council and our compliance with statute.

10. What risks are there and how can they be reduced?

There are no new implications arising from the recommendations.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

Although not directly connected to the gender pay gap the principles of equal pay are integral to this report and applied consistently within the pay and reward frameworks adopted by Exeter City Council. The definition of Equal Pay is:

- Like work where the woman and the man are doing the same job;
- Work rated as equivalent where the 2 jobs are different but have been evaluated by the employer's job evaluation scheme at the same level/grade; and
- Work of equal value where the jobs are different but an argument is made that both jobs should be regarded as being of equal value or worth.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

No

Director Corporate Services - Baan Al-Khafaji

Author: David Knight, System Lead – Information and Payroll Services

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

Exeter City Council

Gender Pay Gap Report 2021

1. Gender Pay Report (31st March 2020)

Results (hourly rates to 2 decimal places)

Mean Female Pay	£14.56
Mean Male Pay	£13.92
Mean Gender Pay Gap	-4.59%

Median Female Pay	£13.25
Median Male Pay	£11.18
Median Gender Pay Gap	-18.52%

Mean Female Bonus Pay	£0.00
Mean Male Bonus Pay	£0.00
Mean Gender Pay Gap	0.0%

Median Female Bonus Pay	£0.00
Median Male Bonus Pay	£0.00
Median Gender Pay Gap	0.0%

Number of Females receiving Bonus Pay	0
Number of Males receiving Bonus Pay	0
Proportion of Females receiving Bonus Pay	0.0%
Proportion of Males receiving Bonus Pay	0.0%

Quartile	Female	Male
Lower	24.86%	75.14%
Lower Middle	51.10%	48.90%
Upper Middle	62.05%	37.95%
Upper	44.24%	55.76%

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting:

Report of: Returning Officer Exeter City Council

Title: Delegation of Powers to Amend Polling Districts and Polling Places

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report concerns 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) should it become necessary to do so, at short notice, in the course of conducting Parliamentary, local government and police and crime commissioner elections. The unique situation regarding Covid-19 and potential implications has raised this potential issue.

2. Recommendations:

It is recommended that power be delegated 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 appointed Deputy) should it become necessary to do so, at short notice to facilitate the conduct of elections within the City of Exeter, should it become necessary 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.

3. Reasons for the recommendation:

3.1 Principal authorities are required to divide every Parliamentary constituency situated within their area into polling districts for the purposes of UK Parliamentary elections, to designate a polling place for each polling district, and to keep these under review.. There is no such responsibility to do this for local government elections, although in reality the same polling districts and polling places are generally used for all types of elections.

3.2 A polling district is a geographical area created by the subdivision of a constituency, ward or division into smaller parts. A polling place is also a geographical area. It must be within the polling district unless special circumstances make it desirable to designate an area outside the district. If no polling place is designated then the (whole) polling district is

taken to be the polling place (this is the case in Exeter). A polling station is the actual area where the process of voting takes place and must be located within the polling place designated for the particular polling district. The locations of the polling stations are decided by the relevant Returning Officer.

3.3 In Exeter, the practice has been for Council to approve the Parliamentary polling districts and places as required by legislation, and that these then apply for all elections. However, recent and continuing events regarding Covid -19 and the potential for the electoral process to be disrupted by the sudden unavailability of a polling place or polling station, has highlighted the need to consider how amendments could be made to polling districts and places at very short notice.. This report requests the delegation of power from Council to the Returning Officer to amend polling districts as a contingency, in the event it is necessary to do so at short notice, where there would be insufficient time to follow the usual process of gaining Council approval in circumstances where the availability of a polling station within a polling district is lost at requiring the use of an alternative polling station, outside of the usual allocated polling district. This would mean that there would be insufficient time within the electoral timetable, to undertake any consultation on any necessary amendments, although every effort will be made in these circumstances to explain the reasons for the changes to the voters affected, as well as the political parties and candidates concerned.

3.4 It is also important to note that the Returning Officer has not only a statutory responsibility to deliver elections within the prescribed timetables, but he also carries a personal responsibility so to do. This is applicable for all elections which take place. This year, there are elections for a Police & Crime Commissioner and seats on Devon County Council and Exeter City Council.

4. What are the resource implications including non financial resources.

None.

5. Section 151 Officer comments:

There are no financial implications for Council to consider within this report.

6. What are the legal aspects?

The Council is obliged to meet the requirements of the Representation of the People Act 1983 and the Returning Officer is obliged to conduct elections within the City of Exeter.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer

8. Report details:

As detailed in section 3 above.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 Ensuring that polling stations are as accessible as possible (within the constraints of the buildings available and the topography of the City), positively impacts on equality issues especially for the disabled elector. The flexibility that the

recommendations in this report will give, further ensures that access to polling stations remains as accessible as possible.

10. What risks are there and how can they be reduced?

There are no risks associated with this proposal.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendation

13. Are there any other options?

If the current arrangements were left in place, it could give rise to challenges to the Returning Officer for not providing suitably accessible polling stations, or for making changes to Polling Districts without the authority to so do .

Returning Officer Exeter City Council, John Street

Author: Electoral Services Manager, Jeff Chalk

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

Equality Impact Assessment: *Title of report*

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive – 9 February 2021	Delegation of Powers to Amend Polling Districts and Polling Places	It is recommended that power be delegated, to facilitate the conduct of elections within the City of Exeter, should it become necessary due to any urgent and pressing issues	None

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
		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.	

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral		No substantial changes to current arrangements
Disability: as defined by the Equality Act – a person has a disability if they	Neutral		No substantial changes to current arrangements

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.			
Sex/Gender	Neutral		No substantial changes to current arrangements
Gender reassignment	Neutral		No substantial changes to current arrangements
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		No substantial changes to current arrangements
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		No substantial changes to current arrangements
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Neutral		No substantial changes to current arrangements
Pregnancy and maternity including new and breast feeding mothers	Neutral		No substantial changes to current arrangements
Marriage and civil partnership status	Neutral		No substantial changes to current arrangements

Actions identified that will mitigate any negative impacts and/or promote inclusion

Officer:

Date:

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director for City Development, Housing and Supporting People

Title: Amendments to the Council's Constitution relating to planning decision making

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report proposes changes to the Council's Constitution in relation to the scheme of delegation in respect of planning matters. It recommends amendments that clarify and streamline the planning process

2. Recommendations:

This report recommends that Council approve the following changes to the Council's Constitution:-

(1) The Terms of Reference for Planning Committee be amended to include:-

- Applications referred by the Chair or Vice-Chair of Planning Committee.

(2) The Terms of Reference for Delegation Briefing to be amended 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 Vice 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 Scheme of Delegation to Officers and Deputies to include 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.

- 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.

3. Reasons for the recommendation:

National Planning Policy guidance advises that it is in the public interest for a local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.

The purpose of the amendments recommended by this report is to clarify and streamline the process for consideration of whether a planning or related application may be determined under delegated powers or will be referred to the Planning Committee for a decision. In particular, it is intended:

- To clarify that referral of Delegation Briefing items to the Planning Committee is at the discretion of the Chair or Vice-Chair of the Planning Committee, after considering the recommendation of the Service Lead City Development or other relevant Officer, and the views of the relevant Ward Members.
- To ensure that Members have the chance to consider representations from a statutory consultee that express views contrary to the officer recommendation.
- To introduce a new requirement to refer to Delegation Briefing any application that has been subject to an objection from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, if Officers are minded to approve it under delegated powers. This will ensure that Members can be fully engaged with decision-making where a Neighbourhood Forum has specific concerns about a development proposal.
- To reduce the number of cases automatically referred to Delegation Briefing by removing the requirement to refer all cases with an objection that Officers are minded to approve under delegated powers, and replacing it with a requirement to refer only applications that have been subject to objections based on material planning considerations, where the objection relates to impact on adjoining properties by overlooking, overbearing, overshadowing or insufficient on-site parking, that Officers are minded to approve under delegated powers. This will maintain Members' opportunity to influence planning decisions where there are amenity implications, but reduce the number of applications referred to Delegation Briefing where the grounds of objection are not related to amenity or are spurious. Members of the Planning Committee or Ward Members will still be able to request that any application be brought to Delegation Briefing.

4. What are the resource implications including non-financial resources.

None

5. Section 151 Officer comments:

There are no financial implications for Council to consider within this report.

6. What are the legal aspects?

None identified

7. Monitoring Officer's comments:

This report raises no issues for Monitoring Officer

8. Report details:

As detailed above in the reasons for recommendation section.

9. How does the decision contribute to the Council's Corporate Plan?

It enables all business of the Council to be effectively and efficiently undertaken without delay.

10. What risks are there and how can they be reduced?

The recommended amendments do not reduce the opportunity for Member involvement in planning decision-making and are not considered to introduce any significant risks.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report is simply varying existing delegated powers.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

There are options to leave the arrangements as they currently are, or to take an alternative approach which could be more lenient or more stringent in terms of what decisions should be made by the Planning Committee. However, the recommendations are considered to be appropriate having regard to the public interest.

Director: Director for City Development, Housing and Supporting People, Bindu Arjoon

Author: Roger Clotworthy, Assistant Service Lead City Development

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

Terms of Reference (Excluding Scrutiny Committees)

COUNCIL

1. To approve the policy framework, including the annual general fund budget, capital programme, housing revenue account budget, council tax.

In the case of Development Plan Documents, this includes:-
 - (a) the approval of documents for submission to the Secretary of State for approval;
 - (b) the adoption of documents.
2. To approve corporate objectives, policies and strategies following recommendations from the Executive Committee or other appropriate Committee.
3. To approve the making and altering of the Council's constitution.
4. To determine the arrangements for the discharge of Council's functions by way of committee, sub-committee and delegation to officers, and the power to determine or vary terms of reference of any committee and/or establish additional committees as and when required.
5. To consider and make decisions on any reports prepared by the Head of Paid Service, the statutory Monitoring Officer and the Chief Finance Officer.

EXECUTIVE COMMITTEE

1. To exercise overall control and allocation of the financial, property, information and staffing resources within the policies and budget agreed by the Council and ensure they make the most effective contribution to the achievement of the Council's objectives.
2. To consider and report to the Council on the draft annual revenue and capital estimates of all Committees and to recommend the level of Council Tax for the ensuing year. To ensure that arrangements are in place to monitor all income and expenditure against budgetary allocations.
3. To consider the setting of new corporate objectives, policies and strategies to achieve the stated aims of the Council.
4. To provide overall leadership and guidance to the Council in the promotion of its visions for the City's social, economic and environmental well-being and to enhance the status of the City locally, nationally and internationally.
5. To develop partnerships with the business, voluntary and other appropriate sectors for the furtherance of the Council's objectives.
6. To keep under review the various strategies of the Council.

7. To consider the overall requirements of both private and public sectors relating to the provision of adequate housing accommodation to meet the social needs of the City and to secure and encourage the provision, either directly through the Council or in association with other organisations, of suitable accommodation to meet those requirements, in accordance with the Council's housing strategy. To approve rent levels for Council housing.
8. To refer matters to the appropriate Scrutiny Committee for investigation/review and report back to the Executive Committee.
9. To consider any matters specifically referred by a Scrutiny Committee.
10. To ensure the staffing resources of the Council, through its personnel policies, procedures and practices, contribute effectively to meeting the Council's objectives.
11. To determine, through a consultative procedure, health and safety policies for the Council.
12. To ensure appropriate arrangements for the appointment/dismissal of the Chief Executive & Growth Director, Directors, Chief Finance Officer, City Solicitor and Corporate Managers on JNC chief officer conditions of service.
13. To establish management and qualitative targets and standards for all Committees against which performance and results can be monitored and reviewed by the appropriate Scrutiny Committee.
14. To consider policies and implement proposals for the creation and enhancement of conservation areas, in accordance with the Council's strategy for conservation areas and historic buildings.
15.
 - (a) To approve those parts of the Council's Local Development Framework which are not the responsibility of Council, and other development briefs, including:-
 - (i) the approval of draft proposals for public consultation;
 - (ii) the adoption of documents.
 - (b) To consider the impact upon the City of elements of the Development Plan which are prepared by Devon County Council, or other local authorities, and liaise with those bodies as appropriate.
16. To determine, in accordance with the Local Government Act 1972: General Disposal Consent (England) 2003, the disposal of land and buildings at less than the best consideration that can reasonably be obtained.
17. To recommend to the Council the local scheme for council tax support for the ensuing year.

