

EXECUTIVE

Date: Tuesday 1 December 2020

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, Wright and Wood

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 3 November 2020.

(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

It is considered that the Committee would be unlikely to exclude the press and public during consideration of any of the items on the agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1, Schedule 12A of the Act.

5 Questions from the Public Under Standing order No. 19

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 Members Allowances 2021/22

To consider the report of the Chair of the Independent Remuneration Panel. (Pages 11 - 20)

7 Freedom of the City

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 21 - 24)

8 Overview of General Fund Revenue Budget 2020/21 – Quarter 2

To consider the report of the Director Finance. (Pages 25 - 42)

9 2020/21 General Fund Capital Monitoring Statement – Quarter 2

To consider the report of the Director Finance. (Pages 43 - 58)

10 2020/21 HRA Budget Monitoring Report – Quarter 2

To consider the report of the Director Finance. (Pages 59 - 78)

11 Treasury Management 2020/21 Half Year Update

To consider the report of the Director Finance. (Pages 79 - 88)

12 Local Council Tax Support Scheme 2021-22

To consider the report of the Director City Development, Housing & Supporting People. (Pages 89 - 104)

- 13 **Future strategic planning with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council**
- To consider the report of the Director for City Development, Housing and Supporting People. (Pages 105 - 116)
- 14 **Environmental Health and Community Safety Enforcement Policy**
- To consider the report of the Director Net Zero Exeter & City Management (Pages 117 - 150)
- 15 **Amendment to Street Trading Policy and Terms of Reference for the Licensing Sub-Committee**
- To consider the report of the Service Lead - Environmental Health and Community Safety. (Pages 151 - 172)
- 16 **Draft Resource and Waste Management Strategy for Devon and Torbay**
- To consider the report of the Director of Net Zero Exeter and City Management. (Pages 173 - 288)
- 17 **Review of Safeguarding Policy**
- To consider the report of the Director Transformation. (Pages 289 - 310)
- 18 **Review of Equality and Diversity Policy**
- To consider the report of the Director Transformation. (Pages 311 - 332)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 12 January 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 3 November 2020

Present:

Councillor Bialyk (Chair)

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

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter and City Management, Director Communications, Culture and Leisure Facilities, Director Finance, Service Lead - Environmental Health and Community Safety, Project Director – Liveable Exeter, Senior Environmental Technical Officer, Policy Officer – Community Safety, Safeguarding and Equality and Diversity, Democratic Services Officer (MD), Democratic Services Officer (SS) and Democratic Services Officer (HB)

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MINUTES

The minutes of the meeting held on 6 October 2020, were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

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COVID-19 - SECOND LOCKDOWN

Following the recent Government announcement of a second National Lockdown scheduled for 5 November to 2 December 2020, the Leader stated that the City Council, together with its partners in the voluntary and community sectors across the city, would continue to support the public and businesses during the continuing crisis. Practical support would be provided through Wellbeing Exeter, the use of community buildings and the Covid Community Action Fund.

He thanked all community groups and organisations who were helping neighbours and the most vulnerable with meals distributed by local groups and through the Council's support network and Community Wellbeing. The Council would continue the assistance given to families during half term through the course of the Lockdown and into the Christmas period and that as much support as possible would be given to help Exeter come through the pandemic.

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EXETER CHIEFS

The Leader congratulated the Exeter Chiefs on their double success in winning both the Heineken Champions Cup and the Gallagher Premiership and emphasised the increased national profile this brought not only to Exeter but the wider South West.

JULIAN TAGG AND JO YELLAND

The Leader congratulated the following on being awarded British Empire Medals in the Queens's Birthday Honours:-

- Julian Tagg, Chairman of Exeter City Community Trust, for services to sport and the community in Exeter; and
- Jo Yelland, Director Transformation, for her service in reducing health inequalities in the city, through her work on Wellbeing Exeter.

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Dr Gillian Baker, submitted the following question, related to Minute No. 114:-

- Air quality in Exeter improved until 2015 but since then there has been no improvement. Is it not misleading to say there is a long term downward trend when there has been no improvement in five years and is evidence that the mitigations in place are not sufficient?

The Portfolio Holder for Transformation and Environment responded:-

It is hard to determine trends in air quality levels over time periods of just a few years because of the influence of weather on annual concentrations. This means that there can be substantial variation between years even where emissions are stable.

Concentrations have fallen over a ten year time scale and in the last two years the previously persistent exceedance at the junction of Blackboy Road and Pinhoe Road has not occurred. This is good news for those living in these areas.

We will continue to review the data and progress in implementing the Action Plan. If changes are necessary, these will be reported in future Annual Status Reports.

Dr Baker put a supplementary question:-

Considering that 50% of the pollution in the Heavitree corridor is caused by commercial vehicles and buses do you think the Action Plan sufficiently addresses these causes or is it too reliant on individual behaviour change to cause significant reductions in CO2?

The Portfolio Holder for Transformation and Environment responded:-

Whilst there have been improvements, there remain hot spots including Alphington Street, Livery Dole, Fore Street, Heavitree and East Wonford Hill and there remains work to be done. The Department of Environment, Food and Rural Affairs (DEFRA) concluded that the City Council's recent report was well structured and detailed providing the necessary information with the Action Plan including 30 key areas to continue to try to improve air quality.

BUILDING EXETER BACK BETTER – EXETER'S COVID-19 RECOVERY PLAN

The Executive received the report on the Exeter Covid-19 recovery plan submitted following the approval in June 2020 of a place-based recovery plan to support the city's recovery from the effects of the Covid-19 pandemic. The work would be led and co-ordinated by Council officers, with input from other key city stakeholders, with the plan to be adopted by the Liveable Exeter Place Board.

The Project Director Liveable Exeter reported the following seven areas of focus for recovery:-

- Business Support;
- The City Centre;
- Community and Wellbeing;
- Construction and Development;
- Education;
- Transport; and
- Visitor Economy (Culture and Tourism).

Particular reference was made to the six guiding recovery principles as set out in the report, the intention to work with other recovery plans in the region, the need to support the 2030 zero carbon objectives and the following three priority areas:-

- investment in the city centre;
- investment in digital skills and training; and
- continued investment in wellbeing.

The Leader thanked the large number of partners, stakeholders and businesses across the city as well as regional bodies who had contributed significantly to the plan.

During the discussion the following points were made:-

- significant recommendations for the City Centre made by the City Centre Recovery Group which were also based around the need to reduce the carbon impact on the city and the Council's Net Zero 2030 target such as creating a zero-waste zone;
- the complexity of the plan with a number of overlapping areas and city wide issues;
- specific initiatives in support of sustainable development including Co-Cars, Electric Bikes and the investment bid already submitted in respect of an electric bus fleet;
- welcome support for digital training and skills for Exeter and the five year funding package to support continued community activity through Wellbeing Exeter; and
- welcome the involvement of the University and Exeter College with schools in supporting on line training and home schooling.

The Chief Executive & Growth Director emphasised the following:-

- immense range of stakeholders and people who have contributed to the plan across all sectors in the city;
- the alignment of sectors in providing immediate support through emergency measures to businesses after the initial lockdown, such as support for the aviation sector and the transport providers, Stagecoach and Great Western Railway, working with Exeter College to ensure students across Devon could get to the College;

- with all aspects of city life touched, the flexible approach of the Council itself working within regulatory frameworks to support local businesses;
- the Plan provides the evidence base to work with the Local Enterprise Partnership and through the Great South West brand in promoting the region to maximize the chance of submitting winning bids to Government. The city's Liveable Exeter strategy and its Net Zero agenda, which are twenty year visions, are central to the approach to tap into the potential funding pipeline to Government as part of the Region for Clean Growth vision;
- the plan builds on opportunities emerging from structural changes in response to the pandemic as well as recent significant investment in the city centre such as the Royal Clarence, re-development of the Harlequins and the Council's own investment in the Bus Station site; and
- the plan sets out a foundation to work in both the short and long term to ensure Exeter recovers from the pandemic.

RESOLVED that Executive note: -

- (1) the work undertaken by the seven recovery groups in developing a place based and sector-specific action plan, with associated 'asks', to counter the effects of Covid-19 upon the city;
- (2) the endorsement of the draft recovery plan document by the Liveable Exeter Place Board, on behalf of key stakeholders within the city; and
- (3) that the resources required to progress the various initiatives within the Recovery Plan will be a blend of funding sources ranging from asks of central Government, regional funding pots, a variety of local and national funding, city council and private sector funding; and

RECOMMENDED that Council adopt the Exeter Covid-19 Recovery Plan.

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LOCAL AIR QUALITY MANAGEMENT

The Executive received the statutory Annual Status report on the air quality monitoring data from 2019, which had been submitted to the Department of Environment, Food and Rural Affairs (DEFRA), meeting the required standards. The report also provided a summary of the actions taken in 2019, to improve local air quality. Members noted that, although the report did not contain information on pollution levels during 2020 or of the impact of Covid-19 control measures, these would be detailed in the 2021 annual report.

Particular reference was made to the downward direction in the city's long-term trend in nitrogen dioxide levels and that there were fewer areas in the city that exceeded the objective levels than in previous years. Exeter City Council would continue to work with Devon County Council to implement the Air Quality Action Plan, reduce car use and reduce the impact of poor air quality on health.

During the discussion the following points were made:-

- monitors were strategically placed in the city's hotspots and busiest roads to ensure robust evidence obtained to capture the true position;
- review of existing monitors is in progress to ensure raw data is as up to date as possible to avoid over reliance on historical data and to effectively monitor trends;
- welcome exploration of different transport options; and

- DEFRA is encouraged by the Council's approach to amending and monitoring its programme and the 30 action points to improve air quality as set out in the report

RESOLVED that the Executive note the statutory annual status report; and

RECOMMENDED that the Council notes and approves the statutory annual status report.

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REVIEW OF POLICY FOR DEALING WITH UNACCEPTABLE CUSTOMER BEHAVIOUR

The Executive received the report which sought approval for the adoption of the revised Policy for Dealing with Unacceptable Customer Behaviour with associated documents, to ensure it was up to date and reflected the current processes.

RESOLVED that the revised Policy for Dealing with Unacceptable Customer Behaviour be supported; and

RECOMMENDED that the Council approve the Policy for Dealing with Unacceptable Customer Behaviour.

(The meeting commenced at 5.30 pm and closed at 6.16 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: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Independent Remuneration Panel on Members' Allowances

Title: Members Allowances 2021/22

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To consider the findings of the Council's Independent Remuneration Panel who had met to discuss the level of Members' Allowances for the period 2021/22.

2. Recommendations:

That the following recommendations be made to Council in respect of the Exeter City Council Members' Allowances for the period 2021/22.

That:-

- 1) the basic structure and principles of the current Members' Allowances scheme be retained for 2021/22;
- 2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, should be retained;
- 3) the Councillors' Basic and Special Responsibility Allowances including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should be linked and updated in line with the Local Government Employers (LGE) staff pay award for the previous year (a 2.75% increase in the annual Local Staff Pay Award was awarded by the Employers side for staff which was effective for staff from April 2020), and be uplifted by this amount with effect from 1 April 2021;
- 4) the principle, that Special Responsibility Allowances be paid to no more than 50% of the overall number of councillors would be kept under review and adhered to where possible;
- 5) a new Special Responsibility Allowance be paid to the Chair of the newly formed Harbour Board;

- 6) a new Special Responsibility Allowance be paid to the Chair of the newly formed Council Housing and Development Advisory Board, but to note it will be funded from the Housing Revenue Account;
- 7) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the Living Wage of £9.30 (with effect 1 April 2020) per hour or part of (retaining the uplift of the standard rate of income tax to £11.16). However, In the case of members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, can be agreed by negotiation in advance with the Corporate Manager, Democratic & Civic Support;
- 8) the sum of £50 be paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained; and
- 9) Travel and Subsistence allowances available for staff continue to apply to Exeter City Councillors, where appropriate.

3. Reasons for the recommendation:

The Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003 require Councils to establish and maintain an Independent Remuneration Panel to review and provide advice to the local authority on its scheme of Members' Allowances and in particular to recommend the allowance to be paid to Members.

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

- 4.1 The budget for the scheme of allowances in 2020/21 totals £391,010 and this has been included in the estimates for 2021/22. The Scheme recommended by the Independent Remuneration Panel for 2021/22 is attached to this report as an appendix. If the suggested increase above is approved, this equates to a £168 increase in the level of Basic Allowance for each Member for 2021/22.
- 4.2 The Panel noted that the proposed provision of a Special Responsibility Allowance (SRA) for the Chair of the Council Housing and Development Advisory Board will be paid from the Housing Revenue Account fund separately.
- 4.3 If the proposals contained in this report were adopted, it would add £15,412 to the budgetary requirement.

5. Section 151 Officer comments:

- 5.1 The contents of the report are noted, the increase is slightly above that allowed for in the medium term financial plan owing principally to the additional allowance. As noted however this will be funded by the HRA, which will offset the cost to the General Fund.

6. What are the legal aspects?

The Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003 require Councils to establish and maintain an Independent Remuneration Panel to provide the local authority with advice on its scheme of Members' Allowances and recommend the amounts to be paid.

7. Monitoring Officer's comments:

This report raises no issue for the Monitoring Officer.

8. Report details:

- 8.1 The City Council has an established Independent Remuneration Panel, and remuneration scheme, which provides for a reasonable recompense for the time, commitment and duties involved in being a Councillor. This allows for an element of public service and also reflects the level of time which the average Councillor spends on casework, local community work and other Council work. The Panel is comprised of three representatives drawn from the business and voluntary sectors.
- 8.2 Members are reminded that in December 2017, the Council had approved the recommendations of the Council's Independent Remuneration Panel for the period 2018/19 – 2020/21. This had enabled a stepped increase of 21% in the Members' Allowances over three financial years which it felt offered a greater parity with the Council's neighbouring, and similar authorities.
- 8.3 As the period covered in paragraph 8.2 above had now come to an end, the Panel met on three separate occasions in September and October 2020 to discuss the Members' Allowances Scheme for 2021/22. Two members of the Panel also met on two further occasions to conduct a series of interviews with Members. The Panel wished to thank the support of John Street, Corporate Manager, Democratic & Civic Support and Sharon Sissons, Democratic Services Officer for their assistance in compiling the report.
- 8.4 The review process included:-
- acknowledgment of the recent changes made following the Governance Review in October 2019;
 - acknowledgement of the current roles of representatives of those Elected Members already in receipt of the SRA;
 - The governance arrangements for the newly formed Harbour Board and Council Housing and Development Advisory Board;
 - The appropriateness of an SRA for the Deputy Chair of Licensing Committee;
 - The level of Dependants' Carers Allowance, and
 - The continuation of the index of pay for the Council's Allowance Scheme.
- 8.5 As part of their research the Panel also considered the results of a survey undertaken amongst Councillors, and then two members of the Panel conducted a number of interviews with a selection of Members who had completed the survey, and who held a cross section of positions.

- 8.6 The Panel considered the range of current SRA roles and noted the recent changes made by the Leader of the Council to the responsibilities of Portfolio Holders. They also noted that the one remaining Member Champion for Equality and Diversity offered support to the Portfolio Holder for Communities and Culture.
- 8.7 The Panel was requested to consider the appropriate level of remuneration in respect of membership to two new bodies, these being the newly formed Harbour Board and the Council Housing and Development Advisory Board.
- 8.8 The Council has set up the Harbour Board, which will be made up of six elected Members and six externally appointed members, to enable Exeter City Council to meet Port Marine Safety Code Compliance. It was anticipated that three to six meetings would be held each year. The Panel discussed the role and responsibility of the Chair, and considered that the predominately advisory role should attract 25% of the Basic Allowance. The Elected Members would also be eligible for travel expenses, if any meetings were outside of the city boundary, although it was acknowledged that most meetings were now being held virtually. It was also confirmed that the six externally appointed members, would also be able to claim for any reasonable expenses incurred on Harbour Board duties.
- 8.9 The Council has also set up the Council Housing and Development Advisory Board to include leading housing professionals to improve oversight and the governance of the management and maintenance of the Council's social housing stock, as well as the Council's Social Housing Development plans. The Board would be made up of five Elected Members and six external advisors and stakeholders. The Board would report directly to the Executive as appropriate. Budget provision was also included to cover the cost of any Special Responsibility Allowance for the role of Chair. The Panel noted the level of responsibility this body would have, and consequently considered that the position of Chair, which included an element of scrutinising and an advisory role, should attract 50% of the Basic Allowance.
- 8.10 It was noted that any payments for the Council Housing and Development Advisory Board would be met by the Housing Revenue Account.
- 8.11 The Panel further confirmed that, in line with the long held convention, if the Chair of both Boards were an Elected Member who was already in receipt of an SRA, they would only receive the higher of those SRA's.
- 8.12 The Panel thought it appropriate to review the level of SRA for the Chairs of both of the Boards, a year after their operation so as to allow an assessment of the workload thereby ensuring that the allowance remained at the appropriate level.
- 8.13 A particular issue was brought to the Panel's attention, namely the consideration of a new SRA for the Deputy Chair of the Licensing Committee. The Panel considered that although an SRA had recently been agreed for the Deputy Chairs of Planning and Scrutiny Committees, these were due to the increased frequency of meetings for the Deputy Chair of the Planning Committee (and included other planning based meetings) and the presumption that Deputy Chairs of Scrutiny Committees, would chair any Task and Finish Groups which were established. It noted that whilst the Deputy Chair might participate, it was not a requirement for them to chair the meetings

of the Licensing Sub-Committee, as a Chair was elected at each meeting from the three attending Members of the Licensing Committee. As such therefore, the Panel could not recommend an SRA for the Deputy Chair of the Licensing Committee.

- 8.14 The Panel sought Members' views on the appropriateness of the Dependants' Carers Allowances which was paid to Councillors whilst on 'approved duties'. The hourly rate was linked to the Exeter Living Wage, with the current rate being £9.30 per hour (or part of) with an uplift of tax to £11.16 per hour (or part of). The Panel felt the eligibility of the Allowances was clear and the sum offered was adequate. They noted the low take-up by Members of this particular Allowance. However, it also noted that there may be circumstances where Members may have caring responsibilities which require specialist support, the cost of which would exceed that identified here. In these circumstances, it was felt that costs of up to £25 per hour (or part thereof) would be more appropriate. It was felt appropriate that in these circumstances, the Member concerned would contact the Corporate Manager, Democratic & Civic Support to seek agreement for this, and to undertake negotiation with an appropriate care provider.
- 8.15 The relevant legislation allows for a Scheme of Members' Allowances to make provision for an annual adjustment in the level of allowances by reference to an index. The Members' Allowances Scheme was reviewed in December 2017, when at that time, the Members' Allowance was set for a period of three years. This had enabled the City Council's allowance to meet parity with similar or neighbouring authorities. The Panel had also met briefly in October 2019 to support a number of changes to the positions of Elected Members. The Panel had felt it was more appropriate to agree the Members' Allowance for a period of one year until 1 April 2022, due to the ever changing and more challenging financial times, the Council and others now found themselves in, which had been exacerbated as a result of Covid -19.
- 8.16 The Panel discussed the annual adjustment by reference to an index and convention of indexing the Members' Basic Allowance to the annual pay award for staff for future years. Following some discussion on other methods of pay award multipliers, such as the monthly retail price index or consumer prices index, it was considered that a return to the indexing of the Members' Basic Allowance to mirror that of the Local Government Employers (LGE) staff previous year's pay award, would be acceptable. It was appropriate to keep this convention under review to ensure that the Members' Allowance retained parity with similar or neighbouring authorities and did not provide any barriers to becoming a Councillor.
- 8.17 To this end, it was noted that a pay award of 2.75% had been approved for staff for the financial year 2020/21, and that this should be the basis for the increase in Members' Allowances for the 2021/22 financial year.
- 8.18 The Panel was mindful that by recommending the payment of an SRA for the Harbour Board and the Council Housing and Development Advisory Board it would potentially mean that 21 of the 39 councillors (or 53%) would be receiving some form of SRA. The Panel referred to the agreed principle that no more than 50% of the councillors should receive an SRA, but acknowledged this slight encroachment into the figure should be kept under review, and acknowledged that there would potentially be a number of

Councillors who hold more than one post which would attract an SRA, which would in practice therefore reduce the actual number of SRA's paid. It was accepted though, that budgetary provision would have to be made for all SRAs to be taken by those holding only one position

- 8.19 It was noted that the Lord Mayor and Deputy Lord Mayor's allowances were governed by different legislation to those for all other allowances.
- 8.20 Finally, the Panel recognised that the work of City Councillors was constantly changing and vastly different to that of a few years ago. The Panel could see evidence from the survey returns and subsequent interviews that the dedication and involvement of Elected Members was high. The level of decisions being asked of them, together with the time commitment they need to make, are of a demanding nature and often need a detailed knowledge of the issues before them.
- 8.21 The Panel wished to acknowledge the high level of level of commitment from Councillors and particularly thank them for all their support of our communities during the Covid-19 pandemic.

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

The need for an up to date Scheme of Members' Allowances ensures that the Council supports the democratic process.

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

There are no risks with what is being proposed.

11. Equality Act 2010 (The Act)

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

There are no significant equality and diversity impacts with this decision.

12. Carbon Footprint (Environmental) Implications:

There are no direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

The Council has the ability to not accept any recommendations put forward by the Panel and propose some of its own.

Corporate Manager, Democratic & Civic Support, John Street

Chair of Exeter's Independent Remuneration Panel, Derek Phillips

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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MEMBERS' ALLOWANCES SCHEME 2021/22

	2020/21 £	2021/22 £
Basic Allowance		
All Members	6,100	6,268
*Special Responsibility Allowances:-		
Leader (basic x 325%)	19,825	20,371
Other Executive Members with Portfolios (basic x 175%) (x 9)	10,675	10,969
Chairs of Scrutiny Committees (basic x 100%) (x 3)	6,100	6,268
Deputy Chair of Scrutiny Committee(basic x 50%)(x 1)	3,050	3,134
Chair of Planning Committee (basic x 100%) (x 1)	6,100	6,268
Deputy Chair of Planning Committee (basic x 50%) (x1)	3,050	3,134
Chair of Licensing Committee (basic x 75%) (x 1)	4,575	4,701
Chair of Audit and Governance Committee (basic x 50%) (x 1)	3,050	3,134
Member Champions (basic x 25%) (x1)	1,525	1,567
Chair of Council Housing and Development Advisory Board (basic x 50%) (x1)	-	3,134
Chair of Harbour Review Authority (basic x 25%) (x 1)	-	1,527
* <i>Any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only</i>		
** <i>The Leader of an Opposition group will receive an allowance based on the size of the political group, ranging from 20 to 60% of the size of the Group (See scheme on web site)</i>		
Lord Mayor's Expenses Allowances	6,100	6,268
Deputy Lord Mayor Mayor's Allowances	1,525	1,564

Dependants' Carers' Allowance

An allowance matching Exeter City Council's living wage (currently £9.30 per hour) is payable to Councillors whilst on "approved duties", in accordance with the agreed scheme, plus an uplift of the standard rate of tax, (£11.16 per hour or part of) (see overleaf)

Travel and expenses

To match those payable to officers of the Council for any approved duties undertaken, with travel expenses being paid for any journeys undertaken outside of the city boundaries.

December 2020

Dependants' Carers' Allowance Scheme

An allowance of up to £9.30 per hour, with effect 1 April 2020, (pro rata for part of an hour), plus an uplift of the standard rate of tax, (£11.16 per hour or part of) may be claimed in respect of expenses incurred by a Councillor when a carer for a dependant has been engaged to enable a councillor to carry out an approved duty.

However, In the case of members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, can be agreed by negotiation in advance with the Corporate Manager, Democratic & Civic Support

A carer will be any responsible person who does not normally live with the councillor as part of that councillor's family.

An allowance will be payable if the dependant being cared for:

- is a child under the age of 14
- is an elderly person; or
- has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

Qualifying duties are defined as meetings of the Council, its Committees and Sub-Committees, training events, briefings and such other duties as are specified by the relevant regulations*.

For meetings or duties within the Council's boundaries, the allowance will be paid for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The actual cost of care will be reimbursed, up to a maximum of £9.30 per hour.

This allowance will be updated annually in line with the minimum wage.

**Payment of allowance will be made under the powers of Section 100 of the Local Government Act 2000 and Section 7 of Part 2 of the Local Authorities (Members Allowances) (England) Regulations 2003.*

December 2020

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Corporate Manager, Democratic and Civic Support

Title: Freedom of the City – Gareth Steenson

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report sets out a proposal to offer the Freedom of the City to Mr Gareth Steenson for gaining national and international recognition for his rugby playing career with Exeter Chiefs

2. Recommendations:

RECOMMENDED to Council that:-

(1) the title of Honorary Freeman of the City Status be conferred on Gareth Steenson;
and

(2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held on the rising of the Ordinary Meeting on 15 December 2020, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

3. Reasons for the recommendation:

3.1 Section 249 of the Local Government Act 1972, gives Councils the power to grant “Freedom of the City” to any individual who it feels has given eminent service to the City.

3.2 To this end, an Extraordinary meeting of the full Council must be convened to specifically consider this matter, with two thirds of those present, voting in favour.

3.3 If the recommendation contained in this report is accepted by The Executive and subsequently adopted by full Council, an Extraordinary meeting of the Council will therefore be organised immediately after the ordinary meeting of the Council scheduled for 15 December 2020, when Members will be asked to consider granting the Freedom of the City to Gareth Steenson.

3.4 Members are reminded of the following four criteria against which nominations for Freeman of the City are considered:-

- For those who have extraordinarily served the community over a number of years (minimum of 20 years) in a voluntary or professional capacity;
- For those who have achieved national, international or world recognition for excellence in their particular field of expertise (be it business, entrepreneurial, sport, or any other area);
- For those who have promoted Exeter during their career so as to significantly raise the profile of the City on a national, international or world basis; and
- For those who have via a particularly extraordinary act, or series of acts, put the safety or wellbeing of themselves secondary to those of others.

3.5 The following nomination has been received in respect of Gareth Steenson:-

“Gareth Steenson has achieved national and international recognition for his rugby playing career with the Exeter Chiefs, including being a part of the playing squad which saw them gain promotion to the Rugby Premiership, and culminated in the team being crowned double champions in October 2020, by winning both the Heineken Champions Cup (the European club championship) and Gallagher Premiership (the English club championship). This is the first time this has been achieved in the club’s history. He has amassed a club record number of points scored during this career, before his retirement earlier this month. As a key member of the playing squad, Gareth helped put the name of Exeter Chiefs firmly in the mind of all rugby fans, and helped spread the profile of Exeter far and wide.

Exeter Chiefs have had a massive community impact in Exeter and Devon. Since the move to Sandy Park the Club has developed an extensive academy system that is responsible for developing thousands of young people, some of whom have gone to excel at the highest level of sport including the British Lions and national representation. They have brought the Rugby World Cup to Exeter in 2015 and have established Sandy Park as an international venue hosting Women internationals and international 7 tournaments. The venue has grown as the leading conferencing venue in the region supporting hundreds of staff and making a sizable contribution to the economy of the city.

Gareth has been a symbol of this growth in the impact of the club, he has been an ever present presence through this period of growth and accomplishment. For commentators and fans of rugby outside of Exeter, Gareth has been the leader and character behind the team and the personification of the qualities that have made Exeter unique.

The influence has been across at least Europe, in terms of the profile and now success of the Chiefs in European rugby, although this may stretch to a worldwide TV audience. During his career, he has been part of the winning teams for

- Promotion to the English Rugby Premiership
- 2x Premiership titles (English rugby competition)
- 1x Champions Cup (European competition)

- 1x LV=Cup
- 1x Anglo-Welsh Cup
- 2630 points
- 311 appearances for Exeter Chiefs”

3.6 In response to this nomination, Mr Steenson has stated:-

“To receive freedom of the city would be a huge honour. Exeter is my adopted home and the warmth the people of Exeter have shown me over the last 12-13 years has been truly humbling. I have been welcomed into the heart of the Exeter community, which means so much to me. I have been fortunate to be part of an incredible journey at Exeter Chiefs and witnessed first-hand the growth of not just the club but the city and community as a whole. The support I have received both on and off the pitch has been overwhelming. To receive this honour from a city I love would be an incredibly proud moment

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

Other than the small cost in preparing a suitable ceremonial scroll and hosting a small reception, there are no resource implications.

5. Section 151 Officer comments:

There are no additional financial implications contained within this report.

6. What are the legal aspects?

Section 249 of the Local Government Act 1972, gives Councils the power to grant “Freedom of the City” to any individual who it feels has given eminent service to the City.

7. Monitoring Officer’s comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 The Council is asked to consider bestowing the honour of Freedom of the City to Gareth Steenson

8.2 Members are reminded that the way in which such nominations are considered by the Council was changed at the Executive Committee meeting on 10 April 2018 (minute number 46 refers) whereby an Assessment Panel would sit to consider the written submissions received.

8.3 This Panel was to comprise of:-

- The Leader of the Council (or nominee)
- The Leader(s) of other political groups on the Council (or nominee(s))
- The Chief Executive & Growth Director (or nominee from the Strategic Management Board)
- The Corporate Manager, Democratic & Civic Support
- An external representative (Professor Brian Kirby has taken up this role)

8.4 Due to the current coronavirus pandemic, the Panel considered the nomination via email, and felt satisfied that the necessary criteria had been met to forward the nomination to the Executive for acceptance and onward recommendation to an Extraordinary Council meeting, which, it should be noted, legislation dictates should be convened specifically for this purpose. Statute also dictates that 2/3rds of those attending the Council meeting must vote in favour of the decision.

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

This decision will help promote the City as a regional capital and one which supports those who support and promote the City as such.

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

There are no risks associated with the proposal.

11. Equality Act 2010 (The Act)

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

The Council could decide not to make the award, although it is felt that this would be against the Council’s approved criteria.

John Street, Corporate Manager Democratic & Civic Support

Author: John Street, Corporate Manager Democratic & Civic Support

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

Background papers used in compiling this report:-

None

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REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director Finance

Title: Overview of General Fund Revenue Budget 2020/21 – Quarter 2

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To advise Members of the overall financial position of the General Fund Revenue Budgets for the 2020/21 financial year after six months.

2. Recommendations:

It is recommended that Members of the Executive note the report and Council notes and approves (where applicable):

- i. The General Fund forecast financial position for the 2020 financial year;
- ii. The supplementary budget as detailed in paragraph 8.10;
- iii. The outstanding Sundry Debt position as at September 2020; and
- iv. The creditors payments performance

3. Reasons for the recommendation:

To formally note the Council's projected financial position and to approve additional expenditure required during the financial year.

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

The impact on the General Fund working balance is set out in section 8.9.

The General Fund Working Balance is projected to stand at £5.337 million at year end.

5. Section 151 Officer comments:

The second lockdown has caused a reduction in anticipated car park income, the majority of which will be covered by the Government this year. Looking forward there are a number of areas which are struggling to remain within their budget and this will need to be addressed with a particular focus on budget discipline from both Members and Officers. The Council's finances, like all Councils around the Country, are fragile and it is vital that ambitions are contained within that budget set. Where there are unavoidable cost pressures, it is vital that these are identified early to allow decisions to be made to recover the overall financial position of the Council.

6. What are the legal aspects?

Section 28 of the Local Government Act 2003 imposes a statutory duty on the Council to monitor during the financial year its expenditure and income against the budget calculations. If the monitoring establishes that the budgetary situation has deteriorated, the Council must take such action as it considers necessary to deal with the situation. This might include, for instance, action to reduce spending in the rest of the year, or to increase income, or to finance the shortfall from reserves.

7. Monitoring Officer's comments:

This report raises no Vires issues for the Monitoring Officer.

8. Report details:

Overview of General Fund Revenue Budget 2020/21 – Quarter 2

8.1 Financial Summary

FUND	Planned Transfer To / (From) Working Balance	Budget Variance Over / (under)	Outturn Transfer 2020/21
	£	£	£
General Fund	(1,164,957)	645,701	(519,256)

8.2 General Fund (Appendix 1 & Appendix 2)

The current Service forecasts show an overall projected overspend of £620,983 against a revised budget of £23,099,110. This includes supplementary budgets of £1,361,760 already agreed by Council. Variances of more than +/- £30,000 are detailed below:

8.3 City Development, Housing and Supporting People

Budget Heading	Over / (Underspend)
Housing Needs & Homelessness	£176,000
<p>Responsible Officer: Service Lead, Housing Needs & Homelessness</p> <p>The change from a projected breakeven to an anticipated overspend of £176k is due to additional security costs at the Great Western Hotel (doubling up of guard cover overnight) that had not previously been factored into the projected spend. This equates to £126k additional expenditure. An application to the MHCLG is being drawn up for further grant funding to reduce this overspend by at least 50%. The position should be clarified by the end of November.</p> <p>The remainder of the projected increase in costs (£50k) is due to increased repairs and dilapidations estimates at the Great Western Hotel. A budgeted figure based on ongoing repairs to date is factored into the Next Steps Accommodation Programme revenue grant however the level of dilapidations is now under review on account of the extended longevity of our occupation of the hotel and a revision of the lease agreement. A request for additional grant funding to MHCLG will also be considered to help cover these costs. It may also be possible to subsidise from within other grant balances in the Housing Needs budget subject to variation agreement with MHCLG.</p>	

8.4 Communications, Culture and Leisure Facilities

Budget Heading	Over / (Underspend)
Leisure & Sport	(£50,000)
<p>Responsible Officer: Service Lead Communications, Tourism & Culture</p> <p>The Leisure provision in the city was brought back in house from 1 September, and early indications are that the estimated cost in 2020/21 will be less than the initial budget of £1.19m. However, it is impossible to make an accurate forecast at this stage, especially in view of the second lockdown which will mean that facilities will again have to be closed from 5 November for at least four weeks. It is anticipated that any unspent budget for the current year will be placed in an earmarked reserve for future years' running costs.</p>	
Visitor Facilities	(£101,500)
<p>Responsible Officer: Facilities & Markets Manager</p> <p>A detailed review building on the 'headlines' of the Emergency Budget has identified achievable savings in items usually purchased for resale that will not be required if visitor numbers do not pick up. The overall figure is lower for Quarter 2 than in Quarter 1 as opportunities for income generation this year are reduced by the extended impact of coronavirus.</p>	

8.5 Zero Exeter and City Management

Budget Heading	Over / (Underspend)
Parking Services	£366,970
<p>Responsible Officer: Service Manager – Engineering, Waterways & Parking</p> <p>Parking income exceeded expectations over the summer, however this upward trend was not sustained. The recent announcement of a second lockdown is expected to make a significant impact on parking income in the pre-Christmas period and the assumptions for the remainder of the financial year have also been lowered.</p> <p>The full effect of the loss of income is partly offset by rates refunds received as a result of car park closures, and savings on Pay by Phone charges due to reduced usage and change in provider from September 2020.</p>	
Cleansing Chargeable Services	(£198,620)
<p>Responsible Officer: Cleansing and Fleet Service Manager</p> <p>The underspend is primarily due to the income budgets on MRF Commercial work being moved to Recycling. There is a saving on the budgeted costs as there is no further planned activity this year due to the fall in value of recyclate and the unreliability of the MRF. Green waste has generated more income than expected.</p>	
Cleansing Overheads	£53,700
<p>Responsible Officer: Cleansing and Fleet Service Manager</p> <p>There is a projected overspend due to unforeseen ongoing expenditure on drain clearance in order to satisfy South West Water requirements, and re-surfacing works.</p>	
Recycling	£363,020
<p>Responsible Officer: Service Manager - Cleansing and Fleet</p> <p>The projected over-spend has increased due to the additional impact of the pay award and agency costs covering for sickness on top of the previously reported MRF commercial income budgets being unachievable.</p>	

8.6 Finance

Budget Heading	Over / (Underspend)
Corporate Property - Energy	(£42,040)
<p>Responsible Officer: City Surveyor</p> <p>Capitalised salary costs relating to the Smart Grid and Storage Project at Water Lane, which was not included in the original revenue budget due to delays in project initiation.</p>	

8.7 Corporate Services

Budget Heading	Over / (Underspend)
Corporate Support	£82,500
<p>Responsible Officer: Corporate Manager Democratic and Civic Support</p> <p>Due to the ongoing impact of the pandemic, we are now assuming that none of the new leases anticipated for Phase I of the Civic Centre will generate any income before 31 March 2021, and the additional £200,000 rental income in the revised budget is therefore not expected to be received.</p> <p>This is partly offset by savings on National Non Domestic Rates (NNDR) and utilities for the Civic Centre, postage costs and staff costs.</p>	

8.8 Other Financial Variations

Budget Heading	Over / (Underspend)
Net interest	(£144,000)
<p>Based on current Cashflow, it is unlikely that additional borrowing will be required, which has offset the reductions in interest received as a result of lower interest rates.</p>	
Covid 19 Grant	(£515,739)
<p>Further awards of funding from Central Government to support Councils have been made.</p>	
Sales, Fees & Charges Compensation	(£2,500,000)
<p>On 2 July, the Secretary of State announced a new support measure to reimburse councils for income from sales, fees and charges that are irrecoverable due to the pandemic. The first claim, covering income losses during April, May, June and July, was submitted on 29 September which totalled £1.5m. It is estimated that a further £1m at least will be recoverable over the remaining period of the financial year. This will offset much of the projected additional loss of car park income as a result of the second lockdown.</p> <p>Council approved up to £1m from the income loss compensation scheme to be allocated to fund urgent issues arising out of the response to Covid-19 and to offset the reductions in service budgets if required for urgent issues. Use of the £1m set aside is delegated to the Chief Executive, in consultation with the Leader and Director Finance.</p>	

8.9 General Fund Balance

In 2020/21 it is projected that there will be an overall net contribution from the General Fund Balance of £519,256. The minimum requirement for the General Fund working balance was approved by Council in February 2020 at £3m.

Movement	2020/21
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Opening Balance, as at 01/04/20	£5,856,249
Deficit	(£519,256)
Projected Balance at Year End	£5,336,993

8.10 Supplementary Budgets & Budget Transfers

It is proposed that the supplementary budgets identified in Appendix 3 are approved and added to the 2020/21 budget.

One budget will be financed from an earmarked reserve and therefore will have no impact on the projected General Fund working balance. However the other budget will reduce the Working Balance by £55,000. This is affordable and one off in nature.

8.11 Outstanding Sundry Debt

An aged debt analysis of the Council's sundry debts is shown in the table below.

Age of Debt	March 2019	March 2020	September 2020
Up to 29 days (current)	£1,356,559	£2,399,454	£1,437,380
30 days – 1 Year	£1,613,514	£1,530,103	£2,926,398
1 – 2 years	£647,966	£451,358	£912,798
2 – 3 years	£617,436	£550,482	£556,523
3 – 4 years	£511,466	£276,837	£249,639
4 – 5 years	£275,815	£417,580	£239,893
5 + years	£583,089	£752,772	£989,102
Total	£5,605,845	£6,378,586	£7,311,733

8.12 Debt Write-Offs

The following amounts have been written-off during 2020/21:

	2019/20 Total	2020/21 (up to Qtr 2)
• Council Tax	£268,615	£38,003
• Business Rates *	£1,924,524	£0
• Sundry Debt	£36,552	£98
• Housing Rents	£74,727	£56,253
• Non-HRA Rents	£91,418	£36,929
• HB Overpayments	£153,310	£63,893

* Business Rate write offs dealt with annually

8.13 Creditor Payments Performance

Creditors' payments continue to be monitored in spite of the withdrawal of statutory performance indicator BVPI8. The percentage paid within 30 days was 97.00% for the first six months of 2020/21 compared with 94.86% for 2019/20.

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

This is a statement of the projected financial position to the end of the 2020/21.

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

The risks relate to overspending the Council budget and are mitigated by regular reporting to the Strategic Management Board and Members. Members have a legal responsibility to take action where balances are projected to reach an unsustainable level and the Strategic Management Board are working to address the current projected shortfall in reserves.

Areas of budgetary risk are highlighted in this report. The key areas of budgetary risks are attached as Appendix 4, for reference.

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 There are no significant equality and diversity impacts associated with this decision.

12. Carbon Footprint (Environmental) Implications:

There are no direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

Not applicable.