18. To appoint representatives to outside bodies and to recommend to the Council all matters affecting the revision of electoral boundaries and the filling of casual vacancies on Committees etc.
19. To make recommendations to the Council as to the making, revision and amendment of the Council's constitution.
20. To exercise all and any of the powers and responsibilities of the Council not otherwise within the terms of reference of any other Committee or requiring urgent action (unless excluded from being undertaken by the Executive).

EXETER GRANTS PANEL

1 Purpose

The purpose of the Exeter Grants Panel (The Panel) is to provide strategic direction for the Exeter Grant Programme and to ensure that grant awards are made in line with Council priorities and requirements.

2 Panel Membership

The Panel membership will reflect the political make-up of the Council and will include community representatives and advisors. Advisory members of the panel will be non-voting.

The Chair of the Panel will be the Portfolio Holder for Communities.

3 Composition of the Panel

The voting members of the panel are:

- Chair of Panel - Portfolio Holder for Communities
- Seven other councillors reflecting the political make-up of the Council
- Two Community Representatives

Non-voting Advisory members invited to support the work of the Panel are:

- Exeter City Council Director with responsibility for Communities
- Chief Executive Officer, Devon Community Foundation
- Chief Executive Officer, Exeter Voluntary and Community Sector Support Service.

4 Panel Roles and Responsibilities

The Panel Chair is accountable for ensuring that decisions and recommendations made by the Panel are fair and transparent and that the underpinning system and processes are proportionate to the funding required but that they also recognise the accountability of elected Members.

The Panel Chair is responsible for appointing a Vice-Chair from within the voting Panel membership to deputise in their absence.

Voting Councillor Panel members are responsible for encouraging groups and organisations to submit grant applications and ensuring that grants are awarded in line with Council priorities and procedures.

The role of Voting Community Representatives is to represent the range of community networks in the city taking into account the need to include those that may be disadvantaged or who may not have the confidence to participate in community networks.

Panel members will be encouraged to visit successful applicants to see the benefits and impacts of the projects and events supported by Council grants.

PLANNING COMMITTEE

1. To exercise and perform the powers and duties of the Council under the Town and Country Planning Act 1990 and appropriate regulations, planning and related legislation, except such powers and duties as are:
 - a) delegated to the Service Lead - City Development or other officer in accordance with the constitution;
 - b) a function of Council, Executive or any other Council Committee or Panel.

Responsibilities include the following determinations under the planning and related legislation:

Member and staff applications

City Council applications attracting objections

~~Applications referred by consensus from the Delegation Briefing~~

Applications referred by the Chair or Vice-Chair of Planning Committee

Any item considered by the Service Lead- City Development, Chair, or Vice Chair of Planning Committee or Portfolio Holder City Development to be significant, controversial or sensitive.

PLANNING MEMBER WORKING GROUP

1. Planning Member Working Group is a sounding board of Members of Planning Committee to:
 1. Discuss issues relating to planning policies or briefs
 2. Consider proposals prior to planning applications
 3. Advise on City Development projects
 4. Receive reports on development monitoring and service management issues

DELEGATION BRIEFING

1. Delegation Briefing is a sounding board of Members of Planning Committee, that is open to other Members that meets on an agreed basis for a briefing on applications that officers are minded to determine under delegated powers.
The Chair (or Vice 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.

AUDIT AND GOVERNANCE COMMITTEE

1. To approve, but not direct, the Internal Audit Strategy and annual audit plan ensuring that appropriate risk assessments have been carried out when formulating the internal audit plan and to monitor performance against the plan
2. To review any revisions to the plan as advised by the Audit Manager and agreed by the Chief Finance Officer
3. To review half yearly internal audit reports and the main issues arising and seek assurance from management that action has been taken, where necessary
4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale
5. To consider the Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
6. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance
7. To consider specific reports as agreed with the External Auditor
8. To comment on the scope and depth of external audit work and to ensure it gives value for money
9. To commission work from internal and external audit
10. To review any issue referred to it by the Chief Executive & Growth Director, senior management or any council body
11. To monitor the effective development and operation of risk management and corporate governance in the Council and agree necessary actions to ensure compliance with best practice
12. To review the Annual Governance Statement (AGS) and to recommend its adoption

(Amended September 2020)

13. To consider the Council's compliance with its own and other published standards and controls
14. To advise the City Council on the adoption of Codes of Conduct with the aim of promoting and maintaining high standards of conduct by members and officers and the subsequent monitoring and updating of the Codes.
15. To develop and adopt a Code of Practice on relations between members and officers.
16. To develop and monitor a Local Planning Code.
17. To ensure the provision of advice and training to members and officers on the above Codes of Conduct/Practice.
18. To hear and determine allegations of misconduct.
19. To be responsible for the Council's procedure for investigating and responding to complaints.
20. To give advice to members on the declaration of interests.
21. To monitor the "Whistle blowing Policy" which meets the requirements of the Public Interest Disclosure Act 1998, to encourage employees to report suspected malpractice, fraud or crime by other staff, the public or organisations having dealings with the Council.
22. To monitor and review the Council's Anti-fraud, Anti-bribery and Anti-corruption Strategy
23. To monitor the Council's constitution and, having regard to any report of the Monitoring Officer, to make appropriate recommendations where necessary.
24. To approve and adopt the Council's Statement of Accounts, income, expenditure and balance sheet or record of receipts and payments.
25. To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
26. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts

LICENSING COMMITTEE

To undertake the discharge of the Council's functions under the Licensing Act 2003 as follows:

1. To recommend a Licensing Policy Statement, and any subsequent revisions, to Council for approval.

To undertake the discharge of the Councils' functions in respect of the following:

2. To set or vary the standard conditions and fees applicable to hackney carriage vehicle and private hire vehicle licences, driver licences and operator licences.
3. To approve applications for hackney carriage fare increases.
4. To determine the standard conditions and fees applicable to street trading consents and licences and all aspects of trading on the highway, including advertising, advice and information centres.
5. To determine the standard conditions and fees applicable to sex shop licences under the Local Government (Miscellaneous Provisions) Act 1982.
6. To determine the fees applicable to track betting licences.
7. To determine any other matter of licensing policy referred to it by the Service Lead – Environmental Health and Community Safety.

Licensing Sub-Committee

To undertake the discharge of the Council's functions under the Licensing Act 2003 as follows:

1. To determine applications for personal licences where a police objection is made.
2. To consider police objections requesting revocation of a personal licence where convictions come to light after grant or renewal.
3. To determine whether to revoke or suspend a personal licence where convictions come to light after grant or renewal.
4. To determine applications for Premises Licences/ Club Premises Certificates, where a relevant representation is made.
5. To determine whether to grant or refuse a street trading consent
6. To determine applications for provisional statements, where a relevant representation is made.
7. To determine applications to vary Premises Licences/Club Premises Certificates, where relevant representations are made.
8. To determine applications to vary a designated premises supervisor, where a police objection is received.

9. To determine applications for the transfer of Premises Licences where a police objection is received.
10. To determine applications for interim authorities where a police objection is received.
11. To determine applications to review Premises Licences/ Club Premises Certificates.
12. To decide to object when the local authority is a consultee and not the relevant authority considering the application.
13. To determine whether to give a counter notice following a police and/or local authority environmental health objection to a Standard Temporary Event Notice.

To undertake the discharge of the Council's functions in respect of the following:

14. To determine applications for hackney carriage driver licences where the applicant has relevant convictions and any other application which the **Service Lead – Environmental Health and Community Safety** considers should be brought to a sub-committee.
15. To determine applications for private hire vehicle driver licences where the applicant has relevant convictions and any other application which the **Service Lead – Environmental Health and Community Safety** considers should be brought to a sub-committee.
16. To refuse applications for the grant or renewal of gaming machine permits and permits in respect of premises used wholly or mainly for the provision of amusement by means of machines.
17. To determine any licensing application referred to it by the **Service Lead – Environmental Health and Community Safety**, other than policy issues.
18. To determine applications for the grant, transfer, or revocation of a sex shop licence under the Local Government (Miscellaneous Provisions) Act 1982.

Delegation to Officers & Deputies

GENERAL

1. The Chief Executive & Growth Director, Directors, Corporate Managers (JNC Officers) and all officers with delegated authority must ensure that relevant Executive members are consulted on all matters of a controversial or sensitive nature. Where appropriate, these matters must be referred to the Executive for a decision/guidance.
2. If a delegated decision requires prior consultation with a specific portfolio holder and that person is not available, if the decision cannot wait, the consultation shall be with the Leader or other portfolio holder.
3. Where any decision proposed under delegated powers is likely to involve a departure from Council policy or any instruction of the Council, Committee or Executive, the officer must refer the matter to the Executive for a decision/guidance after consultation with the Director (Finance) where a budgetary issue is involved.
4. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
5. Where reference is made in the scheme of delegation to an exercise of a function under specific legislation, this shall be deemed to include any statutory extension, amendment, modification and re-enactment and any Statutory Instrument, rule, order, or bylaw made thereunder, provided that the nature of the function delegated remains the same.
6. All decisions delegated from the Executive and made under delegated authority shall be recorded by each officer with delegated authority in order that the Scrutiny Committees can properly examine any decision reached.
7. The Directors and Corporate Managers are responsible for the day to day management of operational issues. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each officer's job description. Without prejudice to the above, the following powers have been specifically delegated to the following officers: -

Chief Executive & Growth Director

1. In consultation with the Leader of the Council, (or in his/her absence the relevant Portfolio Holder), and the Chair of the relevant Scrutiny Committee, to authorise any emergency action required, on any matter which shall include incurring of expenditure, including those falling within the jurisdiction of a Committee, subject to a report then being submitted to the Executive (or relevant Committee).

2. In cases of emergency and in consultation with the Leader of the Council, the power to prohibit public processions under section 13 of the Public Order Act 1986.
3. In consultation with the Leader of the Council, to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Anti-Social Behaviour Act 2003.
4. To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre.
5. Subject to approved budget and in consultation with the Leader of the Council, Executive member with relevant portfolio to agree redundancies in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Executive, Strategic Scrutiny Committee and Audit and Governance Committee.
6. To exercise all/any delegated functions already reserved to specific officers as set out in the scheme of delegation.
7. In consultation with the Director (Finance) and the Leader of the Council to allocate resources of up to £1.5 million, funded by an earmarked reserve to support transformation and other projects that will support the Council in delivering £2.75 million in savings (2 years from Council 13 June 2018).
8. To agree any necessary amendments to the management agreement to Exeter City Group Ltd in consultation with the Leader of the Council, the Director (Finance) and the Executive Member with the Relevant Portfolio) and in addition the Chair or Deputy Chair of Strategic Scrutiny Committee.
9. Exeter City Group Ltd - To act in the role of Shareholder Representative and to undertake the activities and decisions as identified in the Shareholder Representatives Delegated Powers Document (*refer to the report Exeter City Group Ltd Business Case, Council, 24 July 2018*) including the ability to financially commit up to £499,999 funding for use by Exeter City Living Ltd for matters not in the Year 1 Business Case (August 2018 end March 2019).

Directors

1. The Directors may exercise any delegated function in the absence of an Officer to whom that authority has been specifically delegated, within the service areas which they manage.

Directors and Corporate Managers (including Project Director – Liveable Exeter)

1. To be responsible for the effective and efficient day-to-day management of the services for which he/she is responsible in accordance with the Council's agreed priorities and strategic objectives. This shall include authority to sign agreements/contracts in order to fulfil the powers, functions and duties of the service for which the officer is responsible. This power shall only be

(Amended October 2020)

exercisable where expenditure is included in the approved annual budget or capital programme.

2. To ensure that all policies adopted by the Council, which shall include those relating to its workforce are implemented.
3. In agreement with the Director (Corporate Services), authority to institute legal proceedings under any statute, by law or agreement (which shall include authority to appeal any decision made by a County or Magistrates Court) in the areas for which the Director /Corporate Manager is responsible.
4. Where appropriate, to defend any proceedings brought against the Council (which shall include the power to defend any appeal lodged against any decision or determination made under delegated authority).
5. To authorise the Director (Corporate Services) to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000.
6. To be responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area and for all buildings and sites for which they are responsible.
7. Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation.
8. The removal of goods will require authority from a Director, Director (Finance), and Chief Executive & Growth Director.
9. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of his/her service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Chief Executive & Growth Director) including but without prejudice to the generality of the foregoing:
 - a) Authorising the filling of posts within the approved budget (i.e. within the Council's establishment) and in accordance with the Council's employment policies.

Deputies – Director (Corporate Services)

Legal Services

Service Lead, Legal Services

Human Resources

Service Lead Human Resources

- b) The taking of any necessary disciplinary action in accordance with the Council's established policy and procedures (this function may also be exercised by other Officers as set out in the relevant employment policy)

All tier three officers (of Grade N or above)

10. Directors in consultation with their Portfolio Holders can vary fees and charges throughout the year to take account of market conditions, with the exception of car parking charges and statutory charges set by the Government. Commercially sensitive fees are no longer published

Director Corporate Services

1. In consultation with the Leader of the Council, to amend the Managing Organisational Change and Redundancy Policy and Procedure where necessary.

CITY DEVELOPMENT

Service Lead City Development

The following functions are delegated to Service Lead - City development subject to consultation or agreement as set out below:

Function	Consultation or Agreement	With Postholders/Group
<u>Applications</u> Applications (including TPO confirmations) that Members of the Planning Committee or Ward Members have requested to be brought to the Delegation Briefing.	Consultation	Delegation Briefing
City Council applications not subject to any objections.	Consultation	Delegation Briefing
Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation.	Consultation	Delegation Briefing
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	Delegation Briefing
Applications that have been	Consultation	Delegation Briefing

(Amended October 2020)

subject to objections based on material planning considerations, where the objection relates to impact on adjoining properties by overlooking, overbearing, overshadowing or insufficient on-site parking, that Officers are minded to approve under delegated powers.		
<u>Enforcement</u> Issue of Enforcement Notice, Stop Notice (ink Temporary), Urgent Works and Repairs Notices and commencement of injunction, prosecution or other formal legal proceedings. Hazardous substance contravention notice.	Agreement	Service Lead, Legal Services
<u>Section 106 Planning Obligations</u> Minor variations of existing Section 106 agreements, new agreements involving sums of less than £10,000 and those considered necessary with regard to planning appeals. Decisions on use of Section 106 funding where the terms are not prescribed by the agreement.	Consultation Agreement	Chair of Planning Committee Executive Member with Relevant Portfolio
<u>Neighbourhood Planning</u> Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums.	Agreement	Executive Member with Relevant Portfolio
Annual Infrastructure Funding Statements (including 'Infrastructure Lists')	Agreement	Leader of the Council and Executive member with relevant portfolio
<u>Local Infrastructure Fund</u> Decisions not considered by the Panel	Agreement	Chair of the Exeter Grants Panel or of any group that replaces it.
<u>Assets of Community Value</u>		

Decisions on listing assets	Agreement	Executive Member with Relevant Portfolio
<u>Affordable Housing</u> Approve the use of Commuted sums, as required, to acquire new affordable housing	Consultation	Executive Member with Relevant Portfolio and Finance and Estates Officers

Deputies – the relevant officer post holder Assistant Service Leads - City Development and/or Assistant Service Lead (Building Control), Assistant Service lead (Local Plans) and in relation to Annual Infrastructure Funding Statement Principal Project Manager (Strategic Infrastructure Planning)

1. Entering Land

The entering of land for the purposes of carrying out any function in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation

Deputies - all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

2. Determining applications

Undertaking all actions in determining applications of whatever nature in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation

Deputies -all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

CUSTOMER ACCESS

Service Lead Revenues, Benefits & Customer Access

1. To operate and administer the scheme of housing benefit on behalf of the Council, and residual council tax benefit, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme and the collection and recovery of Housing Benefits Overpayments.

Deputy –Benefits & Welfare Lead

2. To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund

Deputy –Benefits & Welfare Lead

3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy - Payment & Collection Lead

4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy - Payment & Collection Lead

5. To operate and administer the local scheme for Council Tax Support for working age claimants on behalf of the Council, including taking all decisions or actions required under the Council's local policy and to make administrative amendments to the Council's Section 13A policy under LGFA 1992.

Deputy –Benefits & Welfare Lead

6. To operate and administer the scheme for Council Tax Support for pension age claimants on behalf of the Council, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme.

Deputy –Benefits & Welfare Lead

7. To award, revise or revoke any discretionary relief applications for Business Rates.

Deputy – Payment & Collection Lead

8. To authorise the service, in relation to rent arrears, of Notice of Intention to Seek Possession (secure tenancies) and Notice to Quit (non-secure tenancies); and Notice of Proceedings for Possession of an Introductory Tenancy (introductory tenancies).

Deputy –Payment & Collection Lead

9. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent the Council in respect of rent arrears.

Deputy –Payment & Collection Lead

10. To accept payment of arrears of rent by instalments.

Deputy –Payment & Collection Lead

11. Authority to apply for a warrant for Possession of Property in relation to rent arrears.

Deputy –Payment & Collection Lead

12. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.
Deputy –Payment & Collection Lead
13. To appoint enforcement agents for the recovery of any outstanding debts.
Deputy –Payment & Collection Lead
14. In consultation with Service Lead, Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates.
Deputies –Benefits & Welfare Lead and Payment & Collection Lead
15. Power to impose penalties under LGFA 1992 for the failure to supply requested information in relation to Council Tax liability, discount and exemption and Council Tax Support
Deputies –Benefits & Welfare Lead and Payment & Collection Lead
16. In consultation with the Executive Member with the Relevant Portfolio and Chief Executive & Growth Director, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.
Deputy -Payment & Collection Lead

Service Lead Housing Needs & Homelessness

1. In accordance with the Council's approved conditions, policies and allocation scheme to: -
 - (a) Accept/refuse applications for housing. This authority shall include the power, in consultation with Executive Member with the Relevant Portfolio, to review any decision affecting an applicant's right or eligibility for housing assistance and entry onto the Council's Statutory Housing Register.
 - (b) Where appropriate and in consultation with Executive Member with Relevant Portfolio to accept applications outside those conditions and policies.*Deputy – Housing Solutions Lead*
2.
 - (a) To undertake all the statutory duties imposed by the Housing Act 1996 utilising temporary accommodation, bed and breakfast accommodation, private sector accommodation and making nominations to registered providers as required.
 - (b) In consultation with the Director (Corporate Services) and the Director (Finance), to enter into or determine leasing agreements with private

landlords to provide accommodation to homeless households as required to meet the Council's statutory requirements.

Deputy – Housing Access Team Lead

3. To arrange for and re-charge as necessary for the removal and storage of personal possessions.

Deputy – Housing Solutions Lead

4. In consultation with the Service Lead, Legal Services, to take legal action to obtain possession of any dwelling occupied by a person accommodated in accordance with the Housing Act 1996 who has refused a reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.

Deputy – Temporary Accommodation Lead

5. In consultation with the Executive Member with Relevant Portfolio to make any necessary amendment to the housing scheme.

Deputy – Housing Solutions Lead

6. In consultation with Human Resources, the allocation of accommodation in respect of service tenancies which shall include the power to refuse allocation of accommodation to personnel whose employment has been terminated.

Deputy – Housing Solutions Lead

7. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Deputy Chief Finance Officer

Deputy – Housing Access Team Lead

8. To deal with and determine homelessness reviews in accordance with the Housing Act 1996.

Deputy – Housing Solutions Lead

ENVIRONMENT

Service Lead – Environmental Health and Community Safety

1. To carry out functions, duties and responsibilities of the Council in respect of the following matters:
 - drainage
 - pest control
 - air and noise pollution
 - properties that are overcrowded, unfit for human habitation or in disrepair
 - abandoned vehicles/waste/refuse
 - control of dogs
 - skin piercing

(Amended October 2020)

(this power shall include authority to take remedial action where necessary).

Deputies - Environmental Health and Community Safety Managers

2. To appoint Inspectors and authorise officers to carry out any function, power or duty within their remit.

Deputy – Environmental Health and Community Safety Managers

3. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceedings, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and payment and recovery of costs:

Public Health

- 3.1 Food Safety Act 1990 and any Orders or Regulations or other instruments: (i) made thereunder, or (ii) relating thereto, or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety including:
 - Regulation numbers 178/2002, 852-854/2004, 882/2004 and 2073/2005 which relate to food and feed
 - Food and Environmental Protection Act 1985
 - Food Safety and Hygiene (England) Regulations 2013
 - Food Information Regulations 2014
 - Official Feed and Food Controls (England) Regulations 2009
- 3.2 Health & Safety at Work etc. Act 1974 and any supporting regulations.
- 3.3 Health Act 2006 and associated regulations including:
 - Smoke-free (Premises and Enforcement) Regulations 2007
 - Smoke-free (Exemptions and Vehicles) Regulations 2007
 - Smoke-free (Penalties and Discounted Amounts) Regulations 2007
 - Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
 - Smoke-free (Signs) Regulations 2012
- 3.4 Public Health Acts 1936 and 1961, Public Health (Control of Disease) Act 1984, Health Protection (Local Authority Powers) Regulations 2010 and Health Protection (Part 2A Orders) Regulations 2010
- 3.5 Water Industry Act 1991 and relevant regulations in relation to:
 - (a) functions with regard to the wholesomeness and sufficiency of public and private drinking water supplies

- (b) entry into premises for the purpose of analysis of samples of water within Exeter City Council's district
- (c) receiving and determining applications for authorisation for relaxation of Part III of the private water supplies regulations and the revocation or modification of such authorisations

3.6 Sunday Trading Act 1994

Private Sector Housing

3.7 Law of Property Act 1925 (Enforced sale provisions)

3.8 Caravan Sites and Control of Development Act 1960

3.9 Housing Acts 1985, 1988, 1989, 1996, the Home Energy Conservation Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein.

3.10 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Local Government Housing Act 1989 – to investigate and take appropriate action under these enactments.

3.11 Housing Act 2004 – to investigate and take appropriate action under these enactments including: -

- Section 131 Carry out works – interim or final management order
- Section 235 Production of documents
- Section 239 General powers of entry to inspect and survey
- Schedule 7 Paragraph 25 Carry out works – empty dwellings
- Schedule 3 Paragraph 3(4) Carry out works – Improvement notice

3.12 Mobile Homes Act 2013

3.13 Enterprise and Regulatory Reform Act 2013

- Specifically: The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (made under sections 83 and 84 of the Act)

3.14 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

3.15 Smoke and Carbon Monoxide Alarm (England) Regulations 2015

3.16 The Housing and Planning Act 2016

3.17 National Assistance Act 1948 and 1951

3.18 Tenant Fees Act 2019

3.19 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Licensing

3.20 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

3.21 Animal Welfare Act 2006

3.22 Animal Boarding Establishments Act 1963

3.23 Breeding of Dogs Act 1973 and 1991

3.24 Riding Establishments Act 1964 and 1970

3.25 Cinemas Act 1985

3.26 Dangerous Dogs Act 1991

3.27 Dangerous Wild Animals Act 1976 (as amended)

3.28 Guard Dogs Act 1975

3.29 Theatres Act 1968

3.30 Zoo Licensing Act 1981

3.31 Gambling Act 2005

3.32 Licensing Act 2003. In particular to determine:

- applications for Personal Licences, where no police objection is made;
- applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
- applications for provisional statements, where no relevant representations have been made;
- applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
- applications to vary designated Premises Supervisor, where no police objection has been made;
- requests to be removed as designated Premises Supervisor;
- applications for transfer of Premises Licences where no police objection has been made;
- applications for interim authorities where no police objection has been made;
- decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
- to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.

(Amended October 2020)

- the giving of a counter notice for Late Temporary Event Notices
- whether to make representations as a Responsible Authority
- the issue of a notice of suspension of licence for non-payment of the Annual Fee

3.33 Scrap Metal Dealers Act 2013

3.34 Road Traffic Act 1991 (Access to Criminal Records)

3.35 Local Government (Miscellaneous Provisions) Act 1976, Transport Acts 1980 and 1985 and the Town Police Clauses Act 1847 – to grant hackney carriage and Private Hire operator, vehicle and driver licences in accordance with the Council's agreed policy.