Director Finance & S151 Officer, Dave Hodgson

Authors:

Nicola Matthews-Morley, Michelle White, Sally Reeve, Adrian Rutter and Claire Hodgson

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

Background papers used in compiling this report:-

None

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2020/21 GENERAL FUND BUDGET MONITORING - SUMMARY

QUARTER 2

	Original Budget £	Emergency Budget Revisions £	Supplementary Budgets & Virements £	Revised Budget £	Year End Forecast £	Variance to Budget £
Chief Executive & Growth Director	2,838,330	(121,000)	28,200	2,745,530	2,745,530	0
Transformation	7,169,710	1,998,000	(7,712,150)	1,455,560	1,455,560	0
City Development, Housing & Supporting People	4,032,630	641,400	613,710	5,287,740	5,482,680	194,940
Communications, Culture and Leisure Facilities	3,186,780	471,000	6,813,540	10,471,320	10,355,325	(115,995)
Net Zero Exeter and City Management	(1,467,760)	6,247,090	2,691,290	7,470,620	8,065,190	594,570
Finance	2,331,450	(78,380)	(1,201,810)	1,051,260	1,038,728	(12,532)
Corporate Services	2,533,410	(326,980)	128,980	2,335,410	2,444,410	109,000
Less Use of Furlough Scheme	0	(403,000)	0	(403,000)	(552,000)	(149,000)
less Notional capital charges	(7,315,330)	0	0	(7,315,330)	(7,315,330)	0
Service Committee Net Expenditure	13,309,220	8,428,130	1,361,760	23,099,110	23,720,093	620,983
Net Interest	527,000	290,000		817,000	673,000	(144,000)
New Homes Bonus	(2,489,740)	0		(2,489,740)	(2,489,740)	0
Revenue Contribution to Capital	838,000	(838,000)		0	15,490	15,490
Minimum Revenue Provision	1,350,000	(800,000)		550,000	550,000	0
Voluntary Revenue Provision	0	0		0	0	0
General Fund Expenditure	13,534,480	7,080,130	1,361,760	21,976,370	22,468,843	492,473
Transfer To/(From) Working Balance	839,330	(2,086,300)	82,013	(1,164,957)	(519,256)	645,701
Transfer To/(From) Earmarked Reserves	(307,000)	(3,527,830)	(1,141,773)	(4,976,603)	(3,650,038)	1,326,565
General Fund Net Expenditure	14,066,810	1,466,000	302,000	15,834,810	18,299,549	2,464,739
Formula Grant	(4,501,000)	0		(4,501,000)	(4,501,000)	0
Business Rates Growth / Pooling Gain	(2,578,000)	0		(2,578,000)	(2,027,000)	551,000
Covid 19 Grant	0	(1,306,000)		(1,306,000)	(1,821,739)	(515,739)
Sales Fees & Charges Compensation	0	0		0	(2,500,000)	(2,500,000)
CIL Income	(900,620)	(160,000)	(302,000)	(1,362,620)	(1,362,620)	0
Council Tax	(6,087,190)	0		(6,087,190)	(6,087,190)	0
	0	0	0	0	0	0

Working Balance March 2020

£ 5,856,249

£ 5,336,993

March 2021

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2020/21 GENERAL FUND BUDGET MONITORING - DETAIL

QUARTER 2

ACTUAL TO DATE			YEAR END FORECAST							
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	APPROVED EMERGENCY BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE	QTR 1 FORECAST VARIANCE				
£	£	£	£	£	£	£				
12,496,569	11,442,615	(1,053,954)	TOTAL GENERAL FUND NET EXPENDITURE				30,817,440	31,587,423	769,983	(349,580)
Chief Executive & Growth Director										
1,084,810	1,072,027	(12,783)	IT SERVICES	1,588,810	1,588,810	0	0			
368,460	360,430	(8,030)	STRATEGIC MANAGEMENT	843,450	843,450	0	0			
152,945	154,071	1,126	CENTRAL SUPPORT	313,270	313,270	0	(6,000)			
1,606,215	1,586,528	(19,687)	NET EXPENDITURE	2,745,530	2,745,530	0	(6,000)			
Transformation										
418,979	399,953	(19,026)	ACTIVE & HEALTHY PEOPLE	883,150	883,150	0	0			
69,215	30,780	(38,435)	ST SIDWELLS POINT	138,430	138,430	0	0			
188,050	188,239	189	GRANTS/SOCIAL INCLUSION	433,980	433,980	0	0			
676,244	618,972	(57,272)	NET EXPENDITURE	1,455,560	1,455,560	0	0			
City Development, Housing & Supporting People										
183,890	178,473	(5,417)	HOUSING NEEDS & HOMELESSNESS	1,203,570	1,379,570	176,000	0			
89,980	89,980	0	SUNDRY LANDS MAINTENANCE	89,980	89,980	0	0			
202,430	190,216	(12,214)	GF HOUSING - PROPERTY	201,450	201,450	0	0			
47,426	(625)	(48,051)	BUILDING CONTROL	184,200	184,200	0	0			
285,273	342,796	57,523	PLANNING SERVICES	751,340	764,680	13,340	0			
1,204,383	1,266,598	62,215	REVENUES, BENEFITS & CUSTOMER ACCESS	2,252,640	2,258,240	5,600	0			
302,280	274,690	(27,590)	LIVEABLE EXETER GARDEN CITY	604,560	604,560	0	0			
2,315,662	2,342,128	26,466	NET EXPENDITURE	5,287,740	5,482,680	194,940	0			
Communications, Culture and Leisure Facilities										
246,760	240,165	(6,595)	CULTURE	365,460	352,215	(13,245)	0			
72,375	82,255	9,880	TOURISM	167,310	182,635	15,325	0			
16,650	(4,080)	(20,730)	MARKETS & HALLS	50,350	75,260	24,910	27,390			
529,200	538,385	9,185	MUSEUM SERVICE	2,236,210	2,236,385	175	0			
480,000	469,980	(10,020)	LEISURE & SPORT	6,845,270	6,795,270	(50,000)	0			
214,105	202,500	(11,605)	VISITOR FACILITIES	396,490	294,990	(101,500)	(139,510)			
220,350	237,795	17,445	COMMUNICATIONS	410,230	418,570	8,340	0			
1,779,440	1,767,000	(12,440)	NET EXPENDITURE	10,471,320	10,355,325	(115,995)	(112,120)			
Net Zero Exeter & City Management										
88,238	41,442	(46,796)	ENVIRONMENTAL PROTECTION	389,890	389,890	0	0			
241,381	212,892	(28,489)	LICENCING, FOOD, HEALTH & SAFETY	506,390	506,390	0	0			
88,751	94,265	5,514	PUBLIC SAFETY	365,750	365,750	0	0			
755,571	(202,666)	(958,237)	PARKING SERVICES	(1,730,040)	(1,363,070)	366,970	(574,420)			
111,799	169,322	57,523	WATERWAYS	302,560	302,560	0	0			
214,733	207,402	(7,331)	ENGINEERING SERVICES	540,000	540,000	0	0			
731,727	668,756	(62,971)	PARKS & GREEN SPACES	1,754,400	1,754,400	0	154,340			
53,335	27,663	(25,672)	BEREAVEMENT SERVICES	131,890	131,890	0	0			
717,362	738,652	21,290	STREET CLEANING	1,501,230	1,501,230	0	15,340			
91,006	75,324	(15,682)	PUBLIC CONVENIENCES	371,600	371,600	0	16,190			
820,502	860,737	40,235	DOMESTIC REFUSE COLLECTION	2,127,450	2,136,950	9,500	0			
81,698	67,393	(14,305)	CLEANSING CHARGEABLE SERVICES	338,550	139,930	(198,620)	(198,620)			
65,826	156,134	90,308	EXTON ROAD OVERHEADS	95,080	148,780	53,700	47,100			
171,174	415,820	244,646	RECYCLING	355,190	718,210	363,020	319,520			
195,502	177,488	(18,014)	GROWTH & COMMERCIALISATION	420,680	420,680	0	0			
4,428,605	3,710,624	(717,981)	NET EXPENDITURE	7,470,620	8,065,190	594,570	(220,550)			
Finance										
(2,409,408)	(2,575,380)	(165,972)	CORPORATE PROPERTY - ESTATES	(2,462,080)	(2,469,290)	(7,210)	0			
97,120	42,000	(55,120)	MAJOR PROJECTS	194,660	194,660	0	0			
484,063	471,357	(12,706)	CORPORATE PROPERTY - ASSETS	929,260	922,378	(6,882)	(13,980)			
65,353	43,284	(22,069)	CORPORATE PROPERTY - ENERGY	133,590	91,550	(42,040)	(41,730)			
88,505	104,257	15,752	CORPORATE	(38,680)	(14,280)	24,400	5,000			
1,473,225	1,476,366	3,141	UNAPPORTIONABLE OVERHEADS	1,497,520	1,516,720	19,200	11,000			
319,450	306,042	(13,408)	FINANCIAL SERVICES	584,650	584,650	0	14,400			
97,345	96,879	(466)	INTERNAL AUDIT	98,170	98,170	0	0			
56,650	55,524	(1,126)	PROCUREMENT	114,170	114,170	0	0			
272,303	20,329	(251,974)	NET EXPENDITURE	1,051,260	1,038,728	(12,532)	(25,310)			
Corporate Services										
296,580	301,474	4,894	HUMAN RESOURCES	537,880	559,880	22,000	11,000			
266,940	264,195	(2,745)	LEGAL SERVICES	217,500	221,500	4,000	9,000			
106,390	114,361	7,971	ELECTIONS & ELECTORAL REG	241,090	256,090	15,000	14,500			
318,850	309,974	(8,876)	DEMOCRATIC REPRESENTATION	628,890	614,390	(14,500)	(2,500)			
101,775	108,030	6,255	CIVIC CEREMONIALS	249,850	269,850	20,000	18,000			
327,565	322,797	(4,768)	CORPORATE SUPPORT	460,200	542,700	82,500	(35,600)			
0	(23,797)	(23,797)	TRANSPORTATION	0	(20,000)	(20,000)	0			
1,418,100	1,397,034	(21,066)	NET EXPENDITURE	2,335,410	2,444,410	109,000	14,400			

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PROPOSED SUPPLEMENTARY BUDGETS

Supplementary Budgets

Description	£	Funded by:
Interim Waste Manager - Expenditure Funded by Business Rates Pilot	43,200	Earmarked reserve
Chief Executive - To commission a report to enable the Council to position itself to best support the City's needs in the future	55,000	General Fund Balances
Total	98,200	

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2020/21 BUDGET MONITORING
AREAS OF BUDGETARY RISK

The table below notes service-areas that, based on either experience last year or market factors this year, have been identified as having significant budgetary risk within the 2020/21 revenue budgets.

The revenue budget areas of risk are:

Service	20/21 Approved Budget	Risk Rating	Risk and mitigation
Strategic Housing, City Development, Housing Needs & Homelessness, Customer Services, Welfare Reform, Revenues, Benefits & Business Rates			
Planning Services Revenue	£751,340		There has been a number of recent planning decisions which have been appealed. This generally results in a need for external consultancy and legal advice. Significant expenditure has been incurred in this area in previous financial years.
Revenues and Benefits Housing Benefit Subsidy	£36,696,810		The Council currently administers over £36 million of Housing Benefit payments for rent allowances and rent rebates. Not all expenditure can be claimed back as subsidy. Certain supported and temporary accommodation costs are not eligible for full subsidy; these claim types will remain in Housing Benefit and not move to Universal Credit. As more Housing Benefit claims move onto Universal Credit the amount of unsubsidised expenditure will be an increased proportion of total expenditure. Errors made by ECC officers are not subsidised in full if they go over a set percentage of total expenditure. As total expenditure reduces due to Universal Credit rollout, the margins within which error payments are subsidised will reduce, increasing the risk of a subsidy loss in this area.
Communications, Tourism & Culture			
Markets & Halls Revenue	£50,350		Income is from entrepreneurial activities at Matford and the Corn Exchange such as car boot sales and shows and concerts, so there has been significant impact from the coronavirus pandemic. Full-year outturn is therefore subject to many unpredictable factors.
Visitor Facilities	£396,490		The Service makes a small contribution from commission on ticket sales etc. for visitors, and so there is an element of budgetary risk around predicting demand.

Service	20/21 Approved Budget	Risk Rating	Risk and mitigation
Environment and City Management			
Children's Play Areas	£387,810		Compliance with the Government guidance regarding the re-opening and ongoing cleaning of play areas is costing significant additional costs. Some of this is one off costs such as signage and removal of some equipment to enable social distancing, and some is ongoing as agency staff are required to clean each play area daily. It is assumed that this will need to remain in place for the rest of the financial year.
Recycling Revenue	(£428,220)		<p>Due to the fall in prices for recycle and issues with the Materials Reclamation Facility, no further commercial work is planned from June onwards unless the situation improves. When setting the budgets it was anticipated that this would be a substantial source of income, so although there will be some associated cost savings this will result in a significant net loss.</p> <p>There have also been significant agency costs to cover for long term sickness within the team.</p>
Exton Road Overheads	£95,080		<p>There have been significant costs incurred including re-surfacing works and drain clearance. These are required for Health & Safety reasons and to comply with South West Water requirements respectively.</p> <p>It was anticipated that ECC would share a Fleet Manager with MDDC which would have generated savings, but this has not been possible.</p>
Corporate Property – Estates Rental Income	(£3,638,950)		<p>For the Emergency Budget the assumption was made that 75% of budgeted income would be received in the year. Analysis of outstanding debts from March and June confirms that 23% of the budgeted income is at risk, and the value of rent concessions made to date is low. However as many tenants are currently being supported through government initiatives such as business grants and furloughing of staff, the impact of COVID 19 on rental income will not be known until later.</p> <p>Commercial rents will not be covered under the Local government income compensation scheme for lost sales, fees and charges. Income levels will continue to be monitored and the issue flagged to senior management if material issues are identified.</p>

Service	20/21 Approved Budget	Risk Rating	Risk and mitigation
<p>Car Parking Revenue</p>	<p>(£4,418,700)</p>		<p>As a result of COVID 19 car parking income has dramatically fallen against the original budget. The Emergency Budget agreed in July was based on predictions of approximately half the budgeted income being received. It was estimated that Q1 would achieve only 5% of the original profiled budget, rising to 30% in Q2, 70% in Q3, and increasing to 90% in Q4 as there was expected to be some long term impact on commuter and visitor parking.</p> <p>During the summer car parking income exceeded predictions, however this has declined during September and October and now with the second lockdown it is unlikely that the emergency budget income levels will be achieved. The remainder of the year is very difficult to predict but we have anticipate a significant reduction before Christmas assuming that the lockdown is lifted after four weeks, and 60% of the original budget in Q4.</p> <p>There are some cost savings as a result, and we are claiming for 75% of the eligible losses under the Sales, Fees and Charges compensation scheme.</p>
<p>Director – Corporate Services</p>			
<p>Civic Centre Rents</p>	<p>(£370,110)</p>		<p>At the time the estimates for 2020/21 were prepared, plans to let out the remaining space in Phase I of the Civic Centre were expected to increase rental income by £300,000 to £470,110. These plans have been delayed due to COVID19.</p> <p>When preparing the emergency budget in July 2020, it was recognised that the target would not be achievable so the budget was reduced by £100,000. Only one new lease had been agreed at 31 August 2020; it is therefore possible that even the reduced rental income budget will not be achieved. The position will be reviewed for the Quarter 2 monitoring report</p>

Risk Rating Key:

	Current forecasts indicate either a favourable variance compared to the budget or no variance at all
	Current forecasts indicate an adverse budgetary variance of between 0% and 5% that will be kept under review
	Current forecasts indicate an adverse budgetary variance of more than 5% and will be monitored closely

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director Finance

Title: 2020/21 General Fund Capital Monitoring Statement – Quarter 2

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To report the current position in respect of the Council's revised annual capital programme and to advise Members of the anticipated level of deferred expenditure into future years.

The report seeks Member approval to amend the annual capital programme in order to reflect the reported variations.

2. Recommendations:

It is recommended that Executive Committee supports and recommends to Council to approve:

- (i) The revision of the annual capital programme to reflect the reported variations detailed in 8.1 and Appendix 1.

3. Reasons for the recommendation:

Local authorities are required to estimate the total of capital expenditure that it plans to incur during the financial year when it sets the prudential indicators for capital expenditure. This shows that its asset management and capital investment strategies are affordable, prudent and sustainable.

Capital expenditure is a significant source of risk and uncertainty since cost variations, delays and changing specifications are often features of large and complex capital projects.

In order to manage the risks associated with capital programming the annual capital programme is updated every three months to reflect any cost variations, slippage or acceleration of projects.

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:

There is nothing significant to draw to Members attention at this time.

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 Vires issues for the Monitoring Officer.

8. Report details:

2020/21 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 2

8.1 REVISIONS TO THE CAPITAL PROGRAMME

The 2020/21 Capital Programme was last reported to Executive on 6 October 2020. Since that meeting the following changes have been made that have increased the programme:

Description	£	Approval/Funding
Capital Programme, as reported to Council 20 October 2020	65,305,350	
Budget Deferred to 2021/22 & Beyond at Quarter 1	(2,130,300)	Approved by Council 20 October 2020
Overspends/(Underspends) reported at Quarter 1	(139,830)	
Navigation Buoys	16,500	
Pinces Garden Gatehouse Roof	85,000	
Riverside Sports Hall Roof	2,000,000	Approved by delegated powers as approved by Council 21 July 2020
CCTV Improvements	250,000	
Corn Exchange Roof Replacement	250,000	
Exmouth Buoy Store	95,000	
Revised Capital Programme	65,731,720	

8.2 PERFORMANCE

The revised capital programme for the current financial year is £65.732 million. During the first six months of the year the Council spent £10.260 million on the programme, which equates to 15.61% of the revised programme. This compares with £19.138 million (30.98%) that was spent in the first six months of 2019/20.

The current programme is detailed in Appendix 1. The Appendix shows a total forecast spend for 2020/21 of £65.121 million with £0.550 million of the programme potentially being deferred to 2021/22 and beyond.

Appendix 2 shows the approved budgets for 2021/22 with the proposed 2020/21 budget to be carried forward to 2021/22 and beyond for Executive and Council to consider for approval.

Appendix 3 shows the overall position for those schemes which span more than one financial year.

8.3 AVAILABLE CAPITAL RESOURCES

The available capital resources for the General Fund for 2020/21 are £10.721 million. An estimated spend of £65.121 million is required of which £60.286 million will be funded from borrowing with £5.886 million capital receipts carried forward to 2021/22.

Appendix 4 sets out the forecast use of the resources available for the General Fund and the likely amounts of borrowing that will be necessary to fund the capital programme over the next three years.

The value of actual capital receipts received in the quarter in respect of the General Fund are:

	General Fund £
Balance as at 1 April 2020	4,333,210
New Receipts	1,500,000
Balance as at 30 September 2020	5,833,210

8.4 EXPENDITURE VARIANCES

The main (greater than +/- £30k) variances and issues concerning expenditure are as follows:

Scheme	Estimated Overspend / (Underspend) £
Mary Arches Footbridge	(35,000)
Officer Responsible: Commercial Operations Manager The works are unlikely to cost as much as the original estimates.	
Northbrook Flood Alleviation	(25,000)
Officer Responsible: Commercial Operations Manager Devon County Council are responsible for the Northbrook Flood Alleviation scheme and they have indicated that the project will be complete during 2020/21 and the total contribution will be £75k.	

8.5 SCHEMES TO BE DEFERRED TO 2021/22 AND BEYOND

Schemes which have been identified as being wholly or partly deferred to 2021/22 and beyond are:

Scheme	Budget to be Deferred £
Fire Risk Assessment Works	418,190
Officer Responsible: City Surveyor Tender documents are being prepared, but due to delays it is anticipated that a proportion of this work will roll into 2021/22.	
Mary Arches Footbridge	200,000
Exeter Flood Alleviation Scheme	29,250
Officer Responsible: Commercial Operations Manager, Public Realm The Mary Arches footbridge project and Exeter Flood Alleviation scheme have been delayed as a result of Covid 19 until 2021/22.	

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)

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.

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.

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.

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

The impact of each scheme is considered prior to approval. Any significant deviation from this will be noted within the body of this report.

12 Carbon Footprint (Environmental) Implications:

We are working towards the Council's commitment to carbon neutral by 2030. The impact of each scheme is considered prior to approval.

13 Are there any other options?

There are no other options.

Director Finance, Dave Hodgson

Author: Nicola Matthews-Morley & Claire Hodgson

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

Background papers used in compiling this report:-

None

Contact for enquires:
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2020/21 CAPITAL MONITORING - QUARTER 2

Responsible Officer	Scheme	2020/21 Capital Programme	2020/21 Spend to date	2020/21 Forecast spend	2020/21 Budget to be Carried Forward to 2021/22 and Beyond	2020/21 Programme Variances (Under)/Over
		£		£	£	£
Chief Executive & Growth Director						
	Customer Contact Platform	62,840	0	62,840		
	Annual Contribution to Strata	53,900	53,904	53,900		
	Idox System for Planning	100,500	0	100,500		
	HR System	8,690	0	8,690		
	Disaster Recovery Virtual Desktop Infrastructure	53,900	0	53,900		
	Street Scene and Other Asset Management	124,840	0	124,840		
	Legal Case Management	7,910	0	7,910		
Chief Executive & Growth Director	Cash and Income Management	36,350	0	36,350		
	Oracle Weblogic	4,490	0	4,490		
	GIS Systems	860	0	860		
	Land Charges	5,390	0	5,390		
	Cemeteries	9,740	0	9,740		
	Finance System Upgrades	35,000	0	35,000		
	Idox System Upgrades	15,000	0	15,000		
	Financial Management	373,290	0	373,290		
	Idox Environmental Health	17,250	0	17,250		
TOTAL		909,950	53,904	909,950	0	0
Transformation						
	Leisure Centre Essential Enhancements	996,520	3,370	996,520		
	Riverside Leisure Centre	3,317,550	947,655	3,317,550		
	Riverside Sports Hall Roof	2,000,000	0	2,000,000		
	Leisure Complex - Build Project	24,724,430	6,141,856	24,724,430		
Director	Leisure Complex - Fit Out	1,500,000	0	1,500,000		
	Bus Station Construction	4,094,650	2,278,512	4,094,650		
	Pinhoe Community Hub	53,760	0	53,760		
	Agile & Flexible Rollout	105,300	1,390	105,300		
	Leisure Management	330,000	0	330,000		
TOTAL		37,122,210	9,372,782	37,122,210	0	0

Responsible Officer	Scheme	2020/21 Capital Programme	2020/21 Spend to date	2020/21 Forecast spend	2020/21 Budget to be Carried Forward to 2021/22 and Beyond	2020/21 Programme Variances (Under)/Over
		£		£	£	£
Net Zero Exeter and City Management						
Service Manager - Public & Green Space	Parks Infrastructure	20,000	20,380	75,000	(55,000)	
	Cemeteries & Churchyards Infrastructure Improvements	15,000	0	15,000		
	Parks Anti-Intrusion Measures	112,000	9,130	112,000		
Commercial Operations Manager	Northbrook Flood Alleviation	60,000	0	75,000	(40,000)	(25,000)
	Exeter Flood Alleviation Scheme	29,250	0	0	29,250	
	Replacement of Mallison Bridge (Exeter Quay)	15,490	17,520	17,520	(2,030)	
	Mary Arches Footbridge	240,000	3,310	5,000	200,000	(35,000)
	Pinhoe Playing Field Upgrades	150,000	0	150,000		
Service Manager - Engineering, Waterways & Parking	Car Park Resurfacing, Lining & Boundary Improvements	160,720	124,600	160,720		
	Purchase of Harbour Patrol Vessel for Exe Estuary	75,000	75,000	75,000		
	Improved Car Park Security Measures at King William Street & Arena Park	45,000	7,000	45,000		
	Repairs to Salmonpool Bridge	45,000	0	45,000		
	Repair to Walls at Farm Hill	50,000	0	50,000		
	Bank Repairs & Stabilisation to Watercourses	20,000	0	20,000		
	Navigation Buoys	16,500	0	16,500		
	CCTV improvements	250,000	0	250,000		
Service Manager - Recycling, Waste & Fleet	Waste Infrastructure	323,700	4,400	323,700		
Service Manager - Environmental Health & Community Safety	Disabled Facility Grants	500,000	222,080	500,000		
	Warm Up Exeter/PLEA Scheme	399,470	106,770	399,470		
	Wessex Loan Scheme	18,230	18,220	18,230		
Miscellaneous	Capitalised Staff Costs	50,000	0	50,000		
TOTAL		2,595,360	608,410	2,403,140	132,220	(60,000)
City Development, Housing & Supporting People						
Director	Sandy Park Junction	837,830	0	837,830		
TOTAL		837,830	0	837,830	0	0
Communications, Culture and Leisure Facilities						
Director	Council Signage Improvement	79,090	0	79,090		
TOTAL		79,090	0	79,090	0	0

Responsible Officer	Scheme	2020/21 Capital Programme £	2020/21 Spend to date	2020/21 Forecast spend £	2020/21 Budget to be Carried Forward to 2021/22 and Beyond £	2020/21 Programme Variances (Under)/Over £
Finance						
Director	Loan to Exeter City Living	15,641,560	0	15,641,560		
	Purchase of Commercial Property	4,912,720	0	4,912,720		
City Surveyor	Passenger Lift at RAMM	161,460	84,630	161,460		
	RAMM Roof Access Improvement	18,350	0	18,350		
	Energy Saving Projects	1,965,420	37,880	1,965,420		
	Building Management System (BMS)	80,000	0	80,000		
	Civic Centre Air Conditioning Replacement	25,000	0	25,000		
	Livestock Market Drainage & Toilets	319,930	94,850	319,930		
	Fire Risk Assessment Works	618,190	7,320	200,000	418,190	
	Beacon Heath Martial Arts & Boxing Club - New Roof	14,650	0	14,650		
	Pinces Gatehouse Roof repairs	85,000	0	85,000		
	Corn Exchange Roof Replacement	250,000	0	250,000		
	Exmouth Buoy Store	95,000	0	95,000		
TOTAL		24,187,280	224,680	23,769,090	418,190	0
GENERAL FUND SERVICES TOTAL		65,731,720	10,259,776	65,121,310	550,410	(60,000)

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BUDGETS CARRIED FORWARD TO 2021/22 AND BEYOND

		2021/22 Budget as per Budget Book/Council Approvals	Budget Carried Forward to 2021/22 and Beyond at Qtr 1	Proposed Budget to be Carried Forward to 2021/22 and Beyond at Qtr 2	Budget Reprofiled to Future Years	Total 2021/22 Capital Programme	2022/23 Budget as per Budget Book/Council Approvals
		£	£		£	£	£
Chief Executive & Growth Director							
Chief Executive & Growth Director	Customer Contact Platform	0	100,000	0		100,000	
	Annual Contribution to Strata	53,900	0	0		53,900	53,900
TOTAL		53,900	100,000	0	0	153,900	53,900
Transformation							
Director	Leisure Complex - Build Project	112,180	0	0		112,180	
TOTAL		112,180	0	0	0	112,180	0
Net Zero Exeter and City Management							
Service Manager - Public & Green Space	Parks Infrastructure	0	244,560	(55,000)		189,560	0
	Cemeteries & Churchyards Infrastructure Improvements	20,000	99,790	0		119,790	
	Outdoor Leisure Facilities	0	121,270	0		121,270	0
	Repair Canal Bank at M5	0	26,890	0		26,890	0
	Northbrook Flood Alleviation	0	40,000	(40,000)		0	0
	City Wide Property Level Protection	0	46,660	0		46,660	0
Commercial Operations Manager	Bowling Green Marshes Coastal Defence Scheme	160,000	180,000	0		340,000	160,000
	Exeter Flood Alleviation Scheme	0	0	29,250		29,250	0
	Replacement of Mallison Bridge (Exeter Quay)	0	307,630	(2,030)		305,600	0
	Mary Arches Footbridge	0	0	200,000		200,000	0
	Pinhoe Playing Field Upgrades	0	50,000	0		50,000	0
	Topsham Flood Prevention Scheme	0	800,000	0		800,000	0
Service Manager - Engineering, Waterways & Parking	Repairs to Turf Lock Pier Head	0	73,500	0		73,500	0
	Repair to Walls at Farm Hill	0	40,000	0		40,000	0
Service Manager - Recycling, Waste & Fleet	Waste Infrastructure	144,000	0	0		144,000	0
	Improved recycling containers	2,150,000	0	0		2,150,000	0
	Enhance the Materials Reclamations Facility	1,500,000	0	0		1,500,000	0
Service Manager - Environmental Health & Community Safety	Disabled Facility Grants	720,000	0	0		720,000	720,000
Miscellaneous	Capitalised Staff Costs	50,000	0	0		50,000	50,000
TOTAL		4,744,000	2,030,300	132,220	0	6,906,520	930,000
Finance							
City Surveyor	Fire Risk Assessment Works	0	0	418,190		418,190	
TOTAL		0	0	418,190	0	418,190	0
GENERAL FUND SERVICES TOTAL		4,910,080	2,130,300	550,410	0	7,590,790	983,900

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CAPITAL SCHEMES SPANNING MORE THAN ONE FINANCIAL YEAR

Responsible Officer	Scheme	Total Capital Budget	Total Spend to Date	Programme Variances (Under)/Over
		£	£	£
Transformation				
Director	Leisure Centre Essential Enhancements	1,266,480	273,334	0
	Riverside Leisure Centre	6,127,100	3,757,205	0
	Leisure Complex - Build Project	41,591,750	22,896,995	0
	Bus Station Construction	8,458,300	6,642,159	0
	Pinhoe Community Hub	100,000	46,244	0
TOTAL		57,543,630	33,615,938	0
Net Zero Exeter and City Management				
Service Manager - Public & Green Space	Parks Infrastructure	500,000	255,814	0
	Cemeteries & Churchyards Infrastructure Improvements	180,000	45,205	0
Commercial Operations Manager	Repair Canal Bank at M5	64,520	37,631	0
	Replacement of Mallison Bridge (Exeter Quay)	350,000	44,410	0
Service Manager - Engineering, Waterways & Parking	Repairs to Turf Lock Pier Head	75,000	1,500	0
TOTAL		1,169,520	384,561	0
Finance				
City Surveyor	Passenger Lift at RAMM	203,220	126,393	0
	RAMM Roof Access Improvement	68,500	50,146	0
	Livestock Market Drainage & Toilets	325,000	99,920	0
TOTAL		596,720	276,459	0
GENERAL FUND SERVICES TOTAL		59,309,870	34,276,957	0

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GENERAL FUND AVAILABLE RESOURCES

GENERAL FUND	2020-21 £	2021-22 £	2022-23 £	2023-24 £	TOTAL £
CAPITAL RESOURCES AVAILABLE					
Capital Receipts Brought Forward	4,333,210				4,333,210
GF Capital Receipts	3,949,000	0	0	0	3,949,000
Revenue Contributions to Capital Outlay	17,520	89,668	0	0	107,188
Disabled Facility Grant	899,469	720,000	720,000	720,000	3,059,469
New Homes Bonus	68,403	0	0	0	68,403
Community Infrastructure Levy	837,830	0	0	0	837,830
Other - Grants/External Funding/Reserves/S106	616,014	1,403,109	160,000	160,000	2,339,123
Total Resources Available	10,721,446	2,212,777	880,000	880,000	14,694,223
GENERAL FUND CAPITAL PROGRAMME					
Capital Programme	65,731,720	7,040,380	983,900	983,900	74,739,900
Overspends/(Savings)	(60,000)				(60,000)
Slippage	(550,410)	550,410			0
Total General Fund	65,121,310	7,590,790	983,900	983,900	74,679,900

UNCOMMITTED CAPITAL RESOURCES:					
Capital Receipts Brought Forward	4,333,210	5,885,670	3,260,880	3,156,980	4,333,210
Resources in Year	6,388,236	2,212,777	880,000	880,000	10,361,013
Less Capital Receipts to carry forward	(5,885,670)	(3,260,880)	(3,156,980)	(3,053,080)	(3,053,080)
Less Spend in Year	(65,121,310)	(7,590,790)	(983,900)	(983,900)	(74,679,900)
Borrowing Requirement	60,285,535	2,753,223	0	0	63,038,758

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REPORT TO COUNCIL HOUSING AND DEVELOPMENT ADVISORY BOARD

Date of Meeting: 17 November 2020

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director Finance

Title: 2020/21 HRA Budget Monitoring Report – Quarter 2

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To advise Members of the overall financial position of the HRA Revenue and Capital Budgets for the 2020/21 financial year after three months.

In addition to the budgetary over/under-spends reported to this committee, Appendix 1 also highlights further areas of risk, so that Members are aware that certain budgets have been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from budget, and are therefore subject to close monitoring, by officers.

2. Recommendations:

2.1. It is recommended the Executive note the report and Council notes and approves (where applicable):

- The HRA forecast financial position for 2020/21 financial year;
- The revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4

3. Reasons for the recommendation:

To formally note the HRA's projected financial position and to approve the reported variations to the HRA Capital Programme.

The Housing Revenue Account is a statutory account and local housing authorities have a duty to keep a HRA in accordance with proper accounting practices and to review the account throughout the year. Members are presented with a quarterly financial update in respect of the HRA and this is the second update for 2020-21.

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

The financial resources required to deliver both housing services to Council tenants and to invest in new and existing housing stock during 2020/21 are set out in the body of this report.

The impact on the HRA's available financial resources are set out in Appendix 3.

5. Section 151 Officer comments:

There is nothing significant to draw Members attention to this quarter. Members should note that Appendix 3 still indicates that most of the HRA's available resources will be used by 2023-24.

6. What are the legal aspects?

6.1. The Housing Revenue Account is framed by the Local Government and Housing Act 1989. This Act created the ring-fence and the structure within which the HRA operates and covers the detailed operation of the HRA, including the credits (income) and debits (expenditure) which make up the account.

7. Monitoring Officer's comments:

This report raises no issues of Vires for the Monitoring Officers.

8. Report details:

HRA BUDGET MONITORING – QUARTER 1

8.1 Background to the HRA

The Housing Revenue Account (HRA) records expenditure and income relating to council housing and the provision of services to tenants. Housing authorities have a statutory duty to maintain a HRA account, which is primarily a landlord account, in order to account to their tenants for income and expenditure on council housing separately from other functions and services of the Council. This includes tenancy management, repairs and maintenance, council house building and council house retrofits.

8.2 Projected Surplus/Deficit

	£
Approved Budgeted Deficit/ (Surplus)	3,321,605*
Tenancy Services Restructure budget - Council approved 25 February 2020	149,026

Supplementary budgets – Council approved 21 July 2020	657,040
Emergency budget – Council approved 21 July 2020 (£nil impact on total surplus/deficit)	-
Revised Budgeted Deficit	4,127,671

*2020/21 Approved Budget Represented By	£
MANAGEMENT	1,108,135
TENANCY SERVICES	1,302,920
SUNDRY LANDS MAINTENANCE	573,830
REPAIR & MAINTENANCE PROGRAMME	6,785,570
REVENUE CONTRIB TO CAPITAL	5,246,550
CAPITAL CHARGES	3,513,540
HOUSING ASSETS	2,093,020
RENTS	(19,195,320)
INTEREST	1,893,360
MOVEMENT IN WORKING BALANCE	(3,321,605)
Net Cost	£nil

The approved budget was in a deficit position due to a large anticipated revenue contribution to capital in the year.

8.3 The budget variances, anticipated at quarter 2, indicate that there will be a net surplus of £953,095 in 2020/21 – See appendix 2. This represents a movement of £5,068,944 compared to the revised budgeted deficit of £4,127,671 for 2020/21. The key budget deviations are explained below.

Budget Heading	Forecast Outturn Budget Variance at Quarter 1 (Under)/Overspend	Forecast Outturn Budget Variance at Quarter 2 (Under)/Overspend
Revenue Contribution to Capital	(£4,500,000)	(4,800,000)
Officer Responsible: Service Lead – Housing Assets		
<ul style="list-style-type: none"> The amount of revenue contributions required to finance the HRA Capital programme in 2020-21 has been reduced by £4.8m and transferred to 2021-22. 		

A larger than anticipated portion of the 2020-21 capital programme has been funded by borrowing, due to the PWLB loan taken out in April 2020. Therefore, less revenue contributions are required towards capital financing this year but the contribution is still required in future years.

Management Costs	£62,637	£56,967
<p>Officers Responsible: Service Lead – Housing Tenancy Services & Service Lead – Housing Assets</p> <ul style="list-style-type: none"> • (£35k) Forecast savings in employee costs, due to recruitment delays as a result of COVID-19. • £80k Forecast additional consultancy fees in relation to the implementation of the new housing IT system. Overspend is being met by a saving in employee costs across other areas of the HRA. • £12k Amalgamation of various forecast overspends in relation to COVID-19, including cost of letters to tenants, empty property charges and additional cleaning costs. 		
Tenancy Services	(£46,766)	(£34,926)
<p>Officer Responsible: Service Lead – Housing Tenancy Services</p> <ul style="list-style-type: none"> • (£50k) Savings in employee costs, due to recruitment delays as a result of COVID-19. • £15k Forecast additional cleaning costs of sheltered accommodation due to COVID-19. 		
Repair & Maintenance Programme	(£465,136)	(£610,136)
<p>Officer Responsible: Service Lead – Housing Assets</p> <ul style="list-style-type: none"> • (£477k) forecast underspend on low maintenance and painting, this is due to interruption of works during COVID-19 lockdown. • (£75k) forecast underspend on re-pointing. The emerging retrofit programme, details of which will be shared with members in due course, is impacting on previously planned general maintenance and spend areas need to be 		

rearranged/re profiled accordingly. Savings identified here will be used to compensate against revenue overspends elsewhere.

- (£70k) forecast underspend on Legionella testing. Testing has not been possible due to COVID-19 closures. Savings identified here will be used to compensate against revenue overspends elsewhere.
- £12k amalgamation of various minor forecast over and underspends.
- The response repairs and various service contracts have started to catch-up following the disruptions in the early part of the year, assurances have been obtained from contractors where necessary.

Housing Assets	£11,857	£158,761
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Officer Responsible: Service Lead – Housing Assets

- £134k Forecast overspend in employee costs. COVID-19 has caused significant delays in the recruitment of officers to the new housing asset restructure. This has resulted in the use of agency staff, in a number of positions, for much longer than originally budgeted. The impact of this has been calculated to the end of the financial year. The recruitment process resumed in August-20 and a 3-step plan is now in place to recruit to all positions, currently filled by agency staff, before March-21.
- £11k Forecast overspend in tenant decant costs. This is largely due to additional costs arising from COVID-19 lockdown issues.
- £10k Forecast overspend on legal fees in social housing delivery. These additional costs relate to additional, unexpected cost of legal advice for a site tender and COVID-19 advice for on-going developments.
- £4k amalgamation of various minor forecast over and underspends.

Rents	£nil	£nil
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Officer Responsible: Service Lead – Housing Tenancy Services & Service Lead Revenues, Benefits and Customer Access

- The rents for 2020-21 were reviewed as part of the COVID-19 Emergency budget. The anticipated fall in rents of £824k is therefore already built in to the approved budget. Rent collection and arrears are monitored regularly and no variance to budget is deemed necessary to report at this stage.

Interest	£161,828	£161,828
<p>Officer Responsible: Service Lead – Housing Tenancy Services & Service Lead – Housing Assets</p> <ul style="list-style-type: none"> Reflects the actual interest cost of the new PWLB loan taken out for the HRA in April 2020, this will be used to fund the next wave of Council property developments. The loan was agreed earlier than originally anticipated in order to benefit from the low interest rate offered at the time. This has reduced the cost to the HRA over the life of the loan. This also reflects the lower anticipated interest receivable by the HRA. Interest rates received on investments have fallen significantly since the start of the year and the impact of this will be reflected in the interest earned on HRA balances. 		
Total budget (underspend)/overspend	(£4,775,580)	(£5,068,944)
Projected HRA deficit / (surplus)	(647,909)	(941,273)

8.4 Impact on HRA Working Balance

The HRA Working Balance represents amounts set aside to help facilitate service improvements, repay debt or to provide investment in the stock in future financial years.

The forecast balance, as at 31 March 2021, is set out below:

Movement	2019/20
Opening HRA Working Balance, as at 1 April 2020	£10,239,475
Forecast surplus for 2020/21	941,273
Balance resolved to be retained (HRA contingency)	(£4,000,000)
Balance Available, as at 31 March 2021	£7,180,748

8.5 HRA Available Resources over the Medium Term

The forecast HRA available resources for delivering both housing services and capital investment are set out in Appendix 3 for the period to 2023/24.

The forecast total available resources has fallen by £766k since last reported, this is due to an increase in the amount of right-to-buy receipts anticipated to be surrendered back to DCLG, pending investment in replacement affordable housing.

8.6 HRA Debt

In October 2018 the Government formally removed the HRA debt cap, which restricted the amount of borrowing stock-holding local authorities could have for the purposes of the HRA. The lifting of the 'debt cap' means that local authorities are now able to borrow for housebuilding in accordance with the Prudential Code.

Executive on 8 October 2019 approved the first Council House Building Programme, which will deliver 100 new homes into the HRA at a cost of £18 million. It is expected that these schemes will be funded using the new freedoms to borrow in conjunction with potential grant from Homes England and retained Right to Buy receipts, which will be determined on a site by site basis.

As at 31 March 2020, the HRA's borrowing remained at the former 'debt cap' level of £57,882,413, as no new borrowing was undertaken before the year end.

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.

On 5 April 2020, the Council took out a loan of £15.36 million from the PWLB to support the social housing programme and therefore took advantage of the discounted rate.

The HRA currently has approval to borrow a further £3.9m, this will likely be required in the next 12 months.

8.7 HRA Capital Programme

The 2020-21 HRA Capital Programme was last reported to Council on 20 October 2020. Since that meeting the following changes have been made that have decreased the 2020/21 programme.

Description	2020/21	Approval / Funding
HRA Capital Programme	£36,395,300	
Budgets deferred to future financial years	(£8,602,723)	Council - 20 October 2020
Revised HRA Capital Programme	£27,792,577	

8.8 Performance

The current HRA Capital Programme is detailed in Appendix 4. The appendix shows a total forecast spend of £25,155,805 compared to the £27,792,577 approved programme; a reduction of £2,636,772 which has slipped into future years.

8.9 Capital Budget Variances

The details of key (greater than +/- £50k) variances from budget are set out below. The Service Lead – Housing Assets will be able to provide further details in respect of these areas, if required.

Scheme	Forecast Overspend / (Underspend)
Adaptations	£100,000
<p>Officer Responsible – Planned Works Lead</p> <p>Additional, unforeseen works have to be completed on one of the larger on-going adaptation projects, resulting in additional expected costs of £100k. The overspend here is going to be met by efficiencies in the Estate improvement and Kitchens & Bathrooms programmes.</p>	

Schemes to be deferred to 2021/22 and beyond

Schemes which have been identified as being wholly or partly deferred to 2021/22 and beyond are:

Scheme	Budget deferred to/(brought forward from) future years
Fire Risk Assessment Works	£200,000
<p>Officer Responsible – Planned Works Lead</p> <p>The planned works programme has been largely on-hold for the start of the year, during the COVID-19 lockdown period.</p> <p>The planned works and compliance teams have worked together with external contractors to review and update work programmes for the rest of the year, this has resulted in the above anticipated budget slippages into next year. All work has been prioritised to ensure full delivery of FRA responsibilities.</p>	
Structural Repairs	(£60,000)

Officer Responsible – Planned Works Lead

A large project that was budgeted as an adaptation has been moved to structural repairs, budget has been brought forward from future years to cover this.

Edward's Court Extracare Scheme	£250,000
Officer Responsible – Service Lead – Housing Assets Kier Construction are still working to their programme which shows that completion will be achieved by the end of March 2021. They are showing some slippage against this programme due to the continued Covid-19 restrictions, but are yet to issue an updated programme. In general work is progressing well on site.	
LAINGS Refurbishments	£100,000
Officer Responsible – Service Lead – Housing Assets The scheme is progressing well now following the Covid-19 shutdown, the first 6 properties will be completed and handed over before Christmas this year, with the next 6 following in April 2021 and the final 6 in June/July 2021.	
Hamlin Gardens	£900,000
Officer Responsible – Service Lead – Housing Assets There have been delays on this project due to retender requirements - the project is back as a council housing build rather than ECL. There is now a main contractor in place and contract is being finalised. Start on site is expected in January 2021 and the construction will run for 20 months.	
Vaughan Road	£1,250,000
Officer Responsible – Service Lead – Housing Assets The initial tender price has come in too high and ECL is working hard with the main contractor to bring the build cost down to within the allocated budget. The process will delay the start on site until around March 2021. The hope is to mitigate some of this delay by undertaking the demolition and site preparation works outside of the main contract and these works will start before the end of 2021.	

The Council's own build properties at Rowan House and Knights Place form part of the overall Housing Revenue Account, but separate income and expenditure budgets are maintained in order to ensure that they are self-financing.

Key Variances from Budget

There are no projected variances to report at the end of Quarter 2. The budgeted net surplus of £15,470 is still projected to be achieved during 2020/21.

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

The Housing Revenue Account contributes to two key purposes, as set out in the Corporate Plan; help me find somewhere suitable to live and maintain our property assets.

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

For clarity, these are specific financial risks, alongside the risks captured in the corporate risk register.

It is not permissible for the HRA to go into an overall financial deficit position, it is therefore important to ensure that an adequate level of HRA balances is maintained as a contingency against risks. The HRA resolve to retain a working balance at no less than £4 million to mitigate against financial risks.

The full implications of COVID 19 are yet to be fully established but additional service delivery costs have been experienced to date and this is set to continue, a specific record is being kept of such activity.

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates. Appendix 1 sets out the risks identified, at Quarter 2.

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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 There are no significant equality and diversity impacts associated with this decision.

12. Carbon Footprint (Environmental) Implications:

We are working towards the Council's commitment to carbon neutral by 2030. The impact of each scheme is considered prior to approval. Many of the revisions referred to in the report relate to the establishment of the Council's Carbon Neutrality Plan and the target to achieve carbon neutrality by 2030 for all council housing properties.

13. Are there any other options?

None

Director Finance, David Hodgson

Author: Kayleigh Searle

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

Background papers used in compiling this report:-

None

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A number of areas of budgetary risk have been identified within the HRA, as follows:

Budget Title	2020/21 Approved Budget	Risk Rating	Risk and mitigation
General Maintenance	£1,981,790 (revenue)		The volatility of the level of requested repairs due to factors beyond the control of the Council, for example adverse weather conditions represent a budgetary risk. The impact of property inspections undertaken by the Housing Customer Team may also lead to the identification of additional repairs. The impact of COVID-19 (if any) on this budget is yet to be fully determined. Mitigation measures include monthly contract meeting with the Contractor – the meetings include budget review and work in progress updates. Other supporting measures include weekly Surveyors meetings to highlight repair demand pressures.
Repairs to Void Properties	£1,195,010 (revenue)		Property turnover and the varying condition of properties when returned to the Council represent a budgetary risk. Additional costs relating to void clearances post COVID-19 lockdown, have been identified but it is expected that these costs will be absorbed within this budget during the year. Mitigation includes a current review of the void standard – for inclusion in the currently commissioned Integrated Asset Management Contract. Additionally, property inspections by Housing Officers highlight sub-standard property conditions wherever possible and are an early alert to issues.
Rental Income from Dwellings	£18,370,522 (revenue)		Right to Buy sales, number of new tenancies set at convergence rent levels, number of days lost through major works, rent lost in respect of void properties and welfare reform changes (for which an increased bad debt provision has been made) all impact on the annual rental income. The impact on rents due to COVID-19 was considered as part of the emergency budget and an anticipated fall in rental income was built in to the budget, however the long-term impact is yet to be fully determined. Rental income after the first 6 months is slightly behind profile, but payments made during the rent-free fortnights may mitigate, as in previous years. Mitigation has been impacted by the scale of work to some void properties – including some fire damaged properties and some with subsidence issues. However, contract works are monitored to focus on timely completion of refurbishments including a current focus on the time taken for asbestos surveys.

Risk Rating:

	Current forecasts indicate either a favourable variance compared to the budget or no variance at all
	Current forecasts indicate an adverse budgetary variance of between 0% and 5% that will be kept under review
	Current forecasts indicate an adverse budgetary variance of more than 5% and will be monitored closely

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HOUSING REVENUE ACCOUNTS BUDGET MONITORING 2020-21

APPENDIX 2

QUARTER 2

ACTUAL TO DATE			YEAR END FORECAST				
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	MANAGEMENT UNIT	APPROVED BUDGET	Qrt 1 FORECAST VARIANCE	Qrt 2 FORECAST VARIANCE	CURRENT OUTTURN FORECAST
0	0	0	REVENUE CONTRIBUTION TO CAPITAL	5,246,550	(4,500,000)	(4,800,000)	446,550
420,974	416,858	(4,116)	MANAGEMENT	1,252,403	62,637	55,529	1,307,932
568,734	500,101	(68,633)	TENANCY SERVICES	1,294,218	(46,766)	(34,926)	1,259,292
165,210	49,642	(115,568)	SUNDRY LAND MAINTENANCE	639,830	0	0	639,830
3,498,405	2,506,878	(991,527)	REPAIRS & MAINTENANCE PROGRAMME	6,585,570	(465,136)	(610,136)	5,975,434
0	0	0	CAPITAL CHARGES	3,513,540	0	0	3,513,540
903,361	895,252	(8,109)	HOUSING ASSETS	2,072,722	11,857	158,761	2,231,483
(9,950,699)	(9,789,251)	161,448	RENTS	(18,370,522)	0	0	(18,370,522)
1,027,594	1,068,146	40,552	INTEREST	1,893,360	161,828	161,828	2,055,188
			Statutory Contributions	0	0	0	0
			MOVEMENT TO/(FROM) WORKING BALANCE	(4,127,671)	4,775,580	5,068,944	941,273
			Net Expenditure	0	0	0	0
			Working Balance 1 April 2020	10,239,475	31 March 2021		11,180,748

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COUNCIL OWN BUILD SITES

PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	MANAGEMENT UNIT	APPROVED BUDGET	Qrt 1 FORECAST VARIANCE	Qrt 2 FORECAST VARIANCE	CURRENT OUTTURN FORECAST
£	£	£		£	£	£	£
16,755	15,455	(1,300)	MANAGEMENT	33,510	0	0	33,510
(5,115)	(5,527)	(412)	ROWAN HOUSE	(10,230)	0	0	(10,230)
(29,520)	(28,222)	1,298	KNIGHTS PLACE	(59,040)	0	0	(59,040)
0	0	0	INTEREST	5,740	0	0	5,740
0	0	0	CAPITAL CHARGES	14,550	0	0	14,550
			MOVEMENT TO/(FROM) WORKING BALANCE	15,470	0	0	15,470
			Net Expenditure	0	0	0	0
			Working Balance 1 April 2020	274,855	31 March 2021		290,325

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HRA AVAILABLE RESOURCES

HOUSING REVENUE ACCOUNT	2020-21 £	2021-22 £	2022-23 £	2023-24 £	TOTAL £
CAPITAL RESOURCES AVAILABLE					
Usable Receipts Brought Forward					9,755,844
Major Repairs Reserve Brought Forward					11,831,831
Other HRA Sales	640,000	0	0	0	640,000
RTB sales	1,500,000	750,000	750,000	750,000	3,750,000
Surrender back to DCLG - pending investment in replacement affordable housing	0	(2,218,849)	0	0	(2,218,849)
Major Repairs Reserve	3,513,540	3,513,540	3,513,540	3,513,540	14,054,160
Revenue Contributions to Capital	446,550	8,800,000	2,900,000	3,050,000	15,196,550
External contributions	0	592,424	0	0	592,424
Grant funding - Estate Regeneration Funding	0	0	0	0	0
Grant funding - Zero Energy Buildings Project	0	0	0	0	0
Commutated sums	4,200,218	175,000	0	0	4,375,218
Borrowing	15,360,000	3,900,000	0	0	19,260,000
Total Resources available	25,660,308	15,512,115	7,163,540	7,313,540	77,237,178
CAPITAL PROGRAMME					
HRA Capital Programme	36,395,300	20,890,453	10,420,170	8,760,210	76,466,133
Reported slippage - Quarter 1	(8,602,723)	3,285,638	4,604,691	712,394	0
Reported (under)overspends - Quarter 2	3,228				3,228
Reported slippage - Quarter 2	(2,640,000)	530,000	2,130,000	-20,000	0
Total Housing Revenue Account	25,155,805	24,706,091	17,154,861	9,452,604	76,469,361
UNCOMMITTED CAPITAL RESOURCES:					
Usable Receipts Brought Forward	9,755,840	6,864,218	3,100,369	604,125	9,755,840
Major Repairs Reserve Brought Forward	11,831,831	15,227,961	9,797,833	2,302,756	11,831,831
Resources in Year	25,660,308	15,512,115	7,163,540	7,313,540	55,649,503
Less Estimated Spend	(25,155,805)	(24,706,091)	(17,154,861)	(9,452,604)	(76,469,361)
Uncommitted Capital Resources	22,092,174	12,898,203	2,906,881	767,817	767,813
WORKING BALANCE RESOURCES:					
Balance Brought Forward	10,239,475	11,180,748	4,560,737	4,162,610	10,239,475
HRA Balance Transfer - Surplus/(Deficit)	(4,127,671)	(1,820,011)	(398,127)	(50,102)	(6,395,911)
Quarter 1 forecast under/(over)spend	4,775,580	(4,500,000)			275,580
Quarter 2 forecast under/(over)spend	293,364	(300,000)			(6,636)
Balance Carried Forward	11,180,748	4,560,737	4,162,610	4,112,508	4,112,508
Balance Resolved to be Retained	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)
Uncommitted HRA Working Balance	7,180,748	560,737	162,610	112,508	112,508
TOTAL AVAILABLE CAPITAL RESOURCES	29,272,922	13,458,940	3,069,491	880,325	880,321

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**2020-21
CAPITAL MONITORING - QUARTER 2**

	2020-21 Capital Programme	2020-21 Spend	2020-21 Forecast Spend	2020-21 Budget to be Carried Forward to Future Years	TO 2021-22	TO 2022-23	TO 2023-24	TO 2024-25	2020-21 Programme Variances Under ()
	£	£	£	£					£
HRA CAPITAL									
EVERYONE HAS A HOME									
Adaptations	560,820	146,984	660,820						100,000
Estate Improvements	50,000	4,616	15,000						(35,000)
Garage Upgrades	1,150	9,378	9,378						8,228
Balcony Walkway Improvements	200,000	12,365	200,000						-
Bathroom Replacements (inc. Communal)	1,000,000	103,280	965,000						(35,000)
Boiler Replacement Programme & Central Heating	1,091,792	411,529	1,091,792						-
Common Area Footpath & Wall Improvements	139,265	3,413	139,265						-
Communal Area Improvements - New Flooring	80,000	0	80,000						-
Communal Door and Screen Replacements	250,000	6,389	250,000						-
Door Replacements (inc. Outbuildings)	420,274	83,901	420,274						-
Electrical Central Heating	15,000	4,231	15,000						-
Lift Upgrades	80,000	0	80,000						-
Electrical Rewires - Communal	218,016	125,110	218,016						-
Electrical Rewires - Domestic	323,521	78,049	323,521						-
Fire Risk Assessment Works	544,830	27,881	344,830	200,000	200,000				-
Fire Safety Storage Facilities	237,901	30,997	237,901						-
Kitchen Replacements (inc. Communal)	1,000,000	67,434	965,000						(35,000)
LAINGS Refurbishments	1,877,827	474,087	1,777,827	100,000	100,000				-
Reroofing - Flats	200,000	21,212	200,000						-
Reroofing - Houses (outbuildings, chimney, gutters, downpipes, fascia)	1,100,000	57,388	1,100,000						-
Porch Canopies	20,000	0	20,000						-
Rennes House Structural Works	500,000	2,500	500,000						-
Soil Vent Pipe Replacement	5,000	1,208	5,000						-
Structural Repairs	150,000	3,638	210,000	(60,000)	(20,000)	(20,000)	(20,000)		-
Window Replacements	1,100,000	196,999	1,100,000						-
Energy Conservation	25,000	1,080	25,000						-
Housing Management system	57,167	32,619	57,167						-
Zebcat Project	100,000	-21,893	100,000						-
HOUSING REVENUE ACCOUNT TOTAL	11,347,563	1,884,395	11,110,791	240,000	280,000	(20,000)	(20,000)	0	3,228
COUNCIL OWN BUILD CAPITAL									
Social Housing Acquisitions - Section 106	490,000	0	490,000						-
Social Housing Acquisitions - Open Market	1,132,926	220,365	1,132,926						-
St Loyes Extracare Scheme	6,250,312	2,714,288	6,000,312	250,000	250,000				-
Council House Building Programme - Bovemoors Lane	1,571,776	738,075	1,571,776						-
Council House Building Programme - Hamlin Gardens	1,500,000	44,115	600,000	900,000		900,000			-
Council House Building Programme - Vaughan Road	2,000,000	125,468	750,000	1,250,000		1,250,000			-
Thornpark Rise	2,600,000	1,500	2,600,000						-
Anthony Road	900,000	0	900,000						-
COUNCIL OWN BUILD TOTAL	16,445,014	3,843,811	14,045,014	2,400,000	250,000	2,150,000	0	0	0
OVERALL HOUSING REVENUE ACCOUNT TOTAL	27,792,577	5,728,205	25,155,805	2,640,000	530,000	2,130,000	(20,000)	0	3,228

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REPORT TO EXECUTIVE

Date of Meeting: 01 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director Finance

Title: Treasury Management 2020/21 Half Year Update

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 To report on the current Treasury Management performance for the 2020/21 financial year and the position regarding investments and borrowings at 30 September 2020. The report is a statutory requirement and is for information only with no key decisions required.

2. Recommendations:

- 2.1 That Members of the Executive note the Treasury Management report in respect of the first six months of the 2020/21 financial year.

3. Reasons for the recommendation:

- 3.1 It is a statutory requirement for the Council to publish regular reports on Treasury Management to Council. This includes an annual Treasury Management Strategy and half yearly report and a year-end report as a minimum.

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

- 4.1 The report is an update on the overall performance in respect of Treasury Management for the first six months of the 2020/21 financial year. Therefore, there are no financial or non-financial resource implications.

5. Section 151 Officer comments:

- 5.1 Interest rates continue to be very low, indeed the Government's Debt Management Office has started to offer negative rates (you pay to deposit) for some durations. The Emergency budget added an extra £290,000 to the budget and it is pleasing to note that the current estimate is positive compared to this.

6. What are the legal aspects?

- 6.1 In February 2012 the Council adopted the updated *CIPFA Treasury Management in the Public Services: Code of Practice*, which requires the Council to report on its performance at the end 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:

8.1 Economic Context and Interest Rate Prospects

Interest rate forecasts, provided by our Advisors, are set out below.

Link Group Interest Rate View 11.8.20											
	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23
Bank Rate View	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 month average earnings	0.05	0.05	0.05	0.05	0.05	0.05	-	-	-	-	-
6 month average earnings	0.10	0.10	0.10	0.10	0.10	0.10	-	-	-	-	-
12 month average earnings	0.15	0.15	0.15	0.15	0.15	0.15	-	-	-	-	-
5yr PWLB Rate	1.90	1.90	2.00	2.00	2.00	2.00	2.00	2.10	2.10	2.10	2.10
10yr PWLB Rate	2.10	2.10	2.10	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.30
25yr PWLB Rate	2.50	2.50	2.50	2.50	2.60	2.60	2.60	2.70	2.70	2.70	2.70
50yr PWLB Rate	2.30	2.30	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50

The coronavirus outbreak has done huge economic damage to the UK and to 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 last meeting on 5th November although some forecasters had suggested that a cut into negative territory could happen. 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.

Investment returns are likely to remain exceptionally low during 2021/22 with little increase in the following two years.

Borrowing interest rates fell to historically very low rates as a result of the COVID crisis and the quantitative easing operations of the Bank of England: indeed, gilt yields up to 6 years were on negative yields during most of the first half of 20/21.

However, the unexpected increase of 100 bps in PWLB rates on top of the then current margin over gilt yields of 80 bps, required an initial rethink of local authority treasury management strategy and risk management. However, in March 2020, the Government started a consultation process for amending the margins over gilt rates for PWLB borrowing for different types of local authority capital expenditure. The result of this consultation will dictate future borrowing strategies.

8.2 Treasury Management Strategy

The Council approved the 2019/20 Treasury Management Strategy at its meeting on 26 February 2020. The stated investment strategy was to continue to hold only small surplus funds and to seek to utilise its Call Accounts, Money Market Funds, use the Government's Debt Management Office and use short dated deposits which would be placed with Local Authorities.

The Strategy stated that the on-going borrowing requirement would be monitored and a decision of whether to take the planned borrowing would need to be made in light of need and current and forecast interest rates. This decision was delegated to the Section 151 Officer and the Leader of the Council.

8.3 Net Interest Position

The General Fund shows an improvement against the estimate for net interest payable, the position is:

	Estimate £	Actual to 30 September 2020 £	Estimated Outturn £	Variation £
Interest paid	1,205,300	476,868	1,158,992	(46,308)
Interest earned				
Temporary investment interest	(308,000)	(149,866)	(172,357)	135,643
ECL Loan	(456,000)	(229,366)	(458,733)	(2,733)
Other interest earned	(9,300)	(4,650)	(9,300)	0
Science Park Loan	(25,780)	(12,890)	(25,780)	0
CVS Loan	(4,220)	0	(1,560)	2,660
Less				
Interest to HRA	250,000	123,563	247,126	(2,874)
Interest to S106 agreements	95,000	37,312	74,625	(20,375)
Interest to Trust Funds	4,900	2,487	4,974	74
Lord Mayors Charity	100	42	84	(16)
GF interest (received) / paid out	(453,300)	(233,367)	(340,921)	112,379
Net Interest	752,000	243,319	818,071	66,071
CCLA – LAPF Dividend	(225,000)	(98,508)	(144,826)	80,174
Investment Loss – General Fund	0	0	0	0
Net Interest	527,000	144,811	673,245	146,246

The emergency budget, approved by Council in July 2020, estimated that the net interest cost for 2020/21 would increase to £817k. The expected outturn at Q2 indicates an improvement on the emergency budget by £144k.

9. Investment Interest

- 9.1 The Council can utilise the Government's Debt Management Office (DMO) account and a reserve account with Barclays, these accounts have been utilised in the period to provide a low-risk temporary arrangement to hold surplus funds.

It should be noted that the DMO have started to offer negative interest rates on very short-term investments (1 to 2 weeks), the Council has not invested where negative rates are offered.

Appendix A sets out the institutions that the Council can use for deposits, this is known as our Counterparty list.

- 9.2 The Council had access to five Money Market Funds during the period, this has subsequently reduced to four as Amundi decided to close their money market fund on 15th October and return all funds. The money market funds allow immediate access to our funds and spreads risk as it is pooled with investments by other organisations and invested across a wide range of financial institutions.
- 9.3 The Council made investments in the CCLA's LAMIT Property Fund in 2016. It should be noted that investments in property funds are a long term commitment which means that there can be fluctuations on the return from the investment.
- 9.4 The Council's investments held at 30 September 2020 were:

Money Market Funds

Amount	Investment	Interest rate*
£10,000,000	Amundi Asset Management	0.01%
£10,000,000	Federated Investors	0.03%
£10,000,000	Aberdeen Standard Investments	0.06%
£10,000,000	CCLA - The Public Sector Deposit Fund	0.08%
£2,000,000	Black Rock Asset Management	0.01%

* Interest rate is variable (therefore rates quoted were as at 30 September 2020)

Fixed Term Deposits - Current

Amount	Investment	Interest rate	Date Invested	Maturity Date	No. of Days
£5,000,000	Thurrock Council	0.12%	14/08/20	16/11/20	94
£3,000,000	Standard Chartered – Sustainable deposit	0.16%	13/08/20	13/11/20	92
£3,000,000	Lancashire	0.95%	02/12/20	30/11/20	364
£5,000,000	Fife Council	0.85%	25/10/19	23/10/20	364
£5,000,000	Flintshire County Council	0.06%	30/09/20	05/01/21	97

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

Fixed Term Deposits – Forward Deals

Amount	Investment	Interest rate	Date Invested	Maturity Date	No. of Days
5,000,000	Blackpool Borough Council	0.13%	23/12/20	23/04/20	121
5,000,000	Thurrock Council	0.07%	16/11/20	16/02/21	92

Property Funds

Amount	Investment	Dividend Yield
£5,000,000	CCLA – LAMIT Property Fund	4.36%

10. Borrowings

- 10.1 The Council's long term borrowing is currently £126.044 million (£53.8 million General Fund and £72.244 HRA) and there is no short-term borrowings. Details of loans are set out below.
- 10.2 The PWLB long-term borrowing rates fell in September 2019, prompting the decision on 26 September to borrow in readiness for the on-going capital programme. This was a timely decision as there was an announcement on 9 October to increase the interest rates offered on new PWLB loans by 1% with immediate effect.
- 10.3 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.
- On 5 April 2020, the Council took out a loan of £15.4 million from the PWLB to support the social housing programme and therefore took advantage of the discounted rate.
- 10.4 The current General Fund capital programme as at Quarter 2 indicates total borrowing will need to increase by £57.70 million over the next 3 years.
- 10.5 The ongoing borrowing requirement will be monitored and a decision of whether to take further borrowing will be made in light of need and current and forecast interest rates. If additional 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.

10.6 Existing loans

Principal Amount	Lender	Interest rate	Loan type	Date of repayment
£56,884,000	PWLB (HRA)	3.48%	Maturity	28/03/2062
£2,200,000	PWLB	2.34%	Annuity	11/01/2044
£2,150,000	PWLB	2.08%	Annuity	04/04/2044
£4,650,000	PWLB	1.61%	Annuity	26/09/2049
£8,800,000	PWLB	1.71%	Annuity	26/09/2054
£36,000,000	PWLB	1.80%	Annuity	26/09/2069
£15,360,000	PWLB (HRA)	1.31%	Maturity	14/04/2070

11. Future Position

- 11.1 The short-term cash surplus will be invested in line with the Council's Treasury Management Strategy and will ensure that funds are available to meet demands, whilst also maximising returns.
- 11.2 The Council's Money Market Funds which are AAA rated, currently offer rates between 0.01% and 0.08%, the rates are liable to fluctuation in the year. The short term investments that are made through the money market funds ensure cash can be accessed immediately. This has a slight impact on returns but increases the security of cash.
- 11.3 The Council will also lend, when possible, to institutions on the Council's counterparty list which includes other Local Authorities, UK and Foreign owned banks, building societies and the Debt Management Office. The rates received currently average around 0.1%.
- 11.4 Officers have regular meetings with the Treasury Management advisors in order to seek advice on how to maximise investment returns and to minimise the need to borrow whilst taking into account investment risk.
- 11.5 Officers continually explore the possibility of widening the investment options available to the Council. If the options are proved to be of interest, and viable, they will be included in the Treasury Management strategy which is presented to committee for approval in February 2021.
- 11.6 Investment opportunities that provide attractive interest rates are somewhat limited in the current economic climate, following the impact of COVID 19.
- 11.7 In addition to the potential impact of COVID on the UK economy there is, at the time of writing, continuing uncertainty over a potential Brexit deal. If the UK leaves the EU without a deal, then this could place further downside pressure on the sovereign rating, which may have a knock-on impact on UK financial institution ratings.
- 11.8 This will be closely reviewed and advice will be sought from our financial advisors to ensure our counterparty list is adequate and robust enough. Any adjustments to the

list and the impact of this will be presented to committee for approval in the Treasury Management strategy 2021/22.

12. 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.

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

The council uses Treasury Management advisors who continually provide updates on the economic situation, interest rates and credit ratings of financial institutions. They also provide a counterparty list which details the financial institutions which meet the council's Treasury Management strategy.

The impact of COVID 19 on the world economy and the potential for negative interest rates is being closely monitored and daily updates are provided by our financial advisors and investment brokers.

14. 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

15. Carbon Footprint (Environmental) Implications:

We are working towards the Council's commitment to carbon neutral by 2030. The environmental impact of each decision is considered prior to approval.

16. 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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Appendix A

List of Suggested Counterparties for Lending for Exeter City Council.

Counterparty	Fitch Ratings		Moody's Ratings		Band Name	Monetary Limit	Duration
	Long Term	Short Term	Long Term	Short Term			
Canada	AA+		Aaa				
Banks							
Bank of Montreal	AA-	F1+	Aa2	P-1	Non UK	3 Million	9 Months
Bank of Nova Scotia	AA-	F1+	Aa2	P-1	Non UK	3 Million	9 Months
Canadian Imperial Bank of Commerce	AA-	F1+	Aa2	P-1	Non UK	3 Million	9 Months
Royal Bank of Canada	AA	F1+	Aa2	P-1	Non UK	3 Million	9 Months
Toronto-Dominion Bank	AA-	F1+	Aa1	P-1	Non UK	3 Million	9 Months
Finland	AA+		Aa1				
Banks							
Nordea Bank Abp	AA-	F1+	Aa3	P-1	Non UK	3 Million	9 Months
OP Corporate Bank plc	WD	WD	Aa3	P-1	Non UK	3 Million	9 Months
Germany	AAA		Aaa				
Banks							
DZ BANK AG Deutsche Zentral-Genossenschaftsbank	AA-	F1+	Aa1	P-1	Non UK	3 Million	9 Months
Landesbank Berlin AG			Aa2	P-1	Non UK	3 Million	9 Months
Landesbank Hessen-Thuringen Girozentrale	A+	F1+	Aa3	P-1	Non UK	3 Million	9 Months
Landwirtschaftliche Rentenbank	AAA	F1+	Aaa	P-1	Non UK	3 Million	9 Months
NRW.BANK	AAA	F1+	Aa1	P-1	Non UK	3 Million	9 Months
Netherlands	AAA		Aaa				
Banks							
Bank Nederlandse Gemeenten N.V.	AAA	F1+	Aaa	P-1	Non UK	3 Million	9 Months
ING Bank N.V.	AA-	F1+	Aa3	P-1	Non UK	3 Million	9 Months
Nederlandse Waterschapsbank N.V.			Aaa	P-1	Non UK	3 Million	9 Months
Singapore	AAA		Aaa				
Banks							
DBS Bank Ltd.	AA-	F1+	Aa1	P-1	Non UK	3 Million	9 Months
Oversea-Chinese Banking Corp. Ltd.	AA-	F1+	Aa1	P-1	Non UK	3 Million	9 Months
United Overseas Bank Ltd.	AA-	F1+	Aa1	P-1	Non UK	3 Million	9 Months
Sweden	AAA		Aaa				
Banks							
Skandinaviska Enskilda Banken AB	AA-	F1+	Aa2	P-1	Non UK	3 Million	9 Months
Svenska Handelsbanken AB	AA	F1+	Aa2	P-1	Non UK	3 Million	9 Months
Switzerland	AAA		Aaa				
Banks							
UBS AG	AA-	F1+	Aa2	P-1	Non UK	3 Million	9 Months

United Kingdom		AA-		Aa3					
AAA rated and Government backed securities	Debt Management Office						DMO		12 Months
Banks	Abbey National Treasury Services PLC	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Al Rayan Bank Plc			A1	P-1	UK High		4 Million	12 Months
	Bank of Scotland PLC (RFB)	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Barclays Bank PLC (NRFB)	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Barclays Bank UK PLC (RFB)	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Goldman Sachs International Bank	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Handelsbanken Plc	AA	F1+			UK High		4 Million	12 Months
	HSBC Bank PLC (NRFB)	AA-	F1+	A1	P-1	UK High		4 Million	12 Months
	HSBC UK Bank Plc (RFB)	AA-	F1+	Aa3	P-1	UK High		4 Million	12 Months
	Lloyds Bank Corporate Markets Plc (NRFB)	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Lloyds Bank Plc (RFB)	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Santander UK PLC	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Standard Chartered Bank	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	Sumitomo Mitsui Banking Corporation Europe Ltd	A	F1	A1	P-1	UK Low		3 Million	6 Months
Building Society	Coventry Building Society	A-	F1	A2	P-1	UK Low		3 Million	6 Months
	Nationwide Building Society	A	F1	A1	P-1	UK Low		3 Million	6 Months
Part Nationalised and Part Nationalised Banks	National Westminster Bank PLC (RFB)	A+	F1	A1	P-1	UK Low		3 Million	6 Months
	The Royal Bank of Scotland Plc (RFB)	A+	F1	A1	P-1	UK Low		3 Million	6 Months
United States		AAA		Aaa					
Banks	Bank of America N.A.	AA-	F1+	Aa2	P-1	Non UK		3 Million	9 Months
	Bank of New York Mellon, The	AA	F1+	Aa1	P-1	Non UK		3 Million	9 Months
	JPMorgan Chase Bank N.A.	AA	F1+	Aa1	P-1	Non UK		3 Million	9 Months
	Wells Fargo Bank, NA	AA-	F1+	Aa1	P-1	Non UK		3 Million	9 Months

Advisory notes:

Country Limits Maximum of £3 million

Counterparty Limits Maximum that will be lent to any one organisation (other than the UK Government) will be £5 million. For individual banks the limit is £4 million.

A group of banks under the same ownership will be treated as a single organisation for limit purposes.

Money Market Funds and similar pooled vehicles holding the highest possible credit ratings (AAA) Monetary Limit: £5m each, Time Limit: 3 months.

UK Local Authorities Monetary Limit: £5m for Upper Tier/£3m for Lower Tier, Time Limit: 12 months.

Property Funds £10 million per fund.

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

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

Title: Local Council Tax Support Scheme 2021-22

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report seeks Members' agreement:

- i. on the local Council Tax Support (CTS) scheme for working age residents for 2021/22, and
- ii. to resume work exploring options for a simpler discount-style scheme for future years

Members are required to agree working age scheme rules annually.

2. Recommendations:

- 2.1 That Executive agrees and RECOMMENDS to Council that the scheme for the current year continues for 2021-22 without substantive changes.
- 2.2 That Executive agrees and RECOMMENDS to Council that the work to develop options for Members' consideration for a simpler scheme, that was halted in March 2020 due to Covid-19 response priorities, will recommence in February 2021.

3. Reasons for the recommendation:

- 3.1 There are no compelling reasons to recommend changes to the scheme this year for either financial reasons or to align with welfare changes.
- 3.2 Universal Credit entitlement is calculated each month based on the customer's circumstances in the month just passed, with any changes resulting in a revised Universal Credit award. These revisions are sent to us automatically, and our current working age Council Tax Support scheme requires that we reassess the customers' Council Tax Support award based on this new income, even where the difference is minimal. Every new assessment results in a new Council Tax demand notice being issued and resets any recovery action in place on earlier bills.

3.3 The migration of Housing Benefit cases to Universal Credit has been accelerated due to the pandemic. As Universal Credit volumes increase, the importance of finding an alternative to the current scheme also increases. The work generated by changes to Universal Credit awards means the Benefits and Welfare team will be adjusting many more awards of Council Tax Support much more frequently. The Payments and Collection team will face a challenge in recovering Council Tax balances which change repeatedly, resetting payment arrangements and recovery action. The customer will be faced with uncertainty from one month to the next and will be much more likely to accrue Council Tax arrears through no fault of their own.

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

None, if the scheme remains unchanged.

5. Section 151 Officer's comments:

There are no financial implications arising from the recommendation to adopt the proposed scheme for 2021-22. If approved, the section 151 Officer will support the team in assessing the proposals for moving to a simplified scheme going forward.

6. What are the legal aspects?

Paragraph 5 of Schedule 1B to the Local Government Finance Act 1992 requires billing authorities to adopt a Council Tax Support scheme each year, no later than 11 March.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 Exeter City Council's local Council Tax Support scheme has been in place since national Council Tax Benefit was abolished in April 2013. Rules for pensioners are set nationally, leaving discretion for local rules for working age customers. The scheme agreed by Exeter City Council from April 2013 was based on the old Council Tax Benefit scheme with the following key changes:

- Maximum support limited to 80%
- The maximum level of capital a claimant could have before losing entitlement reduced from £16,000 to £6,000
- Introduction of an Exceptional Hardship policy to help in cases of extreme financial hardship ensuring that protection and support is given to those most in need.

This scheme remained unchanged between April 2013 and April 2017.

8.2 In April 2017, the Council introduced a number of changes to the scheme for working age customers. These changes were intended to align with changes introduced in nationally determined benefits such as Housing Benefit, Universal Credit, Employment and Support Allowance and Council Tax Support for pensioners. The changes introduced were:

1. Using a minimum income for self-employed earners after 1 year's self-employment
 2. Reducing backdating to 1 month and allowing claims from newly liable customers
 3. Reducing the period for which a person can be absent from Great Britain and still receive Council Tax Support to 4 weeks
 4. Removing the Work Related Activity Component in the calculation of the entitlement for new applicants
 5. Removing entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) for looking after them
 6. Removing entitlement to the additional earnings disregard for Universal Credit customers in work
- 8.3 37% of households and 43% of expenditure for Council Tax Support is for pensioner cases. The scheme for pensioners is set by Central Government and the council therefore has no influence over the level of support given.
- 8.4 Last year, Members were asked to consider moving to a simpler banded scheme due to:
- An expected reduction in administration funding;
 - To align with digital and self-service transformation;
 - To align the scheme with other Council Tax Discounts.
- 8.5 A simple banded scheme will be a major change requiring new scheme rules, new software and new processes. The work that officers will do for consideration by Members will include full impact assessments and intended mitigations for any negative impact, where possible.
- 8.6 As originally intended, Member input will be sought through a Member Working Group to inform the design of the preferred option to be consulted on. Results from the public consultation will also be analysed with the Member Working Group to inform the final proposed scheme.

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

The Council Tax Support scheme supports Exeter's communities and neighbourhoods by helping low income residents meet their Council Tax liability. The Exceptional Hardship policy strengthens this support by ensuring that the scheme rules do not cause inadvertent hardship in individual cases.

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

Changing the scheme before we understand the impact of the pandemic risks causing disruption and potentially hardship to households.

11. Equality Act 2010 (The Act)

- 11.1 Under the Act's Public Sector Equality 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 proposal is not to change the scheme, therefore protections already built into the scheme still apply. An Equality Impact Assessment accompanies this report and Members are requested to have read this assessment.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

Council can choose to make changes to the scheme from April each year. To comply with the legal requirements highlighted in section 6 above, any changes must be subject to consultation with precepting authorities and the public before implementation.

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

Author: Laura Fricker & Chris Buckman

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

Background papers used in compiling this report:-

None

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Council Tax Support

Equality Impact Assessment

October 2020

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Version history

1	June 2013	To accompany new scheme
2	October 2016	Major revision to incorporate proposed changes
3	October 2017	Revised for adopted changes April 2017 and updated caseload demographics
4	October 2018	Updated caseload
5	November 2019	Updated caseload and expenditure for 2019
6	October 2020	Updated figures

Background

Exeter City Council introduced a local Council Tax Support scheme in April 2013 to replace the national Council Tax Benefit. Since then the scheme has been updated annually to reflect changes in benefit rates. More significant changes were made to the working age scheme from April 2017 to help align areas of the scheme with changes in Housing Benefit and Universal Credit.

In preparing this assessment regard has been had to the policy paper issued by DCLG in 2014, *“Localising Support for Council Tax. Vulnerable people – key local authority duties.”*¹

The scheme for pensioners continues to be prescribed nationally with entitlement protected at current levels. No changes are proposed to the working age scheme for 2021/22.

Timescale

Schemes for working age customers must be set each year by a meeting of the full Council. The agreed scheme comes into force on 1 April and must be agreed before 11 March of that year. If changes to the scheme are proposed then a period of public consultation must be held prior to the decision being made.

Financial impact – Exeter City Council & Council Tax preceptors

The grant allocation for Council Tax Support is no longer identified separately; funding is included within the Formula Grant. It is for Billing Authorities to determine their working age schemes and calculate the cost of providing support at the chosen level. To make financial savings from the scheme, reductions would need to be made to the support for working age claimants.

Maintaining support at a higher level means less money is charged to Council Tax payers receiving Council Tax Support. This means less money can be collected to be spent on services by Devon County Council, Exeter City Council, Devon & Cornwall Police and Devon & Somerset Fire & Rescue Service.

Reducing support for low income households increases the amount of Council Tax charged. This only translates into increased income for the authority and preceptors once it has been collected.

Data used in this report

The figures within this report are based on an extract from the Council Tax Support processing system on 23 October 2020. Caseload and expenditure fluctuates throughout the year

Not all characteristics are recorded (and therefore available for analysis) in every individual case; for example a disability characteristic does not always affect the amount of a CTS passported award.

This impact assessment will be reviewed when the scheme for the following year is agreed, to ensure that any changes to equality issues within the scheme are addressed effectively. The data used may also change to reflect the caseload fluctuations as stated above.

¹ <https://www.gov.uk/government/collections/localising-council-tax-support>

Financial impact – Claimants

Exeter currently has 7,845 households receiving Council Tax Support from Exeter City Council (up from 7,296 in October 2019), at a total cost of £7.1m. Of this total, 37% of households and 43% of expenditure is for pensioner cases. The locally determined scheme only affects claimants in the working age group. Working age caseload is 4,952, an increase from 4,319 in October 2019.

Age	Cases	% of CTS caseload
Working age	4952	63%
Pensioner age	2893	37%
Total	7845	100%

Until March 2020 overall caseload numbers had declined steadily since the introduction of Council Tax Support in April 2013. The mix between working age and pension age customers remained fairly stable throughout that period. With the COVID-19 lockdown in March 2020 there came a massive increase in claims from working age households.

April 2013	Cases	% of CTS caseload
Working age	5398	57%
Pensioner age	4101	43%
Total	9499	100%

Protection of vulnerable customers

Central Government does not prescribe any specific groups within the working age caseload who must be given particular protection in a local scheme. They do however highlight our existing duties in relation to¹:

- The public sector Equality Duty (The Equality Act 2010)
- The duty to mitigate effects of child poverty (The Child Poverty Act 2010)
- The duty to prevent homelessness (Housing Act 1996 & Homelessness Act 2002)
- The Armed Forces covenant

Additionally Government expect local schemes to support the operation of work incentives in the wider welfare reform agenda.²

Protections in the previous CTB scheme

Council Tax Benefit existed as a national scheme to provide assistance to low-income taxpayers since the introduction of Council Tax in 1993 until April 2013. It was a mature, robust and complex legislative system with protections for vulnerable groups built in. It has been subject to repeated legal challenge ensuring it generally satisfies equality duties.

The structure of the means test ensured that vulnerable groups were recognised and protected. Specifically, this worked in the following ways:

² *Localising Support for Council Tax. Taking work incentives into account*, DCLG, May 2012

- Personal allowances were increased for families and all additional children
- Additional premiums for disabled household members and carers
- Income disregards for certain disability benefits, child benefit and child maintenance
- Earned income disregards; higher rates applied for full time work, disabled workers, certain part-time emergency workers and lone parent workers
- Childcare costs disregarded for workers with children
- Local disregard of War Pension income

Preserving the CTB means test in our local CTS scheme since 2013 has maintained the protections and work incentives that have been refined over many years. At its meeting of 13 December 2016³ Exeter City Council rejected proposals to introduce changes from April 2017 which would have undermined the protections for families with dependent children.

Exceptional Hardship policy

Since the introduction of our local Council Tax Support scheme in April 2013 we have operated an Exceptional Hardship policy. This flexible scheme allows us to provide additional support to vulnerable customers who find themselves unable to afford their liability under the rules of the CTS scheme. An award of Exceptional Hardship can reduce a customer's liability to nil. The policy was revised from April 2017 to ensure it can assist vulnerable customers adversely impacted by changes made to the CTS scheme.

It is a sensible approach to use Exceptional Hardship to deal with complex situations and recognise extra need in individual cases. Inserting legally complex exemptions into the main CTS scheme for groups which are hard to define risks not helping the right people. If clearly defined groups can be identified then a more reasonable approach may be to introduce an exemption into the scheme rules. By reviewing those who are applying for extra help or are identified as struggling to pay we continue to build this picture.

Changes to the scheme from April 2017

A number of changes were made to the scheme for working age customers

Minimum Income Floor (MIF) for self-employed claimants

From April 2017 a change to the local scheme was introduced for self-employed claimants, mirroring rules already in place in Universal Credit. This assumes a notional income after one year of trading, where affected customers are treated as having an income equal to 35 hours work at the National Living Wage (National Minimum Wage for under 25s).

It is possible that parents may find the extra flexibility afforded by running their own business preferable to taking up employment. Similarly those with caring responsibilities or a disability may find self-employment more sustainable than paid work. It is important that the limitations these groups may face in working the assumed number of hours is recognised. This is achieved by the granting of extra help through the Exceptional Hardship scheme where individual circumstances show there is a need.

³ <https://exeter.gov.uk/council-and-democracy/councillors-and-meetings/meetings-agenda-and-minutes/>

Additional earnings disregard in Universal Credit

From April 2017 the additional earnings disregard was removed for customers who are working while in receipt of Universal Credit. The disregard is worth up to £3.42 CTS weekly. The average affected household would have to pay an extra £2.60 weekly towards their Council Tax bill. Once a customer is earning sufficient to not be entitled to Universal Credit, the additional disregard can be applied as currently.

The additional hours disregard is linked to the number of hours a customer works and was tied to the equivalent addition in Working Tax Credit. The disregard / addition does not form part of Universal Credit calculation. When the assessment of earned income is undertaken by the local authority, the number of hours worked is available and relevant to the calculation of Housing Benefit or CTS. For Universal Credit cases the assessment of earnings is undertaken by DWP staff. The basis of this calculation is not always identifiable and is generally based on a past period. Obtaining reliable information on the number of hours worked for the relevant period is not often possible and applying these from a monthly award of Universal Credit to a weekly calculation of CTS results in inconsistent treatment of income and disregards.

Although there is the potential for this change to weaken work incentives, it is considered likely to have a minimal impact against the incentives to increase earning under Universal Credit.

Backdating

The maximum period a claim can be backdated was reduced from six months to one month in April 2017. At the same time a new rule was introduced allowing a new claim for CTS to be linked to the date a first bill was issued. In 2015/16 the reduced backdating period would have affected 24 claims. Backdating is allowed for a number of reasons and can apply to claimants in any of the groups discussed in this impact assessment. The change aligned rules with Housing Benefit. With such low numbers affected any difficult cases are managed through the Exceptional Hardship policy. In the first 6 months of this change there were no cases referred for consideration of exceptional help.

Absence outside GB

The period a claimant can be away from their home has been limited to four weeks where this absence is outside Great Britain. No data is recorded on length of absences or destination so it is impossible to say how many people have been affected by this change. It is likely that the effects of this change will be felt more by non UK nationals and those with family outside the country (and therefore a greater need to travel abroad) than those with no links outside the country. It follows that there may therefore be a higher than average impact on minority ethnic groups. No data is held on these characteristics and therefore the scale of this impact cannot be confirmed. Aligning rules with those already in place in Housing Benefit includes the easements for the deaths of close relatives. The change is likely to affect very few people overall and any difficult cases can be well managed through Exceptional Hardship awards.

Effect of the scheme on particular groups

Primary benefit

Council Tax Support largely retains the means-test calculation from Council Tax Benefit. Entitlement to certain primary benefits, awarded by Department for Work and Pensions, passports the customer through the CTS means test. In these cases, as a full means test is not required, we do not necessarily hold detailed income and

household information. Customers will normally be entitled to receive the maximum award of CTS. This may be reduced for other adults living in the property.

Overall more than 67% of CTS customers are in receipt of a primary benefit; this rises to nearly 72% of working age customers. Since the introduction of Universal Credit, new claims for JSA have instead been claims for UC. These customers are not passported to full CTS under the local scheme so are not included in the figures below.