3.36 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council's agreed policies)

3.37 Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002

3.38 To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries, house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

Environmental Protection

3.39 Clean Air Act 1993

3.40 Clean Neighbourhoods and Environment Act 2005

3.41 Control of Pollution Act 1974

3.42 Environment Act 1995

3.43 Pollution Prevention and Control Act 1999 and associated regulations

3.44 Refuse Disposal Amenity Act 1978

3.45 Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:

- Sections 59, 60, 64-66(drainage)
- Sections 70 (food storage), 72 (means of escape from fire), 76 (defective premises), 84 (drainage of yards)

3.46 Environmental Protection Act 1990

3.47 Litter Act 1983

(Amended October 2020)

- 3.48 Noise Act 1996
- 3.49 Noise and Statutory Nuisance Act 1993
- 3.50 Prevention of Damage by Pests Act 1949
- 3.51 The Environmental Protection (Stray Dogs) Regulations 1992 which shall include, in cases of exceptional hardship, the power to waive payment of the recoverable fees and expenses levied in respect of dogs seized and detained as strays.
- 3.52 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
- 3.53 Local Government (Miscellaneous Provisions) Act 1976

Deputies - Environmental Health and Community Safety Managers

4. Enforcement of local bylaws.

Deputies - Environmental Health and Community Safety Managers

5. Granting financial assistance in accordance with the Council's policy for the repair/improvement of properties. This shall include the power in consultation with the Executive Member with relevant portfolio and Director (Finance) to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

Deputies – Environmental Health and Community Safety Managers

6. To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003.

Deputies – Environmental Health and Community Safety Managers

7. To deal with and enforce compliance with the provisions of Sections 43 to 45 and 47 of the Anti-Social Behaviour Act 2003, with the exception of sub-section 44(f), which deals with offences contrary to the Town and Country Planning Act 1990 which will be dealt with by the Service Lead, City Development.

Deputies – Environmental Health and Community Safety Managers

8. To deal with the provisions of and enforce compliance with sections 55 and 56 of the Anti-Social Behaviour Act 2003, where appropriate in consultation with the Service Lead, Legal Services.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)

9. To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries, house to house and

(Amended October 2020)

street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

Deputies – Environmental Health and Community Safety Managers

10. Be authorised under Section 53 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

Deputies – Environmental Health and Community Safety Managers

11. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti-Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

Deputy - Chief Executive and Growth Director or Director

12. To issue a Closure Notice of no longer than 24 hours following appropriate consultation under Part 2, Chapter 3 of the Anti-Social Behaviour Crime and Policing Act 2014.

Deputy – Chief Executive and Growth Director or Director

13. To change the statutory service plan in the light of centrally issued guidance and/or to meet operational needs.

Deputies – Environmental Health and Community Safety Managers

Cleansing and Fleet Manager

1. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, the Cleansing and Fleet Manager is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceedings, issuing of formal cautions and fixed penalty fines, service of Notices, carrying out of works in default and payment and recovery of costs:
 - 1.1 Environmental Protection Act 1990 including authorisation of works and recharges pursuant to Section 45 and authorisation and service of notices pursuant to Section 46;
 - 1.2 Litter Act 1983;
 - 1.3 Refuse (Disposal) Amenity Act 1978;
 - 1.4 Clean Neighborhoods and Environment Act 2005

(Amended October 2020)

Finance

Director Finance

1. In consultation with the Relevant Director, the Leader of the Council and Executive Member with the Relevant Portfolio, to award funds against the Commercialisation Capital Budget of £10 million.

Deputy – NA

2. In consultation with the Leader of the Council and the Director (Corporate Services) authorise the application of the Councils Local Government Pension Scheme Employer Discretions.

Deputy – Deputy Chief Finance Officer (Deputy Section 151 Officer)

Deputy Chief Finance Officer (Deputy Section 151 Officer)

1. To determine interest rates and their applicable dates in respect of new and existing mortgages.

Deputy – Finance Manager - Corporate

2. In consultation with the Service Lead, Legal Services to initiate court proceedings for the recovery of arrears in respect of mortgages.

Deputy – Finance Manager - Corporate

3. To be responsible:
 - a. For all day to day decisions on short term borrowing, investment and financing in accordance with the CIPFA Code of Practice “Treasury Management in the Public Services”.
 - b. In consultation with the Executive Member with Relevant Portfolio for decisions on long term borrowing in accordance with the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice “Treasury Management in the Public Services”.

Deputy – Finance Manager - Corporate

4. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.

Deputy – Finance Manager - Corporate

5. To approve all housing advances for purchase or improvement.

Deputy – Finance Manager – Corporate

6. To be responsible for undertaking the role of Money Laundering Reporting Officer.

Deputy – Finance Manager – Corporate

7. The execution and administration of treasury management decisions, in accordance with the Council's policy statement and treasury management practises and, if a CIPFA member, with CIPFA's Standard of Professional Practice on Treasury Management.

Deputy – Finance Manager – Corporate

8. In consultation with the Executive Member with relevant Portfolio Authority to approve financial assistance in the form of relief from Business Rates in respect of Charities/Good Causes and cases of hardship.

Deputy – Finance Manager – General Fund Services

9. In consultation with the Executive Member with relevant portfolio, to deal with applications for discretionary rate relief to sports clubs not in receipt of mandatory relief, as registered charities.

Deputy – Finance Manager – General Fund Services

10. In consultation with the Executive Member with relevant portfolio, to determine in accordance with the Council's agreed policy, applications for discretionary rate relief under Sections 47 and 49 of the Local Government and Finance Act 1988.

Deputy – Finance Manager – General Fund Services

11. In consultation with the Leader to review the Discretionary Relief Scheme and, if necessary, increase the maximum threshold to ensure Government funding is fully directed to businesses in Exeter.

Deputy – Finance Manager – General Fund Services

12. In accordance with the Housing Act 1980 and the Council's agreed policy to accept/refuse applications for mortgages, including further advances to administer and monitor payments of mortgage instalments and where necessary issue possession proceedings for mortgage arrears in consultation with the Service Lead, Legal Services.

Deputy – Finance Manager – Corporate

Service Lead – Commercial & Procurement

1. To approve the creation or modification of approved contractor standing lists.

Deputy – Procurement Lead

2. In conjunction with the Relevant Portfolio Holder, to sign off any amendments to the Procurement and Contract Procedures and supporting notes and to report back to Members.

Deputy – Procurement Lead

HOUSING

Service Lead Housing Tenancy Services, Service Lead Housing Assets.

1. Adaptation of Council Properties for disabled persons.
2. In agreement with the Leader of the Council and the Executive Member with Relevant Portfolio (or their substitutes nominated by the Leader) and the City Surveyor following receipt of professional property management advice, the identification for disposal at market value or less than best value of small areas of land no longer required for the housing unit's purposes, in accordance with the agreed scheme.
3.
 - (a) To administer the scheme for Housing Capital Grant.
 - (b) In consultation with the Director (Finance), to authorise payment of the Housing Capital Grant in accordance with 3 (a) above.
 - (c) To negotiate and enter into Nomination Agreements in accordance with 3 (a) and (b) above.
 - (d) Where this does not prejudice the Authority's capital receipt, to seek maximum nomination rights on disposal of land to registered social landlords.
4. In consultation with the Service Lead, Legal Services, to enter into releases of covenants affecting former Council rented or shared ownership dwellings.
5. To deal with and approve applications for grant in accordance with Section 24 and 25 of the Local Government Act 1988.
6. In consultation with the Service Lead, Legal Services, and/or Team Leader, Housing & Litigation to: -
 - (a) institute injunction proceedings in respect of anti-social behaviour pursuant to current Relevant legislation;
 - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant to current relevant legislation;
 - (iii) institute proceedings in the County Court to obtain possession orders pursuant to current relevant legislation; and
 - (iv) In consultation with the Executive Member with Relevant Portfolio and the Director (Finance), to make minor amendments to the Contract Regulations to reflect changes in legislation.

(Amended October 2020)

7. In consultation with the Executive Member with Relevant Portfolio and Finance and Estates officers, to acquire **and dispose of** suitable premises under the Housing Asset Management Plan framework using receipts generated by the disposal of assets.
8. In consultation with the Executive Member with Relevant Portfolio, to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use.
9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.
10. The Service of Notice of Intention to Seek Possession.
11. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.

Service Lead Housing Assets;

Deputies – Planned Repairs Lead, Response Repairs Lead, Safety, Health, Environment and Quality Lead, Asset Management Lead

Service Lead Housing Tenancy Services;

Deputies – Tenancy Services Lead, Senior Housing Officers, Senior Lettings and Home Ownership Officer, Project Manager Housing Business Support Lead and Housing Lead Performance, Strategy and Resident Involvement.

12. In consultation with the Executive Member with Relevant Portfolio approve the use of consultants to assist the Housing Development Team in undertaking viability appraisals and the appraisal of new forms of affordable housing delivery within approved budgets.

Deputy – Asset Management Lead

Service Lead Housing Tenancy Services

1. Grant, administer and, where necessary, terminate any flexible tenancy.

Deputy – Tenancy Services Team Lead

2. To terminate any tenancy or licence where necessary, by relying on the absolute grounds for possession introduced by the Anti-Social Behaviour Crime and Policing Act 2014 (the ASBCP Act 2014).

Deputy – Tenancy Services Team Lead

3. In consultation with the Executive Member with relevant Portfolio in conjunction with the Director (Finance) and the Director (Corporate Services), approve a repayment plan with a landlord where a property is handed back early from a private rental agreement with an individual landlord where

outstanding funds are owed to the Council. This will be subject to a legal charge being created and registered in the Council's favour against the property.

Deputy – Tenancy Services Team Lead

4. Authority to opt to surrender Right to Buy (RTB) to Department of Communities & Local Government or pass receipts over to a housing association, subject to prior consultation with the Director (Finance) and the Executive Member with Relevant Portfolio.

Deputy – Tenancy Services Team Lead

ENVIRONMENT AND CITY MANAGEMENT

Service Manager Public and Green Spaces

1. To agree requests for the adoption of land and facilities provided by a developer for the Parks and Open Spaces service pursuant to a planning obligation.
2. In consultation with other Officers as appropriate, the letting of parks and open spaces for special events where this does not have a negative financial impact on the Council.
3. In consultation with the Director (Finance) and Service Manager, the power to vary the fees and charges in respect of the Council's recreational and sports facilities (this shall exclude any facilities which may have been outsourced by the Council).

Deputy - Commercial Operations Manager

4. Exercising the obligations place on the Council under the 1980 Environment Act regarding the cleaning of public places.

Deputy – Public and Greenspaces Operations Manager

5. In consultation with the Executive Member with relevant Portfolio to decide on bids for the use of the Bowling Green Marshes Fund, in accordance with the agreed criteria and having sought the views of ward members.
6. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public Health (Control of Diseases) Act 1984.

Deputy – Technical Support Manager

7. Where appropriate, to serve Notices to quit terminating allotment tenancies.

Deputy – Technical Support Manager

8. In consultation with the Service Lead, Legal Services, and the Executive Member with the Relevant Portfolio , authority to make amendments to the Allotment Gardens Rules and Conditions.

Deputy – Technical Support Manager

9. Authority to enter into management agreements with duly elected Allotment Associations, as prescribed (Council 15 October 2014) in consultation with Executive Member with Relevant Portfolio.

Deputy – Technical Support Manager

10. Responsibility to interpret the Allotment Garden Rules and Conditions (agreed Council 15 October 2014) in the case of a dispute.

Deputy – Technical Support Manager

Engineering, Waterways and Parking Service Manager

1. To exercise the Council's powers under Section 6-8, 25 and 30 of the Exeter City Act 1987.

Deputy – Parking and Enforcement Operations Manager

2. In consultation with the Service Lead, Legal Services, to agree/refuse requests for road closures.

Deputy – Parking and Enforcement Operations Manager

3. To discharge the powers conferred on the City Council by the following sections of the Exeter City Council Act: -

Section 19 – Restriction of vehicles in certain residential streets; and
Section 30 – Prohibiting of parking of vehicles on footways, verges and central reservations.

Deputy – Parking and Enforcement Operations Manager

4. In consultation with the Leader of the Council and Executive Member with Relevant Portfolio to consider objections to Exeter City Council Parking Places Orders and amendments thereto.

Deputy – Parking and Enforcement Operations Manager

5. Be authorised under Section 53 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

Deputy – Parking and Enforcement Operations Manager

6. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti-Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

Deputy – Parking and Enforcement Operations Manager

7. All matters relating to the day-to-day management of the River Exe and Canal.

Deputy – Harbour Master

8. The day-to-day management, lettings and allocation of harbour mooring and to issue consents to use landings, slipways, pontoons and berthing subject to such charges and policies approved by the Council.

Deputy – Harbour Master

9. In consultation with the Service Lead, Legal Services, the regulation and enforcement of Harbour by-laws.

Deputy – Harbour Master

10. To reassign any residue from any future capital funding for the waterway in order to effect immediate and or significant repairs elsewhere in the Canal or Quay, in consultation with the Executive Member with relevant Portfolio and the Director (Finance).

*Deputy – Engineering and Assets Manager
(this will be the function of the new Harbour Board)*

17. To exercise the powers and functions of the Council under Section 26 of Exeter City Act 1987.

*Deputy – Engineering and Assets Manager
(this will be the function of the new Harbour Board)*

Devon County Council Officers; Parking Processing Officer, Parking Processing Team Leader, Parking Services Appeal Team Leader

1. Authority to cancel Penalty Charge Notices

Director (Corporate Services) and Monitoring Officer

1. To discharge the functions of the Monitoring Officer as set out in Articles 11 and 14 of Part 2 of the Constitution.

Deputies – Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support

(Amended October 2020)

2. In consultation with the Council's appointed independent person, to deal with any complaint received, alleging a breach of the Members Code of Conduct in accordance with the complaint's procedure, including the authority to decide whether an allegation merits investigation.

Deputies – Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support

3. To determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare, and where there is conflict, for another Member of the Audit and Governance Committee to be consulted.

Deputies: - Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support

Service Lead, Legal Services

1. To act as the Council's Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

- 2
 - (a) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.
 - (b) Where power to institute proceedings in the Magistrates Court is given by statute to the Council, the Service Lead, Legal Services shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
 - (c) In consultation with a Director concerned, authority to issue formal cautions where he/she considers this appropriate.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

3. To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls.

Deputy: Team Leader – Property, Planning & Non-Contentious

4. In consultation with the Chief Finance Officer and City Surveyor following receipt of professional property management advice, authority to agree the release of any covenants imposed on former council houses where such release is in the interests of the Council.

Deputy: Team Leader – Housing & Litigation

5. To apply to the Justices to authorise entry into land or premises by persons named by the Service Lead - City Development under the Town & County Planning Act 1990 (as amended).

Deputy: Team Leader – Property, Planning & Non-Contentious

6. In conjunction with the relevant Director, to approve orders under Section 21 of the Town Police Clauses Act 1847, for the temporary closure of streets, subject to consultation with Police and the County Council.

Deputies – Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

7. To attest the Common Seal of the Council and sign other legal documents.
Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious. Chief Executive & Growth Director

8. To provide and sign statements of truth in accordance with the Civil Procedure Rules.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

9. To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Service Lead, Legal Services considers that such action is necessary to protect the council's interest.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

10. To approve minor administrative/typographical corrections to the Constitution in consultation with the Leader of the Council.

Deputy – Corporate Manager Democratic & Civic Support

11. Exeter City Group Ltd – In consultation with the City Surveyor to sell at open market value, any Council owned land identified in the Exeter City Group Ltd Year 1 Business Case.

Deputy – Team Leader – ECL, Contracts, Procurement & Licensing

Service Lead, Human Resources

1. The authority to amend HR policies and procedures where a statutory change or an organisational change (i.e. change in job title/role) has occurred making the amendments necessary.

Deputy – HR Business Partner – SF

2. In consultation with the Portfolio Holder with responsibility for equality and diversity to make amendments to the equality and diversity policy.

Deputy – HR Business Partner – SF

Corporate Manager Democratic & Civic Support

1. (a) Designated as the “proper officer” for the purpose of the following sections of the Local Government Act 1972: -
 - (i) Section 100B (2) - determination of the agenda items and reports which are likely to be dealt with in part 2
 - (ii) Section 100B (7) (C) - supply of papers to the press
 - (iii) Section 100C (2) - summaries of the proceedings held in part 2
 - (iv) Section 100F (2) - determination of documents not available for inspection by members
- (b) Designated as the “proper officer” in respect of The Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Deputy – Service Lead, Legal Services

2. In consultation with the leaders of the Political Groups, to implement minor variations of numbers and appointments of Members of Committees/Sub-Committees, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.

Deputies – Democratic Service Officers

3. To exercise the powers set out in Section 31 of the Exeter City Act 1987 in respect of the restriction on the use of armorial bearings.

Deputy – Lord Mayor’s Support Officer

4. To authorise the use of the Guildhall for private functions.

Deputy – Lord Mayor’s Support Officer

5. To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer’s duties.

Deputy - Electoral Services Manager

Corporate Manager Executive Support Unit

(Amended October 2020)

1. To conduct listing reviews and compensation reviews in respect of assets of community value.

Deputy - None

City Surveyor

In respect of every single decision/transaction in relation to property matters, the City Surveyor or the officer appointed for the purpose shall exercise the authority delegated to him/her in accordance with the following:

1. In undertaking property matters decisions/transactions the following authority and decision processes will apply:
 - (a) Where the cost or equivalent value to the Council does not exceed £25,000 per annum, or £250,000 in capital value - The City Surveyor or the officer appointed for the purpose.
 - (b) Where the cost or equivalent value to the Council is between £25,000 and £50,000 per annum, or between £250,000 and £500,000 in capital value, City Surveyor or the officer appointed for the purpose in consultation with the Director (Finance)).
 - (c) Where the cost or equivalent value to the Council is between £50,000 and £100,000 per annum, or between £500,000 and £1m in capital value - City Surveyor or the officer appointed for the purpose in consultation with the Executive Member with relevant portfolio and the Director (Finance).

Provided always that any decision/transaction which may involve expenditure over £100,000 in value shall be reported to the Executive for a decision.

For the avoidance of doubt, no delegated authority shall be exercised unless in accordance with 1 (a) to (c) above

Deputy – Principal Estates Surveyor

2. Authority to enter into and grant leases, licenses, tenancies at will and wayleave agreements.

Deputy – Principal Estates Surveyor

3. To consent to the assignment, sub-letting or surrender of existing leases and to approve amendments to the terms of existing leases, licence or agreement

Deputy – Principal Estates Surveyor

4. Where appropriate in consultation with the Service Lead, Legal Services, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.

(Amended October 2020)

Deputy – Principal Estates Surveyor

5. In consultation with the Director (Finance) and Service Lead, Legal Services, to take legal/court action to enforce payment of rent and other charges due to the Council.

Deputy – Principal Estates Surveyor

6. To approve the revision of rent and licence fees either in accordance with the formula set out in the lease or in accordance with the open market value. This shall include authority to agree not to increase the rent where appropriate.

Deputy – Principal Estates Surveyor

7. In consultation with the Service Lead, Legal Services, authority to institute proceedings for the removal of trespassers on City Council land.

Deputy – Principal Estates Surveyor

8. In consultation with the Service Lead, Legal Services, authority to exercise the powers contained under Sections 77 and 78 of the Criminal Justice Public Order Act 1994.

Deputy – Principal Estates Surveyor

9. Authority to submit planning applications for the development or redevelopment of Council owned sites.

Deputy – Principal Estates Surveyor

10. In accordance with any procedures required by the Asset Management Plan and in consultation the Director (Finance), where this is deemed to be in the overall best interests of Exeter City Council, and where such disposal is of no strategic importance to the Authority, the disposal by freehold sale of land and/or buildings at open market value.

Deputy – Principal Estates Surveyor

11. Authority to vary or release freehold covenants where such release is not likely to prejudice the Council's existing land holding or any future development proposals.

Deputy – Principal Estates Surveyor

12. In consultation with the Director (Finance) and Director (Corporate Services), to pay or accept compensation where appropriate.

Deputy – Principal Estates Surveyor

13. In consultation with the Director (Finance), authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme.

Deputy – Principal Estates Surveyor

14. To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996.

Deputy – Principal Estates Surveyor

15. In consultation with the Director (Finance) and in agreement with the other relevant Officers, to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.

Deputy – Principal Estates Surveyor

Events, Facilities & Markets Manager

1. The alteration of market days required as a result of statutory holidays.

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

2. To establish/vary tolls, fees and charges in respect of the Matford Centre, Corn Exchange and the various markets authorised by Exeter City Council.

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

3. The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities.

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

Museum Manager

1. The effective day to day running of the City Museums and to determine the casual use of the Museum buildings in connection with events promoted by or supported by the City Council.

Deputy – Content Management Lead Officer

2. To exercise the powers and functions of the Council under Sections 9, 10 and 11 of Exeter City Act 1987.

Deputy – Content Management Lead Officer

3. To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation.

(Amended October 2020)

Deputy – Content Management Lead Officer

4. In consultation with the Executive Member with relevant Portfolio to approve items for de-accession from the museum collection, unless the item is of a significant nature or monetary value.

Deputy – Content Management Lead Officer

5. In consultation with the relevant Portfolio Holder, be authorised to submit applications for Grant Funding less than £50,000 in value, where there is no additional call for City Council resource beyond that already authorised within museum revenue expenditure.

Deputy – Content Management Lead Officer

Principal Health and Safety Manger

1. Duty holder for the Harbour Authority with the Service Manager with the responsibility for Waterways, in consultation with the Relevant Portfolio Holder for Waterways.

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Equality Impact Assessment: Amendments to the Council's Constitution relating to planning decision making

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 February 2021 Council – date TBA	Amendments to the Council's Constitution relating to planning decision making	Amendments to Constitution	None

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this

conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.
Sex/Gender	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.
Gender reassignment	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).			
Pregnancy and maternity including new and breast feeding mothers	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.
Marriage and civil partnership status	Neutral		Almost no relevancy to the process – the recommendations will have an equal impact on all who come into contact with the planning process.

Actions identified that will mitigate any negative impacts and/or promote inclusion

N/A

Officer: Roger Clotworthy, Assistant Service Lead City Development

Date: 5 January 2021

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REPORT TO EXECUTIVE

Date of Meeting: 9th February 2021

REPORT TO COUNCIL

Date of Meeting: 23rd February 2021

Report of: Chief Executive & Growth Director

Title: Consultation Charter

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

The report seeks agreement to adopt a Consultation Charter, which sets out the Council's commitment to best practice in consultation.

2. Recommendations:

That Executive recommends approval of, and Council approves, the Consultation Charter.

3. Reasons for the recommendation:

To formalise the council's commitment to consultation and to ensure consistent arrangements.

To ensure that communities in Exeter and interested parties have an opportunity to inform proposals for council policies/decisions and changes to those policies/decisions.

4. What are the resource implications including non-financial resources?

The charter in itself will not have implications for resources. Previous and existing consultations have largely followed the arrangements in the Charter and budgets for each consultation are approved on an individual basis.

5. Section 151 Officer comments:

There are no specific financial implications for Council to consider arising from this report.

6. What are the legal aspects?

There is no legal obligation to have a charter but the council is obliged to consult in certain circumstances and having a charter in place will ensure a consistent approach to consultation.

7. Monitoring Officer's comments:

A consistent, transparent approach to consultation is commendable and the Monitoring Officer would commend this approach to consultation.

8. Report details:

The Council carries out numerous consultations every year, both formal and informal. In order to ensure that common and consistent principles are applied in all cases, the Consultation Charter has been developed in accordance with best practice guidance from the Local Government Association and other local authorities, including Bristol and Hounslow. Importantly, the Charter has been informed by The Consultation Institute and its 7 principles of best practice: visibility, accessibility, transparency, disclosure, fair interpretation, publication and integrity (overarching).

In addition, the publication of a Consultation Charter was an action in the Corporate Equality Plan. It supports Equality Impact Assessments by clarifying what specific or general consultation we will do to assess specific impacts.