Primary benefit	All CTS cases		Working age		Pensioner	
	Count	%	Count	%	Count	%
Income Support	370	4.7%	652	13.2%	N/A	N/A
Jobseekers Allowance Income Based	87	1.1%	282	5.7%	N/A	N/A
Employment and Support Allowance Income Related	1885	24.0%	2210	44.6%	N/A	N/A
Pension Credit Guarantee Element	1742	22.2%	N/A	N/A	1742	60.2%
Universal Credit	2119	27.0%	97	2.0%	N/A	N/A
Standard (no primary benefit)	1642	20.9%	491	9.9%	1151	39.8%
Total	7845		4952		2893	

Family characteristic

Local Authorities are under a duty to reduce and mitigate the effects of child poverty in their area. The proportion of cases where a child is present in a household subject to the local scheme rules is higher than within the overall CTS caseload. This is to be expected as generally more children in the CTS caseload are resident in working age households than pensioner households and pensioner households are protected by national rules.

Family characteristic	All CTS cases		Working age		Pensioner	
	Count	%	Count	%	Count	%
Single	5144	65.6%	2757	55.7%	2387	82.5%
Couple with no children	844	10.8%	353	7.1%	491	17.0%
Lone parent	1334	17.0%	1330	26.9%	4	0%
Couple with children	523	6.7%	512	10.3%	11	0.4%
Total	7845		4952		2893	

The means test in CTS ensures that households with children keep more income before their awards are affected than a similar household with no children.

Single parent households

Single parent household	All CTS cases		Working age		Pensioner	
	Count	% of CTS claimants	Count	% of total working age claimants	Count	% of total pension age claimants
Female	1251	15.9%	1248	25.2%	3	0%
Male	83	1.0%	82	1.7%	1	0%
Total	1334	17.0%	1257	25.4%	2	0%

As would be expected the proportion of lone parent households subject to the local scheme is higher than the overall caseload of lone parent cases. This is because the majority of lone parent claimants are working age. Female lone parents account for nearly 95% of our lone parent claimants. This group is highlighted in The Fawcett Society briefing paper as being “a group more likely to live below the poverty line”.⁴

It is likely that this group is further disadvantaged in the employment market because of their caring responsibilities dictating the hours & type of work they can reasonably undertake. The added difficulties this group may face increasing their income is taken into account when considering Exceptional Hardship claims.

Single person households

Single person household	All CTS cases		Working age		Pensioner	
	Count	% of CTS claimants	Count	% of total working age claimants	Count	% of total pension age claimants
Female	3012	38.4%	1322	26.7%	1690	58.4%
Male	2132	27.2%	1435	29.0%	697	24.1%
Total	5144	65.6%	2757	55.7%	2387	82.5%

Single person households may also face a greater challenge increasing their income or managing additional expenditure than households with more members who can contribute. The proportion of single person households subject to the local scheme rules is lower than in the overall CTS population.

⁴ <http://fawcettsociety.org.uk/documents/The%20Impact%20of%20Austerity%20on%20Women%20-%2019th%20March%202012.pdf>

Summary table – family characteristics

Age	Neutral impact - it does not affect	Negative impact - it could disadvantage	Reason
Older people (born before 6 July 1953)	✓		Older people cannot be affected by the local CTS scheme. Their rules continue to be set by Central Government.
Younger people (born from 6 July 1953)		✓	All of the current 4,292 working age claim households are asked to pay more towards their Council Tax under local scheme rules than the national benefit it replaced.
Under 18s	✓		Will not be liable for Council Tax and therefore unaffected.
Single people under 25		✓	The local scheme does not distinguish on claimant age within the working age claimant group. However all working age claimants are expected to pay at least 20% of their liability.
Dependent children in household		✓	The means test allows additional amounts for each child in the household. Households with children are subject to the same minimum payment as all working age households.

Gender

Gender	All CTS cases		Working age		Pensioner	
	Count	%	Count	%	Count	%
Male	2215	28.2%	1517	30.6%	698	24.1%
Female	4263	54.3%	2570	51.9%	1693	58.5%
Couples	1367	17.4%	865	17.5%	502	17.4%
Total	7845		4952		2893	

No gender group is treated differently by the local scheme. However, as there are relatively more in the caseload, a larger number of single females in Exeter are subject to the locally determined Council Tax Support scheme.

Independent research also highlights the effect that the wider welfare reform changes will have on women:

“The Fawcett Society is extremely concerned about the impact of austerity on women’s equality in the UK. Our analysis - and the conclusions of independent research bodies and academics - has highlighted that the cumulative effect of fiscal measures taken to reduce net public spending will

have a disproportionate effect on women, making many women poorer and less financially autonomous. The knock-on effects of this will be to turn back time on a range of indicators of women's rights and equality.

The Fawcett Society has highlighted that women face a triple jeopardy: women are being hit in three key ways a result of the deficit-reduction measures:

1. Women are being hit hardest by cuts to public sector jobs, wages and pensions.
2. Women are being hit hardest as the services and benefits they use more are cut.
3. Women will be left 'filling the gaps' as state services are withdrawn.”⁵

The report shows the current position of economic indicators highlighting that equality for women still falls below equivalent measures for men in areas such as full time pay, low paid work, ethnicity & poverty, personal pensions, lone parents and childcare.

Tenants

Tenants in both the private and social sectors may have also seen reductions in the amount of help with their rent available to them as a result of welfare reforms. This includes the social sector size restriction, household benefit cap (reduced further from November 2016), and freezes to Local Housing Allowance (LHA) rates. These households could therefore face multiple pressures on their budgets. Some will have been helped by the increase in LHA rates from April 2020. This has brought them back in line with the 30th percentile after years of being frozen. Currently this is intended as a one-year policy to help with COVID-19 pressures, but may well stay in place from April 2021. 90% of those subject to local scheme rules also have a rent liability. This compares to 81% of the total CTS caseload as proportionally more pensioner CTS claimants own their home.

Disabilities and carers

Within the means test in CTS extra amounts are given for disabilities or caring responsibilities of a household member. This recognises the extra expense that can be involved in these circumstances. The scheme also operates a number of disregards where the extra benefits paid for disability are not taken into account in the means test.

Awards of the extra amounts in the CTS calculation (referred to as “premiums”) is based on set criteria and is often tied to receipt of a qualifying benefit. Figures below include households receiving any of the following premiums:

- Disability Premium
- Enhanced Disability Premium
- Severe Disability Premium
- Disabled Child Premium
- Carers Premium

In cases where the household receives a passported benefit (Income Support, Income Based Jobseekers Allowance, Income Related Employment and Support Allowance, Guarantee Pension Credit) we do not necessarily hold information on

⁵<http://fawcettsociety.org.uk/documents/The%20Impact%20of%20Austerity%20on%20Women%20-%2019th%20March%202012.pdf>

disability or carer status. The figures below should therefore be taken to indicate “at least” this many households.

More than one of the disability premiums can be awarded to the same household where applicable. The tables below also highlight households receiving one or more of the Disability Premium and the Carers Premium together. These households are also included in the appropriate Disability premiums or Carers Premium figures.

Disability premiums

Disability premiums	All CTS cases		Working age		Pensioner	
	Count	% of CTS claimants in group	Count	% of CTS claimants in group	Count	% of CTS claimants in group
Couple	382	27.9%	338	39.1%	44	8.8%
Female	1303	30.6%	831	32.3%	472	27.9%
Male	783	35.3%	609	40.1%	174	24.9%
Total	2468	31.5%	1778	35.9%	690	23.9%

Carers

Carers	All CTB cases		Working age		Pensioner	
	Count	% of CTS claimants in group	Count	% of CTS claimants in group	Count	% of CTS claimants in group
Couple	464	33.9%	323	37.3%	141	28.1%
Female	304	7.1%	276	10.7%	28	1.7%
Male	46	2.1%	39	2.6%	7	1.0%
Total	814	10.4%	638	12.9%	176	6.1%

Disability and carer premiums together

Disability and carer premiums	All CTB cases		Working age		Pensioner	
	Count	% of CTS claimants in group	Count	% of CTS claimants in group	Count	% of CTS claimants in group
Couple	261	19.1%	233	26.9%	28	5.6%
Female	127	3.0%	120	4.7%	7	0.4%
Male	12	0.5%	11	0.7%	1	0.1%
Total	400	5.1%	364	7.4%	36	1.2%

Summary table - disabilities

	Neutral impact - it will not affect	Negative impact - it could affect	Reason
Physical		✓	Ability to travel to make payments. Potentially less able to use online or telephone methods for payment and advice. Potential inability to increase income.
Sensory		✓	Potential difficulties accessing Council in person or by online / telephony routes for payments and advice. Potential inability to increase income.
Learning		✓	Ability to access and understand information advising of the charge. Potential difficulties accessing Council in person or by online / telephony routes for payments and advice. Potential inability to increase income.
Mental health		✓	Ability to access and understand initial information advising of the charge. Potential difficulties accessing Council in person or by online / telephony routes for payments and advice. Potential inability to increase income.

Work status

Work status	All CTB cases		Working age		Pensioner	
	Count	%	Count	%	Count	%
Working	1137	14.5%	1094	22.1%	43	1.5%
Not working	6708	85.5%	3858	77.9%	2850	98.5%
Total	7845		4952		2893	

Local schemes are expected not to discourage claimants from taking up employment or increasing hours of work. A higher proportion of households subject to the local scheme rules are in work compared to the overall CTS population. This is to be expected if most working households are in the working age population rather than the pension age population (who are protected by national rules).

Other protected characteristics

ECC Benefits Service do not hold data for race, sexual orientation, religion or belief. The scheme is designed to treat all claimants equally based on their household and financial circumstances without discrimination. As we do not hold data on characteristics which are not relevant to the calculation of support, it is impossible to say whether scheme rules may unintentionally have disproportionate impacts on these groups.

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

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

Title: Future strategic planning with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report seeks formal agreement on Exeter City Council's withdrawal from the Greater Exeter Strategic Plan project and presents options for alternative joint strategic planning approaches for the Greater Exeter area. The report recommends that joint strategic planning should continue in the form of a non-statutory plan, to be prepared by East Devon, Exeter, Mid Devon and Teignbridge Councils in partnership with Devon County Council.

2. Recommendations:

2.1 That Executive recommends to Full Council that Exeter City Council formally withdraws from preparing the Greater Exeter Strategic Plan (GESP);

2.2 That Executive recommends that Full Council support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council. This will be subject to agreement at a later date of details of the scope of the plan, a timetable for its production, the resources required and governance arrangements.

2.3 That Members note that the work to develop Exeter's Local Plan has commenced, as agreed in the report to Council on 21 July 2020. A report outlining the scope and timescale for the development of the Local Plan will be presented to members early next year.

3. Reasons for the recommendation:

3.1 Local authorities are required to work together on strategic planning issues under the Duty to Cooperate that forms part of the National Planning Policy Framework (NPPF). Following the withdrawal from the GESP process of East Devon District Council in August 2020, the GESP is no longer considered to be the appropriate vehicle for undertaking

joint strategic planning in the “Greater Exeter” area. In place of the GESP, a joint non-statutory plan covering strategy and infrastructure matters is considered to be the most appropriate way of ensuring a collaborative and co-ordinated approach to meeting development needs. This is because the functional geography of Greater Exeter reflects the travel to work area and housing market area. There are also potential cost saving benefits to preparing a joint plan.

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

4.1 At this stage, only ‘in principle’ agreement is sought to proceed with a non-statutory joint strategy and infrastructure plan. Details relating to budget, detailed scope and governance will be reserved for discussion at a later date. However, any resource required for a non-statutory plan is likely to be less than was previously committed for the GESP. This is because a non-statutory plan:

- will not be subject to statutory consultation arrangements or a public examination. Costs for the GESP examination would have been in the region of £150,000, to be split across the four authorities and required in addition to contributions already made to the GESP budget by the authorities;
- will not include development allocations, which require extensive site investigation work and master planning (although it should be noted that this work will need to be picked up instead in individual District Local Plans);
- can draw on the significant amount of evidence already collected for the GESP. Additional evidence may be required to support the non-statutory plan, but it will not be above what would have been required for the GESP; and
- is likely to require less staff resource than the preparation of a statutory plan.

5. Section 151 Officer comments:

5.1 The contents of the report are noted. A significant amount of funding has been set aside within the medium term financial plan for GESP and if the recommendations are adopted, Finance will work with the team to understand what is required in the future and whether any of the funding can be used to offset other pressures within the City Development.

6. What are the legal aspects?

6.1 The need to the Exeter City Council to work collaboratively with neighbouring authorities on strategic planning matters is established by the 2011 Localism Act and the NPPF, which set out that local authorities have a legal Duty to Cooperate with other local authorities and organisations to seek to address strategic planning matters that are driven by larger-than-local issues and are likely to have an impact beyond the immediate District. Section 33A of the Planning and Compulsory Purchase Act 2004 sets out that to maximise effective working on strategic matters throughout the preparation of plans, authorities have a duty to engage constructively, actively and on an ongoing basis.

7. Monitoring Officer’s comments:

7.1 This joint non statutory plan will be an important document that sets the vision and infrastructure plan for the Greater Exeter Area. However, whilst it will be a material planning consideration, it will have less weight than a statutory plan.

8. Report details:

Withdrawal from the Greater Exeter Strategic Plan (GESP)

8.1 On 26 July 2016, Full Council resolved to prepare a strategic plan (the GESP) covering the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and with the support of Devon County Council. Following that decision, the local authorities worked collectively to produce evidence for the plan and prepare a Draft Plan. This was brought to the relevant committees of each authority in the summer of 2020, to seek approval for consultation.

8.2 At the Executive meeting of Exeter City Council on 7 July 2020, it was resolved to publish the GESP Draft Plan for consultation. However, on the 23 July, East Devon District Council's Strategic Planning Committee recommended to its Council that East Devon withdraw from working on the GESP, whilst committing to continue to work with the partner authorities. This recommendation was subsequently agreed by East Devon's Council on 29 August 2020.

8.3 Since then, discussions have continued between Leaders and relevant Portfolio Holders/Executive members on alternative options for continued partnership working outside of GESP. Discussions have focussed on the issues that bring the partner authorities of East Devon, Exeter, Mid Devon and Teignbridge together. These are primarily that the combined area of the four authorities operates as a single housing market, a functional economic area and one large travel to work area. The combined area also faces common issues: housing affordability and a need to deliver greater numbers of homes; constraints on infrastructure and limits to the availability funding; the need for a flexible and efficient transport system which supports prosperity and access to services; the need to respond to the climate emergency, achieve net zero carbon development and increase habitat creation; and the need for improve digital connectivity.

The benefits of continued joint strategic planning

8.4 In addition to the reasons for collaboration set out above, the Duty to Cooperate currently provides a legal requirement for local authorities to work together on strategic planning matters. Although the recent Planning White Paper considers abolishing the Duty, it will be some time before this happens. Furthermore, the White Paper is clear about the ongoing need for local authorities to cooperate on significant matters such as infrastructure provision. Central government is giving further thought to how best to ensure future cooperation between local authorities on planning matters.

8.5 Turning to delivery, joint working can help to establish a recognisable brand reflecting a tangible and clear location, which is more likely to be received favourably by the Government. Discussions with Homes England have highlighted the importance of demonstrating common aspirations, priorities and approaches to current issues when seeking funding to help deliver development. Joint working is vital to help lever in funding to the local area to support delivery, particularly for critical strategic infrastructure that has widespread benefits and a large funding gap.

8.6 In practical plan-making terms, there are also significant benefits to be gained from joint working. Collaboration between local authorities enables evidence to be commissioned jointly, expertise to be shared and effort focussed flexibly. It also provides an opportunity to seek funding or work jointly with agencies such as Homes England on plan-preparation, which could have financial and consistency benefits.

Consideration of options for future joint planning

8.7 The Project Assurance Group (comprising the Heads of Planning from the partner authorities) have identified six options for future joint working. A summary of these is provided in Table 1. The options range from continuing to prepare a joint statutory plan in the form of the GESP to the minimum requirement of meeting Duty to Cooperate obligations whilst preparing individual Local Plans. A detailed appraisal of these options is provided in Appendix 1.

Option	Scope	Comments
1. Baseline: Each Local planning Authority (LPA) progresses its own Local Plan and works with the other LPAs to meet Duty to Co-operate (DtC) (or replacement)	Determined by each LPA (*). Could include some joint evidence on defined topics as has happened in the past (e.g. housing, gypsy and travellers, habitat mitigation, transport)	Minimum opportunity to agree a positive planning framework for critical issues and to lever in central government funding. Maximum opportunity to prepare an unencumbered Local Plan review.
2. Each LPA progresses its own Local Plan and works to meet the DtC. Local Plans include model strategic policies (*) and are informed by shared evidence where appropriate.	Similar to option 1, but with model policies that can be adapted to suit local circumstances and limited in scope to cross-boundary matters (e.g. climate change) (*).	Some opportunity to have a shared approach towards common issues but unlikely to sufficiently demonstrate a collective approach to attract central government support for infrastructure delivery.
3. Non-statutory Joint Infrastructure Plan	Government-facing document aimed at securing funding to deliver infrastructure needed to support growth. This could just be growth identified in adopted Local Plans and/or growth proposed in emerging plans. As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be a faster and more flexible plan.	Would provide a co-ordinated planned response to the area's infrastructure priorities and help to secure central government investment. However, without an overarching strategy to hang the plan on, it could lack ambition and a shared understanding of strategic issues. As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be faster to prepare and more able to respond to changing circumstances.
4. Non-statutory joint strategy and infrastructure plan	Place-making, aspirational non-statutory plan covering strategic place making and infrastructure delivery.	Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure

Table 1: Options for future joint strategic planning		
	<p>Used to promote the Garden Communities and sub-regional brand, in addition to identifying infrastructure requirements.</p> <p>Part Government-facing document and part strategy document.</p>	<p>issues and help to secure central government investment.</p> <p>As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be faster to prepare and more able to respond to changing circumstances.</p>
5. Statutory joint strategy and infrastructure plan	<p>High-level statutory plan containing strategic policies and infrastructure requirements. This would essentially be GESP without East Devon.</p> <p>Matters/sites not covered in the strategic plan will be covered in Local Plans.</p>	<p>Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment, with added weight because it would be in a statutory plan.</p> <p>Given recent decisions made by East Devon District Council it is unlikely that this option will be politically acceptable.</p>
6. Full statutory joint plan	<p>A statutory plan containing strategic and local policies, infrastructure requirements and all site allocations.</p> <p>There would be no Local Plans prepared by individual LPAs.</p>	<p>Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment, with added weight because it would be in a statutory plan.</p> <p>Given recent decisions made by East Devon District Council it is unlikely that this option will be politically acceptable.</p> <p>Perceived loss of local control over more locally relevant policies.</p>

(*) Comments are caveated by the Government's proposals in the Planning White Paper.

8.8 Although in purely technical planning terms the options that include statutory joint plans and strategies would be preferred, it is considered that these are unlikely to be politically acceptable to all of the local authorities in the current post-GESP period. Without the involvement of all of the partners, the status of a statutory plan would be undermined and its soundness would be endangered. This means that options 5 and 6 in table 1 are unlikely to be deliverable.

8.9 In order for the partner authorities to successfully address common issues and provide the infrastructure required to support development, there is a clear need for joint working. Therefore it is considered essential that the authorities do more than simply comply with the Duty to Cooperate, which is option 1.

8.10 In order to effectively address the strategic cross boundary issues set out in paragraph 8.3 of this report, demonstrate proactive joint work on strategic infrastructure delivery and have a solution which is politically acceptable to all partners, it is necessary to explore a middle ground scenario. In this case, the middle ground is the preparation of a non-statutory plan which would ensure that there is a shared approach to strategic matters such as economic development, carbon reduction, digital connectivity, infrastructure delivery and habitats mitigation, whilst enabling the individual local planning authorities to retain control over the scope and timetable of statutory Local Plans. Option 4 provides the best scenario for achieving this.

Conclusion – a proposed future joint strategic planning approach

8.11 Having considered the various merits and risks associated with each of the options, it is recommended that a decision is made to formally withdraw from preparing the GESP because there is not commitment from all of the necessary partner authorities to proceed with a joint statutory plan. Proceeding with a statutory plan in the absence of East Devon will significantly risk the soundness of the plan and thereby our collective ability to identify and deliver shared solutions to common issues. It will also diminish the sub-region's pitch as a nationally significant investment proposition, affecting our chances of securing funding from the Government and Homes England for critical infrastructure to support our new and existing communities.

8.12 In light of not being able to proceed with the GESP, it is recommended that a non-statutory joint strategy and infrastructure plan is prepared in order to address the vital issues that affect the whole of the Greater Exeter sub-region.

8.13 The relevant Committees of East Devon, Mid Devon and Teignbridge District councils have, or will shortly be, considering the same recommendations, with the aim of achieving an agreed revised approach to joint planning in the sub-region.

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

9.1 Preparation of a new non-statutory joint strategy and infrastructure plan will provide a co-ordinated response to the sub-region's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment. The recommended decisions will therefore support the delivery of three corporate objectives: Building Great Neighbourhoods; Tackling Congestion and Accessibility; and Promoting Active and Healthy Lifestyles.

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

10.1 The joint plan will be jointly prepared by four local authorities. This means that Committee decisions will be required from the four authorities at similar times to enable milestones to be reached. There is a risk that one or more of the local authorities does not approve the plan, in either its draft or final form. To help avoid this eventuality, governance arrangements will be put in place to ensure that Members from each local authority are involved in scoping the plan from the outset, and given significant opportunities to shape the plan as it is prepared. Recommended governance arrangements will be the subject of a future paper to Executive.

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 As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations on people with protected characteristics are assessed at this stage as neutral..

12. Carbon Footprint (Environmental) Implications:

12.1 Climate change mitigation and adaptation should form a key part of joint planning work. By its nature, climate change cannot be addressed by one authority working in isolation. Measure to tackle climate change also need to acknowledge cross-boundary transport movements and other strategic matters. Joint strategic planning provides an opportunity to consider the carbon emissions and climate change impacts of development and transport over a wider area than just Exeter. Because of this, involvement in joint planning is likely to be beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district, albeit that the implications will depend to an extent upon the specific joint planning strategy that is chosen. .

13. Are there any other options?

13.1 Alternative options are set out in table 1 of this report. However, the baseline option (option 1) of relying on the Duty to Cooperate is not recommended, for the reasons set out in paragraph 8.9. Including model or shared policies in the individual Local Plans of each local authority (option 2) would provide some opportunity to have a shared approach towards common issues, but it is considered that this is unlikely to sufficiently demonstrate a collective approach to attract central government support for infrastructure delivery. Whilst the preparation of a joint non-statutory infrastructure plan (option 3) would provide a co-ordinated planned response to the sub-region's infrastructure priorities and help to secure central government investment, without an overarching strategy to hang the plan on, it could lack ambition and a shared understanding of strategic issues. Continuing to prepare the GESP or an alternative statutory joint plan (i.e. options 5 or 6 in table 1) in order to address common planning issues in the sub-region is not considered to be a realistic option, for the reasons set out in paragraphs 8.8 and 8.11 of this report. For these reasons, the preparation of a joint non-statutory strategy and infrastructure plan

(option 4 in table 1) is recommended as the most appropriate way forward for joint planning in the sub-region.

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

Author: Katharine Smith, Principal Project Manager Housing Delivery

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

Background papers used in compiling this report:-

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Equality Impact Assessment: *Future strategic planning with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council*

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 1 December 2020	Future strategic planning with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council	2.1 That Executive recommends to Full Council that Exeter City Council formally withdraws from preparing the Greater Exeter Strategic Plan (GESP).	As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations on people with

		<p>2.2 That Executive recommends that Full Council support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council. This will be subject to agreement at a later date of details of the scope of the plan, a timetable for its production, the resources required and governance arrangements.</p>	<p>protected characteristics are at this stage assessed as neutral.</p> <p>See table below.</p>
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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 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
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Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral		As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations are assessed at this stage as 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.	Neutral		As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations are assessed at this stage as neutral.
Sex/Gender	Neutral		As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations are assessed at this stage as neutral.
Gender reassignment	Neutral		As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations are assessed at this stage as neutral.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations are assessed at this stage as neutral.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations are assessed at this stage as 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		As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations are assessed at this stage as neutral.

Pregnancy and maternity including new and breast feeding mothers	Neutral		<p>In connection with recommendation A, there is no clear or direct impact on equal opportunities of the GESP consultation document for pregnant women/women on maternity leave.</p> <p>In connection with recommendations B to H, the equalities impacts are considered to be neutral.</p>
Marriage and civil partnership status	Neutral		<p>In connection with recommendation A, there is no clear or direct impact on equal opportunities of the GESP consultation document for people who are married or within a civil partnership.</p> <p>In connection with recommendations B to H, the equalities impacts are considered to be neutral.</p>
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p>			

Officer: Katharine Smith
Date: 02 November 2020

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director Net Zero Exeter & City Management

Title: Environmental Health and Community Safety Enforcement Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 The Council's Environmental Health and Community Safety Team has statutory responsibility for the regulation of a wide range of activities which impact upon our residents, visitors, communities and businesses.
- 1.2 Allied to these responsibilities is the need for the Council to have an effective and efficient enforcement process that operates with due efficacy. The objective is to provide clarity and consistency for everyone with regard to how the Council will operate in resolving known breaches of regulatory control.
- 1.3 Officers will be able to focus activity on timely and meaningful action. Members will be able to play a supporting ambassadorial role within their communities in explaining the enforcement approach and how such matters may be resolved.
- 1.4 This report seeks to revise the Enforcement Policy to reflect changes created by new legislation, Government guidance and the revised structure of the service. The proposed revised policy ensures that enforcement actions are fair, consistent and transparent.

2. Recommendations:

- 2.1 That Executive supports the adoption of the revised Enforcement Policy
- 2.2 That Council adopts the revised Enforcement Policy

3. Reasons for the recommendation:

- 3.1 Local authorities are required to publish a policy setting out their approach to compliance and enforcement by the Regulators Compliance Code. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation to be accountable and transparent about their activities.

- 3.2 The Council will seek to secure compliance with the law, both informally by information, advice and support and by formal enforcement where appropriate.
- 3.3 This revised policy (Appendix A) is intended to provide guidance on the principles and processes that will apply when enforcement action is taken.

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

- 4.1 The introduction of this policy will enable existing Officer resource to be focused on those areas prioritised by risk to public health or environment, and/or regulatory duty.
- 4.3 Effective implementation of the policy will also hinge on Members taking a proactive and ambassadorial role within their communities as to how the Council responds to enforcement activity and managing expectation.
- 4.4 Any income generated from the issuing of civil penalties is able to be retained by the local authority and will be re-invested into our private sector housing work area.

5. Section 151 Officer comments:

- 5.1 The updated penalty matrix is noted and Finance will work to ensure that the impact from a financial point of view is monitored.

6. What are the legal aspects?

- 6.1 The policy is compliant with the general principles and objectives of national regulatory guidance, with officers giving due consideration to detailed regulatory provisions relevant to that case when determining appropriate action on resolving a breach.
- 6.2 The Council believes in firm but fair enforcement of environmental legislation. This policy is based on the following five guiding principles:
- **consistency** - to ensure that similar issues are dealt with in the same way;
 - **proportionality** - to ensure that the action taken relates directly to the actual or potential risk to health and safety;
 - **targeting** - to ensure that resources are targeted where activities give rise to the most serious health/environmental risks;
 - **transparency** - to ensure that people easily understand the action expected of them and that clear distinctions are made between legal requirements and guidance; and
 - **accountability** - officers are accountable to citizens, Parliament and the Council for their actions, and the Council has an effective mechanism for dealing with complaints and comments

7. Monitoring Officer's comments:

Legal Services work very closely with the Environmental Health team when considering any enforcement action to ensure the 5 guiding principles set out in

paragraph 6.2 above is followed. As a result, the Monitoring Officer is supportive of this policy.

8. Report details:

- 8.1 The policy has been updated in general terms to ensure focus is given to the underlying principles and approach taken by the service.
- 8.2 **Housing and Planning Act 2016:** The penalty matrix and approach to decisions around financial penalties has been updated, allowing for a broader range of proposed financial penalties for different levels of offence.

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

The Enforcement Policy contributes to all aspects of the Council's Corporate Plan.

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

The revision of the Enforcement Policy ensures the Council is able to effectively discharge its statutory functions, while ensuring that the approach taken with regard to regulatory activities is consistent across the service.

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, the potential impacts on people with protected characteristics as determined by the Act have been identified. To this end, an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 Much of the work undertaken by the service is inextricably linked to the management of carbon emissions. This includes (but is not limited to):

- Regulation of industrial processes
- Domestic energy efficiency measures
- Food waste

12.2 Interventions in line with the recommended policy; from education and advice to effective and targeted regulatory enforcement, will help manage and reduce carbon emissions, although the overall reduction would be difficult to quantify.

13. Are there any other options?

The Council is required to have an enforcement policy for Environmental Health and Community Safety. Therefore there is no other option available.

Director Net Zero Exeter & City Management – David Bartram

Author: Simon Lane - Service Lead – Environmental Health and Community Safety;

Philip Gilbert – Environmental Health and Community Safety Manager;

Lisa Cocks - Environmental Health and Community Safety Manager

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

Background papers used in compiling this report:-

- (1) Legislative and Regulatory Reform Act 2006;
- (2) Food Law Code of Practice;
- (3) Standard for Health and Safety Enforcing Authorities;
- (4) HSC Enforcement Policy Statement;
- (5) The Regulatory Enforcement and Sanctions Act 2008;
- (6) Regulator's Compliance Code.

Contact for enquires:
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Exeter
City Council

Environmental Health and Community Safety

Enforcement Policy

Date: June 2020

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1 Introduction

- 1.1.1 This document sets out the general principles followed in relation to enforcement and prosecution across the Environmental Health and Community Safety service.
- 1.1.2 In this document 'enforcement' means action carried out in the exercise of, or against a background of, statutory enforcement powers. It includes not only formal enforcement action, such as the service of a notice or prosecution, but also the inspection of premises for the purpose of checking compliance with regulations and the provision of advice to aid compliance with statutory requirements.

1.2 Exeter City Council corporate objectives

- 1.2.1 As a service, we will contribute towards the Exeter City Council corporate strategy.
- 1.2.2 In doing so we will help to deliver the emerging Exeter Vision 2040, by providing services and developments that build on Exeter's growth and success and meet local communities' aspirations.
- 1.2.3 The service will focus on the three strategic programmes that address the current, major challenges facing the city, namely:
- Tackling congestion and accessibility
 - Promoting active and healthy lifestyles
 - Building great neighbourhoods
- 1.2.4 We will contribute to the aim of providing value-for-money services despite continuing central government budget reductions.
- 1.2.5 The work of the Environmental Health and Community Safety service will reflect and contribute toward the overall aim of Exeter to be a well-run council.

1.3 The role of the Environmental Health and Community Safety service

- 1.3.1 Our role is to protect individuals, communities, businesses and the environment of our area. We do this through education, guidance and enforcement, helping to promote and improve, health and our quality of life. We act for and on behalf of members of our community impacted by activities that cause harm. We also tackle rogue individuals / businesses that cause harm to our communities or economy.
- 1.3.2 We believe that carrying out these functions in a fair, consistent, independent and practical manner will help to promote a thriving local and national economy.
- 1.3.3 We are committed to these objectives in our approach to enforcement action, which is intended to:
- support and protect victims from the risk of harm from others

- ensure that we enforce the law in a fair, equitable and consistent manner
- assist businesses and others in meeting legal obligations without unnecessary expense or time
- A commitment to the 'polluter pays principle'
- focus on prevention rather than cure
- take firm action against those who flout the law or act irresponsibly

2 Enforcement activities

2.1 Responsibilities of the service

2.1.1 The Environmental Health and Community Safety service is responsible for the implementation of an extensive range of regulatory areas and enforcement powers. These include:

- Air pollution control
- Industrial pollution control
- Contaminated land
- Noise control
- Environmental crime, including fly-tipping
- Statutory nuisance
- Public health
- Occupational health and safety
- Food hygiene, safety & standards
- Housing adaptations
- Licensing of houses in multiple occupation
- Housing standards
- Empty homes
- Drinking water quality
- Pest and vector control
- Antisocial behaviour
- Licensing, e.g. premises providing regulated entertainment, selling alcohol, gambling premises, street traders, taxi/private hire drivers and operators and caravan sites

2.2 Aims of the Enforcement Policy

2.2.1 This Enforcement Policy aims to promote a fair, effective and consistent approach to regulatory inspection and enforcement which improves outcomes without imposing unnecessary burdens. The underlying principles we will follow to achieve this are set out in this policy.

2.3 Principles of enforcement

2.3.1 All enforcement actions undertaken by the Environmental Health and Community Safety service will follow the principles set out in the following guidance and legislation:

- a. Legislative and Regulatory Reform Act 2006
- b. Regulators Code (2014)

2.3.2 In this regard, we will:

- carry out our activities in a way that supports those we regulate to comply and grow

- provide simple and straightforward ways to engage with those we regulate and hear their views
- base our regulatory activities on risk
- where appropriate, share information about compliance and risk
- ensure that clear information, guidance and advice is available to help those we regulate to meet their responsibilities to comply
- ensure our regulatory activities will be carried out in a way which is transparent, accountable, proportionate, consistent and will be targeted at cases where action is needed.

2.4 Repeat offenders

2.4.1 As a general principle, a specific, risk-based and proportionate approach to enforcement will be adopted for individuals or businesses that:

- a. repeatedly fail to comply with advice or legislative requirements, or
- b. continue to offend, or
- c. cause a disproportionate drain on the council's regulatory resources

2.4.2 This could result in an escalation of focussed enforcement activity to secure long-term compliance and reduce the regulatory burden.

3 Our approach

3.1 Overview

3.1.1 In line with the general principles set out in section 2, above, the enforcement approach used by the Environmental Health and Community Safety service will be decided on a case-by-case basis and will depend on various matters, including, but not limited to the following:

- the type and degree of risk to people or the environment
- the past history of the alleged offender
- the degree of confidence in the management of a business
- the consequences of non-compliance and the likely effectiveness of the various enforcement options

3.1.2 In deciding on the appropriate enforcement option, advice contained in relevant legislation, codes of practice, guidance documents and other council policies will be considered.

3.1.3 The level of enforcement action that may be taken varies from no action through to formal proceedings in court. The main types of action that can be considered are shown below.

3.2 Consistency in our approach

3.2.1 Environmental Health and Community Safety service staff will:

- be courteous, open, fair and consistent in enforcing the law
- show their official identification or give a business card when they visit
- give their name when speaking on the telephone
- answer enquiries as promptly as they can
- tell you if they are going to write following a visit: sometimes staff need to consult colleagues or others, seek further advice, or conduct further investigations

3.2.2 We will be consistent in our approach by following the criteria and guidance set down in relevant legislation and codes of practice. We will ensure that before considering prosecution, the case will be subject to independent review by a Senior Manager and the Council's Solicitor. We will always be objective to ensure our decisions are based on facts and evidence.

3.2.3 Every effort is made to ensure consistent enforcement standards between local authorities although local circumstances may preclude an entirely uniform approach on all issues.

3.2.4 In some instances the services covered by this policy may have shared responsibilities with another enforcement agency. In these circumstances we will liaise with that other agency to ensure effective coordination, to avoid inconsistencies and to ensure that any proceedings instituted are for the most appropriate offences.

3.3 Prevention

3.3.1 We believe that the first step to regulation is to help prevent contravention of the law by raising awareness and promoting good practice by providing advice and education.

3.3.2 We provide written guidance on aspects of the law and are happy to discuss and explain requirements with our customers and members of the public.

3.3.3 We will seek to ensure that people understand their legal duties and obligations using all methods at our disposal including, but not limited to:

- media campaigns
- targeted newsletters
- mail shots
- training courses
- seminars on topical issues
- individual advice whilst carrying out inspections and as otherwise appropriate.

3.4 Inspections

3.4.1 The Environmental Health and Community Safety service will, among other measures:

- Arrange and undertake routine inspections
- undertake unannounced inspections
- act on information received, or make enquiries about specific complaints
- Use intelligence and risk assessment to determine who to inspect and at what frequency
- Comply with appropriate codes of practice

3.5 Inspection frequency

3.5.1 Subject to regulatory requirements, we will seek to concentrate our resources on those sectors, businesses or individuals whose activities impact most on the safety, health or well-being of the community at large, on vulnerable groups or individual people.

3.5.2 Factors that are taken into account include:

- national guidance determining inspection frequency
- the nature and history of the business, property, or person
- procedures and controls a business or individual has in place
- renewal date of any licence or permit
- local knowledge

3.6 Informal action

3.6.1 Subject to the principles set out in sections 2 and 3.1 and relevant regulatory requirements, we will usually seek to resolve minor breaches of relevant regulations without issuing formal notices, or referring the matter to the courts.

3.6.2 This will usually be our first option when circumstances indicate that a minor offence may have been committed and we are confident that appropriate corrective action can and will be taken.

3.6.3 During inspections and following investigations about specific complaints, minor technical breaches will normally be dealt with informally by the officer giving information, advice or guidance

3.7 Warrants

3.7.1 Where appropriate and necessary to carry out our regulatory function, an application to a magistrate's court may be made for a warrant to enter a property.

3.7.2 This may be necessary to gain entry to inspect, access records, access computers, disable equipment (for example an alarm), and to seize items.

3.7.3 Warrants may be executed in conjunction with other enforcement authorities.

3.8 Seizure

3.8.1 Where deemed appropriate, and subject to regulatory requirements and guidance, the Environmental Health and Community Safety service may seize items as evidence, or to remove a specific risk.

3.9 Work in default

3.9.1 Where a formal notice is not complied with and regulations allow, works required may be carried out by the Environmental Health and Community Safety service in default of the duty holder.

3.9.2 The Environmental Health and Community Safety service will seek to recover costs from the duty holder, including reasonable administration fees, where regulations allow.

3.9.3 We will usually seek to undertake works in default when work is required in the interest of public health, safety or the environment. Examples of where this might be appropriate are when:

- it is necessary to carry out the work in the public interest and/or the costs are not prohibitive
- there is a failure to carry out work covered by a statutory notice
- immediate action is required to address a threat to health, safety or the environment

3.9.4 The Council will exercise the option of placing a land charge on a property where relevant and appropriate.

3.10 Formal action

3.10.1 Where regulations permit formal action including the issuing of fixed penalty notices, will normally be taken where:

- there is an absolute offence
- there is a threat to human health and/or the environment
- the breach is serious, or the circumstances exceptional

3.10.2 Wherever possible or requested, advice or guidance will be given in writing with a distinction made between legal requirement and recommendations.

3.10.3 An opportunity will be given to discuss the matter and any rights of appeal, complaint or further representation will be advised. This will not, however, be possible where immediate action is considered necessary.

3.11 Administrative charges for enforcement actions

3.11.1 Where legal powers exist to recover some of the Council's costs, consideration will be given to their use.

3.11.2 The recovery of our costs will be limited to the extent of the costs incurred (full cost recovery) but not more. Therefore charging will not be punitive.

4 Legal Notices and Orders

4.1 Overview

- 4.1.1 Some legislation that we enforce provides for the service of legal notices or orders including fixed penalty notices and management orders. These can be served on individuals, businesses or other organisations requiring them to meet specific legal requirements, or imposing on them certain actions.
- 4.1.2 Where there is a designated appeal procedure for a notice, order or variation, the method of appeal and the time-scale for doing so will be provided alongside the notice.
- 4.1.3 The notice will explain what is wrong, what is required to put things right, and what the likely consequences are if the notice is not complied with.
- 4.1.4 The relevant legislation determines what course of action can be taken.
- 4.1.5 The legislation under which officers of the Environmental Health and Community Safety service are authorised are set out in the council's constitution.
- 4.1.6 Examples of the common types of notice/order available are set out below.

4.2 Improvement or Enforcement Notice

- 4.2.1 Improvement and enforcement notices may be issued to remedy non-compliances or address certain hazards. Improvement notices will generally ask for something to be done within a certain timescale.

4.3 Prohibition, Suspension or Revocation Notice

- 4.3.1 Prohibition, suspension or revocation notices or orders will generally be issued to seek to prohibit an activity where there is a risk of serious personal injury, or to prohibit the use of a property, or part thereof.

4.4 Abatement Notice

- 4.4.1 Abatement notices are issued under the Environmental Protection Act 1990 to remedy a statutory nuisance.

4.5 Community Protection Notice

- 4.5.1 Issued under the Anti-social Behaviour, Crime and Policing Act 2014, these notices are used to tackle a wide range of issues that have a negative impact on the quality of life of the community.

4.5.2 The Environmental Health and Community Safety service works closely with Devon and Cornwall Police and other agencies on community protection matters.

4.6 Fixed Penalty Notice

4.6.1 Fixed Penalty Notices may be used for specific offences to allow the discharge of liability where regulations permit.

4.6.2 Where there is a range of fines available, the Council will generally set the fine at the default level set by the government in the guidance.

4.7 Management Orders

4.7.1 Housing legislation gives the council the ability in certain circumstances to take over management of dwellings. This power applies to the following dwelling types:

- Houses in multiple occupation (Interim and Final Management Orders)
- Empty properties (Empty Dwelling Management Orders)

4.7.2 Management Orders allow the council to completely take over the running of a property for a set period of time.

4.8 Banning Orders

4.8.1 Banning Orders under the Housing and Planning Act 2016 ban a landlord or letting agent from undertaking certain activities with regard to letting and management. Applications for banning orders can be made if a landlord or agent has been convicted of certain offences (Banning Order Offences), these include (but are not limited to):

- Illegal eviction and harassment, and
- Certain Housing Act offences

4.9 Rent Repayment Orders

4.9.1 Local authorities or tenants are able to apply for a Rent Repayment Orders against a landlord, seeking the return of up to 12 months' rent.

4.9.2 An application must be made to the First-tier Tribunal, who have the power to make a 'Rent Repayment Order' against a landlord for the following regulatory breaches:

- using violence to secure entry contrary to section 6(1) Criminal Law Act 1977
- unlawful eviction or harassment of occupiers contrary to sections 1(2), (3) or (3A) Protection from Eviction Act 1977
- failure to comply with an Improvement Notice or Prohibition Order (Housing Act 2004)

- operating a property without a licence (if the property requires a licence).

4.10 Simple Caution

- 4.10.1 The Simple Caution is an additional procedure for dealing with certain offenders in exceptional circumstances where a prosecution might otherwise be taken.
- 4.10.2 A Simple Caution may only be used where a prosecution could be properly brought.
- 4.10.3 Simple Cautions are not appropriate for more serious offences/offenders.
- 4.10.4 Simple Cautions may be considered in a case which ordinarily would meet the public interest test but where there are specific, personal and very exceptional circumstances that weigh firmly against it.
- 4.10.5 If a subsequent offence by the same offender is similar to that for which a Simple Caution has been administered, this may influence a future decision to prosecute.