The Charter contains 17 principles that explain how and when we will undertake consultation and what consultees can expect.

9. How does the decision contribute to the Council's Corporate Plan?

The Charter underpins the priorities for a well-run council and value-for-money services.

10. What risks are there and how can they be reduced?

There are no risks associated with adopting the charter. Adoption will ensure that the council meets best practice consultation standards.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

There are no alternatives.

Chief Executive & Growth Director, Karime Hassan

Author: Bruce Luxton

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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Consultation Charter

Introduction

Exeter City Council recognises that to deliver effective services and to make decisions that meet the needs of its residents, business and visitors it must consult on the formation and development of its services and policies.

Consultation is just one element of community engagement and feedback and includes activities such as:

- complaints and suggestion schemes
- interviews, polls, surveys and questionnaires
- user and focus groups
- public meetings and residents' panels

This charter sets out our commitment to meeting best practice in consultation and complying with statutory requirements.¹

Scope

1. We will normally decide to consult residents and other stakeholders whenever a decision will directly affect them and when they might have a reasonable expectation that they should be involved. For example:
 - Proposals to redevelop areas of the city e.g. South Street
 - Proposals for new facilities e.g. a leisure centre, or skate park
 - Proposals for new equipment e.g. play equipment or park furniture
 - Proposals for how we deal with our assets e.g. tree strategy
 - Proposals to change our services e.g. closure of toilets, opening hours, service levels
 - Proposals to change a policy e.g. taxi licensing

Visibility

2. All our consultations will be published on the Council's website so that residents and stakeholders can easily see what is up for decision and how to participate.
3. Major consultations (e.g. city-wide or affecting a large number of people) will be publicised by press release and we will use our publications and social media to promote them.
4. The views of those people, communities or areas most affected by a proposal, and those we would expect to contribute, will be sought. However all members of the public and other

¹ This does not include consultation such as those on boundary changes or major planning redevelopments, which are governed by specific statutory consultation arrangements, or other dedicated consultation frameworks.

stakeholders are welcome to respond to a consultation whether or not they have been specifically invited to do so.

Accessibility

5. Surveys and questions and supporting information will be written in an objective, accessible to enable intelligent consideration and responses.
6. We will provide a named contact for each consultation so that residents and stakeholders know who they can speak to about proposals.
7. Taking into account the nature of the decision, a diverse range of respondents including the views of groups frequently excluded or overlooked, will be sought. The views of non-users, especially when service changes are being consulted on, will also be sought.
8. Consultation plans will consider how people with impaired sight or hearing or people whose first language is not English are able to participate fully.
9. Where groups of people with characteristics protected by the Equality Act 2010 may be particularly affected, the consultation plan will identify who they are and how they will be involved, and an Equality Impact Assessment will be included in the final report.
10. We will allow enough time for consultees to consider and respond to the consultation and the information we have provided. Wide scale public consultations, e.g. citywide or large parts of it, should run for a minimum period of six weeks.

Transparency and disclosure

11. Consultation plans will be produced for all major consultations. They will include what we are consulting about, and why, who we are consulting, how we will consult them, the timetable for the consultation, who will make the final decision and how we will provide feedback.
12. Whenever practical, the Council will involve key stakeholders or their representatives in shaping what we will consult on or how we will consult.
13. Where the Council has a preferred option, we will clearly state this in the consultation documents and explain how and why that preference was chosen. Where specific options have been rejected, we will explain why we do not consider them practical. Where options are offered, they should be realistic and deliverable.
14. Any complaints about the consultation will be published so that decision-makers can assess the effectiveness of the consultation before making their decision.
15. Consultations will be at a time when proposals are at a formative stage to allow the results to influence policy or proposal development.

Fair interpretation

16. We will carefully consider all responses to each consultation, analyse responses promptly and objectively and ensure that the product of consultation is conscientiously taken into account when finalising a decision.

Publication

17. We will publish results detailing the responses received, and explaining how we have taken these into account in arriving at a decision.

Equality Impact Assessment: Consultation Charter

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
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REPORT TO EXECUTIVE Date of Meeting: 9 th February 2021 REPORT TO COUNCIL Date of Meeting: 23 rd February 2021	Consultation Charter	That Executive recommends approval of, and Council approves, the Consultation Charter.	All. Because the charter states the need for diverse communities to be consulted and information to be made accessible
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Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Positive		NB The only negative might be where we have conflicting views from different groups of protected characteristics but these would need to be dealt with on a case by case basis and the EQIA that is carried out for that particular project would address these issues.

Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive		
Sex/Gender	Positive		
Gender reassignment	Positive		
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Positive		
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive		
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive		
Pregnancy and maternity including new and breast feeding mothers	Positive		
Marriage and civil partnership status	Positive		
<u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u>			

Officer: Bruce Luxton

Date: 14 January 2021

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Portfolio Holder for Culture and Communities

Title: General Buller Statue Update

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report asks Members to withdraw their support for proceeding with consultation, via listed building consent, for the relocation of Exeter's statue of General Buller.

2. Recommendations:

2.1 In a paper titled General Buller Statue Review which came before Executive on January 12, Members agreed to formally consult with local people, via the planning process, in order that they could formally record their views regarding the possible relocation of the statue.

2.2 Recommendation 2.2 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."

2.3 The recommendation currently awaits Council approval on February 23. However, since Executive met, Government announced their wish to legislate for an ability to 'call in' and likely overturn any such formal planning decision about a statue, should local views be in favour of relocation. In light of this announcement it is recommended '2.2' be withdrawn and the application for listed building consent for relocation and the formal consultation now not take place.

2.4 All other recommendations in the report remain unchanged.

3. Reasons for the recommendation:

Subsequent announcements by The Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government.

4. What are the resource implications including non-financial resources?

4.1 There are no additional resource implications.

5. Section 151 Officer comments:

There are no financial implications arising from the report for Council to consider

6. What are the legal aspects?

6.1 The Equality Act 2010 public sector equality duty comprises a general duty supported by specific duties. The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- Foster good relations between people who share a relevant protected characteristic and those who do not.

6.2 The statue was erected in 1905 with funding received from around 50,000 members of the public, and dedicated to the (then) City Council. Up until 1974 Exeter City Council's predecessor authority held responsibility for it.

6.3 Legal advice provided by Exeter City Council officers states that following reorganisation under the Local Government Act 1972, the highway function passed to Devon County Council (this actually took place on 1 April 1974) and, as such, ownership of the highway and all attached to it should have passed on to Devon County Council. However, officers from Devon County Council have submitted that this is not the case and that Exeter City Council still owns the site which they state is not on the public highway.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 In an opinion piece entitled 'We will save our history from woke militants' in the Sunday Telegraph, The Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, supported the methodology behind Exeter City Council's proposal to formally consult on the relocation of General Buller's statue via a planning process. He said: 'Local people ought to have the chance to be consulted on whether a monument should stand or not.'

8.2 Importantly, he also indicated his strong personal opinion that the correct outcome in nearly all instances would be to 'retain and explain'. He also expressed his wish to enforce that view via legislation.

8.3 On January 17 new laws were announced around items of cultural and historic heritage.

8.4 It outlined pending changes including 'The law will make clear that historic monuments should be retained and explained' and 'The Secretary of State is able to call in any application and ensure the law is followed.'

8.5 The original Exeter City Council recommendation would have led to formal consultation through the planning process. Following these announcements, there is a high likelihood the outcome of a consultation could not be acted on, should it indicate removal to an alternative location.

8.6 Members are therefore asked to delete recommendation 2.2.

8.7 All other recommendations remain, namely:

8.7.1 That Executive note the findings of the Scrutiny Task and Finish Group

8.7.2 That temporary information boards be erected near to the statue;

8.7.3 That the Council work with the University of Exeter and Exeter Culture on an arts-based engagement project with residents, through a public art working group that will be established to consider the role of public art in Exeter; in order to create a new public art strategy for the city;

8.7.4 That the Portfolio Holder for Culture and Communities establish a working group to develop an Anti-Racism Strategy for the Council;

8.7.5 That the Corporate Equality and Diversity Group be asked to develop a training and awareness raising programme for staff and councillors on equality impact assessments, and their role in the Council's decision-making process.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The decision will support the priority to meet community aspirations and build great neighbourhoods. It will not waste resource, ensuring value for money.

10. What risks are there and how can they be reduced?

10.1 The risks are reflected in the accompanying Equality Impact Assessment.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Executive could proceed with the planning application and formal consultation as originally planned.

Cllr Amal Ghusain, Portfolio Holder Culture and Communities

Author: Director of Culture, Leisure and Tourism, Jon-Paul Hedge

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Equality Impact Assessment

<https://www.gov.uk/government/news/new-legal-protection-for-england-s-heritage>

<https://www.telegraph.co.uk/news/2021/01/16/will-save-britains-statues-woke-militants-want-censor-past/>

Contact for enquires:
Democratic Services (Committees)
Room 4.36
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Equality Impact Assessment: *General Buller Statue Update*

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Council – 23 February 2021	General Buller statue update	That formal planning permission should now not proceed.	All characteristics

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Positive and Negative	High	<p>These recommendations cover sensitive areas of work which will have a High impact on BAME people. Whether this impact is positive or negative will depend largely on how the work is carried out.</p> <p>The recommendation made to Executive in January to make an application for the relocation of the General Buller statue may have raised BAME resident's expectations. Having voiced concerns about the legacy of empire and the glorification of colonialism for many years, disappointment about this outcome may lead to concern that the Council was not properly listening to BAME residents. Communication of the reasons for the change in recommendation to Council, which are bound up with decisions made by central Government, needs to be clear to all communities in order to mitigate this risk.</p> <p>As has been seen in other cities there are strong views both for and against relocating statues that celebrate the legacy of empire.. Exeter</p>

			<p>City Council has already received extreme right wing views over this matter. This can incite intolerance towards people of colour and an increase in hate incidents which obviously has a High Negative impact on BAME people.</p> <p>The proposed arts based engagement project looking at the role of public art in Exeter reduces the risk of negative impact as this will widen the scope of the conversation, involve experts with experience of similar pieces of work and stakeholders from different backgrounds who are able to tell their stories about what public art means to them.</p> <p>The installation of temporary information boards with a link to a webpage providing information about the context of the statue should also help to mitigate this risk.</p> <p>The development of an Anti-Racism Strategy will have a positive impact on people from BAME backgrounds as it will proactively seek to address systemic racism where the council has the ability to create change.</p> <p>The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a positive impact.</p>
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
Sex/Gender	Positive	Medium	The arts based engagement project will need to ensure that the views of women, trans gender and non-binary people are captured and given due weight.

	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
Gender reassignment	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
Pregnancy and maternity including new and breast feeding mothers	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
Marriage and civil partnership status	Positive	High	The development of internal training for decision makers on Equality Impact Assessments will increase knowledge and awareness of equality and inclusion and should have a High Positive impact.
<u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u>			

- Inclusive proactive community consultation, engagement and communication.

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Culture, Leisure and Tourism

Title: New Office for Exeter Corn Exchange

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This reports highlights the opportunity to create a new office to accommodate the staff engaged in the management and administration of Exeter Corn Exchange.

2. Recommendations:

- 2.1 To approve for the vacant retail unit at 89 Fore Street to be used as a public facing office/box office for the Corn Exchange.
- 2.2 To approve the proposal to remove the rental income requirement within the budget of Corporate Property Estates for this unit.

3. Reasons for the recommendation:

- 3.1 The current venue office is not fit for purpose and presents accessibility issues. The office is at the rear of the venue and is accessed by an internal staircase.
- 3.2 Using 89 Fore Street as the venue office would provide future opportunities for increased income, partnership working and hosting of other Council services.
- 3.3 Developing this facility would provide a boost to the business environment in this part of the city.