4.11 Civil penalty (Housing offences)

- 4.11.1 The Housing and Planning Act 2016 amends the Housing Act 2004 to allow financial penalties (civil penalties), up to a maximum of £30,000, to be imposed as an alternative to prosecution for certain relevant housing offences.
- 4.11.2 A civil penalty can only be imposed as an alternative to prosecution. Therefore, the same criminal standard of proof is required for a civil penalty as for prosecution.
- 4.11.3 A civil penalty can be issued for each separate offence. For example, each breach of the Houses in Multiple Occupation Management Regulations, or failure to comply with an Improvement Notice.
- 4.11.4 In all cases, the council will in the first instance issue a notice of intent to impose a financial penalty. The notice of intent will set out:
- the amount of the proposed financial penalty
 - the reasons for proposing to impose the penalty; and
 - information about the right of the landlord to make representations.
- 4.11.5 The level of financial penalty will be based on a number of factors and the method used to determine this is set out in section 5, below.

4.12 Prosecution

- 4.12.1 Certain matters are prescribed in law as summary offences and only allow for prosecution to be taken.
- 4.12.2 The commencement of prosecution proceedings is a serious step that will only be taken after full consideration of the implications and consequences. However, in

certain circumstances prosecution may be appropriate without prior warning or recourse to the alternative methods of enforcement outlined above.

- 4.12.3 The decision to bring prosecution proceedings will have regard to the evidential and public interest tests set down in the Code for Crown Prosecutors.
- 4.12.4 Regard will also be had to any statutory guidance or codes of practice issued by relevant agencies; government or otherwise.
- 4.12.5 In line with the principles outlined in this policy, the following public interest factors will be taken into account when deciding whether or not to prosecute:
- effect of the offence or action
 - foreseeability of the offence or the circumstances leading to it
 - intent of the offender, individually and/or corporately
 - history of offending, including regulatory non-compliance
 - attitude of the offender
 - deterrent effect of a prosecution, on the offender and others
 - personal circumstances of the offender

5 Civil penalty decisions

5.1 When to prosecute and when to consider a civil penalty

- 5.1.1 The decision of whether to prosecute or issue a civil penalty will be decided on a case by case basis.
- 5.1.2 In deciding, the council will act in line with statutory guidance (*“Civil penalties under the Housing and Planning Act 2016”, Ministry of Housing Communities and Local Government*).
- 5.1.3 The principles applied to this decision will be as follows:
- A civil penalty will be considered as an appropriate course of action in all cases where the evidential and public interest tests set down in the Code for Crown Prosecutors are met, but;
 - Prosecution may be the most appropriate option where the offender has committed similar offences in the past, or where an offence is particularly serious.

5.2 Determining an appropriate penalty

- 5.2.1 This section sets out guidance as to how the Council will determine the level of financial penalty in individual cases, once the decision to impose a financial penalty has been made.
- 5.2.2 In line with statutory guidance, the following factors will be taken into account when determining the level of civil penalty:
- Severity of the offence
 - Culpability and track record of the offender
 - The harm or potential harm caused
 - Punishment of the offender
 - The deterrent effect; on both the offender and others
 - The removal of financial benefit that the offender may have obtained as a result of the offence
- 5.2.3 To ensure that decisions made with regard to culpability and harm are consistent across Environmental Health and Community Safety; and are fair, appropriate and reasonable for the seriousness of the offence, reference has been made to the Sentencing Council guidance for Health and Safety and Food Safety offences.
- 5.2.4 With regard to harm, reference has also been made to the Housing Health and Safety Rating System Operating Guidance (the Operating Guidance).

5.3 Culpability and harm

5.3.1 Culpability categories are defined as follows:

a. Very high

- Where the offender intentionally breached, or flagrantly disregarded, the law or
- has a high public profile and knew their actions were unlawful

b. High

- Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken

c. Medium

- Offence committed through act or omission which a person exercising reasonable care would not commit

d. Low

- Offence committed with little fault, for example, because:
 - significant efforts were made to address the risk although they were inadequate on this occasion
 - there was no warning/circumstance indicating a risk
 - failings were minor and occurred as an isolated incident

5.3.2 Harm is defined in the Operating Guidance as follows:

5.3.3 *“Harm is an adverse physical or mental effect on the health of a person. It includes, for example, physical injury, and illness, condition, or symptom whether physical or mental. It also includes both permanent and temporary harm”*

5.3.4 Harm categories are defined as follows:

a. Category 1 – High Likelihood of Harm

- Serious adverse effect(s) on individual(s) and/or having a widespread impact
- High risk of an adverse effect on individual(s) – including where persons are vulnerable

b. Category 2 – Medium Likelihood of Harm

- Adverse effect on individual(s) (not amounting to a Category 1, above)
- Medium risk of an adverse effect on individual(s) or low risk of serious adverse effect
- The Council and/or legitimate landlords or agents substantially undermined by offender’s activities
- The Council’s work as a regulator to address risks to health is inhibited
- Consumer/tenant misled

c. Category 3- Low Likelihood of Harm

- Low risk of an adverse effect on individual(s)
- Public misled but little or no risk of actual adverse effect on individual(s)

5.3.5 The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability.

	Starting point	Range	
		Min	Max
Low culpability			
Harm category 3	£ 50	£ 25	£ 175
Harm category 2	£ 125	£ 50	£ 350
Harm category 1	£ 300	£ 125	£ 750
Medium culpability			
Harm category 3	£ 350	£ 175	£ 750
Harm category 2	£ 1,000	£ 350	£ 2,000
Harm category 1	£ 2,500	£ 750	£ 4,500
High culpability			
Harm category 3	£ 1,000	£ 500	£ 2,250
Harm category 2	£ 3,000	£ 1,000	£ 5,500
Harm category 1	£ 6,250	£ 2,500	£ 12,500
Very high culpability			
Harm category 3	£ 2,500	£ 1,250	£ 4,500
Harm category 2	£ 6,250	£ 2,500	£ 12,500
Harm category 1	£ 15,000	£ 6,250	£ 30,000

5.4 Other factors taken into account

5.4.1 In line with statutory guidance, and for consistency with the principles of this enforcement policy, certain factors will be taken into account to determine the appropriate financial penalty within each range.

5.4.2 In particular, relevant recent convictions are likely to result in a substantial upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

5.4.3 The lists below contain factual elements that provide some context to the offence and factors relating to the offender. These lists are not exhaustive and each case will be judged on its merits.

5.4.4 Factors increasing seriousness may include:

- Previous convictions, having regard to
 - a. the nature of the offence to which the conviction relates and its relevance to the current offence; and
 - b. the time that has elapsed since the conviction

5.4.5 Other aggravating factors may include:

- Whether the offender was motivated by financial gain
- Deliberate concealment of illegal nature of the activity
- Established evidence of wider/community impact
- Obstruction of justice
- Record of providing substandard accommodation
- Record of poor management or not meeting legal requirements.
- Refusal of free advice and/or training

5.4.6 Factors reducing seriousness or reflecting personal mitigation may include:

- No previous convictions or no relevant/recent convictions
- Steps voluntarily taken to remedy problem
- High level of co-operation with the investigation, beyond that which will always be expected
- Good record of maintaining property
- Self-reporting, co-operation and acceptance of responsibility
- Good character and/or exemplary conduct
- Mental disorder or learning disability, where linked to the commission of the offence
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Sole or primary carer for dependent relatives

5.4.7 The financial penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence; it should not be cheaper to offend than to take the appropriate precautions.

5.4.8 The final test will always be to ensure that the proposed level of financial penalty is proportionate to the overall means of the offender, with regard to assets and income from all sources.

5.4.9 In this regard, the Council may increase or reduce the proposed fine reached during the process outlined above, if necessary moving outside of the range in the above table.

5.5 Additional actions

- 5.5.1 In all cases, in line with appropriate regulations and guidance, and the principles outlined in this policy, the Council will consider whether to take additional action. Such action may include (but is not limited to) works in default and Interim Management Orders.
- 5.5.2 However, the Council cannot take a prosecution case for the same conduct as is the subject of a financial penalty notice.

5.6 Recording the decision

- 5.6.1 The officer making a decision about a financial penalty will record their decision giving reasons for coming to the amount of financial penalty that will be imposed.

6 Electrical safety – new regulations

6.1 Overview

- 6.1.1 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into force on 01 June 2020.
- 6.1.2 The regulations apply to all new private sector housing tenancies from 01 July 2020 and all existing private sector housing tenancies from 01 April 2021.
- 6.1.3 Private landlords have duties to ensure electrical installations are tested regularly and any remedial works identified are carried out.
- 6.1.4 Where an officer has reasonable grounds to believe that a private landlord is in breach of certain duties under the regulations, the authority must serve a remedial notice on the private landlord.
- 6.1.5 Where urgent remedial action is required, as indicated in an electrical inspection report, and the Environmental Health and Community Safety service are satisfied on the balance of probabilities that a private landlord has breached their duty to undertake remedial or investigative work, we may, with the consent of the tenant or tenants of those residential premises, arrange for an authorised person to take the urgent remedial action.
- 6.1.6 If the Environmental Health and Community Safety service are satisfied, beyond reasonable doubt, that a private landlord has breached a duty under regulation 3, we may impose a financial penalty (or more than one penalty in the event of a continuing failure) in respect of the breach (see section 5 for details).

7 Other regulatory tools

7.1 Overview

7.1.1 In addition to enforcement powers outlined above, other actions and initiatives involving cross-authority working are available to, and used by, the Environmental Health and Community Safety Service. These include, but are not limited to, those listed below.

7.2 Primary and Home Authorities

7.2.1 A Local Authority may act as a Primary or Home Authority. These agreements promote a consistent enforcement approach across different local authority areas. The Environmental Health and Community Safety service will liaise with other authorities as and when required, and checks will be made prior to any formal action, unless in emergency situations.

7.3 Rogue Landlord Database

7.3.1 In April 2018 the Government introduced a database of rogue landlords and letting agents, with local authorities having responsibility to maintain it. The register not only includes details of landlords and letting agents who have been served with Banning Orders but also those who have been convicted of a Banning Order Offence.

7.3.2 Environmental Health and Community Safety leads the Rogue Landlord Group, consisting of internal council teams and external partners. The Rogue Landlord Group communicates and meets as necessary to make decisions about landlords and agents who potentially meet the criteria.

8 Contacting the Council

- 8.1.1 This policy document is available on request at the Civic Centre and on the City Council web site. A summary leaflet on the enforcement of food safety and health and safety legislation is provided during routine inspections.

Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1RQ

Telephone: 01392 265147

Email: environmental.health@exeter.gov.uk

Website: www.exeter.gov.uk

We will make this policy available on tape, in Braille, large type, or in another language on request.

**If English is not your first language and you need help,
we may be able to help you. Please contact us.**

إذا لم تكن الانجليزية لغتك الأم واحتجت الى بعض المساعدة في ملء النموذج فقد يكون بمقدورنا
مساعدتك. يرجى الاتصال بـ

যদি ইংরেজী আপনার প্রথম ভাষা না হয় এবং ফর্ম ভরতে আপনার সাহায্যের প্রয়োজন হয়,
আমরা আপনাকে সাহায্য করতে পারি। অনুগ্রহ করে যোগাযোগ করুন...

如果您的母語不是英語並且在填表時遇到任何困難，或許我
們會對您有所幫助。請和我們聯繫....

જો અંગ્રેજી તમારી પહેલી (માતૃ) ભાષા નહીં હોય અને આ ફોર્મ ભરવામાં તમને સહાય જોઈતી
હોય તો, અમે તમારી મદદ કરી શકીએ છીએ. કૃપા કરી સંપર્ક કરો

ਜੇਕਰ ਇੰਗਲਿਸ਼ ਤੁਹਾਡੀ ਪਹਿਲੀ ਭਾਸ਼ਾ ਨਹੀਂ ਹੈ ਅਤੇ ਤੁਹਾਨੂੰ ਫਾਰਮ ਭਰਨ ਲਈ ਸਹਾਇਤਾ ਚਾਹੀਦੀ ਹੈ, ਤਾਂ
ਮੁਮਕਿਨ ਹੈ ਕਿ ਅਸੀਂ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕੀਏ। ਕਿ੍ਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ

Haddii Ingiriisigu aanu ahayn afkaaga koobaad una baahan tahay in lagaa gargaaro
buuxinta warqada, waxa dhici karta inanu ku caawino. Fadlan la xidhiidh...

اگر انگلش آپ کی مادری زبان نہیں ہے اور آپ کو اس فارم کو پُر کرنے میں مدد کی ضرورت ہے تو ہم آپ کی مدد کر سکتے ہیں۔
براہ مہربانی رابطہ قائم کریں:

Nêu Anh ngữ không phải là ngôn ngữ chính của quý vị và quý vị cần được trợ
giúp để điền mẫu đơn này, chúng tôi có thể giúp đỡ. Vui lòng liên lạc với ...

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Equality Impact Assessment: Environmental Health and Community Safety Enforcement Policy

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 1 December 2020 Council 15 December 2020	Environmental Health and Community Safety Enforcement Policy	Adoption of policy	Regulatory action is undertaken when necessitated by events. Given the nature of regulatory action, and the potential impact on the regulated and those requesting regulatory activities, there is potential to impact all groups.

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
<p>Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).</p>	<p>Neutral</p>	<p>Medium</p>	<p>There is potential for negative impact if English is not a person’s first language. In such cases, the Council would seek to provide an appropriate interpreter or translation service during any relevant part of an investigation. This would ensure that the person can exercise their rights and understand the action being taken.</p> <p>According to UK Government statistics (2017), “households from ethnic minority groups were more likely to be overcrowded...”, In private rented accommodation the difference was 9% (2% of white British households likely to be overcrowded against 11% of ‘other ethnic groups’). Therefore enforcement actions around overcrowding (HHSRS) will likely have a positive impact on this group, aiding transition to more appropriate accommodation.</p>

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
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	Low	The policy seeks to ensure that there is a positive impact for residents who may be vulnerable as a result of illness or physical disability through the improvement of standards in business, communities and private sector housing.
	Negative	Medium	If a person has impairments which affect their ability to understand the enforcement procedure the Council will ensure that they are accompanied by an appropriate person to provide assistance.
	Positive	Medium	The policy may have a positive effect, ensuring that people with a street attachment and an addiction engage with the support that is available. This in turn will deliver positive health benefits to them. The inclusion of an Acceptable Behaviour Contract (ABC) option within any Fixed Penalty Notice (FPN), will give a positive pathway to engagement with support services, and away from detrimental behaviour.
Sex/Gender	Neutral	Low	There is no evidence that this will impact on any specific person based on this characteristic.
Gender reassignment	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Negative	Low	However it is acknowledged that some faiths or religions require worship on particular days and therefore may not be able to attend meetings or appointments. Consideration will be given to this and flexibility will be applied, if required, in order to mitigate adverse impact.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p> <p>When undertaking regulatory action, the Council will consider Equalities and protected characteristics at all stages of the process.</p> <p>Any potential adverse impact will be assessed early in an investigation and mitigated as far as reasonably practicable, while still meeting our statutory duties. This will ensure that the policy is applied in line with the Equality Act 2010 and the Human Rights Act 1998.</p> <p>All Authorised Officers undertaking enforcement duties will ensure that all persons dealt with will receive fair and equitable treatment irrespective of their background or protected characteristic, as defined in the Equality Act 2010.</p>			

Officer: Simon Lane - Service Lead – Environmental Health and Community Safety
Philip Gilbert – Environmental Health and Community Safety Manager
Lisa Cocks – Environmental Health and Community Safety Manager

Date: 23 July 2020

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REPORT TO EXTRAORDINARY LICENSING COMMITTEE

Date of Meeting: 30 November 2020

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Service Lead- Environmental Health & Community Safety

Title: Amendment to Street Trading Policy and Terms of Reference for the Licensing Sub-Committee

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 This report details, and seeks approval for, the changes that are being proposed to the Street Trading Policy from 1 January 2021.
- 1.2 This reports also sets out proposals to amend the Terms of Reference for the Licensing Sub-Committee.

2. Recommendations:

2.1 That the Licensing Committee

- a) approves the amendment to the Street Trading Policy as shown in Appendix A to read as follows, commencing from 1st January 2021:

- Section 6.3 which currently reads as follows "*All relevant representations relating to the grant of a consent will be referred to the Licensing Committee for consideration as part of the determination*" is proposed to be amended as follows:

- All relevant representations relating to the grant of a consent will be referred to the Licensing Sub-Committee hearing the application, for consideration as part of the determination.
- b) Supports the proposal for the following addition to the Council's Constitution terms of reference for the Licensing Sub-Committee:-

To determine whether to grant or refuse a street trading consent

2.2 That Executive:

- a) Notes and supports the proposed amendment to the Street Trading Policy
- b) Supports the proposal for the following addition to the Council's Constitution terms of reference for the Licensing Sub-Committee:-
To determine whether to grant or refuse a street trading consent.

2.3 That the Council

- a) adopts the amended Street Trading Consent Policy as set out in Appendix A of this report
- b) approves the following addition to the Council's Constitution terms of reference for the Licensing Sub-Committee:-
To determine whether to grant or refuse a street trading consent.

3. Reasons for the recommendation:

- 3.1 The above proposed amendment in conjunction with proposed changes to the Council Constitution would mean that in future Street Trading Applications would be able to be determined at Licensing Sub Committee Hearings.
- 3.2 As we are able to organise more frequent Licensing Sub-Committee hearings than is currently the case for full Licensing Committee Meetings (presently scheduled for five meetings per calendar year), this would enable the Licensing Authority to deal with street trading applications in a more timely manner, and provide a more flexible timeframe for both applicants and Officers alike.
- 3.3 Other Licence applications such as Licensing Act 2003 and Taxi matters are already dealt with via Licensing Sub-Committees, and as such the above proposed amendment would ensure that the same consistent approach is also applied to the determination of street trading applications.

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

- 4.1 The proposed changes to policy do not give rise to any additional resource implications or have any revenue impact.
- 4.2 There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements.
- 4.3 Any future costs in relation to the production of the policy will be met by income from fees.

5. Section 151 Officer comments:

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

6. What are the legal aspects?

- 6.1 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area as 'consent streets' for street trading purposes, with exception of a number of streets in the city centre, which are designated 'licenced streets or prohibited streets'.
- 6.2 As with all policies produced by the Council, it is necessary for it to be reasonable and workable in order to avoid any legal challenge by third parties. However, since the proposed policy change will help to ensure that street trading consent applications are heard in a more-timely manner by trained Licensing Committee Members (via a quorate Licensing Sub-Committee), such a prospect seems unlikely.

7. Monitoring Officer's comments:

The Monitoring Officer has no additional comments.

8. Report details:

- 8.1 Since the start of the Covid-19 crisis and its subsequent economic impact, the Licensing Team have seen an increase in interest in Street Trading Consents as food businesses in particular, look to diversify in response to the crisis.
- 8.2 It is hoped that the proposed policy amendment will assist applicants affected by the crisis by determining their applications at more frequent Licensing Sub-Committee Hearings.

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

- 9.1 The proposed Policy amendment will assist in ensuring that Street Trading Consent Applications are heard in a timely manner, and thereby lend support to a robust, business friendly economy.

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

- 10.1 As with all proposed changes to policy, there is a risk of the policy change being challenged via Judicial Review. However, the proposed policy change is both reasonable and workable, and as such the risk of legal challenge is considered low.

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, there are no equalities impacts that are identified.

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 Licensing Committee may reject the proposed amendment to the Street Trading Policy, and instead continue to hear applications at the Full Licensing Committee.

Service Lead - Environmental Health and Community Safety, Simon Lane,

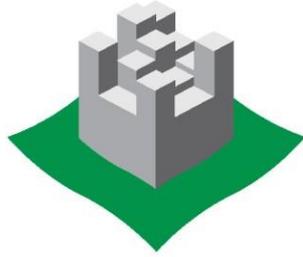
Author: Lee Staples Principal Licensing Officer

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

Background papers used in compiling this report:-

None

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Exeter
City Council

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1982**

Street Trading Policy and Conditions

Environmental Health and Community Safety
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Issue Date: December 2020

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Section 1 – Purpose

- 1.1. Exeter City Council (the Council) street trading policy's aim is to create a street trading environment which complements premises based trading, is sensitive to the needs and amenities of residents, provides diversity of consumer choice, and seeks to enhance the character, and ambience of local environments.
- 1.2. The policy recognises the importance of street trading to the city and that it can add to the vibrancy and vitality whilst not necessarily adding to nuisance and crime and disorder.

Section 2 – What is Street Trading?

- 2.1. Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway, beach or other area to which the public have access without payment. In this regard, 'other area' will include a retail car park to which the public have access to without payment.
- 2.2. The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes, with the exception of a number of streets in the City Centre, which are designated 'licence streets or prohibited streets'.
- 2.3. The effect of this designation is that street trading in any street is forbidden, subject to legal exemptions, without first obtaining a street trading consent or licence from the Council.
- 2.4. This includes all streets, car parks, parks and all adjacent paved, grassed and ornamental areas to which the public have access without payment.

Section 3 – Exemptions from the need to obtain a Consent or Licence

- 3.1. Some types of trade are legally exempt from the need to obtain a street trading consent or licence. These include:
 - a person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871, and which the trading activity is one of peddling;
 - a trade carried out by roundsmen eg a milkmen serving registered customers;
 - a trade carried on at a petrol filling station;
 - a market created by statute or grant;
 - trading as a news vendor (selling newspapers or periodicals);
 - trading in premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
 - authorised charity collections.

Section 4 – Street Trading Consents for which fees are not payable

- 4.1 The Council may remit the payment or part of the payment of fees for the following street trading activities:
- fetes, carnivals or similar community-based and run events;
 - non-commercial or charitable events;
 - farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people) as these are subject to Street Licence authorisation;
 - sales of articles by householders on land contiguous with their homes (eg a garage sale).

Section 5 – Site Assessment for Consents

- 5.1 The Council will not identify suitable 'pitches' for street trading but will maintain a map showing the location of existing sites that have permission to street trade.
- 5.2 In determining whether to permit street trading at a selected site the Council will have regard to:
- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving;
 - any loss of amenity caused by noise, traffic, smell or other nuisance;
 - existing Traffic Orders e.g. waiting restrictions, parking, etc.;
 - any potential obstruction of pedestrian or vehicular access;
 - any obstruction to the safe passage of pedestrians;
 - the safe access and egress of customers and staff from the pitch and immediate vicinity; and
 - the impact on the character of the area.
- 5.3 With regard to itinerant street trading (e.g. an ice-cream van or fish & chip van), where due to the nature of the business there is a genuine need to ply trade in many locations, a general consent will be issued.

Section 6 – Consultation for Consents

- 6.1 Before a new pitch is authorised by the Council for the purposes of street trading (non market) we will, where reasonably practicable, seek representations from:
- the relevant ward councillors
 - Police
 - Highways (Devon County Council)
 - Estates Dept of Exeter City Council
 - Existing holders of street trading consents in the immediate vicinity
- 6.2 Where practicable, fourteen days will be given for representations to be received. If no representations are received, the application will be referred to the next available Licensing Sub-Committee of the Council and may be granted in the terms applied for, and standard conditions will be considered and may be attached to the consent.
- 6.3 All relevant representations relating to the grant of a consent will be referred to the Licensing Sub-Committee hearing the application, for consideration as part of their determination.
- 6.4 Subsequent renewal of consents to street trade submitted on the same terms as previously granted and for the same site, where there have been no relevant objections to the trading, will be dealt with by the Service Lead - Environmental Health and Community Safety.
- 6.5 There is no right of appeal to the Magistrates' Court against refusal to issue a consent, however, where an application is refused, payment of the application fee shall be refunded.

Section 7 - Nature of Good and Trading Hours

- 7.1 The nature of goods which may be sold from any pitch will be specified in the consultation process. No substantial change to the products sold will be permitted without referral back to the Service Lead - Environmental Health and Community Safety.
- 7.2 The Council would not normally grant a new consent for the sale of goods or services which conflict with those provided by nearby traders.
- 7.3 The Council does not permit the sale of New Psychoactive Substances
- 7.4 General street trading hours are not set, therefore in the case of hot food takeaways and fresh produce sellers trading hours will be determined on a pitch-by-pitch basis.
- 7.5 The design and appearance of the stall, barrow, van or cart etc. to be used must be agreed by the Council.

Section 8 – Issue of Street Trading Consents / Licences

- 8.1 Street trading consents will normally be issued for a period of one year, but new consents may be issued for a three month trial period to determine if necessary the viability and impact of trading. Consents for shorter periods may be issued on request but subject to the payment of the appropriate fee determined by the Council.

- 8.2 Consents will be issued for seven days per week, unless there are limiting factors on the use of a pitch on particular days. The permissions granted will identify the permitted days and times of trade.
- 8.3 Fees for consents must be paid in full in advance. In the case of renewals, payments must be at the time of renewal.
- 8.4 Failure to provide payments as above will result in the permission not being renewed or being revoked. This does not apply when a direct debit arrangement has been agreed between the Council and the consent holder.
- 8.5 Where a consent has expired or has been revoked the pitch will awarded to the first applicant that applies to trade on that pitch, no waiting lists will be maintained
- 8.6 A consent cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent/licence by reason of having been convicted of an offence or for any other reason.

Section 9 – Planning Permission

- 9.1 If a consent is applied for, the onus is on the applicant to obtain both planning permission and permission to trade from the landowner when necessary, prior to making an application for street trading consent. It is not the responsibility of the Council to investigate and obtain this information.

Section 10 - Licensing Act 2003

- 10.1 In addition to the requirement of having a street trading permission, applicants who sell hot food or hot drinks between 23.00 pm and 05.00 will need a premises licence under the Licensing Act 2003. The Licensing Section is able to provide advice as to the application process.
- 10.2 For premises that seek to trade only between the hours of 23.00 and 05.00 consent will still be required in addition to the Licensing Act licence.

Section 11 – Fee Structure

- 11.1 The Service Lead - Environmental Health and Community Safety will arrange for the setting of street trading fees through the Council and will annually review the fee structure.

Section 12 – Applicants and Assistants

- 12.1 The Council will issue an identity badge to the person applying for the consent and will require the applicant to identify any person that is to work under his permission.
- 12.2 The applicant will provide passport size and quality photographs of himself following the grant of the consent.

- 12.3 He will ensure that the full names addresses and dates of birth plus photographs of any and every person that will or may be used under the authority of the consent is submitted following the grant of the consent.
- 12.4 No person will be permitted to work under the permission of the consent without holding an identity badge issued by this Council at all times they are working.
- 12.5 When submitting an application, the applicant will need to pay the appropriate sum in full. These are set out in the list of fees and charges and can be found on the Council website. The fees will be reviewed annually and updated accordingly as of the first week in April each year.

Section 13 – Conditions and Enforcement

- 13.1 Standard conditions may be attached to each street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 13.2 The Service Lead - Environmental Health and Community Safety may review the conditions set out in Appendix A and may add to, delete or amend the conditions as necessary.
- 13.3 Specific conditions may also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.
- 13.4 Failure to comply with conditions, non-payment of fees or non-attendance at the site without good reason may lead to revocation or non-renewal of a consent.
- 13.5 Persons trading without a street trading permission and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action. This will include any person who holds a certificate granted under the Pedlar's Act 1871, but who fails to operate in accordance with the Act.
- 13.6 The issue of absent traders will be addressed by conditions upon the licence or the consent, for example conditions which:
- require personal attendance of the holder without the option for someone else to run the business on his behalf;
 - require the holder to provide notification of his nominated assistant;
 - require the holder to provide notice of non-attendance to the Service Lead - Environmental Health and Community Safety (not required for periods of less than 20 working days for Annual leave);
 - allow the Service Lead - Environmental Health and Community Safety to revoke the consent after 20 working days nonattendance where no notification of absence has been submitted.

Section 14 - General

- 14.1 This policy will be the subject of periodic monitoring and review and will be applied in a manner which is consistent with the Council's equalities and diversity policies.

Appendix A – Pool of Conditions that may be imposed on a consent to street trade

In these conditions:

"The Council" means Exeter City Council.

"You" means the holder of the consent to trade.

"Your Assistant" means any person or persons who assist the holder of a consent to trade whilst trading under that consent and who has been notified to and has been issued with an identity badge by the Council.

"New Psychoactive Substances" means *Psychoactive drugs which are not prohibited by the United Nations Drug Conventions but which may pose a public health threat comparable to that posed by substances listed in these conventions.*

1. The consent relates to the trader named and is not transferable.
2. Unless a "city wide" consent is applied for and granted, the consent holder may only site the permitted structure at the approved location.
3. A copy of the consent, shall be displayed in a conspicuous place, whilst trading.
4. The consent holder may only trade between the approved times as indicated on the street trading consent.
5. The consent holder may only sell articles or foodstuffs approved by the Council as indicated on the street trading consent.
6. The consent holder or an assistant shall write to the Council giving details of a new home address or new address of the registered office within seven days of moving.
7. No person under the age of 17 years shall engage or be employed in street trading.
8. The consent holder shall ensure full compliance with relevant food safety and health and safety legislation. Compliance with food safety legislation will be indicated by a food hygiene rating of 3, 4 or 5 as issued by Environmental Health.
9. Where a consent holder is operating under both consent and provisions of the Licensing Act 2003 he will ensure both Authorisations are displayed.
10. The consent holder must ensure that staff who prepare open high risk foods, or handle food and have a supervisory role, have training to the level equivalent to the Level 2 Award in Food Safety in Catering within three months of the consent being issued.
11. The consent holder shall take all reasonable precautions for the safety of all other persons using the street(s) and to prevent danger to persons using the street(s).
12. The consent holder shall not cause any obstruction of the highway.
13. The consent holder shall ensure that trading is conducted in a manner which avoids any nuisance or annoyance to the occupiers of neighbouring premises. In particular the holder shall ensure that any power driven equipment (including generators) are sited to minimise noise and attenuated where necessary.

14. The consent holder shall comply with the reasonable requests of a duly authorised officer of the Council or a police officer to take such action as is considered necessary to abate any nuisance or obstruction.
15. Public highways shall be maintained in a clean condition during each day's trading and all rubbish and waste paper accumulated throughout the daily operation of this consent shall be removed at the end of each day's trading.
16. Suitable refuse facilities shall be provided to encourage customers to dispose of rubbish and waste paper so as to avoid causing a nuisance by the littering of the highway and private land bordering the approved location. All litter generated by the trading and discarded by customers of the trading up to 100 metres of the stall, shall be cleared by you at regular intervals throughout the day.
17. The consent holder shall, where applicable, at all times when trading comply with all "Codes of Practice" relating to noise in particular the "Codes of Practice on Noise from Ice Cream Vans Chimes etc 1982".
18. No animal shall be present on any stall or vehicle.
20. The consent holder or an assistant shall not sell New Psychoactive Substances.
21. In addition to these conditions, the Council may also impose conditions which are specific to individual consents to trade.

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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.

(Amended September 2020)

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.

(Amended September 2020)

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
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.

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
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:

(Amended September 2020)

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.

(Amended September 2020)

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.

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director of Net Zero Exeter and City Management

Title: Draft Resource and Waste Management Strategy for Devon and Torbay

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

The draft Strategy provides the basis for the management of Local Authority Collected Waste across Devon and Torbay to 2030. Its objectives are aimed at reducing waste, reducing the carbon impact of managing waste and conserving natural resources. By working together, the local authorities, their partners and the public will help to ensure a sustainable future for waste management in Devon and Torbay. As part of the process of preparing the draft strategy, members of the Devon Waste Partnership are asked to approve the plan for public consultation.

2. Recommendations:

That the Executive recommends that Council approve the draft Resource and Waste Management Strategy for Devon and Torbay for public consultation.

3. Reasons for the recommendation:

This report outlines the new draft Resource and Waste Management Strategy for Devon and Torbay. The strategy describes how the Devon local authorities and Torbay will manage Local Authority Collected Waste (household waste, litter, flytipped, street sweepings and some trade) from 2020-2030. The delivery of this Strategy will be overseen by the Devon Authorities Strategic Waste Committee (DASWC). Torbay are party to the Strategy but, as a Unitary Authority also have their own.

Following its approval at the DASWC meeting on 15th October 2020, chaired by Cllr David Harvey, the draft Strategy requires the approval of the individual local authorities for proceeding to public consultation before returning to Cabinet in 2021 for final approval.

The draft Strategy will be published for consultation over the winter of 2020/21. It is likely that due to the Covid 19 situation that this will be on-line only. It will be widely shared with relevant stakeholders and the public.

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

There are no additional resource implications for ECC. The DASWC Committee's budget contributes to achieving elements of the Strategy, in addition to each authority's own budgets contributing to the overall aims and targets of the Strategy. An allocation is proposed for a residual waste analysis in 2022 from the DASWC Committee's 2021/22 and 2022/23 budgets.

5. Section 151 Officer comments:

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

6. What are the legal aspects?

There are no legal issues arising in relation to this report.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring officer.

8. Report details:

The Review of the 2005 Strategy was published in 2013. Since then there have been many developments in waste management. The Government published its own Resource and Waste Strategy in 2018 and is currently planning further consultation on several aspects of this. The Environment Bill is progressing through Parliament although this has been delayed due to COVID19. Given the amount of change which has occurred it was concluded that a new Strategy for Devon and Torbay should be written to reflect the direction of travel and changes in national waste policy. The draft Strategy will be consulted upon over the winter and the final Strategy will be presented to DASWC in 2021, following formal approval by the individual Authorities. The aim is to provide a document which describes the way in which Devon and Torbay local authorities will manage resources and waste (under their control) from 2020 – 2030. It sets out waste policies and targets. The objectives are to:

- To manage Devon's & Torbay's waste in a sustainable and cost-efficient manner.
- To minimise the waste we create.
- To reduce the impact of resource and waste management in Devon on climate change by implementing the waste hierarchy and tailoring operations to reduce the waste carbon footprint.
- To maximise the value of the resources we use and preserve the stock of material resources i.e. Preserve natural capital and practice resource efficiency.

The draft report can be found in Appendix 1

The Government's Resources and Waste Strategy forms the policy background at a national level. However further consultations are awaited on key Government initiatives in early 2021. These include consistency on waste collections including separate food waste collections, extended producer responsibility and the introduction of a deposit return scheme for drinks containers. This draft Strategy has been written to take into account the Government Strategy and it is expected to be in line with Government policy insofar as what is known.

The key targets in the Resource & Waste Management Strategy for Devon and Torbay are as follows:

Carbon

- Contribute to net zero carbon for Devon and Torbay by 2050 at the latest by focussing on:
 - a) Reducing, reusing and recycling more textiles, plastics, metals/Waste Electronic and Electrical Equipment, food and paper/card
 - b) Looking specifically at how to reduce the plastics in the residual waste stream
 - c) Considering options for utilising heat from the ERFs which will need to be commercially viable
 - d) Reviewing carbon capture technology as it develops further
- Increase the use of carbon friendly fuelled vehicles for transporting waste e.g. electric, hydrogen, over the period of the Strategy
- Develop opportunities for local reprocessing with stakeholders – by 2030

Waste reduction and reuse

- Reduce the waste collected per head to 416kg per year by 2030 through
 - a) Community engagement and
 - b) Operational service policies e.g. reducing residual waste collection capacity
- Achieve a 20% reduction in food waste by 2025 from 2015 baseline
- Increase the amount of waste reused to 2% by 2025 and 5% by 2030

Recycling

- Recycle at least 60% of household waste by 2025 and 65% by 2035
- All collection authorities to provide a weekly separate collection of food waste by 2022
- Collect a consistent range of recyclable materials by 2023 in line with Government policy with the addition of a broader range by 2030

Miscellaneous

- Continue to support Don't let Devon go to waste/Recycle Devon
- Procure a residual waste analysis in 2022 and 2027
- Continue to support the Clean Devon Partnership
- To work with the Government to deliver services compliant with Extended Producer Responsibility, Deposit Return Scheme and consistency legislation.

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

The Strategy is focussed on reducing, reusing and recycling waste all of which will lead to reduced environmental impact. There is also a focus on reducing the carbon impact of the waste management services with the aim of contributing to the net zero carbon targets. As a result the strategy will contribute to the Exeter City Council's strategic programmes of tackling congestion, promoting active and healthy lifestyles, provide value for money and contribute to a well-run council.

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

There are no significant risks associated with the Strategy.

11. Equality Act 2010 (The Act)

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.

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.

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.

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

12. Carbon Footprint (Environmental) Implications:

The approval of this strategy for consultation has no impact on the carbon footprint of the authority. However the strategy itself (if adopted) would have many positive impacts which are included in section 8.

13. Are there any other options?

There would be an option to delay developing the Strategy until after the Government consults further on its own policies next year. However, it is considered that with so much changing in the waste sector since 2013 that it would be unhelpful to delay further. It is anticipated that this Strategy will be in line with national policy as it develops further.

Director of Net Zero Exeter and City Management , David Bartram

Author: Fiona Tame

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

Background papers used in compiling this report:-

None

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Resource and Waste Management Strategy for Devon and Torbay

2020 - 2030

Draft for consultation



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Preface

The management of household waste in Devon and Torbay is undertaken by the 10 Local Authorities; Devon County Council, Torbay Council, East Devon District Council, Exeter City Council, Mid Devon District Council, North Devon Council, South Hams District Council, Teignbridge District Council, Torridge District Council and West Devon Borough Council.

The Local Authorities work together under the banner of the Devon Authorities Strategic Waste Committee. Over the last 28 years significant progress has been made since the early 90s when the recycling rate was 2% and recycling was carried out by the community sector.

Working together has never been more important than during the Covid Pandemic and it will continue to reap benefits that the individual councils could not achieve alone. Devon is consistently in the top 5 two tier authorities in the country in terms of recycling and the new metric of carbon impact is also showing Devon to be at the cutting edge of waste management practices. East Devon District Council has broken the 60% recycling rate barrier with 60.5% and they will share their best practices across the other already high achieving local councils. The authorities also work closely with residents to help them reduce and reuse waste, leading the way with their behavioural change and community engagement work.

Although the UK is leaving the EU at the end of 2020, European legislation will continue to influence waste policy through the Circular Economy Package. However, the Government's new Environment Bill will establish the future path for the country. With the Government's Resource and Waste Strategy for England published in 2018 and subsequent development through several consultations, there promises to be big and exciting changes in the way waste is managed.

This Strategy presents the way in which the Devon and Torbay Authorities will manage waste with and on behalf of the residents of Devon to protect the world class environment, contribute to a prosperous economy, support resilient, healthy and happy communities and reduce carbon impact with cost efficient resource management.

**Chairman, Devon Authorities Strategic Waste Committee
2020**

Summary of targets and policies

The Devon and Torbay local authorities will work together with partners and householders to:

1. Contribute to net zero carbon for Devon and Torbay by 2050 at the latest by focussing on:
 - a. Reducing, reusing and recycling more textiles, plastics, metals/Waste Electronic and Electrical Equipment, food and paper/card
 - b. Looking specifically at how to reduce the plastics in the residual waste stream
 - c. Considering options for utilising heat from the ERFs which will need to be commercially viable
 - d. Reviewing carbon capture technology as it develops further
2. Increase the use of carbon friendly fuelled vehicles for transporting waste e.g. electric, hydrogen, over the period of the Strategy
3. Develop opportunities for local reprocessing with stakeholders – by 2030
4. Follow the waste hierarchy - ongoing
5. Contribute to circular economy – ongoing
6. Reduce the waste collected per head to 416kg per year by 2030 through
 - a. Community engagement and
 - b. Operational service policies e.g. reducing residual waste collection capacity
7. Achieve a 20% reduction in food waste by 2025 from 2015 baseline
8. Increase the amount of waste reused to 2% by 2025 and 5% by 2030
9. Recycle at least 60% of household waste by 2025
10. Recycle 65% of household waste by 2035
11. All collection authorities to provide a weekly separate collection of food waste by 2022
12. Collect a consistent range of recyclable materials by 2023 in line with Government policy with the addition of a broader range by 2030
13. Continue to support increased recycling and reduced contamination with targeted communications at the local level –ongoing
14. Set up separate collections of textiles and hazardous waste from households in line with Government policy - 2025

15. Continue to support Don't let Devon go to waste/Recycle Devon - ongoing
16. Procure a residual waste analysis in 2022 and 2027
17. Continue to support the Clean Devon Partnership – ongoing
18. To work with the Government to deliver services compliant with Extended Producer Responsibility, Deposit Return Scheme and consistency legislation - 2023.

Resource and Waste Management Strategy for Devon and Torbay

1.0 Introduction

The Waste and Resources Management Strategy for Devon and Torbay was last published in May 2005 and reviewed in 2013. Since 2013, significant progress has been made in meeting the targets set in the Review.

The period of austerity from 2007 has had an impact on elements of the strategy, for example reduced budgets to achieve some objectives, reduced Central Government spending (and therefore grants) and limitations on staff resources which have had an impact on behavioural change and education work, vital in assisting the public to reduce their waste and to put the “right waste in the right place”. Covid 19 will also have had an impact on the waste management services across Devon and Torbay although the impacts will take time to manifest themselves in terms of tonnages of wastes arising and costs both in 2020 and in the future.

Nevertheless, working closely together and sharing resources both under the umbrella of the Devon Authorities Strategic Waste Committee and the Shared Savings Scheme, the Devon authorities by achieving a recycling rate of 56.6% in 2019/20 will have maintained their position near the top of the English two tier Waste Disposal Authorities' recycling league. Household waste growth is also being held at -0.3%. Torbay, a Unitary Authority, achieved a recycling rate of 40.4% with a growth rate of 0.8%.

The aim of this Strategy is to describe the way in which local authorities within Devon and Torbay will manage resources and waste (under their control) from 2020 – 2030 and to set both targets to reach and policies to manage waste.

2.0 Objectives

- To manage Devon's & Torbay's waste in a sustainable and cost efficient manner.
- To minimise the waste we create.