4. What are the resource implications including non-financial resources.

- 4.1 Transferring the unit to the Corn Exchange would remove the £22,500 income budget currently within Corporate Property Estates. This loss would be mitigated by extra income targets for the Corn Exchange as follows:
 - The higher profile that the new customer facing box office would provide is likely to result in an increase in ticket sales (see 8.3). Very few sales are made face-to-face because of the current lack of visibility/difficulty of access and this leads to a lack of impulsive purchases. The new box office will act as a retail unit in the city

centre and it seems reasonable to assume that this will lead to increased sales. Looking at the box office returns for previous events and identifying where there might be scope to increase sales, it is thought reasonable to target additional sales of 7.5% of current levels. A 7.5% increase in ticket sales for Corn Exchange events would result in an increase in income of £46,500 (based on the last full year's sales). Of this around 75% would be costs for the artists/production leaving approximately £11,500 nett increase in income.

- A corresponding 7.5% increase in food and beverage income, which can be assumed because of the increase in customer numbers, would produce another £14,000 in income. Of this around 40% is the cost of goods sold leaving approximately £8,400 nett increase in income.
- Allows for the development of a city-wide box office with a target income of £10,000 a year to be achieved by year three. Initially the box office would look to take over the ticket agency operation which was based in the Tourist Information Centre and achieved a nett income of around £5,000 pa.
- Other income earning potential is difficult to quantify at this point but the opportunity for some retail sales and possibly catering would be explored after the move is made.
- It is recognised that under the current circumstances any extra income is difficult to project with certainty so the above projections are made in good faith based on operating conditions returning to the pre-pandemic situation. It would be prudent to target the extra income identified by year three of the new office's operation.

- 4.2 The venue would incur the business rates payable on the unit, approximately £12,750 pa, although currently there is 100% rate relief on this until at least April 2021. A review of the business rates would be sought to take into account that the unit is being incorporated into the Corn Exchange (the venue currently pays £37,000 in business rates).

5. Section 151 Officer comments:

The section 151 Officer notes the proposals and loss of commercial rent income and is satisfied that in the longer term, the proposals to cover this loss of income are realistic. It should be noted that there is a significant risk of failing to meet the target in 2021-22, as is the case for many of the Council's income budgets. Steps have been taken to protect the Council from the detrimental impact of the pandemic on our income streams and Councillors should take a longer term view as to the appropriateness of this proposition.

6. What are the legal aspects?

There are no legal implications contained in this report.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

- 8.1 The current office for the Corn Exchange is far from ideal for its purpose. The office is situated at the rear of the venue and access is via a triple flight of stairs. This is extremely hard to locate and difficult for customers and others to access. Employees with physical disabilities, which prevented them from using stairs, would be unable to access the present office (there are no such employees at the moment).
- 8.2 To comply with the Disability Discrimination Act 1995 (DDA) we have previously had to make tickets for events available from the Tourist Information Centre in Princesshay. This option is no longer available to us. 89 Fore Street, which is much more appropriately located, has level access and so complies with the requirements of the DDA.
- 8.3 Establishing this unit as the Corn Exchange office would mean that the venue would have much better visibility than is currently the case. The venue has always suffered from poor public awareness because of the lack of any frontage on Fore Street. In architectural terms there is a lack of legibility with the venue; people cannot currently conjure up an image of what happens within the Corn Exchange because of the lack of any clear evidence externally. The new office should go some way to addressing this long-standing problem by creating a shop window for the venue. This should not only give easier access for customers wishing to purchase tickets but it should also result in higher ticket sales from customers making impulsive purchases. It is envisaged that using this unit as the Corn Exchange's public facing office will result in an increase in ticket sales for the venue's events.
- 8.4 It would also provide an opportunity to develop the Corn Exchange's box office service by creating a ticket agency for events at other locations. Exeter lacks a visible city centre ticket agency and this unit would allow us to assist others organising events in the city, and wider area, whilst providing us with an opportunity to earn income from booking fees/commissions.
- 8.5 There would be further income earning opportunities from this public facing unit and it could also offer a home for other Council services looking for a high profile location (whether temporary or permanent). This could include some sort of tourist information service which was lost with the permanent closure of the TIC at the end of last year.
- 8.6 The development of this facility would add a new dimension to this part of the city centre which has suffered somewhat over recent years in comparison to the High Street and Princesshay with a number of vacant retail units and a proliferation of charity shops.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 Progressing this proposal would contribute to the objective of Providing Value for Money Services by expanding commercial activity and generating more income. This could be achieved by the future development of this facility as outlined; which offers scope for new income streams.

- 9.2 It would also contribute to the objective of Leading a Well Run Council by proving good management of our business assets and offering an opportunity to work in partnership with others through the development of a ticket agency.

10. What risks are there and how can they be reduced?

There are no identified risks other than the initial loss of income from external rental of the unit and the risk that new income targets are not realised because of the current uncertainty surrounding the restrictions because of the pandemic (see 4.1)

11. Equality Act 2010 (The Act)

- 11.1 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

- 12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

- 13.1 Members could reject the recommendation and the Corn Exchange office could continue to operate from its present location and a new tenant could be sought for the retail unit.

Director Culture, Leisure and Tourism, Jon-Paul Hedge

Author: David Lewis

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

Equality Impact Assessment: *New Office for Exeter Corn Exchange*

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 February	New Office for Exeter Corn Exchange	To approve for the vacant retail unit at 89 Fore Street to be used as a public facing office/box office for the Corn Exchange.	Those with disabilities

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
		To approve the proposal to remove the rental income requirement within the budget of Corporate Property Estates for this unit.	

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral		
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive		This report has a positive impact for people with disabilities because relocating the venue office makes it accessible.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Sex/Gender	Neutral		
Gender reassignment	Neutral		
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Neutral		
Pregnancy and maternity including new and breast feeding mothers	Neutral		
Marriage and civil partnership status	Neutral		

Actions identified that will mitigate any negative impacts and/or promote inclusion

Officer: David Lewis, Facilities & Markets Manager

Date: 13 January 2021

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REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Net Zero Exeter & City Management

Title: Public Spaces Protection Order Renewal

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 The current Public Spaces Protection Order 2017 ("PSPO") is due to expire on the 20 June 2021. This report describes the impact of the order and recommends extending the order for a further year pending a review and consultation if required.

2. Recommendations:

- 2.1 That the Executive supports and Council Resolves to renew the Public Space Protection Order, on the existing boundaries defined by the attached map and prohibitions (Appendix A) for a further period of 1 year from the commencement date of 20 June 2021.
- 2.2 That Executive allows 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.
- 2.3 Executive recommends that Council resolves to continue the current policy of funding received by the Council from fixed penalty notices issued for a breach of any PSPO to be ring-fenced for initiatives to address anti-social behaviour and that this funding continue to be administered through the Exeter Community Safety Partnership.

3. Reasons for the recommendation:

- 3.1 There is continued justification for the Order based using data and intelligence from Devon & Cornwall Police, the Council, and the Exeter Community Safety Partnership, together with information from complaints made by the public to the Council. From this information it is clear that whilst the PSPO has had an impact since its introduction in 2017, the prevalence of persistent and problematic anti-social behaviour continues to be relatively high in the area of the Order.
- 3.2 Data from Police logs and from the Exeter Business Against Crime Partnership provides evidence that anti-social behaviour complaints are of such a volume that they

continue to have or are likely to have a detrimental effect on the quality of life of those in the locality, i.e. residents, workers and visitors within the PSPO area. These anti-social activities are continuing at a level that is unreasonable and justifies the continuing restrictions of the Order.

- 3.3 Under the PSPO control measures are used which address the anti-social behaviour without necessarily criminalising a perpetrator in breach of the Order. This could not be easily achieved without the PSPO and there are no known alternative or more effective control measures currently available. Since the introduction of the PSPO in 2017 the order has been applied in conjunction with other interventions, so it can be used to engender positive behaviour change by offering the option of a restorative or positive alternative to a penalty fine such as an Acceptable Behaviour Contract (ABC).
- 3.4 Where the PSPO control measures fail to improve behaviour it is used to demonstrate to the courts that every opportunity has been given to modify behaviour before resorting to other tools under the Anti-Social Behaviour, Crime and Policing Act 2014 such as Injunctions and Criminal Behaviour Orders.
- 3.5 When the PSPO was originally adopted it was decided that frontline Council officers would not be deployed to use the PSPO powers. Whilst frontline Council officers will not be specifically deployed to enforce the PSPO, it has become apparent that had officers within the Environmental Health and Community Safety Service had the PSPO enforcement powers at their disposal, they would have been able to conduct a positive intervention on a number of occasions.

4. What are the resource implications including non financial resources.

- 4.1 Operationally, the Police will continue to be the principal agency enforcing the PSPO powers on the ground. The number of Fixed Penalty Notices (FPNs) issued and the resultant income (estimated £5,090 to date) is expected to continue be small, and any income from FPNs will be ring-fenced for use by the Exeter Community Safety Partnership to support Community Safety initiatives within the City. Therefore, any intervention and enforcement costs in pursuit of breaches of the Order will continue to be met by existing Police and/or Council resources.

5. Section 151 Officer comments:

- 5.1 There are no significant financial implications for Council to consider within this report.

6. What are the legal aspects?

- 6.1 The provisions relating to PSPO powers fall under the Anti-Social Behaviour, Crime and Policing Act 2014. Section 60 of the Act provides that a PSPO may be extended (section 60 (2)) 'if satisfied on reasonable grounds that doing so is necessary to (a) prevent occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time'.
- 6.2 The extension may only be for a maximum period of 3 years but Section 60 (4) provides that it may be extended under section 60 more than once.

- 6.3 Officers are satisfied that there are sufficient grounds to extend the current PSPO for a further year pending a review, to prevent occurrence and reoccurrence of the prohibitions outlined in the current order.

7. Monitoring Officer's comments:

- 7.1 This report raises no issues for the Monitoring Officer.

8. Report details:

- 8.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced powers to tackle anti-social behaviour, including Public Spaces Protection Orders. Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 8.2 These orders are flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the problem behaviour unreasonable.
- 8.3 The Exeter PSPO was introduced in from 20 June 2017. On introduction an initial three month transition period *was adopted for those conducting first time transgressions*. The Police were still able to use dispersal power during this period.
- 8.4 From the adoption of the PSPO until the end of 2020, the following uses of the powers have taken place:
- 48 Fixed Penalty Notices issued for street urination.
 - 366 people have been dispersed using the powers.
 - 20 prosecutions have been taken for breaches of the PSPO prohibitions.
 - 2 caution was also issued for a breach of PSPO prohibition
 - The powers of surrendering alcohol are used on a daily basis by officers, however records are not kept of the use of this prohibition as most people voluntarily surrender
- 8.5 Exeter, much like other towns and cities nationally, has a persistent and recurring issue of anti-social behaviour in the City centre, particularly in the summer months. There is support from the Police and the Police and Crime Commissioner's Office for the continuation of the PSPO.
- 8.6 The Police reported 2066 antisocial behaviour logs in the PSPO areas in 2017; 2036 in 2018 and 1761 in 2019 and 1867 in 2020 and whilst this shows a year on year reduction in logs not all concerns are logged with police. The Exeter Business Against Crime (EBAC) partnership recorded 1193 incidents of anti-social behaviour in 2017 within the PSPO area, 1320 in 2018, 1678 in 2019 and 1410 in 2020. It should be noted

that despite less footfall in the PSPO area due to Covid-19 restrictions, anti-social behaviour reports have not significantly decreased.

- 8.7 Under the Act, in deciding upon the making or extending of a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention under section 21(1) of the Human Rights Act 1998. In terms of the joint protocol on enforcement and positive/restorative pathways for the PSPO, and the training that takes place, the importance of these two freedoms is made explicit. In addition, both the protocol and training have regard to Article 1 of the First Protocol of the Human Rights Act 1998 (protection of property) in relation to the surrendering of intoxicants to authorised persons, contained within the PSPO.
- 8.8 In practical terms, this means that the application of the PSPO is not used to restrict a lawful Trade Union picket, an organised peaceful protest, a religious assembly, or someone preaching in a public space. Nor is it used to confiscate alcohol from someone who had just made a purchase from an off-licence with the intention of taking that purchase home for consumption.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The main contribution of the designation of a PSPO is to reduce problematic anti-social behaviour in the City Centre, and in so doing it supports the corporate priorities of 'promoting active and healthy lifestyles' and 'building great neighbourhoods'.
- 9.2 In achieving this, it is necessary to work with partners who make up the Community Safety Partnership to ensure that any Order is effectively implemented alongside other interventions.