- To reduce the impact of resource and waste management in Devon and Torbay on climate change by implementing the waste hierarchy and tailoring operations to reduce the waste carbon footprint.
- To maximise the value of the resources we use and preserve the stock of material resources i.e. Preserve natural capital and practice resource efficiency



3.0 The Case for Action

3.1 Global

At a world level the UN Sustainable Goal 12 “Responsible consumption and production” sets the bar for a sustainable world. The Sustainable Development Goals are a call for action by all countries – poor, rich and middle-income – to promote prosperity while protecting the planet. They recognize that ending poverty must go hand-in-hand with strategies that build economic growth and address a range of social needs including education, health, social protection, and job opportunities, while tackling climate change and environmental protection. Goal 12 includes a number of targets related to resource and waste management, in particular:

12.2 By 2030, achieve the sustainable management and efficient use of natural resources

12.3 By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses

12.5 By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse

12.7 Promote public procurement practices that are sustainable, in accordance with national policies and priorities

12.8 By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature

12.B Develop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products



3.2 National

Within the last 3 years, the UK Government has published a number of strategies which provide the basis for Resource and Waste Management across England for the next 25 years. These include:

- 25 year Environment Plan
- Government Resource and Waste Strategy for England (RWS) and consultations on Extended Producer Responsibility, Plastic tax, Consistency of recycling services, Deposit Return Scheme
- Clean Growth Strategy
- Litter Strategy
- Rural Crime Strategy
- EU Circular Economy package
- Climate Emergency Declarations



The Government RWS (<https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>) was published in November 2018, its key areas of focus are:

- 1) *Sustainable Production – i.e. Extended Producer Responsibility*
- 2) *Helping consumers take more considered actions – i.e. sustainable purchasing*
- 3) *Resource recovery and waste management – i.e. recycling consistency, food, partnerships, efficient Energy Recovery Facilities*
- 4) *Tackling waste crime*
- 5) *Cutting down on food waste*
- 6) *Global Britain: international leadership*
- 7) *Research and innovation*
- 8) *Measuring progress: data, monitoring and evaluation*

The key high level UK targets emanating from these include:

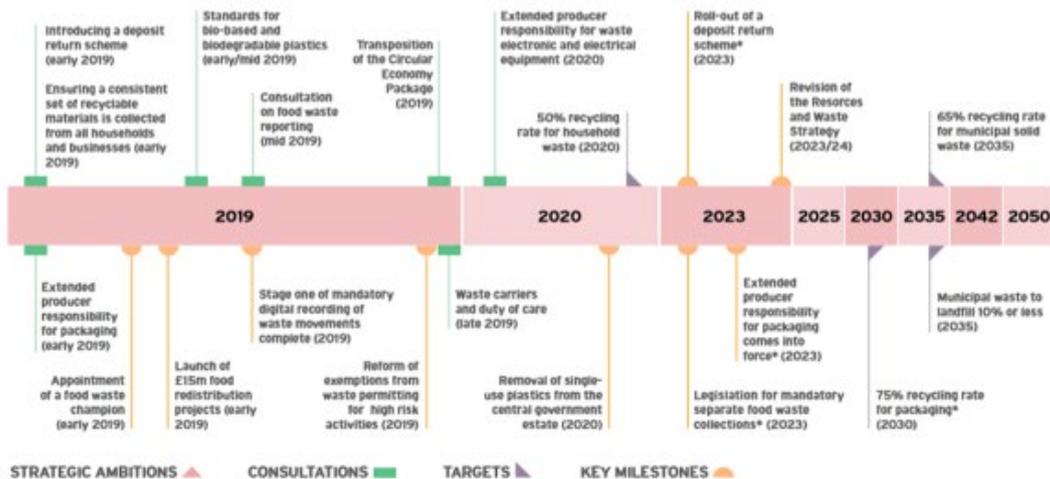
- Eliminate avoidable waste of all kinds by 2050
- 65% recycling rate by 2035
- No food waste to landfill from 2030
- To work towards all plastic packaging to be recyclable, reusable or compostable by 2025
- Eliminate avoidable plastic waste over the lifetime of the 25 year plan
- Double resource productivity by 2050
- Eliminate all biodegradable waste to landfill by 2030

The Government timetable for implementation of the Strategy is detailed below.

Our Waste, Our Resources: A Strategy for England

Key Milestones

- Double resource productivity by 2050
- Eliminate avoidable waste of all kinds by 2050
- Eliminate avoidable plastic waste over the lifetime of the plan
- Work towards eliminating food waste to landfill by 2030
- Work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025



Devon Authorities Strategic Waste Committee

Following on from the publication of the Strategy, a number of consultations were held in 2019 on:

- Extended Producer Responsibility (EPR)
- Deposit Return Scheme (DRS)
- Consistency of recycling services
- Tax on the use of plastic with less than 30% recycled plastic content

The Devon Authorities contributed to the consultations. The responses have been summarised and the Government will be consulting further on these areas in 2021. The Environment Bill which paves the way for these changes has received its second reading. The more detailed legislation will come into force in 2023. The main proposed changes which have been incorporated into the Environment Bill are:

- A consistent set of recyclable household and household-like waste including paper and card, plastic, metal, glass, food and garden waste (households only) is to be collected separately from all households, relevant non-domestic premises and businesses.
- Recyclable household and household-like waste must be collected for recycling or composting.
- Relevant non-domestic premises and businesses must present recycling and food waste separately from residual waste for collection.
- Food waste from households must be collected weekly.

- Recyclable household and household-like waste in each recyclable waste stream must be collected separately unless it is not technically or economically practicable or has no significant environmental benefit.
- If two or more recyclable household or household-like waste streams are to be collected comingled, the collector must prepare a written assessment of why it is not technically or economically practicable or has no significant environmental benefit to collect them separately.

The position of the Devon Authorities in relation to these proposals follows:-

Government Proposals under consideration	Devon Position
Weekly separate collection of food waste	This is being implemented in Devon
Free garden waste collection	There is concern about inequality (free service for those with a garden), increase in collection and processing costs, and loss of income
Statutory Guidance	Whilst noting the value of guidance, it is important to allow local decision making on waste services.
Consistency in recycling collections including a core set of dry recyclables – glass, metal, plastic, paper, card	This is being implemented in Devon. The Authorities agree it should be extended to commercial waste collections.
Frequency of residual waste collection	It is important to allow councils to determine frequency of collections
Deposit Return Scheme (DTS) – this will introduce a deposit charge for all beverage containers which will be refunded when the container is returned	There are concerns about the implications on collection authorities and whether the cost of the proposed scheme is justified. The initiative could reduce the Devon recycling rate by 0.7%.
Extended Producer Responsibility (EPR). This extends the range of materials for which producers are to be responsible for funding full net costs of treatment.	Producer responsibility is to be welcomed but the distribution of funding and assessment of costs needs to be fair.
Plastic Tax on products with <30% recycled plastic content	This is acknowledged as a useful contribution to the circular economy and should stimulate markets for plastics within the UK.

The Government is also looking at potential resource efficiency and residual waste targets and they are in early discussions with stakeholders with a view to bringing them into legislation in October 2022.

3.3 Devon and Torbay

Many of the policies and targets set in the 2013 Review have been met. Progress against these is summarised in Appendices 1 and 2.

Devon and Torbay have over 900,000 residents whose waste they are responsible for. In total Devon authorities spend circa £56 million on waste management, with Torbay spending £13 million. The Devon and Torbay Authorities need to strive for continuous improvement to assist the UK in meeting its EU targets, i.e. 50% recycling by 2020, and 65% by 2035; to comply with the waste hierarchy; and to protect the precious natural capital of Devon and Torbay on which so much relies – tourism, agricultural production, prosperity. They also need to look for efficiencies to keep within ongoing cost constraints. Strategies to reduce the amount of waste arising, increase reuse and recycling will assist in managing waste within available budgets.

Climate Emergency declarations

Devon County Council (DCC) declared a Climate Emergency in May 2019. Torbay declared theirs in June 2019. The Devon declaration is detailed here <https://www.devon.gov.uk/energyandclimatechange/devon-climate-emergency/devon-climate-declaration>. The Torbay declaration is noted here <https://www.torbay.gov.uk/council/policies/environmental/climate-change/>.

The Devon districts have also declared climate emergencies and have employed climate emergency officers. Various actions are already being implemented such as use of electric vehicles, allocation of budgets for carbon reduction activities, assessment of carbon footprints, cabinet members assigned, items added to committee meeting agendas, Photo Voltaic (PV) panels erected and target dates for net zero carbon have been set ranging from 2025 to 2040.

The way in which waste is dealt with can have a significant impact on greenhouse gas emissions with UK waste and wastewater practices contributing around 4% to the overall carbon emissions (3% of which is due to landfilling). The strategy, therefore, as well as looking at reducing tonnes of waste will also look at reducing the carbon impact of waste management to contribute to Devon and Torbay's aim of net zero carbon by 2050. One of the key achievements in Devon and Torbay in this arena is that no* kerbside collected waste goes to landfill. Landfill traditionally has the greatest negative impact on climate change due to the anaerobic biodegradation of organic waste producing carbon dioxide and methane (a greenhouse gas at least 25 times more potent than carbon dioxide). These gases can be collected for energy production as they are in more modern landfills, but the process is not particularly efficient. The strategy will seek to set a path towards carbon neutrality by 2050.

* except when the Exeter plant is closed for planned or unplanned maintenance.

4.0 Key achievements since 2013

The key achievement that the local authorities have managed in the last 6 years has been the much closer alignment of collection services. The so called “aligned” option evolved from work aimed at forming a formal waste partnership which highlighted the benefits of collecting the same materials at the same frequency across Devon and Torbay both in terms of simplicity for the

householders but also financially. Figure 1 below shows where the authorities were in 2013. In 2016 the councils collaboratively developed a proposal, the “Shared Savings Scheme” (SSS), whereby if a district authority significantly changed their collection service which had a consequential reduction in treatment costs for Devon County Council, the county council would share the savings 50:50. Five of the authorities have signed up to this arrangement. South Hams and Exeter are proposing changes in 2021/22 that will make them eligible for the SSS which will ostensibly bring all districts into line leaving only Mid Devon with a fortnightly collection of recycling. Figure 2 shows where each authority is currently.

Progress toward the ‘Aligned Option’ Version: 2013 (WRMS)



	Food Waste (Weekly)	Garden Waste (£/fortnightly)	Dry Recycling (Weekly)	Residue (fortnightly)
East Devon ✓	✓	(£/O)	✓	✓
Exeter	(X)	✓	(f)	✓
Mid Devon	(m/f)	(m/f)	(f)	✓
North Devon	(m/f)	(m/f)	✓	✓
South Hams	(m/f)	(m/f)	(f)	✓
Teignbridge	(m/f)	(m/f)	(f)	✓
Torridge	(m/f)	(m/f)	✓	(w)
West Devon	✓	(m/f)	✓	✓
Torbay	✓	(X)	✓	✓

YELLOW = aligned option / £ = charged service / m = mixed collection / f = fortnightly / w = wkly / X = N/A / O = Other

Devon Authorities Strategic Waste Committee

Figure 1: Aligned Option position 2013

Progress toward the ‘Aligned Option’ Version: September 2019



	Food Waste (Weekly)	Garden Waste (£/fortnightly)	Dry Recycling (Weekly)	Residue (fortnightly)
East Devon ✓	✓	✓	✓	✓ (3)
Exeter	(X)	✓	(f)	✓
Mid Devon	✓	✓	(f)	✓
North Devon ✓	✓	✓	✓	✓
South Hams	(m/f)	(m/f)	(f)	✓
Teignbridge ✓	✓	✓	✓	✓
Torridge ✓	✓	✓	✓	✓
West Devon ✓	✓	✓	✓	✓
Torbay ✓	✓	(£/O)	✓	✓

YELLOW = aligned option / £ = charged service / m = mixed collection / f = fortnightly / 3 = 3wkly / X = N/A / O = Other

Devon Authorities Strategic Waste Committee

Figure 2: Aligned Option position 2020

Further achievements over this period can be seen at Appendix 3. These achievements have led to:

- Reduced waste for disposal
- Increased recycling rates
- Reduced waste arisings
- Reduced costs of treatment and disposal

The graphs below describe these achievements.

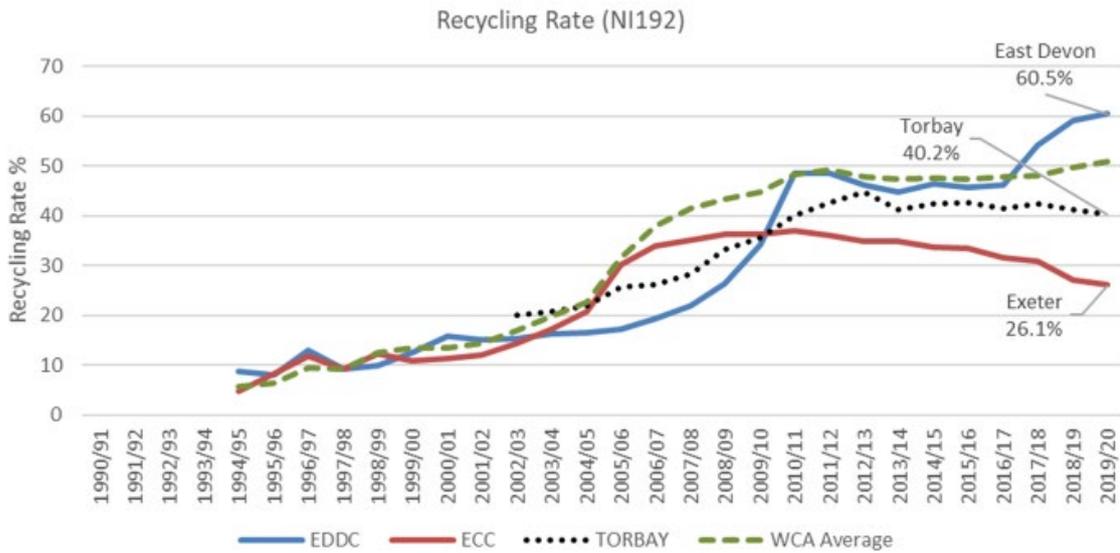


Figure 3: Highest, lowest and average WCA (district) recycling rates for Devon and Torbay 2019/20

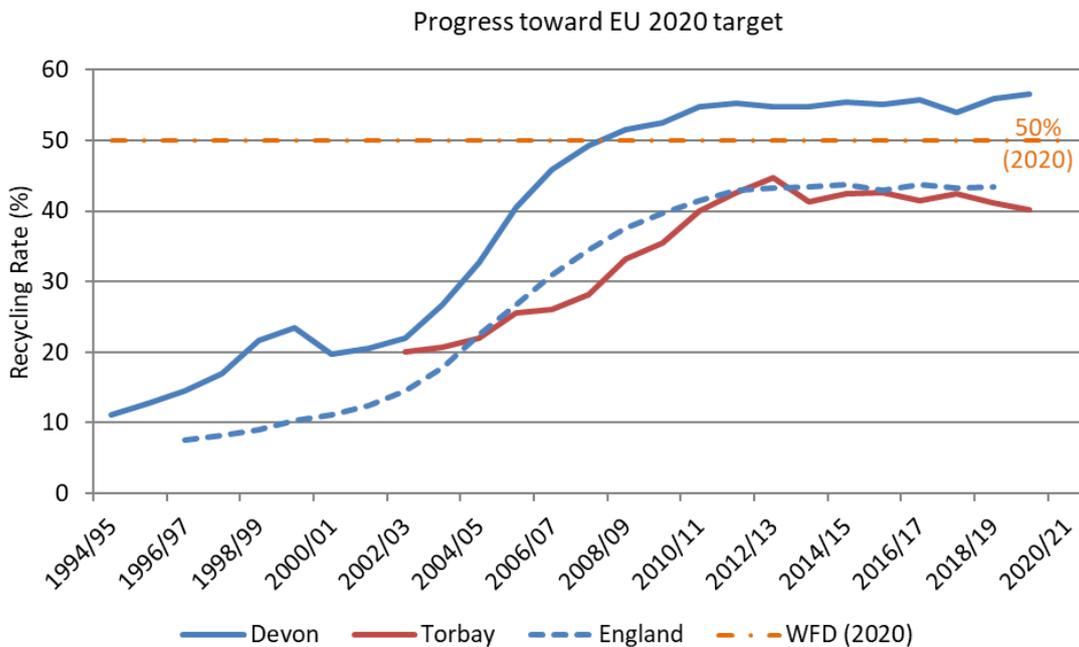


Figure 4: Progress towards EU 2020 recycling target

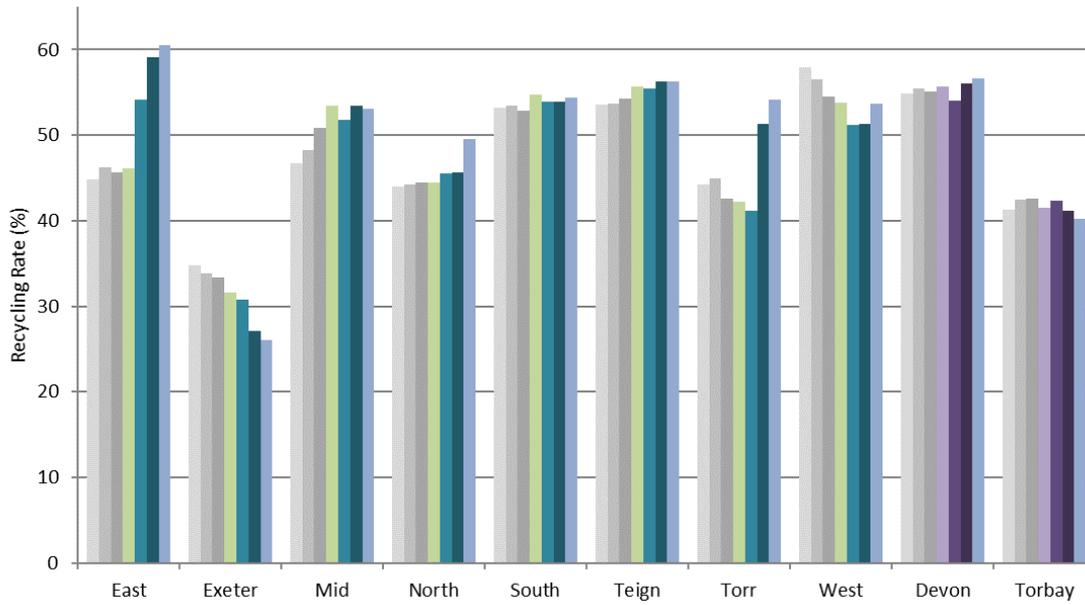


Figure 5: Authority recycling rates from 2013/14 – 2019/20

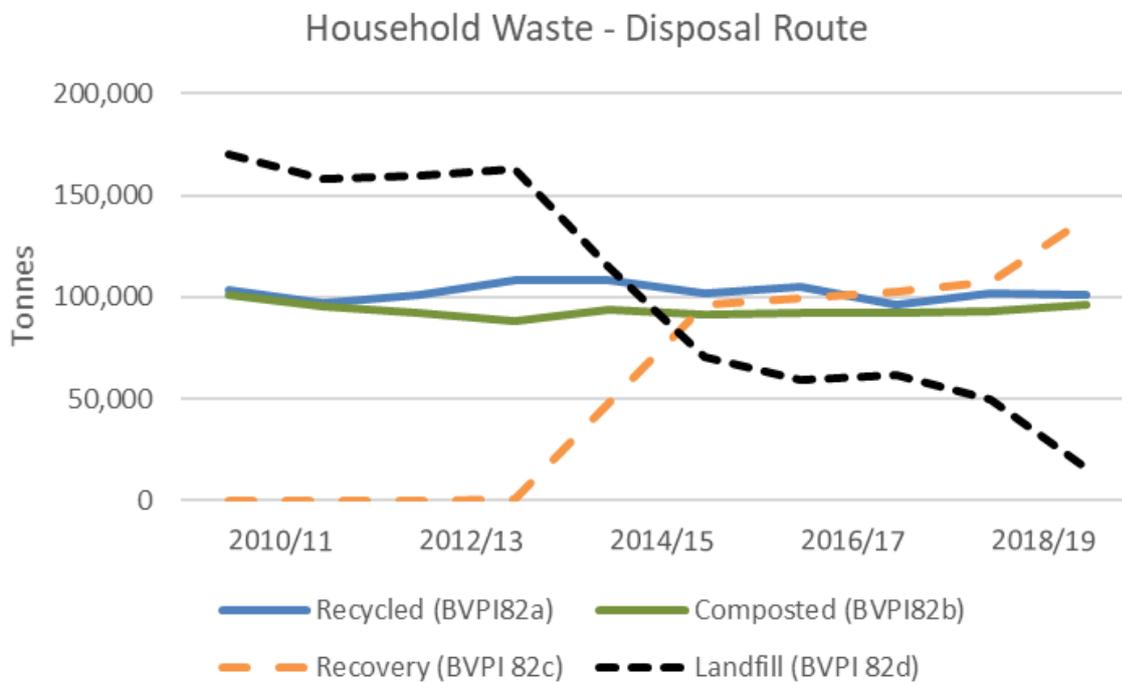


Figure 6a: Changing waste treatment methods in Devon since 2010/11

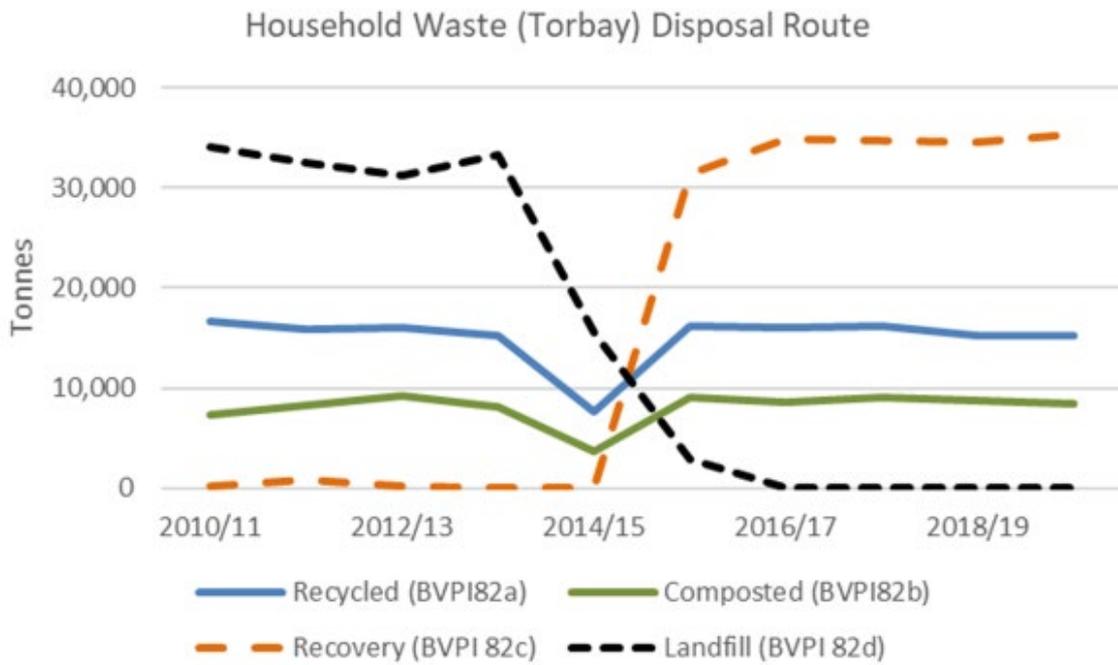


Figure 6b: Changing waste treatment methods in Torbay since 2010/11

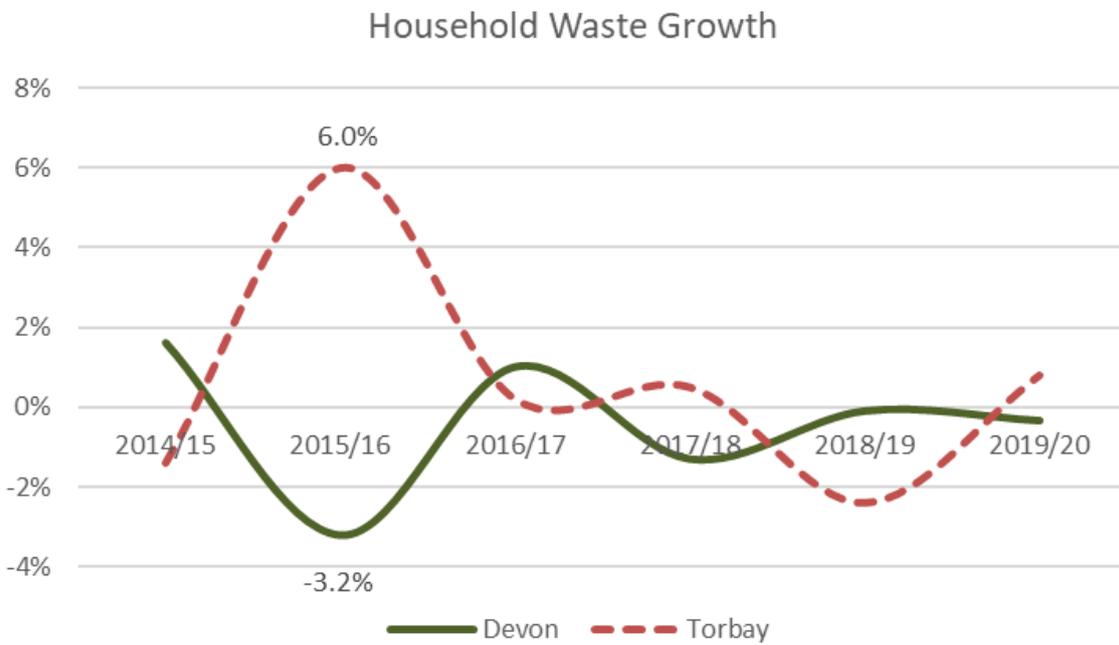


Figure 7: Waste Growth to 2019/20 (Devon and Torbay)

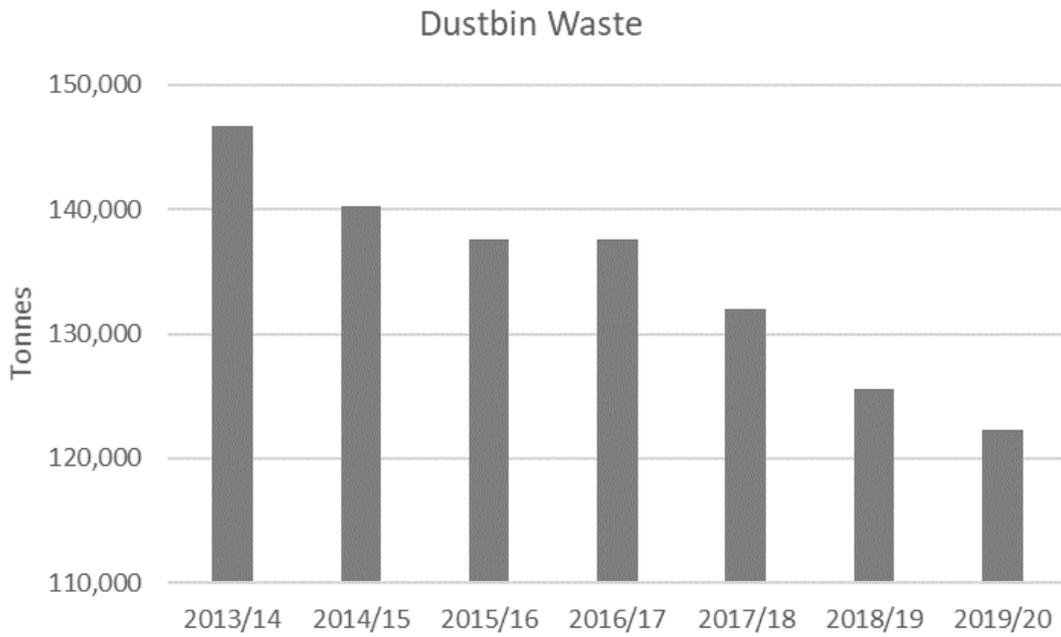


Figure 8a: Devon districts' dustbin waste to 2019/20

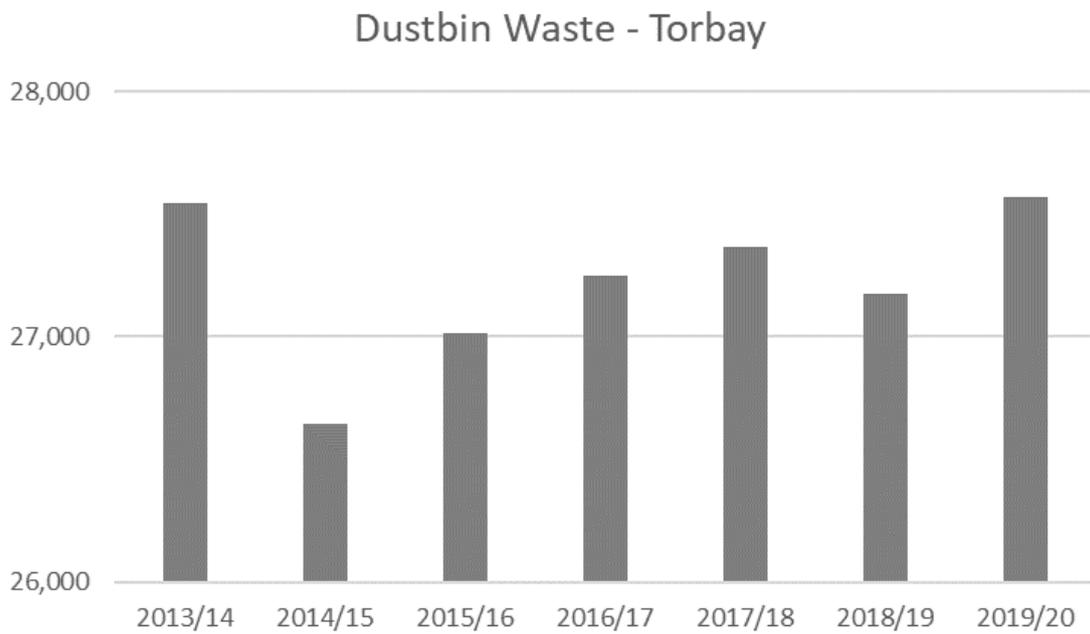


Figure 8b: Torbay dustbin waste to 2019/20

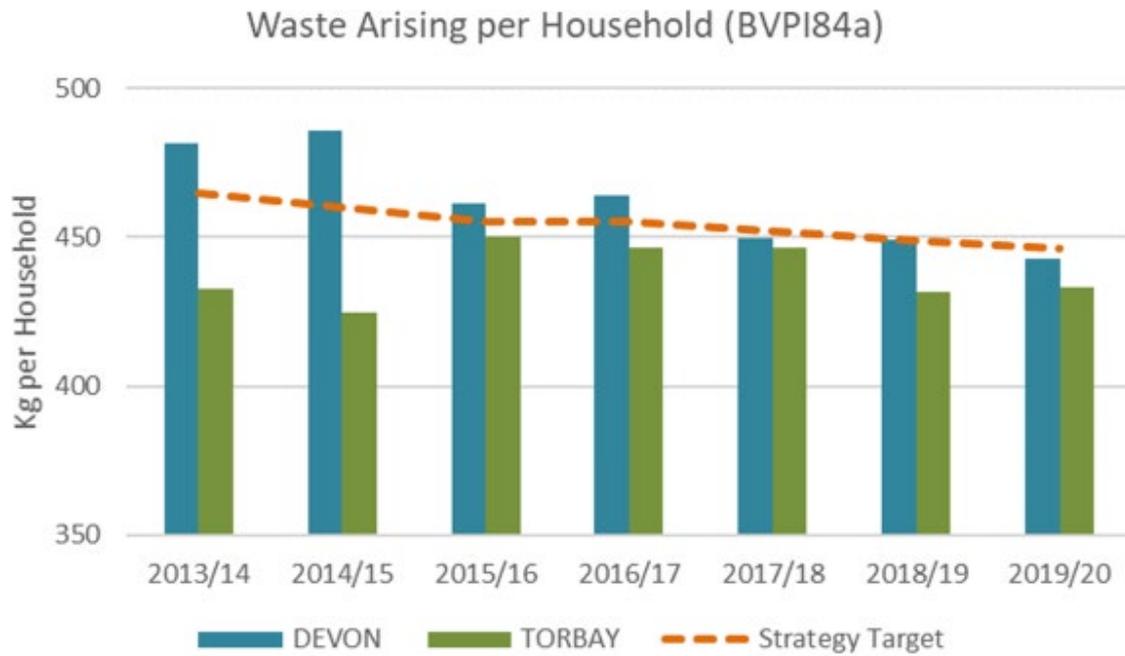


Figure 9: Waste arising per household to 2019/20, Devon and Torbay

The figures below show the percentage of Devon and Torbay's waste treated by different methods in 2019/20

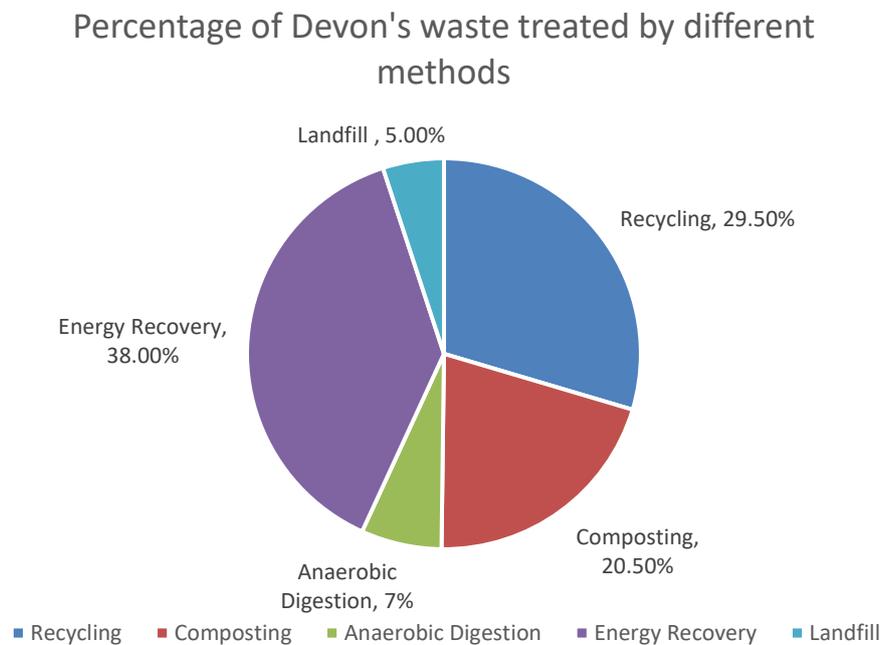


Figure 10a: The percentage of Devon's waste treated by different methods

Percentage of waste treated by different methods (Torbay)

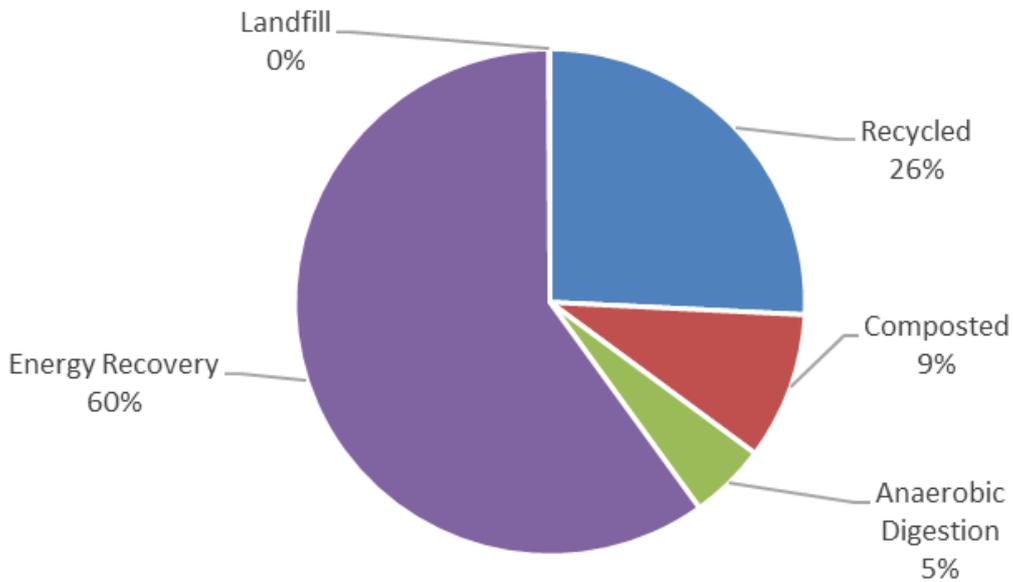


Figure 10b: The percentage of Torbay's waste treated by different methods

5. The way forward (notwithstanding the awaited outcomes of government policies)

To determine the way forward for resource and waste management in Devon and Torbay over the next 10 years there are 5 areas which need to be considered to provide a sustainable plan. These are:

- Climate Change and carbon impact
- The Circular Economy
- The Waste Hierarchy
- Resource Efficiency
- Natural Capital

5.1 Climate Change and carbon impact

The Net-zero technical report by the Committee on Climate Change (CCC) published in May 2019 (<https://www.theccc.org.uk/publication/net-zero-technical-report/>) laid out how the UK might meet zero net greenhouse gas (GHG) emissions through decarbonising the economy by 2050. It sets "core" options which will enable at least 80% reduction in GHG emissions by 2050, then "further ambition" options which will be more challenging and expensive and finally

“speculative” options which are potentially high cost, not technology ready and may be unpopular with the public.

Whilst waste management contributes less than 4% to the UK’s GHG emissions, 3% of which is landfill related, the Committee proposes a number of ways to manage waste to reduce emissions from this source and more generally:

- i) 20% reduction in avoidable food waste by 2025 (from a 2015 baseline) and potentially 50% reduction by 2050. The 2025 target is as per the Courtauld agreement (*A voluntary agreement, supported by the Devon Authorities Strategy Waste Committee, bringing together organisations across the food system to make food & drink production and consumption more sustainable. At its heart is a ten-year commitment to identify priorities, develop solutions and implement changes to cut the carbon, water and waste associated with food & drink by at least one-fifth in the 10 years*). In addition to resulting in less energy use, less food waste would reduce land requirements and therefore free up land for afforestation and energy crops
- ii) Food waste, wood waste, card, textiles and garden waste to be diverted from landfill by 2030
- iii) A recycling rate of 65% by 2035
- iv) More proactive promotion of waste avoidance
- v) Anaerobic Digestion for food waste after prevention and redistribution
- vi) Methane capture/biogas combustion/flaring/natural oxidation at landfill sites
- vii) Raising consumer awareness of the need to reduce food waste and increase recycling.

In Devon, significant inroads have already been made into reducing the GHG emissions from waste management practices. The fact that since February 2019 no kerbside collected residual waste goes to landfill is a major achievement. The residual waste now goes to energy recovery facilities. The Plymouth plant is a combined heat and power plant which gives it a good efficiency rating. The Exeter plant is less efficient, producing electricity but not making use of the heat, although options for this are being investigated.

Environmental consultants, Eunomia Research and Consulting Ltd, have produced a yearly carbon index that shows which authorities are delivering the greatest carbon benefits. Local authorities that collect more of the materials with a higher embodied carbon for recycling will show greater benefits. Account is also taken of the emissions impact of source separated and comingled collections. Devon’s index of 102 is in the top 10% of authorities, with Torbay in the good performers’ category. (See Appendix 4 for more information).

In 2019/2020 Eunomia were commissioned to look at the Devon authorities’ waste management services and analyse their carbon impact in detail and to make recommendations on how to reach carbon neutral by 2050 or sooner as well as meeting recycling targets. Details of their analysis are at Appendix 4. Their recommendations are as follows:

- A primary focus on reducing the amount of plastics in the residual waste

- To capture more carbon intensive materials – i.e. textiles, metals, plastic
- To encourage/enable greater commercial waste recycling
- To explore carbon capture

To reduce the carbon impact but also increase the recycling rate their recommendations are:

- To reduce residual waste arisings
 - By offering less frequent collections (this option depends on evolving government strategy and cost benefit considerations)
 - Smaller residual waste bins
 - No side waste (this option is only possible for those with wheeled bins, not sacks)
- To aim for higher capture rates of key materials
- To expand the range of materials collected (depending on their carbon impact/tonnage contribution)
- To carry out a site by site review of Household Waste Recycling Centres (HWRCs) to include a residual waste analysis, greater focus on textiles and confirm best practices
- To deliver consistent communications including the information on websites

The key to improving the carbon saved is to follow the waste hierarchy; putting waste prevention and reuse first, and when recycling, to improve the capture rates of the higher impact materials such as textiles, metals and plastics; and when recovering energy to minimise the amount of plastic in the residual waste.

Exeter University's Centre for Energy and the Environment was also asked to look at ways that the Energy Recovery Facilities (ERFs) could reduce their carbon impact. The conclusions from this work were:

- To reduce the amount of plastic in the residual waste
- To increase the efficiency of the plants by increasing the use of heat
- To explore carbon capture

All the scenarios above have their limitations, for example, reducing the plastic in the residual waste depends on manufacturers, public participation, pre-treatment technologies and markets; increasing the plant efficiencies depends on suitable off takers, and carbon capture is currently prohibitively expensive but may become less so in the future.

In relation to carbon impact reduction the Authorities will therefore:

- Look at how to reduce the plastics in the residual waste stream
- Consider options for utilising heat from the ERFs which will need to be commercially viable
- Review carbon capture technology as it develops further

5.2 Circular economy

The management of waste has traditionally followed a linear model. However, going forward, the key to how to manage waste is to think of waste as a resource which needs to be kept in use for as long as possible, to value products differently and to create a more robust economy in the process, reducing dependence on the import of raw materials. By assessing how we design, make, sell, re-use and recycle products we can determine how to get the maximum value from them, both in use and at the end of their life.

Under the EU Circular Economy Package (CEP) legislation member states will be expected to reach a recycling rate of 55% by 2025, 60% by 2030 and 65% by 2035. See: https://ec.europa.eu/environment/circular-economy/index_en.htm

The UK government has ratified the new proposals and will work towards the targets set. Beyond the headline recycling targets, the CEP also includes specific targets for packaging and separate requirements for bio-waste and landfill. EU member states will be expected to achieve stated recycling rates by 2030 for all packaging (70 per cent), plastic (55 per cent), wood (30 per cent), ferrous metals (80 per cent), aluminium (60 per cent), glass (75 per cent) and paper and cardboard (85 per cent).

In addition to this, member states will have until 1 January 2025 to set up separate collections of textiles waste and hazardous waste from households (kerbside batteries, WEEE, liquids), while they must ensure that bio-waste is either collected separately or recycled at source through home composting, for example, by 31 December 2023.

With regard to landfill, member states will be expected to ensure that all waste suitable for recycling or recovery shall not be sent to landfill by 2030, except for waste for which landfill is the best environmental outcome. On top of that, member states will have to ensure that by 2035, less than 10 per cent of the total amount of municipal waste generated is sent to landfill.

The CEP states that 'extended producer responsibility schemes form an essential part of efficient waste management', but that these should not impinge on the 'smooth functioning of the internal market'.

It continues: 'The general minimum requirements should reduce costs and boost performance, as well as ensure a level playing field, including for small and medium-sized enterprises and e-commerce enterprises... They should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers, when designing their products, to take better into account recyclability, reusability, reparability and the presence of hazardous substances. Overall, those requirements should improve the governance and transparency of extended producer responsibility schemes.'

Though a lot of emphasis has been put on recycling, the package is cognisant of the need for member states to move up the waste hierarchy and recognises that

'waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste.'

As such, the text of the package encourages reuse and new business models that reduce waste generation, stating: 'Member states should facilitate innovative production, business and consumption models that reduce the presence of hazardous substances in materials and products, that encourage the increase of the lifespan of products and that promote reuse including through the establishment and support of re-use and repair networks, such as those run by social economy enterprises, deposit-refund and return-refill schemes and by incentivising remanufacturing, refurbishment and, where appropriate, repurposing of products as well as sharing platforms.'