10. What risks are there and how can they be reduced?

- 10.1 Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that "interested persons" may challenge the validity of any Order in the High Court. This means that the Council could face a challenge against its decision to make the Order. An application of this nature must be made within six weeks beginning on the day the Order is made or varied. The grounds upon which a challenge could be made are:
- that the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - that a requirement under this part of the legislation was not complied with in relation to the order or variation.

The High Court has the power to suspend, quash, amend or uphold the order.

- 10.2 This risk has been mitigated by the Council adhering to the provisions of the Act with regard to the formulation, consultation and implementation process of an order, in response to evidence of continuing and unreasonable anti-social behaviours occurring in the City Centre area encapsulated within the proposed PSPO boundary.

- 10.3 There is also a risk that public expectations will be raised by this Order that agency resources cannot fully meet; the Order is unlikely to remove the issues in total, but can act to support and augment other initiatives. The inclusion of a positive/restorative option in the crafting of a fixed penalty notice will be an innovative use of the legislation by the Council in helping to change negative behaviours, reduce re-offending and help readily engage the support of partner agencies.
- 10.4 Continuation of this Order could lead to problem-displacement. Officers from the Council, Police, and other agencies have continually reviewed this and believe that the area of the proposed Order is sufficiently large to minimise any acute problems arising from any displacement.

11. Equality Act 2010 (The Act)

- 11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:
- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
 - advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
 - foster good relations between people by tackling prejudice and promoting understanding.
- 11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.
- 11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.
- 11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

- 12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

- 13.1 Not renewing the PSPO – the current PSPO could be left unchanged for a period ending 20 June 2021. This option is not being put forward due to the need to continue tackling issues relating to anti-social behaviours taking place in the City Centre.

- 13.2 Consult on a new PSPO with changed prohibitions and / or boundaries - this option is not being recommended at this time as it would require extensive research and consultation that could not be completed prior to the 20 June 2021.

Director Net Zero Exeter & City Management, David Bartram

Author: Simon Lane - Service Lead – Environmental Health and Community Safety

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- 1) Highways Act 1980
- 2) Anti-Social Behaviour, Crime & Policing Act 2014

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

The Anti-social Behaviour, Crime and Policing Act 2014 The Public Spaces Protection Order – Exeter City Council 2017

Exeter City Council ('the local authority') being satisfied that the conditions set out at section 59 (2) and (3) of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') are met and upon the following activities being carried on in a public place within the local authority's area: (i) the use of intoxicating substances, (ii) urinating, (iii) aggressive begging, (iv) acting in a manner that causes or is likely to cause a member of the public to suffer harassment alarm or distress, and upon the local authority having undertaken the necessary consultation and the necessary publicity and the necessary notification as required by section 72 (3) of the Act HEREBY MAKES by virtue of section 59 of the Act a Public Spaces Protection Order ('PSPO') in the following terms:

Any person within the PSPO area [being the area edged black on the map at Schedule One] whilst situated in the street or other public space where the public have access without payment shall:

- A. Surrender any intoxicating substance* in their possession to an authorised person** when requested to do so by that authorised person, if:**
- (a) they are found to be ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance or substances, or,**
 - (b) they are in possession of such intoxicating substance or substances with the intent of using such intoxicating substance within this area, or,**
 - (c) the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance or substances within the said area.**

**Intoxicating Substance is given the following definition (which includes alcohol and 'new psychoactive substances') 'substances with the capacity to stimulate or depress the central nervous system'. Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substance when alcohol falls within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such. Section 63 (1) and (2) of the Act provides that where a constable or an authorised person reasonably believes that a person is or has been consuming alcohol or intends to consume the alcohol in breach of this prohibition, that constable or authorised person may require the person not to consume the alcohol or to surrender the alcohol or container for alcohol to that constable or authorised person. Upon being provided with evidence that the constable or authorised person has the appropriate authorisation, a person who fails to comply with the requirement of the constable or authorised person shall commit an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale. A constable or an authorised person may dispose of anything surrendered in whatever way he or she thinks appropriate.*

***An authorised person shall be a Police Constable, Police Community Support Officer or authorised Exeter City Council Officer, who must be able to present their authority upon request.*

B. Not urinate in a street* or public open space.

**The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment. Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by Exeter City Council and with its agreement.*

C. Not carry out aggressive begging*.

**Aggressive begging is defined as behaviour that a reasonable person would regard as intimidating and which is designed to cause a member of the general public to offer money to a person not known to them. Exeter City Council would define that behaviour as: (1) clearly intimidating, i.e. through the use of threatening language or gestures, or (2) intimidating by being passive aggressive, such as standing or sitting in close proximity (i.e. within 5 metres) of a cash machine or pay station either singly or in a group of two or more ie where people expect privacy and/or feel vulnerable with their money, bank cards, wallets or purse on display.*

D. Not behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.

E. Persons within this area who breach Prohibition D while in a group shall when ordered to do so by an authorised person disperse either immediately or by such time as may be specified and in such a manner* as may be specified.

**The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 6 hours from the time that an authorised person orders persons in a group to disperse.*

- It is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by the PSPO or to fail to comply with a requirement to which the person is subject under the PSPO. By virtue of section 67 (2) of the Act a person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a Fixed Penalty Notice may be issued by virtue of section 68 (1) of the Act up to a current maximum of £100.
- The PSPO shall come into operation on the 1st June 2017 and shall have effect for a period of 3 years.
- Any person who lives in the area of the PSPO or who regularly works in or visits that area may apply to the High Court to question the validity of the PSPO if that person believes that the authority did not have power to make the order or that a requirement in the Chapter of the Act relevant to the PSPO was not complied with. This application under section 66 of the Act must be made within six weeks of the date the PSPO is made.

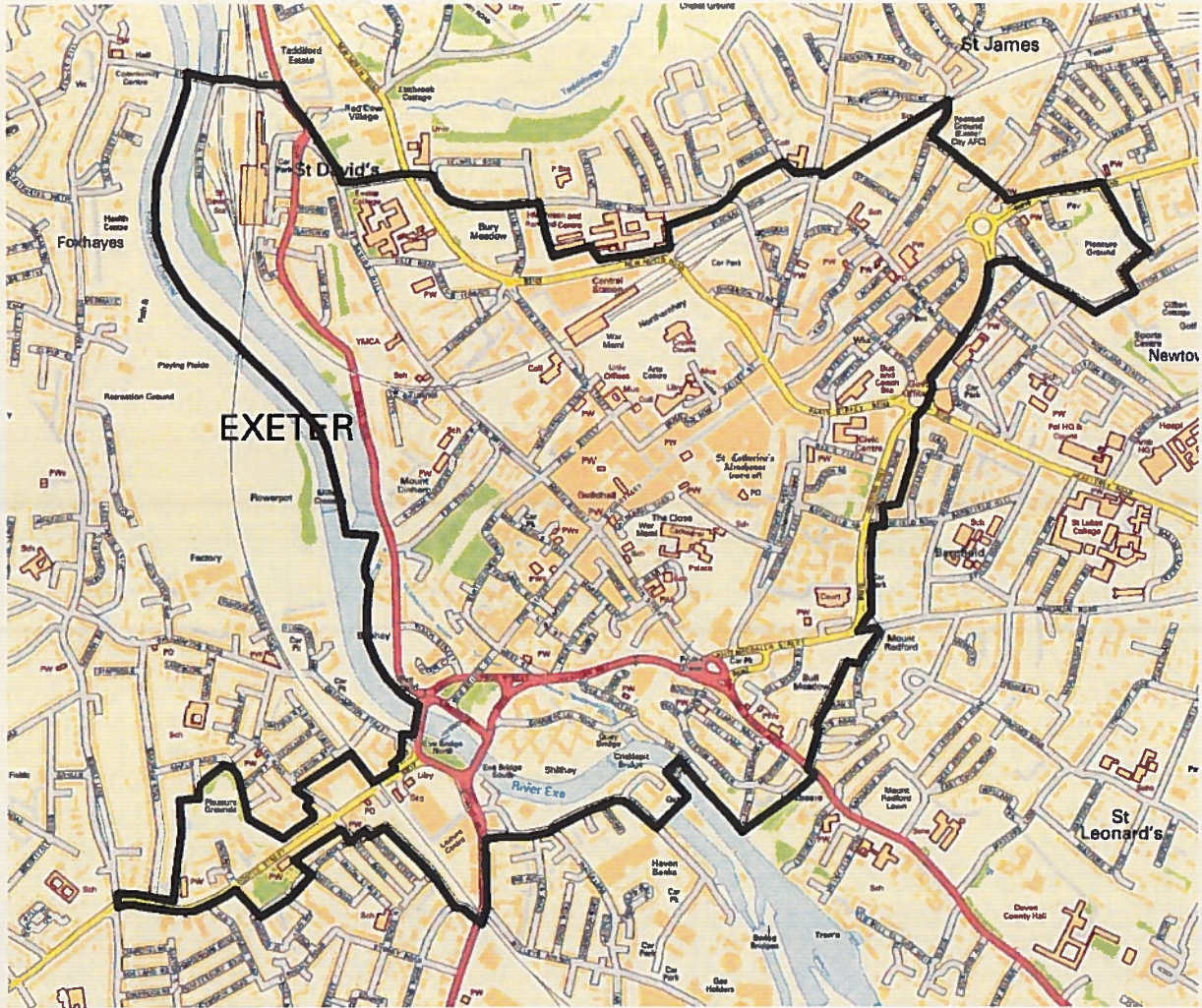
The Common Seal of Exeter City Council
was hereunto affixed
in the presence of:



A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a large loop.

20th April 2017

SCHEDULE ONE



Equality Impact Assessment: Public Space Protection Order for Exeter City Centre

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 February 2021 Council 23 February 2021	Public Spaces Protection Order Renewal	Renewal of the Public Spaces Protection Order for a further year	

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Potential negative impact	Medium	There is a risk that a number of people aggressively begging may be asylum seekers as they have not secured fixed accommodation at that time. The Council would make an assessment for temporary accommodation to someone in this position and the enforcement officers would first be trying to sign-post individuals into the services offered rather than simply enforce.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Potential positive and negative impact	Medium	<p>The Order may well have a positive effect and ensure that people who may be sleeping rough and have an addiction, engage with the support that is available and this in turn will deliver positive health benefits to them.</p> <p>A disproportionate number of street homeless (street attached) people suffer mental ill health and addiction, and therefore present a higher risk of breaching the PSPO. To mitigate this, the Community Safety Partnership has developed a co-ordinated approach to weaken 'street attachments' and engender the positive movement of an individual into sustainable accommodation with necessary support for issues of mental health, physical health and addiction.</p>

			<p>The measures that have been proposed that will restrict the consumption of alcohol, and NPS's on the street could also affect those that are alcohol dependent and/or drug dependent.</p> <p>The Order may well have a positive effect and ensure that people with a street attachment and have an addiction, engage with the support that is available and this in turn will deliver positive health benefits to them. The inclusion of an ABC option within any FPN, will give a positive pathway to engagement with support services, and away from detrimental behaviour.</p>
Sex/Gender	Potential positive and negative impact	Medium	<p>The Order may serve to help engage members of each gender that have alcohol and substances addictions with support services, thereby having a positive impact on their health.</p> <p>The majority of people sleeping rough are male. Males are also more likely to have an alcohol or substance addiction. The alcohol/intoxicating substances, and street encampment elements could disproportionately affect men. However the Order may also serve to engage those affected with support services and have a positive impact on their health.</p>
Gender reassignment	Neutral		There is no evidence that this will impact on any specific person based on this group of individuals.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		There is no evidence that this will impact on any specific person based on their beliefs or religion.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		There is no evidence that this will impact on any specific person based on their sexual orientation.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people	Neutral		There is no evidence that this will impact on any specific person based on their age.

living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).			
Pregnancy and maternity including new and breast feeding mothers	Neutral		There is no evidence that this will impact on any specific person based upon pregnancy and maternity.
Marriage and civil partnership status	Neutral		There is no evidence that this will impact on any specific person based on marriage and civil partnership status.
<u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u> <ul style="list-style-type: none"> • 			

Officer: Simon Lane, Service Lead – Environmental Health and Community Safety

Date: 12 January 2021

By virtue of paragraph(s) 1, 2, 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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