A circular economy depends on product design and manufacture being undertaken with longevity as a priority. It is difficult for local authorities to influence this, but the Government is ensuring that this is becoming more mainstream. For example, under the EU Ecodesign Directive the "Right to Repair" legislation, which will be introduced in 2021, household brands will have to make their items longer-lasting and supply spare parts for up to 10 years. It means all televisions, monitors, fridges, freezers, washing machines, washer-dryers, dishwashers and lighting products sold across the EU will have to meet minimum repairability requirements aimed at extending their lifetime. Manufacturers will have to ensure that all appliances can be easily disassembled with commonly available tools. Spare parts and repair information will also have to be made available to professional repairers for a minimum number of years.

Nevertheless, local authorities can try to ensure items are reused and recycled both operationally and when trying to influence householders' behaviour and these will be a priority for the Devon authorities.

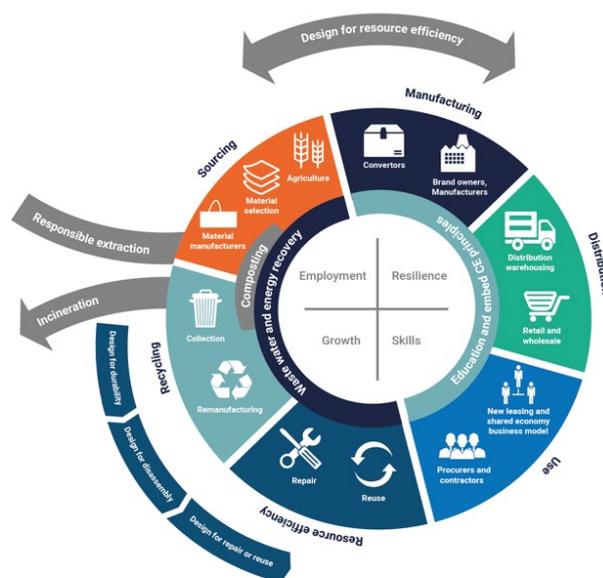


Figure 11: The Circular Economy

5.3 Waste hierarchy

In parallel with the Circular Economy is the waste hierarchy which identifies generically the best options in priority order for dealing with waste. The Devon and Torbay Local Authorities will continue to apply the waste hierarchy to the management of waste within their control going forward.



Figure 12 – The Waste Hierarchy

Defra has acknowledged the value of materials through the supply chain and the benefits from resource efficiency and a circular economy which aims to maximise use of resources through re-use, repair, remanufacture, refurbishment and re-selling of goods. There are benefits for producers through becoming more efficient and paying less for resources; the environment through reduced landfill and carbon emissions further up the supply chain; taxpayers and local authorities (LAs) through lower costs of waste collection and disposal; and society in general through protection of natural resources.

Opportunities for waste prevention occur throughout a product life-cycle. Actions include minimising waste through process design, improved product design to expand lifespans, and the encouragement of resource efficiency through e.g. producer responsibility.

After waste prevention and reuse come recycling and composting – as above, the EU Circular Economy package sets a 65% recycling rate target for 2035. Composting releases CO₂ into the atmosphere but when compost is spread to land it offsets the emissions that would have been produced had fertilizer been used. Anaerobic digestion of food waste, as a method of dealing with food waste if it has not been eaten by humans or livestock, has the least negative impact on CO₂.

5.4 Resource efficiency

Resource efficiency means using the Earth's limited resources in a sustainable manner while minimising impacts on the environment. It allows us to create more with less and to deliver greater value with less input. The aim is to use fewer resources when we produce and consume goods and create business and job opportunities from activities such as recycling, better product design, materials substitution and eco-engineering. Local authorities will influence this through practising sustainable procurement, and offering fresh incentives to assist consumers towards more resource-efficient products i.e. by promoting sustainable consumption.

5.5 Natural Capital

Natural capital refers to the environmental assets which all businesses and organisations require to operate successfully, e.g. water, soils, minerals, woodland and wildlife provide essential benefits and services such as energy, flood and climate control, health, and wellbeing, food, timber and pollination.

Devon and Torbay are blessed with an incredibly valuable natural capital on which business, tourism, agriculture and civil society depend. It is therefore important that steps are taken to ensure that waste management has minimal negative impact and even a positive impact on the environment in this context. A good example of this is food waste (notwithstanding that is a problem in itself) being anaerobically digested at Langage Farm in South Hams, with the resulting fertiliser used on the land to grow the pastureland which feeds the cows, which produce the milk for the ice cream, with slurry and any food waste going back into the system, enhancing the natural capital of the soil.

The Local Authorities will aim to preserve natural capital by practicing sustainable waste management. In particular, minimising food waste would potentially have the most significant positive impact on natural capital, this is addressed at 7.2.1.

6.0 Waste Analysis

In order to help with informing priorities for communications and operational service changes, a waste analysis of 1800 residual household bins across Devon and Torbay was carried out in October 2017. Figure 13 shows the percentages of each of the materials remaining in the residual waste. See Appendix 5 for detailed analysis of each district and Torbay. It will be important to target the reduction, reuse and recycling of materials which both reduce carbon impact and improve recycling which will have dual benefits of saving waste from being incinerated and reducing costs.

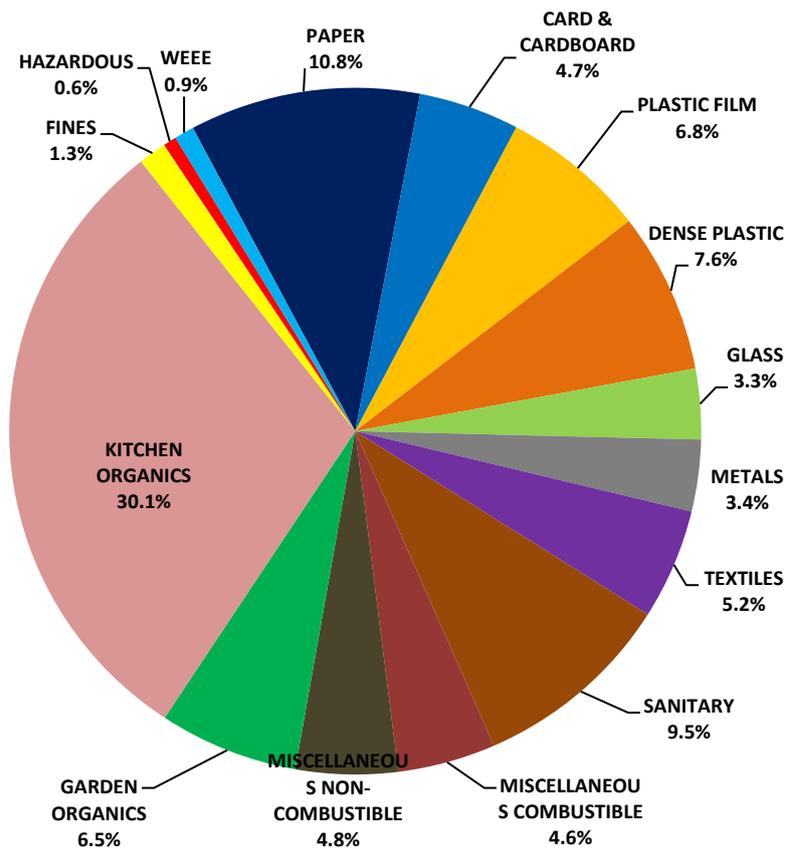


Figure 13: Average content of residual bins October 2017 (Devon)

Figure 14 below shows how much waste is already recyclable under 2017 service provision and Figure 15 shows how much is recyclable if all authorities adopted the aligned option.

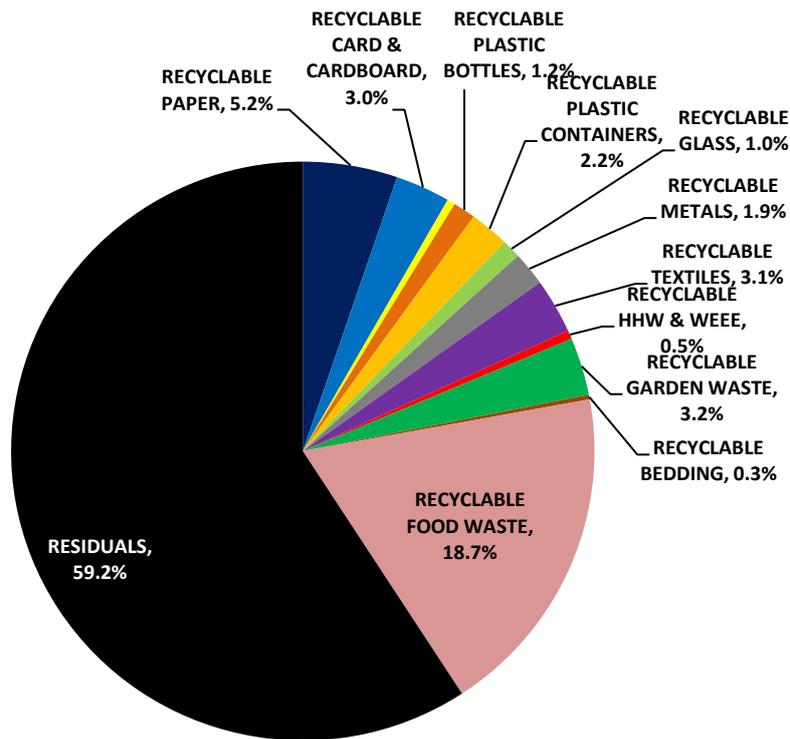


Figure 14: Percentage of residual bin contents that are potentially recyclable with current collection services (Devon)

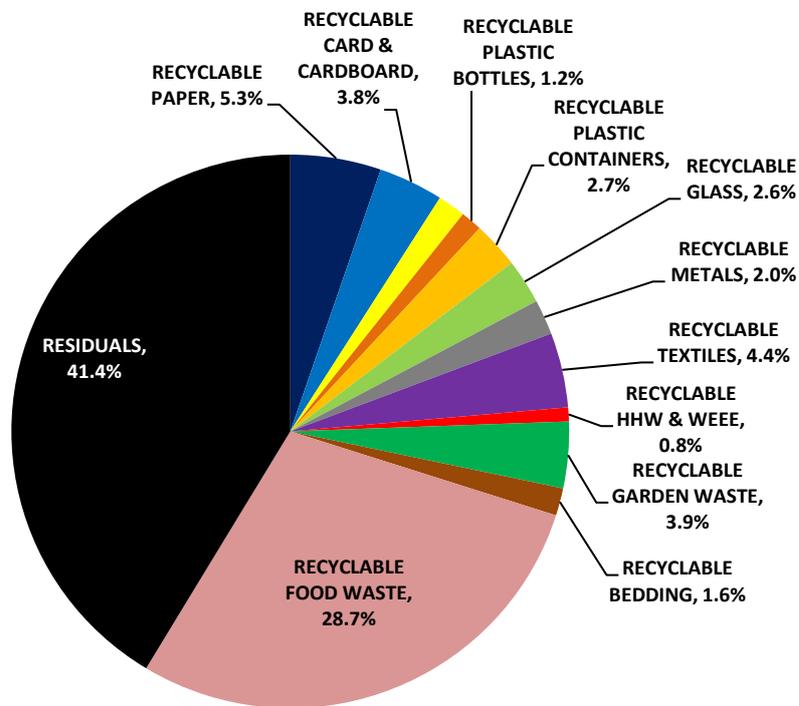


Figure 15: Percentage of residual bin contents that are potentially recyclable if all districts adopted a full range of recycling (Devon)

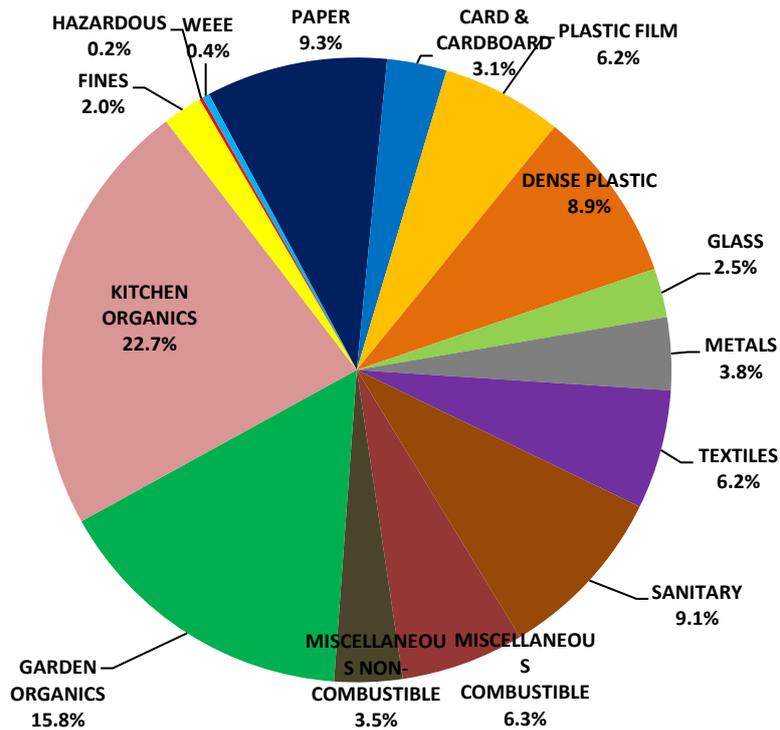


Figure 16: Average content of residual bins October 2017 (Torbay)

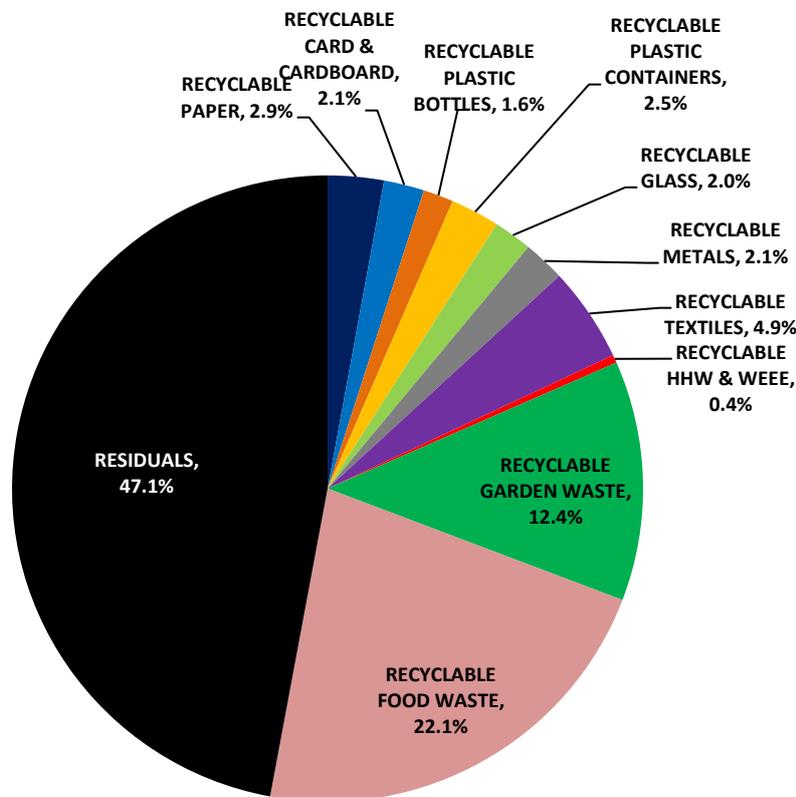


Figure 17: Percentage of residual bin contents that are potentially recyclable with current collection services (Torbay)

The above charts show:

For Devon:

Using the 2018/19 tonnage of waste in the dustbins – 125,600 tonnes, that;

- a) 40.8% more could be recycled with current collection services (51,245 tonnes)
- b) 58.6% more could be recycled with a district wide aligned option (73,600 tonnes)

The net costs of this missed recycling are approximately £3 million and £4.4 million respectively, plus the loss of income of £1 – 1.5 million. If all residents put the right waste in the right bin in the above scenarios, the recycling rates would increase to 70.4% and 76.7% respectively. Encouraging waste prevention, reuse and recycling will help to get closer to these figures, and this is where behavioural change campaigns will need to focus.

For Torbay:

Using the 2018/19 tonnage of waste in the dustbins – 27,173 tonnes, that 52.9 % more could be recycled with current collection services (14,375 tonnes)

The net costs of this missed recycling are approximately £840,000, plus the loss of income of £280,500. If all residents put the right waste in the right bin in the above scenario, the recycling rate would increase to 66%.

7.0 Waste prevention

7.1 General

Waste prevention is at the top of the waste hierarchy and is therefore the priority for this strategy. Preventing waste reduces consumption, carbon impact, overall environmental impact and costs. There are two main methods of achieving this, either by operational methods, such as reducing residual bin collection frequencies or by using behavioural change techniques or, most effectively, a combination of both.

The Authorities are currently contributing the Government's review of its own Waste Prevention Plan - <https://www.gov.uk/government/publications/waste-prevention-programme-for-england>.

The current Waste Prevention and Reuse Strategy for Devon and Torbay 2017-2022 will be updated to complement this document (<https://devoncc.sharepoint.com/sites/PublicDocs/Environment/Recycling/Forms/undefined>).

Behavioural change is achieved through a number of initiatives in Devon and Torbay, listed below.

- Implementing the yearly Waste Prevention and Reuse Strategy Action Plan
- Don't let Devon go to waste – campaigns and ongoing advice via the Recycle Devon brand
- Waste and Recycling Advisors contract providing a team of door-steppers
- Schools waste education
- Working with Communities – Community Action Groups (CAG) Devon
- Devon Reuse Project – see page 40

7.1.1 Don't let Devon go to waste

The Waste Prevention and Reuse Strategy provides the overarching plan for the local authorities in relation to the top end of the waste hierarchy. It identifies how the local authorities will achieve behavioural change in the population, both operationally and via communications implemented under the broad banner of Don't let Devon go to waste and more specifically the established brand of Recycle Devon.



There is a separate waste communications strategy which sets out the approach, methodology and rationale being used to engage and communicate with residents. The waste communications strategy is being reviewed to underpin and support the Resource and Waste Management Strategy for Devon 2020 – 2030 and achieve the objectives of the Waste Prevention and Reuse Strategy. It covers all forms of targeted marketing and communications, including public relations, publications, campaigns and one-to-one engagement (See Appendix 7 for key areas of focus).

An annual action plan is created which details current and future planned communications to evoke and inspire behavioural change for waste prevention, reuse, composting and to increase recycling rates. This details various campaigns and initiatives with subject matter and target audiences agreed between authorities e.g. helping 18-24 year olds take action on plastic packaging. To assist with this the demographics of the local population is taken into consideration and Waste Resources Action Plan (WRAP) guidance used to determine how to communicate the message to the particular audience. The waste analysis data and carbon impact work help identify which materials to focus on.

Recycle Devon achievements 2019 – 2020

The campaign work is achieved through multi media PR campaigns, working with specialist companies. Much of the communication is carried out via social media, and the www.recycledevon.org website. Results for 2019/20 are shown below:

- 12.4% increase in visitors to Recycledevon.org (120,000 for the year)

- 8.9% increase in Facebook likes (12,800 for the year)
- 8.5% increase in Twitter followers (2,600 for the year)
- 17,722 Mailing Preference Service registrations to date to prevent junk mail
- 12 events across the county
- 3,700 pledges to Reduce, Reuse or Recycle
- 1,300 face to face interviews held to gain feedback and understanding from residents

2030 Vision for Waste Communications

Recycle Devon's vision is to become the most trusted source of information and inspiration on waste prevention, reuse, composting and recycling in Devon and beyond.

This will be achieved by the following:

- Nurture a culture of like-minded people, organisations and businesses who are proud to consider waste as a resource.
- Ensure that current and future Recycle Devon communications are accessible by all beyond that of legislative requirements.
- Adapt and accomplish communication needs for unforeseen circumstances such as Covid-19 and cultural changes.
- Eliminate confusion of choosing sustainable products and what can and cannot be recycled in each area.
- Increase one-to-one engagement by continuing the Waste & Recycling Advisor work, holding events and facilitating visits to waste sites
- Raise awareness of and engagement with Recycle Devon digital channels:
 - Increase visitors to Recycledevon.org to 200,000
 - Increase Facebook followers to 20,000
 - Increase Twitter followers 5,000
- Increase recognition of the Recycle Devon brand to 70%
- Expand the Recycle Devon brand to include Reduce, Reuse, Re-purpose and Donate.

It is proposed that the Devon Authorities will to continue to support the Don't let Devon go to waste/Recycle Devon campaign and wider communications work.



7.1.2 Waste and Recycling Advisors contract

The Devon Authorities Strategic Waste Committee have funded the Waste and Recycling Advisors contract since 2017.

The project objectives are to:

- Increase awareness around contamination
- Increased levels of home composting and reduction of food waste
- Increased capture of recyclable and compostable materials (Inc. food waste)
- Increase recycling in poor performing areas
- Decrease residual waste from households

A team of three experienced advisors work in three local authority areas each mainly making face-to-face calls to residents to assist them with waste prevention, recycling and composting activities. .

A plan of work is developed and approved each year taking into account specific local authority needs. This work has proved extremely valuable in raising residents' understanding of their recycling collections as well as improving the authorities' understanding of their residents' needs.

The infographic shows the key achievements for 2019/20. Working in partnership for this kind of work achieves economies of scale and sharing of expertise across all authorities.

It is proposed that this work should be continued, funded by the Devon Authorities Strategic Waste Committee where budgets allow.

7.1.3 Devon and Torbay Schools waste education

Educating children remains an essential part of Devon and Torbay's long-term Resource and Waste Management Strategy. The local authorities recognise that habits and attitudes towards waste are learnt at an early age and in the home. Working with schools not only educates the children but, through school community events, 'take-home' activities and "pester power", we can engage with the wider family.

The current Resource and Waste Education Strategy for Devon Schools was published in 2017 and runs to 2022 and will be reviewed in 2021/22. The strategy seeks to provide valuable support to schools and families to help equip our children for a more sustainable future. See <https://zone.recycledevon.org/our-strategy/>

A significant proportion of the Waste Education Strategy and Action Plan is delivered via a contracted Waste Education Team providing curriculum linked workshops and assemblies in school. There has been significant growth in demand over the past 3 years, particularly with the significant impact of "The Attenborough effect" and a growing awareness of issues such as plastics and Climate Change.

In a typical academic year up to 1,500 adults and more than 12,000 children are engaged in workshops, assemblies, audits, trips and training. In addition to the programme offered in school, the Waste Education Team also provide the following:

“The Zone” Website - <https://zone.recycledevon.org/> provides teachers, parents and youth groups with a wide range of online resources to help teach children how to Reduce, Reuse, Recycle and Compost more of their waste every day.

Visits to Waste Management Facilities – School visits are offered to the Energy Recovery Facilities at Exeter and Plymouth and the Exeter Recycling Centre. These have proven very popular with schools with between 20 - 25 visits been run each year.

The Sustainability Bulletin - A half termly schools sustainability bulletin is published providing information and opportunities relating to school gardening, composting, funding, and a wide range of environmental topics including waste and resources.



Looking forward

It is recognised that under increasing budget constraints, supporting schools to meet the requirements of the National Curriculum is key to encouraging them to integrate the topic of sustainable waste and resource management into their school curriculum. Workshops and resources must be of a high quality and provide schools and their pupils with a wide range of environmental education that goes beyond the traditional ‘3Rs’. A growing number of schools and parents recognise the need to equip their children with the skills and resources to adapt to an uncertain future dealing with the many and varied impacts of Climate Change. Learning to manage our limited resources and minimising waste has a clear role to play in our children’s futures. Of increased importance is learning outdoors and it is vitally important that children connect with the natural world in order to value it and develop the innate need to protect it.

The local authorities will:

- Implement and review the Resource and Waste Strategy and Action Plan for Devon schools
- Support the work of the Devon Climate Emergency Project, helping to create a resilient, net-zero carbon Devon
- Work with partners such as Eco-Schools, the Growing Devon Schools Partnership (GDSP), the Sustainable and Outdoor Learning in Devon group (SOLID) and the Local Nature Partnership (LNP) to ensure we offer a joined up approach to environmental education in Devon.
- Continue to provide curriculum linked workshops and assemblies in school to support pupils and teachers understanding of sustainable resources and waste management.
- Seek funding to increase the number of waste educators available to go into schools, providing workshops and practical support in more schools.
- Provide a wide range of resources through the “The Zone” Website
- Offer visits to Waste Management Facilities
- Update schools via the sustainability bulletin and social media
- Provide training and networking opportunities for teaching staff
- Develop work with youth groups - The Recycle Devon Scouts badge was launched in 2019 and this will be followed in 2020/21 with the launch of a Girl Guiding Recycle Devon badge. Work with the Devon Youth Parliament is also underway and will be developed further in the coming years.
- Work with local universities to measure longer term impact of the education and community engagement work
- Support schools in developing closer links with home & the wider community e.g. by supporting community events
- Work with school Senior Management Teams, staff and their contractors to reduce waste generated in the schools and to encourage reuse and recycling facilities in schools.
- The Waste Collection Authorities in Devon will provide a recycling collections service to schools in Devon and Torbay

7.1.4 Community Engagement

Devon and Torbay have a diverse and vibrant grassroots community sector and the local authorities have a long history of working in partnership and supporting community based projects

In 2016 the Community Action Groups Devon (CAG Devon) Project was established with an aim to provide a more direct form of community engagement within targeted communities and identify new and innovative ways of working to reduce waste, increase reuse, recycling and composting and, in the longer term, reduce demand for waste management services.

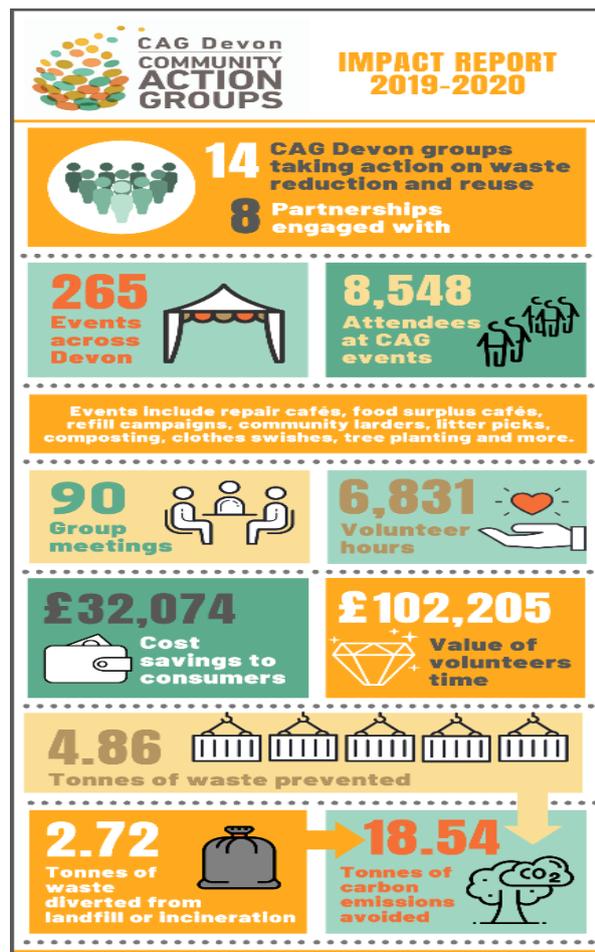


The CAG Devon Project initially only worked in Tiverton and the surrounding area to provide support to community groups, schools and individuals to organise community projects and events. The CAG Devon project enabled groups to achieve more by providing them support with fundraising, insurance, media & publicity, training & skill sharing, seed funding for new groups, monitoring tools, networking, case studies and inspiration. Due to the geographical focus of the early stages of the project, CAG Devon worked extensively with Sustainable Villages (a Transition Town Project) to expand their work into the main town of Tiverton and support new projects such as the ReRooted Food Surplus Café. With the ongoing support of the CAG Devon project, the group has developed a significant number of sub groups and broadened the number of activities that it takes action on including; give or take events, repair cafés, sewing sessions, the Refill Devon initiative, composting workshops, clothes swaps, a regular food surplus café and a community fridge. CAG Devon project has now expanded to cover all of Mid Devon and Teignbridge and is providing support to 14 groups and 7 sub groups.

Monitoring and evaluation

One of the biggest challenges that we face in working with community groups is gathering data and measuring their impact. Many groups are very keen to take action on a local level but are less interested in recording and reporting. For this reason, a key part of the CAG Devon Project is to encourage groups to monitor and measure the impact of their work. An online tool (Resource CIT) helps groups:

- Calculate and visualise the environmental and economic impacts of projects
- Indicate social value of activities through measuring volunteer time and consumer cost savings
- Provide monitoring data and 'return on investment' calculations for reports and funding applications



- Help establish a regular and consistent monitoring and evaluation process for funded projects and activities

The information gathered via Resource CIT for the Devon project has been used to create an Infographic above showing that the project is making good progress working with the local communities of Mid Devon and Teignbridge. The benefits of the CAG Devon project go beyond a reduction in waste and can support communities to become more resilient and self sufficient .

To develop community engagement across Devon and Torbay the local authorities will endeavour to:

- **Expand across Devon:** The CAG Devon project is actively looking for funding to expand to the rest of Devon to support further actions by existing groups and help stimulate new groups to form.
- **Develop a strong and resilient network:** Individuals and groups benefit greatly from feeling part of and support by a network of like-minded people. The CAG Devon Project is developing 'Collaborate Groups' enabling groups to learn more from each other and form stronger community connections across Devon.
- **Measure impact and help to address wider community issues:** It is clear that group activities often identify and address community issues and priorities such as improving community cohesion, resilience, poverty, access to food and improving wellbeing and mental health. The CAG Devon Project will work with groups and partners to find ways to capture the wider benefits of the project.
- **Address the Climate Emergency:** Many of the CAG groups take action on a wide range of environmental issues and are not limited to the issues of waste and resources. They are keen to address Climate Change and find ways to help their communities adapt to an uncertain future. The Waste & Resources team will work with the Climate Emergency Team and Communities Team to ensure a joined up approach and make best use of available resources.

7.2. Specific materials

The focus will be on food waste, plastics, textiles, paper/card and metals due both to their carbon impact and their volume/weight in the residual bin.

7.2.1 Food waste

The Government stated in their 2018 25 year Environment Plan, their aim to “cut by one fifth the greenhouse gas intensity of food and drink consumed in the UK, and also per capita UK food waste by 2025.” This is in line with the EU Circular Economy package goals to be “recycling 65% of municipal waste by 2035” and the UN Sustainable Development Goal 12.3, which sets countries the goal to, “By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses”.

The Government Resource and Waste Strategy published in Dec 2018 had a considerable focus on food waste. Its aims after food waste prevention include

more effective food redistribution before it can go to waste and the appointment of a National Food Waste champion, who is in post.

The Devon waste analysis shows that the material of which there is most in the residual bins is food waste (30.1%). In Torbay this figure is 22.1%. For Devon there are 21,500 tonnes collected for anaerobic digestion (AD) and 38,000 tonnes remaining in the residual waste and for Torbay 2943 tonnes collected for AD and 6005 tonnes remaining in the residual. Given the impact that wasting food has in terms of carbon impact (including energy use and transport), land use, household budgeting and local authority costs, the local authorities will continue to target this area. The food and drink hierarchy below indicates that food waste should be prevented but after that eaten by humans or animals.

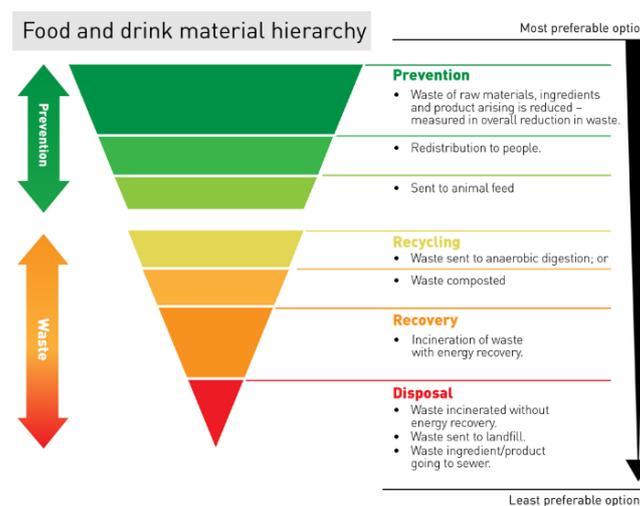


Figure 18: Food and drink hierarchy

The amounts of food wasted down the supply chain are shown in the diagram below.

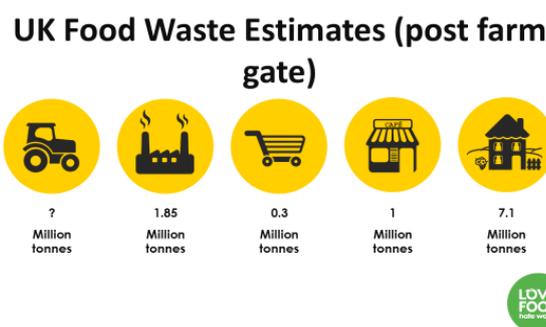


Figure 19: UK Food waste estimates

DCC has been a partner in a European project called Ecowaste4food (2017-2020) (<https://www.interregeurope.eu/ecowaste4food/>) which sought to discover innovative ways of reducing food waste in the supply chain. This has enabled research into a range of innovations both in Devon, the UK and abroad. As a consequence, a number of initiatives were proposed:

- Cooking classes across the county to help people develop cooking skills to enable them to cook food from scratch and also reduce food waste as they cook at home. These took place in Winter of 2019/20
- A proposal to provide 15 Community Fridge/Larders is the subject of a National Lottery (Community Fridges are food storage areas located in a public space. It enables food to be shared within a community, anyone can put food in, and anyone can take food out. The main aim of Community Fridges is to reduce food waste. They can also enable people facing hardship to potentially have access to fresh, nutritious food, but are open to all).
- Promotion of the Olio app (an app which allows people to pick up excess food from restaurants, shops or neighbours)
- Participation in gleaning events (collecting/picking excess produce at farms for onward distribution)

Over the period of the Strategy Devon local authorities will:

- Assist householders to reduce their food waste by 20% by 2025 from a 2015 baseline by;
 - Providing regular and consistent information to householders on how to reduce their food waste
 - Implementing campaigns via Don't let Devon go to waste
 - Working with Community Action Groups
 - Implementing the Community Fridge Project if the funding bid is successful
- Continue to participate in the Courtauld 2025 project (a WRAP/Defra led voluntary agreement for companies and others to reduce food waste in the supply chain) <https://www.wrap.org.uk/content/what-is-courtauld>

7.2.2 Plastics

The public interest in reducing the use of (single use) plastic has exploded in recent years. The local authorities have always encouraged householders to reduce their plastic use e.g. use a reusable bag instead of a single use plastic bag and will continue to do so.

Plastic is a very useful material but making single use plastic items can be a waste of valuable resources, and some plastic, often light and voluminous can end up as litter, polluting our streets, waterways and oceans. In fact 80% of marine litter originates on the land.

The Devon waste analysis shows there are 18,000 tonnes of plastic waste in the residual bins, and 8,400 tonnes were collected for recycling in 2018/19. For Torbay there are 4103 tonnes in the residual bins and 1109 tonnes collected for recycling.

From 2021 all the local authorities will collect plastic bottles, pots, tubs and trays. Plastic film is difficult to process due to contamination issues (with food for example) and lack of suitable markets. The local authorities will keep up to date

with research and technological developments in relation to plastic film and consider their future options if the situation changes.

In order to support the reduction of single use plastic the local authorities will:

- Promote Refill Devon <https://www.recycledevon.org/RefillDevon>
- Promote alternatives to single use plastic where appropriate
- Work with partners e.g. Environment Agency, North Devon Plastic Free, in plastic partnerships
- Implement internal plastic strategies

The Government is proposing to introduce a plastic tax of £200/tonne on plastic packaging manufactured or imported into the UK which contains <30% recycled plastic. This should encourage packaging companies to both reduce their use of plastic and increase their use of recycled plastic, as well as generating UK markets. They are also to increase the plastic bag charge from 5p to 10p and extend the obligation to small retailers.

7.2.3 Textiles

Textiles have a very high carbon impact in their manufacture and as such it is important that their use is reduced, and they are reused and recycled. In Devon, in 2018/19, 2100 tonnes were collected for reuse (and recycling) and around 6500 tonnes remained in the residual bins. For Torbay there are 240 tonnes collected for reuse and recycling and 1685 tonnes in the residual. The fashion industry puts an unstoppable pressure on the public for seasonal buying and cheap “fast” fashion resulting in a continual stream of clothes, often poor quality ones, being thrown away. It is estimated that 30kg/household are thrown away each year of which 15% are recycled or donated.

There are a variety of means by which textiles can be reused and recycled which may add to the confusion as to which method is best. See Table 1 below.

Method	% of donations
Charity	48%
Banks	37%
Door to door	9%
Others	4%
Instore	1%
Kerbside	1%

Table 1 – Percentage of textiles donated in different ways

The end destinations for textiles are approximately; 60% exported (to Ghana, Poland, Pakistan, Ukraine); 31% to charity shops for reuse and 5% waste. The market for textiles fluctuates widely depending on world import policies. This can make contracts difficult and they need to remain flexible.

A hierarchy of options needs to be highlighted to residents to assist them to make the right choice for their clothing.

The local authorities who see the end result will aim to influence consumerism by:

- Implementing awareness campaigns to reduce the consumption of clothes
- Promoting the love your clothes advice on Recycle Devon
<https://www.recycledevon.org/love-your-clothes>
- Supporting/promoting swishing clothes swap events
- Develop a hierarchy of options to help householders choose the best option for their clothing

7.2.4 Paper and card

Paper and card have been recycled by householders for more than 20 years and yet the waste analysis shows that there is still a very large quantity of paper and card in the residual waste (15.5% for Devon and 12.4% for Torbay). This indicates that there is still a significant amount of paper and card in use and confusion over what can be recycled.

The local authorities will

- Continue to promote the Mailing Preference Service to reduce junk mail.
- Advise on alternatives to wrapping paper
- Promote and use electronic alternatives to printed matter

7.2.5 Metal and Waste Electrical and Electronic Equipment (WEEE)

As much as 42% of the metal produced by Devon's householders at the kerbside is recycled with the remaining 4000 tonnes found in the residual waste. For Torbay the figures are 30% and 1032 tonnes. Although the metal in the residual waste is retrieved in the ERF plants for recycling it is an inefficient use of the processing capacity. The carbon impact of producing and using metals is second only to textiles and recycling metal is very efficient in offsetting carbon.

There is a significant amount of metal in electrical waste is one of the fastest growing waste streams in the world . Research has identified that:

- A total of 1.65 million tonnes of electricals are sold in the UK every year
- Of that 206,000 tonnes are new electricals, not replacing old items
- We are producing 1.45 million tonnes of electrical waste every year in the UK alone
- At least 500,000 tonnes of waste electricals were lost through being thrown away, hoarded, stolen, or illegally exported

It is also estimated that UK householders are hoarding 527 million small electrical items, the equivalent of nearly 20 items per household. The research also found that 2.8 million tonnes of CO₂ emission could be saved, equivalent to taking 1.3 million cars off the road if all our old small electricals that are being thrown away

or hoarded were recycled.

Companies are progressing repair options, e.g. Apple are offering an out of warranty repair programme for iPhones which might encourage consumers not to buy new.

It is therefore important that the authorities encourage householders to reduce their demand for metal and electronic items by only buying what they need, buying durable items and having items repaired where possible.

Batteries are associated with many electrical items and they have a significant impact on the environment so the local authorities will encourage recharging options and safe disposal.

7.3 Waste Prevention Summary

To ensure an incremental decrease in waste arisings, the local authorities will continue to:

- Implement the Waste Prevention and Reuse Strategy and regularly update the Action Plan
- Aim to maintain waste growth per household at zero or below.
- Work together with the community sector, householders, business and industry to strive towards producing the minimum amount of waste with a regular review of the reduction in waste growth target.
- Work together to initiate, promote and support high profile waste minimisation behavioural change and education campaigns and work in partnership with other organisations, agencies, businesses and the community sector to achieve a lasting reduction in household waste.
- Implement the Resource and Waste Education Strategy for Devon schools
- Work with CAG Devon to encourage communities to reduce, reuse, recycle
- Ensure the Waste Collection Services, Household Waste Recycling Centres Strategy and Organic Waste Strategy complement the Waste Prevention and Reuse Strategy
- Work with partners to encourage, promote and support the re-use of goods, items and materials.

The Don't let Devon go to waste campaign work will remain flexible to customer demands but will aim to focus on:

- Providing advice and information on waste prevention
- Advising on ways to reduce food waste
- Reducing consumer demand for textiles
- Discouraging the use of single use plastic
- Offering advice on how to sign up to the Mailing Preference Service
- Encourage residents to reduce their demand for metal and electronic products
- Promoting home composting
- Encouraging reuse

In addition, the Devon Authorities intend to continue to encourage householders to reduce their waste by:

- Offering a fortnightly or less frequent collection of residual waste across the county (Government policy allowing)
- Offering smaller/optimum sized bins for residual waste
- Not allowing side waste (extra waste next to standard bin) for those with wheeled bins
- Charging for garden waste (Government policy allowing)

Behavioural change and waste prevention in particular is difficult to measure. However, the infographics above show that there are non traditional methods of measurement such as volunteer hours and website/social media statistics that could be used to indicate progress. Nevertheless, the former BVPI84a (kg of waste collected per person) is a useful measure and this will continue to be used as a target. The waste arising targets will be as follows:

	BVPI84a (kg of waste collected per head) Devon	BVPI84a (kg of waste collected per head) Torbay	BVPI84a (kg of waste collected per head) Devon and Torbay
	Actual	Actual	Target
2013/14	481.5	432.7	465
2014/15	485.9	424.7	460
2015/16	461.4	450	455
2016/17	464	446.3	455 adjusted in WP&RS 2017
2017/18	449.7	446.5	452
2018/19	448.9	431.4	449
2019/20	442.9	433.4	446
↓			...
2029/30			416

Table 2 – Waste arising/collected per head in Devon – actual and targets

The average district BVPI84a is 349kg/head excluding Exeter and varying from East Devon's 307kg/head to North Devon's 389kg/head. South Hams, North Devon, Teignbridge and Torridge are all above the average. The local authorities will continue to compare and contrast their services with best practice examples from within the county and further afield to lower the average amount of waste collected.

8. Reuse

Reusing an item rather than throwing it away can prolong its useful life, reduce the need for finite valuable resources and offer employment opportunities in repair and maintenance. It is a critical part of the circular economy and can lead to a reduction in carbon impact. There are many examples of reuse practice in the community, for example:

- eBay
- Freecycle
- Recyclethis
- Car boot sales
- Second hand and repair shops
- Charity shops
- Furniture reuse shops
- Antique shops
- Give and take and swishing (clothes swaps) events
- Repair cafes

Reuse has gained a higher profile since the review of the Strategy in 2013 and the local authorities in Devon and Torbay have encouraged, promoted and supported the reuse of goods, items and materials, and will continue to do so, by:

- Enhancing the opportunity for reuse at Household Waste Recycling Centres (HWRCs)
- Channelling Bulky Household Waste through HWRCs and/or Social Enterprises
- Providing website suggestions and advice
- Promoting reusable nappies
- Signposting residents to hire, repair, loan and reuse opportunities via a reuse directory online
- Holding and/or supporting reuse and repair workshops
- Loaning give and take or swishing kits to community groups
- Supporting repair cafes
- Specifying an element of reuse in textile, WEEE and HWRC contracts
- Holding events such as The Big Fix, Reuse Week and Upcycling Day

Barriers to greater participation in reuse include:

- Perceptions of low quality or being only suitable for those who cannot afford to buy new, sometimes perpetuated by the “look” of reuse shops
- High rents for shops, prohibitive collection costs and high overheads
- White goods going back to retailers under the producer responsibility regulations which reduces their availability to reuse groups



Nevertheless, in difficult times reuse entrepreneurial activities come into their own.

The County Council employs a Reuse Project Officer. This allows a greater number of initiatives to be achieved in the field of reuse. The officer will continue to maximise opportunities for community engagement with reuse and repair activities within each district.

In 2019/20 the Devon Authorities facilitated the reuse of 677 tonnes of waste in the community sector and 1045 tonnes of waste was reused at the HWRCs. Many reuse events are being held across Devon each year but measuring their success can be difficult. However, at The Big Fix 2019 event a number of measurements were recorded. 268 items were repaired in one day with a 73% fix rate. The event involved 6 Repair Cafes and 40 menders. The equivalent of 6,419 kg CO₂ savings were made.

In the next 10 years, the authorities will aim to increase the tonnage of reuse from 0.5% to 5% by the following means:

Promote

- Promote reuse of high carbon impact materials; i.e. textiles, metals, WEEE, wood, plastic
- Promote WEEE reuse through the HWRC contract
- Promote Refill Devon

Communicate

- Support and promote the opportunity, value and benefit of the reuse sector via Recycle Devon campaigns, website Reuse IT pages, and social media
- Consider appropriate target audiences e.g. Over 55s, 25-55 with families, 18-24s, early adapters
- Hold The Big Fix, upcycling and reuse days, attend roadshows and WIs for example

Support

- Continue to support the Community Sector's delivery of reuse / repair events and initiatives such as Give & Take events, Clothes Swaps and Repair Cafés
- Support the establishment of facilities to enable goods and materials to be reused repaired and exchanged

Collaborate

- Develop/facilitate partnerships that encourage and enable increased reuse/repair activity in local areas such as working with housing associations, community, voluntary and charity sectors and training providers

- Promote cross working of local authority departments to optimise reuse e.g. procurement, social care, bulky household waste collections
- Enable peer to peer learning – e.g. older people teaching younger people, to pass on skills, highlight the social benefits of such activities and bridge the generation divide.
- Encourage skills shares which are community led to pass on skills and provide the social benefits associated with such activities. This would bring together organisations such as men’s shed, repair cafes and library of things and particularly target the younger generation.
- Investigate the potential for Community hubs to provide a space for groups to carry out all these activities e.g. an old shop, potentially run by a coordinator to link the organisations, bring in groups and people, promote, and create resources.
- “Community teams” to work with the hard to reach parts of the population to help educate and inform them on all matters of waste.

Improve

- Increase Bulky Household Waste (BHW) reuse through the BHW Project and implement a hierarchy of reuse when advising the public through Customer Service Centres and websites
- Increase reuse at Devon’s HWRCs by
 - PAT testing a range of electrical goods and offering them for sale
 - Installing Donation stations/drop off points
 - Increasing the contract % reuse target
 - Working with the contractor to improve the quantity/quality of reuse
 - Assisting contractor’s staff to recognise sellable goods
 - Provide larger shops
 - Increase WEEE sales at all shops
 - Allow items to be taken away for repair and onward sale
 - Consider Online sales
- Torbay will consider ways in which reuse can be promoted and established at its HWRC.

Explore

- Explore the reuse theme cross cutting opportunities e.g. Schools/communities to have school uniform swapping service/day potentially run by a community organisation, supported by the local authorities, involving repair of items before they can be passed on; reuse potential in gardens by building compost bins from waste wood pallets.

Research

- Carry out market research on capacity/value of central and satellite re-use centres
- Research opportunities for textile reuse – clothing banks, pop up shops, clothing collective to pass on skills, repurpose items and provide employment and volunteer opportunities

9. Recycling

9.1 Waste Collection and Unitary Authority collections

The recycling rate for Devon in 2019/20 was 56.6%. It has recently increased after approximately 6 years at 55%. In Torbay a recycling rate of 40.2% was recorded for 2019/20. The recycling rate is affected by light-weighting of packaging, changes to Waste Collection Authorities (WCA) and Unitary Authority (UA) collections, householder education and information, technology, costs and seasonality of garden waste, to name but a few.

Super aligned collection services

Given the progress on the aligned option, with Exeter and South Hams proposing to achieve this in 2021/22 the Devon Authorities have agreed to the aspiration of further aligning on policies such as side waste, collection frequency, and bin sizes. Proposals are as follows:

- A 3 or 4 weekly frequency of residual waste collections (depending on evolving government policy)
- Optimise size of residual bin
- No side waste to be allowed where wheeled bins are in place
- Consistent collections – in addition to the 6 materials proposed by the Government from 2023 (paper, card, food, metal, glass, plastic) which will be achieved in Devon by 2021/22 the Devon authorities will seek to provide recycling collections of a greater range of materials. Foil and aerosols are already collected by all, and others, subject to costs and capacity will be considered.
- Provide clear, consistent and regular information to householders e.g. “Tops on” bottles; food waste liners; biodegradable/compostable packaging; acceptable paper.
- Continue to expand face to face advice to householders on how to improve their recycling habits and recommend how to reduce and reuse.
- Continually look at ways to improve and rationalise collection services including joint procurement
- Seek to improve the quality of recycle (particularly textiles) through messaging residents regarding presentation and modifying kerbside operations
- Research opportunities for duvet and pillow reuse/recycling
- Lobby for and increase local reprocessing capacity (which may be stimulated by the implementation of the EPR) including working with the Local Enterprise Partnership
- Seek to increase yields and decrease contamination
- All to have A-Z on websites???
- Ensure collection service regimes reduce the possibility of litter e.g. lids on recycling boxes and vehicles and contractors’ vehicles are sheeted effectively
- Work with industry partners such as Alupro to increase material recycling

- Work with Exeter University Exemplar Project researching options for dealing with plastics in the Devon and Cornwall peninsula.
- Explore routes to be directly involved in secondary commodity circular or closed loop approaches for plastics following Exeter's best practice:
 - Rigid bulky plastics: Ocean Recovery Project (Partnership of ECC & Keep Britain Tidy, supported by South West Water) includes bins, luggage, agricultural posts, stages, boards
 - Rigid bulky plastics and fishing nets: Odyssey Innovations (Partnership of ECC & Odyssey Innovations supported by Seafish and Morrisons): Kayaks (world's only 100% recycled marine kayak) other sporting goods, bins, fishing fleet containers
 - Carrier bags and other plastic films: J&A Young (Leicester) closed loop producing refuse sacks used again and again.
- Find a common regional approach to handling all Devon local authority plastics sales that minimises contractor involvement (financially), maximises income amongst authorities and finds UK based innovative solutions for product development.
- Work with new partners to turn pots, tubs and trays into UK based closed loop industrial products starting here in the South West.

Government Policy Drivers

The main recycling target to be met is the EU Circular Economy Package target of 65% by 2035 (and 60% by 2030). This includes household like waste – i.e. Local Authority Collected Waste and commercial waste. Legally, this is for the UK to achieve, not for individual authorities.

The Extended Producer Responsibility (EPR) and the Deposit Return Scheme (DRS) legislation will have a significant impact on plastic, metal and glass beverage container recycling. Overall, the aim of the legislation is to increase recycling.

EPR is an environmental policy approach through which a producer's responsibility for a product is extended to the post-use stage. This incentivises producers to design their products to make it easier for them to be re-used, dismantled and/ or recycled at end of life. The Government considers EPR to be a crucial tool in moving waste up the hierarchy and stimulating growth in the secondary materials markets. There are currently UK-wide producer responsibility schemes in place for:

- Packaging waste;
- End-of-life vehicles (ELVs);
- Batteries and accumulators;
- Waste Electrical and Electronic Equipment (WEEE)

The Government is reviewing and consulting on EPR and product standards for five new waste streams by 2025, two of which are planned to be completed by the end of 2022.

These are:

- Textiles (including all clothing, as well as other household and commercial textiles, such as bedlinens);
- Bulky waste (including mattresses, furniture, and carpets);
- Certain materials in the construction and demolition sector;
- Vehicle tyres (including tyres from cars, motorcycles, commercial and goods vehicles, and heavy machinery); and
- Fishing gear.

The EPR extends the range of materials for which producers are to be responsible for funding full net costs of treatment.

The DRS will introduce a deposit charge for all beverage containers which will be refunded when the container is returned. This will be achieved by district recycling but also via Reverse Vending Machines and at retailers. The Scottish Government estimates that the scheme will result in 6% less packaging in the residual waste and a 10% reduction in the district recycling collection tonnage.

This combined impact of the EPR and DRS could potentially reduce Devon’s recycling rate by 0.7%. The EPR should though result in more recycling overall with the net costs (of recycling, residual waste and litter) paid for by the packaging industry. However, it is impossible to tell at present how this will impact on district recycling rates. Further consultation by the Government will be held in 2021.

Nevertheless, the following targets are proposed:

Year	Recycling rate target
2019/20	56.6% (actual)
2020/21	57%
2025/26	60%
2030/31	63%
2035/36	65%

Table 3 – Recycling targets

For Devon to reach the 2035 65% target for municipal waste (including business waste) an extra 38,000 or so tonnes more recycling will be required at 0% growth. 204,000 tonnes are currently recycled. For Torbay an extra 17,000 tonnes would be required with 27,000 tonnes currently recycled.

9.2 Household Waste Recycling Centres (HWRCs)

The recycling rate includes both districts’ collected waste and the HWRC waste. The county council manages 19 HWRC sites via contractor Suez, with one site provided and managed by Devon Waste Management. The average recycling rate at these sites is 74% which rises to 86% when including recovery. A full range of items are recycled and some put aside for reuse in the on site shops. The contract has performance targets and a shared profit/loss scheme. Carpets and mattresses

are not currently recycled due to technological, scale and cost issues, but this may be possible in the future.

There is a separate Devon County Council HWRC strategy, the vision for which is to provide a network of modern, safe, attractive sites which are convenient to use and designed to maximise the recycling and recovery of the material brought in.

Previous improvement strategies have seen several new HWRCs being developed, including the award-winning Ivybridge and Pinhoe (Exeter) facilities and others at Sidmouth and Bideford.

However, there are still several older HWRC sites across Devon that are no longer fit for purpose and not suited to modern demands, leading to health and safety concerns and increasingly higher levels of customer dissatisfaction. The main factors being: -

- Sites having to temporarily close (either in whole or part) to allow the accumulated waste to be safely loaded and transported off site, leading to long and inconvenient delays for the Public.
- Vehicles regularly queuing (particularly in a dangerous manner on the Public Highway) to access sites either during peak times or when a container is being replaced.
- Small sites leading to restricted layouts, which makes recycling inconvenient (and/or limits the amount of materials that can be recycled).
- Access issues – particularly Health & Safety (H&S) concerns with sites in which steps have to be climbed to deposit waste into containers by an ageing and/or vulnerable public
- Pedestrian conflict with vehicles leading to H&S concerns.
- Increased public demand, due to population and housing growth; leading to significant site congestion especially at peak times.

To address these issues a programme of site replacements is proposed which will take 10-20 years to deliver. This programme will be subject to the necessary funding being in place. All new sites would need to be 'split-level' in which the public deposit waste from a higher level into containers placed in a dedicated lower level service yard. This enables waste to be removed from sites without having to close the facility temporarily; significantly improves safety; eliminates the need for the public to climb steps and makes recycling far easier/more convenient/more accessible for the public.

New sites are proposed for the following areas but they will be subject to funding being available:

- Tiverton/Cullompton/Willand
- Tavistock
- Honiton
- Kingsbridge/Totnes/Dartmouth
- Newton Abbot
- Barnstaple

In addition, in order to improve recycling and reuse rates at HWRCs the county council will:

- Regularly review its policies including new materials that could potentially be recycled
- Improve the reuse facilities and offers including re-use of Waste Electrical and Electronic Equipment (WEEE).



Figure 20: Household Waste Recycling Centres in Devon and Torbay

19 of the 20 sites have reuse shops on site. Improvements to increase reuse at HWRCs are covered under Reuse (page 37).

Torbay has one HWRC, in Paignton. The recycling rate for the site in 2019/20 was 69.4%. Torbay Council will continue to explore ways to increase the amount of waste brought to the site, that is recycled or reused.

In response to the Covid 19 pandemic, a booking system has been introduced at the site, allowing greater control of who visits the site and the waste that they bring. This has helped to reduce congestion at the site, making the household collection service (which also uses the same site for waste transfer) more resilient.

To align with the DCC sites, charges for non-household items including asbestos and some types of DIY waste will be introduced during 2020 and HWRC policy will be refreshed to compliment any service changes that are made to the kerbside collections of recycling and residual waste.

10. Organic waste

Organic waste comprises garden waste, food waste and leaf sweepings. The figure below shows where/how the organic waste in Devon was treated in 2019/20.

- Separately collected food waste went to Anaerobic Digestion (20%)
- Separately collected garden waste from HWRCs and kerbside collections went to open windrow composting (44%)
- Mixed garden and food waste went to In Vessel Composting (28%)
- Leaf sweepings were composted (7%)
- Community composting was composted on site (1%)

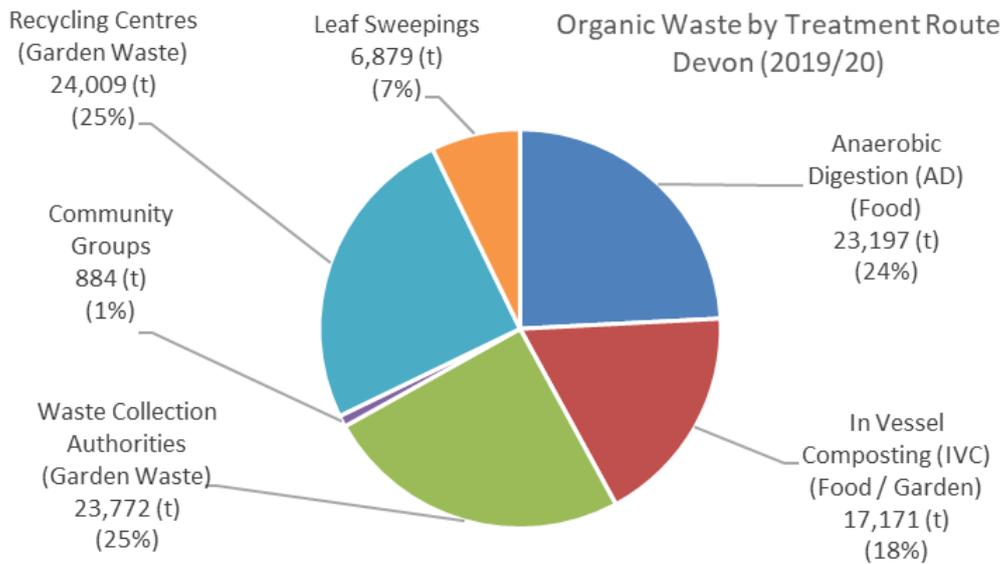


Figure 21a: Organic waste treatment for Devon

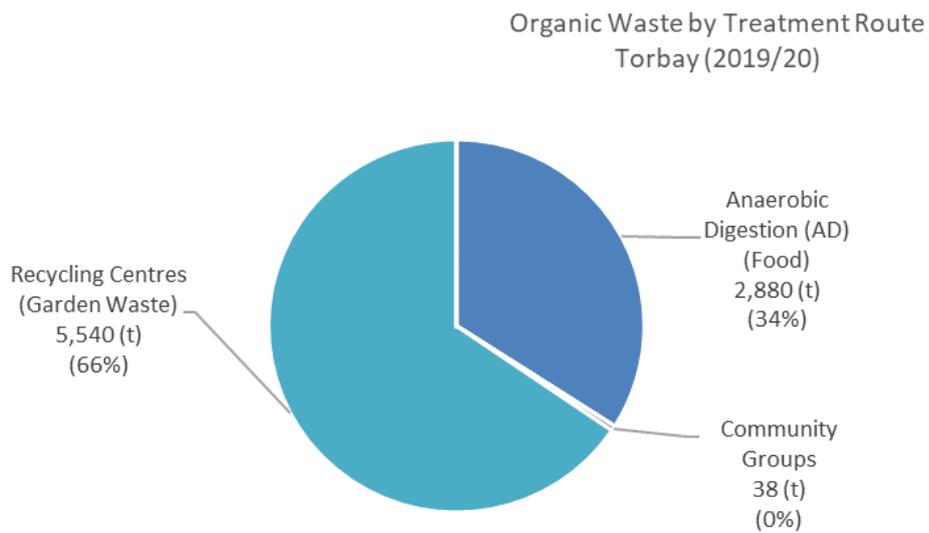


Figure 21b: Organic waste treatment for Torbay

10.1 Food waste

Once as much food waste as possible has been prevented or redistributed the remainder will be collected for Anaerobic Digestion.

From 2022 all districts will collect food waste separately and weekly for processing at Anaerobic Digestion (AD) plants. The County Council has two contracts for food waste, one with Andigestion at Holsworthy, Cannington and Langage and one with Willand Biogas. . For food waste generated in Torbay there is a contract with Andigestion at Holsworthy.

Anaerobic Digestion (AD) is the process by which organic matter such as food waste is broken down to produce biogas and biofertiliser. This process happens in the absence of oxygen in a sealed tank called an anaerobic digester.

AD is recognised as the best method for treating food waste. The biogas naturally created in the sealed tanks can be directed to the gas grid or used as a fuel in a CHP (combined heat and power) unit to generate renewable energy i.e. electricity and heat. What’s left from the process is a nutrient rich biofertiliser which is pasteurised to kill any pathogens and then stored in large covered tanks ready to be applied on farmland in place of fossil fuel derived fertilisers. Every tonne of food waste recycled by anaerobic digestion as an alternative to landfill prevents between 0.5 and 1.0 tonne of CO₂ entering the atmosphere, one of the many benefits of anaerobic digestion. The process and output meet the Publically Available Specification (PAS) 110.

Notwithstanding the aim to prevent as much food waste as possible, it is important that as much unavoidable food waste as possible is collected in the food waste collections, rather than it being put in the residual bin for energy recovery. Collection quantities in each district range from 1.25kg/hh/wk to 1.87kg/hh/wk. See Table 4 below. If Exeter and South Hams can yield 1.5kg/hh/week (the average of the 2 weekly residual authorities below) an additional 8-9000 tonnes could be collected, potentially increasing the recycling rate by 2 percentage points.

Authority	Kg/hh/wk
East Devon	1.87
Mid Devon	1.60
North Devon	1.25
Teignbridge	1.80
Torridge	1.59
West Devon	1.38
Torbay	0.82

Table 4: Yields of food waste in Devon and Torbay (2019/20)

There are a number of barriers to maximising the yields which need to be addressed, as follows:

- People’s aversion to collect food waste separately due to the “yuk” factor
- A lack of understanding at what can be put in the food waste bin
- The issue of liners – whether to provide them, and what type to recommend

The local authorities are working to rationalise the advice on liners to say “any bag”. This will enable people to reuse plastic bread bags for example and also enables them to not have to buy bags especially. “No food waste” stickers have been provided in a number of districts to put on the residual bins to remind householders to use their food waste collection caddies. The authorities will continue to work with householders to maximise the correct use of food waste caddies after waste prevention.

10.2 Garden waste

Garden waste is collected by all districts separately from other materials, except for South Hams where until 2021 the garden waste is collected mixed with food waste. Torbay offers an ad-hoc separate collection of garden waste with an opt-in chargeable, scheduled garden waste collection proposed as a future service improvement. All districts charge for the service except for South Hams. The garden waste is composted in open windrows and used by local farmers.

The districts will continue to charge unless and until they are required to offer free collections due to the introduction of legislation. The Government is still considering this.

Garden waste is also collected at Household Waste Recycling Centres in Devon and Torbay and treated in open windrows as above.

10.3 Home composting

Home composting is promoted by all the Devon and Torbay authorities. This is the most sustainable way of dealing with organic waste because the waste does not have to travel anywhere and provides a useful soil conditioner for the householder. It means that the districts and Torbay do not have to collect the waste and the Devon and Torbay do not have to treat the waste. Home composting is not possible at all properties but encouragement is given to those with gardens to buy a subsidised bin under the following scheme:

<https://getcomposting.com/>

10.4 Community composting

Devon County Council and Torbay Council pay discretionary recycling credits to community groups who compost locally collected garden waste. Credits are paid in line with the contracts for dealing with garden waste. Community composting is undertaken by local groups of residents whereby volunteers receive garden waste from local residents, compost it on a local site and make it available to those who want it. It is a valuable initiative but can be difficult to set up given the permitting requirements of the Environment Agency in some circumstances and also planning requirements of the County Council and Torbay Council.

11.0 Residual waste

11.1 Energy Recovery

The majority of Devon and Torbay's residual waste goes to Energy Recovery Facilities (ERF) in Exeter, Plymouth, Avonmouth and Cornwall. No kerbside collected residual waste goes to landfill unless the plants are on maintenance shut downs. The waste that does continue to be sent to landfill is from HWRCs in the east of the county and includes items which are not accepted at the ERF plants.

The Exeter plant processes around 60,000 tonnes of waste per annum from Exeter and the surrounding area and generates electricity for around 5000 homes.

The Plymouth plant has a capacity of 245,000 tonnes of which 180,000 tonnes are allocated for Torbay, Plymouth, West Devon, South Hams and Teignbridge with the remaining capacity for commercial waste. It produces 26MW of electricity, 23MW net and 18MW for export when running as a Combined Heat and Power plant. This gives it an efficiency rating of 48.4% - one of the best plants in the country. The heat and electricity are exported to HM Naval Base, Devonport.

40,000 tonnes of residual waste from North Devon and Torridge is contracted to Suez for treatment in their Avonmouth or Cornwall Plants.

The contracts for the ERFs are 30 years from 2014 (Exeter) and 25 years from 2015 (Plymouth) respectively. Hence for the period of this strategy these contracts will continue. Given the lead in time for large waste management facilities, towards the end of the strategy period consideration will need to be given as to what to do with the residual waste from 2040. Technologies will have moved on by then and there will be less residual waste to deal with so these factors will influence future choices.

11.2 New Technology

Over the coming years with the advent of Climate Emergencies being declared, there is likely to be an escalation of break throughs in research looking at different ways to deal with waste. For example, the production of hydrogen fuel from non recyclable plastic. The local authorities will consider opportunities which may arise for more sustainable use of once "waste" materials.



Figure 22: Locations of residual waste facilities in Devon



Figure 23: Exeter Energy Recovery Facility



Figure 24: Plymouth Energy Recovery Facility

11.3 Landfill (active)

Small quantities of waste unsuitable for ERF are currently landfilled at sites in Torridge and Teignbridge. In addition, residual waste that is normally treated at the Exeter ERF is currently sent to landfill when the plant is down for maintenance. These landfill sites are managed by private companies, Devon

Waste Management Ltd, and Viridor respectively. They are both likely to be closing within the period covered by this strategy and hence there may be a need to send waste out of county for landfill unless further void capacity is developed within Devon.

11.4 Landfill (redundant)

Devon has an historic legacy of sending residual waste to landfill and has some degree of responsibility for 58 closed sites across the county. A small number of these are still permitted and are regulated by the Environment Agency. Environmental monitoring and maintenance are undertaken at a number of sites to minimise their impact on the local environment. Most of the closed sites have been restored to agricultural, amenity or wildlife habitats. Torbay's Claylands Cross landfill site is currently being redeveloped into commercial units. Torbay also has another 4 redundant sites that are regularly monitored.

12. Commercial waste services

The Government wants to increase the amount of household like material collected from businesses and other organisations in the municipal waste sector so that the UK can increase recycling of waste overall and achieve the challenging target to recycle 65% of municipal waste by 2035. They estimate that the commercial sector recycling rates are between 34 and 40%. This is relatively low, and so as part of the consultations on their Resource and Waste Management Strategy for England they proposed to require businesses and other organisations to segregate dry recyclable waste and food waste from other waste so that it can be collected for recycling. This was strongly supported so they have put forward duties for separate collection of recyclable waste from households, non-domestic premises and commercial and industrial premises in the Environment Bill. They will give further consideration to measures to reduce the costs of collection for small and micro firms, taking into account comments and evidence provided from the consultation.

Across Devon commercial waste services are offered by North Devon, South Hams, Mid Devon, Exeter and Torbay. Approximately 13,000 tonnes of commercial waste are collected per annum by these authorities. Commercial waste tonnage information is difficult to come by but on a pro rata basis using government figures it is estimated that there whereas there are 413,000 tonnes of household waste in Devon and Torbay there would be approximately 560,000 tonnes of commercial waste of which 186,000 tonnes would be household like waste, most of which is dealt with by private waste disposal companies.

Local authorities that run commercial waste services will work to develop the commercial waste and recycling customer base. As above, the government strategy also places emphasis on consistency of commercial waste collections and is expected to introduce a range of materials that businesses should have access to recycling services for. The same financial and legal incentives to manage waste further up the hierarchy exists for commercial waste, although to make recycling services more desirable to commercial customers, it is essential to share some of the savings with the customer.

Waste Collection Authorities ultimately take responsibility for the collection of commercial waste from businesses which are unable to find any other collection contractor. All authorities will review commercial waste collection charges in these circumstances to ensure that the true cost of collection and disposal is recovered from the charges made.

Torbay Council will also consider the range of materials that are accepted for recycling from commercial customers at the Tor Park Road site, with a view to reducing the commercial waste disposal cost as far as possible and diverting as much commercial waste as possible for recycling, without creating a burden at the weighbridge.

Investment in and development of technology for commercial waste and recycling services will provide local authorities with more intelligent data to inform service developments and to help manage customer expectations.

Across Devon, where there is a strong tourism sector, local authorities will work to identify properties used as self-catering holiday accommodation and ensure that they are using a private waste contractor for their commercial waste and that charges are made where local authority collections are used by these businesses.

There will be further Government consultations to determine the extent that businesses will have to recycle and the role that local authorities might play.

13. Litter and fly tipping

Litter

The Government's Litter Strategy for England <https://www.gov.uk/government/publications/litter-strategy-for-england> sets out their aim to clean up the country and deliver a substantial reduction in litter and littering within a generation. The Litter Strategy brings together communities, businesses, charities and schools to bring about real change by focusing on three key themes: education and awareness; improving enforcement; and better cleaning and access to bins. The Resources and Waste Strategy includes measures that will help to change attitudes about resources and help to reduce litter along the way. Such measures include ensuring producers pay the full costs for disposal or recycling of packaging they place on the market, by extending producer responsibility – including items that can be harder or costly to recycle. Another measure is a deposit return scheme to increase the recycling of single-use drinks containers.

There is a comprehensive range of legislative measures in place to combat litter and littering in England. Section 87 of the Environmental Protection Act 1990, as amended, makes it a criminal offence to “throw down, drop or otherwise deposit any item, and leave it”. The offence applies to all land in England that is open to the air, including private land and land covered by water. The key measures are listed at Appendix 6.

It is estimated that waste collection authorities in Devon spend more than £7million per year on street cleansing activities and £2million is spent in Torbay.

In the face of unprecedented levels of litter being deposited during the Covid pandemic the councils can also use the Anti-social Behaviour, Crime and Policing Act 2014 which provides local agencies (councils, local police forces and registered social housing providers) with a range of flexible powers to tackle various anti-social and nuisance behaviours. For example, Community Protection Notices (CPN) may be used to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life, by targeting those responsible. Also, Public Space Protection Orders (PSPOs) provide similar protection from nuisances in public spaces by imposing conditions on the use of that area. For example, a PSPO may be used to require dog owners to pick up their dog's faeces.

Fly Tipping

Fly-tipping is the illegal dumping of waste. It can be liquid or solid in nature and can vary in scale significantly from a single bin bag of waste to large quantities of waste dumped from trucks. Fly-tipping differs from littering in that it invariably involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully, or as a result of legitimate outlets not being available.

Local Authorities are responsible for clearing the waste from Public land only. The Local Authority may investigate incidents on private land but they have no obligation to clear the waste from private land.

The Environment Agency investigates major illegal fly-tipping incidents if they occur on public or private land. These include:

- BIG: Large illegal waste sites (greater than 20 tonnes)
- BAD: Evidence of organised tipping or criminal business practice
- NASTY: Drummed hazardous waste

The Environment Agency only clears up waste where there is an immediate risk to the environment and human health. They are not funded to clean up all illegally dumped waste on private or public land.

Across Devon and Torbay the number of fly tipping incidents is approximately 5300 a year.

The Devon authorities are acutely aware of the negative impact of litter and fly tipping on citizens, businesses, tourism and agriculture. Each council has their own responsibility under the law for dealing with litter and fly tipping, however, in the last year the benefits of having an umbrella group (the Clean Devon Partnership) collaborating to combat litter and fly tipping has been realised. There are 15 partners in addition to all the councils and these range from the Police, to the National Parks to the Federation of Small Businesses. See <https://cleandevon.org/>

Clean Devon Partnership

Clean Devon is a partnership of organisations working together to tackle litter and fly tipping across Devon. The group will share expertise and intelligence and work with local and national businesses, local and parish councils and the Devon public to reduce litter and fly tipping.

Litter and fly tipping are putting a major and growing financial burden on society. This environmental vandalism blights communities and has serious public health consequences. With the key roles that the world class environment, agriculture and tourism play in Devon and Torbay's prosperous economies it is critical that litter and fly tipping which impact seriously on these areas are tackled with an innovative, enterprising and collaborative approach.

The purpose of Clean Devon is as follows: To significantly improve our environment for wildlife, residents, businesses and visitors through a coordinated partnership to prevent, detect and deter fly tipping and litter in Devon, leading to a reduction in costs, crime, and environmental, social and economic impacts.

Objectives:

- 1) To establish a baseline position to identify and map sources of waste and litter using smart technology and digital techniques including social media
- 2) To collate and share intelligence and information
- 3) To collaborate to align and improve protocols and procedures including to develop a standard reporting method
- 4) To develop a plan to carry out a clean-up of fly tipping or litter hotspots across the county by partner agencies including the development of better ways of working and a more coordinated multi agency approach
- 5) To lead a high profile, multi-faceted series of public awareness raising campaigns
- 6) To engage with businesses
- 7) Effective enforcement and monitoring by Clean Devon partners
- 8) To lobby relevant parties to further the reach and impact of Clean Devon

In 2020 a logo has been designed, a website launched <https://cleandevo.org/> and a Duty of Care campaign implemented. A Strategy and Business Plan are also being developed. The Devon Authorities Strategic Waste Committee has contributed funds to the partnership since 2018/19 and will continue to do so, as the budget allows, in addition to their individual streetscene budgets and disposal costs. However, in order to achieve the aims and objectives in a timely manner the Partnership needs further resources which is being addressed, in the meantime the partners will contribute in kind.



The Devon Authorities will continue to support the Clean Devon Partnership which will assist them in achieving their own responsibilities as "duty bodies".

14. Transport and proximity

The Committee on Climate Change (CCC) considers the impact of transport separately from waste treatment. The Greenhouse Gas (GHG) contribution of road transport is 23%. There are many exciting initiatives developing to reduce GHG emissions from transport including low-carbon hydrogen and battery electric technologies for HGVs, renewable biomethane sourced from manure and a gas clean-up system which transforms landfill gas into transport fuels in a process which also allows for successful capture of CO₂.

The district authorities and Torbay currently use vehicles with Euro 6 engines. Electric Refuse Collection Vehicles and kerbsiders are not yet economically viable but the authorities will consider the low carbon options on the market when their vehicle fleets need replacing. This is dependent on technologies being developed by vehicle manufacturers. It will also be incumbent on all to ensure that when services are procured from external contractors that their vehicle choices take into consideration low carbon options.

Dry recyclables from Devon are sent to other parts of the UK for recycling. For example:

- metals go to Cardiff/Cheshire
- paper and card go to Kent/Norfolk,
- plastic goes to Wales, Yorkshire, Lincolnshire, (and very occasionally to Turkey),
- glass, cartons and batteries go to Yorkshire

All materials recycling is carried out through tendered contracts hence the distances are a consequence of a global/UK market and no local reprocessing facilities in Devon. If reprocessors could be attracted to the South West transport costs and carbon impacts would be significantly reduced.

15. Data and performance

The local authorities are legally obliged to record their waste data statistics in WasteDataFlow and the data is reconciled by the County Council. Currently the data measures tonnage as the key performance indicator.

The Government is developing targets for England, currently understood to be one for resource efficiency, e.g. GDP/raw material consumption and residual waste include one for residual waste per capita. The key performance measures for Devon will continue to be:

- household waste recycling rate
- kg of collected waste per head
- kg residual waste per household
- % Local Authority Collected Waste landfilled

However, as the Devon and Torbay authorities' Climate Emergency Plans develop carbon may well become an important measure of the impact of waste management services. Related metrics could also include:

- avoided energy, generated energy, or energy consumed,
- avoided CO2 or a carbon index measurement,
- a resource efficiency measurement,
- a natural capital measurement

In addition, the impact of behavioural change interventions has traditionally been very hard to measure. Nevertheless, measures such as those below can also be evidence of effective activity and will continue to be measured where possible as community engagement work progresses.

- compliments, complaints, enquiries
- social media likes, shares, impressions
- public surveys
- feedback forms
- number of users
- volunteers and volunteer hours
- training hours
- skills shares,
- reduction in social isolation

16. Partnership – DASWC

The Devon local authorities and Torbay Council have been working in partnership together for almost 30 years. Together they procure joint contracts for materials processing, e.g. textiles, paper, glass and bulk haulage and they also look at opportunities to coordinate roles such as IT e.g. East Devon, Exeter and Teignbridge under the Strata banner and procure vehicles together. Exeter also acts as a broker for some recycle.

The work is overseen by a joint committee – the Devon Authorities Strategic Waste Committee, which has a Member representing each of the 8 district councils, the county council and Torbay Council. Some counties have Waste Partnerships which are separate entities and take a more formal approach. A considerable amount of work was undertaken several years ago to determine whether this type of approach would benefit the Devon Authorities. Whilst the approach gained support from a cluster of authorities it was not taken forward at the time. The authorities will potentially revisit this opportunity in the future to consider what benefits it may bring.

Progress against 2013 Strategy Review policies

Policy Statement	Comments/RAG status
<p>WSPS1 This Strategy will form the framework for the management of municipal waste within the administrative area of Devon over the period to the year 2035.</p>	<p>With continuous change and a new Government Strategy a new Strategy will be produced for 2020-2030</p>
<p>WSPS2 This Strategy will be reviewed and updated at least every five years to incorporate changes in waste management legislation, best practice policy and guidance, as well as reviewing waste generation forecasts and monitoring performance against targets. The Action Plan will be reviewed annually.</p> <p>The Local Authorities will consider the need to support research projects locally into particular aspects of waste management.</p>	<p>The 2005 Strategy was reviewed in 2013.</p> <p>Ongoing</p>
<p>WSPS3 Decisions about waste management will, in broad terms, be based on the waste management hierarchy.</p> <p>The overall aim is to increase the proportion of waste which is managed by options towards the top of the hierarchy. However, there may be a different order of options for particular wastes streams depending on environmental, economic or other factors involved.</p>	<p>This has been achieved and remains a constant aim.</p>
<p>WSPS4 The objectives of this Strategy are:-</p> <ol style="list-style-type: none"> 1. The reduction of growth of municipal waste that is generated and to set a target for reducing the growth rate in household waste. <ul style="list-style-type: none"> • To provide a framework to ensure the development of facilities for the collection, treatment and disposal of waste in Devon which would enable it to become as self sufficient as possible and in line with the South West Regional Waste Strategy. This would not prohibit the 	<p>Waste growth has varied but is currently at -0.1%</p> <p>Residual waste is processed in Devon and Avonmouth</p> <p>Garden waste is processed in Devon</p> <p>Food waste is processed in Devon and Somerset and Oxfordshire</p> <p>Recycling is processed mainly in the UK</p>

<p>transport of waste between Devon</p>	
<p>WSPS4 – Cont: and the adjacent Authorities and further afield where this would be mutually economically and environmentally beneficial.</p> <ul style="list-style-type: none"> The beneficial use of as much household waste as possible through (in order of priority) materials recycling, composting and maximising the recovery of resources and energy, i.e. follow the waste management hierarchy wherever possible. <p>4. The recycling/composting of at least 60% by 2014/15, and 65% by 2025/26.</p> <p>5. The recovery of value (including recycling and composting) from 90% of LACW by 2015 and 95% by 2020</p> <p>6. To comply with the requirements of the EU Landfill Directive, including the meeting of targets to divert biodegradable municipal waste away from landfill.</p> <ul style="list-style-type: none"> By 2013 to reduce the amount of biodegradable municipal waste landfilled to 50% of that produced in 1995. By 2020 to reduce the amount of biodegradable municipal waste landfilled to 35% of that produced in 1995. <p>7. To choose an integrated mix of waste management methods with regard to managing waste as close to its source of generation (the Proximity Principle) which represents the optimum balance of environmental and economic costs and benefits, and minimise the risks of immediate and future environmental pollution and harm to human health.</p>	<p>This is followed.</p> <p>The recycling rate in 2019/20 was 56.6%. Reasons for not meeting the target include: reduced funding for behavioural change, reduced paper due to electronic advances, reduced packaging.</p> <p>The 2015/16 recovery rate was 79%. The recovery rate is now 95% by 2020</p> <p>Achieved.</p> <p>No kerbside biodegradable waste is now landfilled.</p> <p>Achieved where possible in line with procurement regulations</p>

<p>WSPS5 Waste collection and disposal authorities and the community sector will maximise the potential to work together in order to:-</p> <ul style="list-style-type: none"> • Increase the efficiency of the waste collection service. • Increase cost effectiveness. • Maximise the re-use or recycling of bulky household waste collected directly from the householders. • Tailor local services to local needs. <p>This will include the consideration of joint collection contracts, shared use of facilities and cross traditional boundary operations where mutual benefits would accrue. Harmonisation of collected materials and methods of collection will be researched and implemented if environmentally and economically beneficial to LAs and their customers. This process will require fully committed buy in from all authorities to ensure successful delivery.</p>	<p>The districts work hard to increase efficiencies e.g. round reviews, Incab technology As above</p> <p>A working group has been established to look into this</p> <p>Achieved.</p> <p>Joint contracts are in place for textiles, glass, paper and bulk haulage. East Devon, Exeter and Teignbridge work closely together under Strava. West Devon and South Hams have the same collection contractor. Mid Devon work with Exeter MRF. Harmonisation is progressing well.</p>
<p>WSPS6 The Local Authorities and the Environment Agency will continue to seek partnerships with appropriate sectors of the community and waste industry in order to promote waste reduction, reuse, recycling and composting and recovery of materials and energy across Devon.</p> <p>The Local Authorities will look to the future and work more closely with the waste management industry and re-processors to secure long term partnerships and to develop local reprocessors where possible.</p>	<p>Partnerships include: SWDWP Clean Devon South West Plastic Free Communities Plastic Free North Devon DASWC</p> <p>Discussions are being held with the HotSW LEP</p>
<p>WSPS7</p> <p>A reduction in waste growth is the core of this strategy. The aim is to maintain growth per household at zero or below. Local authorities will work together with the community sector, householders, business and industry to strive towards producing the minimum amount of waste</p>	<p>Waste growth measured in kilogrammes of household waste collected per person per year has reduced from 481.5kg in 2013/14 to 444kg in 2019/20. Household waste growth is currently at -0.3%</p>

with a regular review of the reduction in waste growth target.	
<p>WSPS7 – Cont:</p> <p>The Local Authorities will work together to initiate, promote and support high profile waste minimisation and education campaigns. They will work in partnership with other organisations, agencies and the community sector to achieve a lasting reduction in household waste.</p>	<p>The LAs have worked together under the Recycle Devon banner. They implement the various actions within the Waste education Strategy for schools and the Comms strategy and the WP&R strategy also CAG and WRA</p>
<p>WSPS8</p> <p>Local Authorities will work together to encourage, promote and support the re-use of goods, items and materials. In conjunction with stakeholders and the community sector, a re-use strategy will be developed to:-</p> <ul style="list-style-type: none"> • Maximise opportunities for re-use and repair. • Stimulate markets for re-use and seek new markets. • Pump prime reuse initiatives through selective discretionary payment and re-use credits. • Develop reuse indicators. • Look at ways of increasing the range of reusable items and materials including in kerbside recycling collections. • Help facilitate reuse partnerships between LAs, the community, voluntary and charity sectors. • Encourage businesses to donate their unwanted working WEEE to charity as part of driving down waste produced in Devon. <p>LAs will support the establishment of facilities to enable goods and materials to be re-used, repaired and exchanged.</p>	<p>A waste prevention and reuse strategy was published in 2017.</p> <p>A Reuse officer has been employed since 2016.</p> <p>Working with the HWRC contractor Suez, sale of reuseable items is increasing</p> <p>Reuse credits will be terminated in 2022 having achieved their objective. The HWRC contract has a target for reuse of 0.75%</p> <p>A reuse target is being proposed</p> <p>A working group has been established and WEEE repair events have increased range of reuse items</p> <p>Repair cafes have been supported and events such as the Big Fix have been held and skill sharing events</p> <p>This has not been promoted</p> <p>Reuse credits have contributed in this period to the expansion of Refurnish shops</p>
WSPS9	

<p>Each household will have access to a comprehensive network of recycling facilities including the County Council Recycling Centres and a kerbside collection of dry recyclables.</p> <p>Householders will be encouraged by education campaigns to separate their waste for recycling. The Local Authorities (who do not already) will also consider limiting the residue dustbin collection either by the size of receptacle provided or frequency of collection or</p>	<p>Achieved</p> <p>Regular campaigns are implemented under the banner of Recycle Devon</p>
<p>WSPS9 – Cont:</p> <p>both, thereby encouraging the householder to minimise the waste that they produce and maximise the amount of material that they sort out for recycling.</p> <p>The Local Authorities will strive to meet the statutory recycling and composting targets set for the following years:-</p> <ul style="list-style-type: none"> • Recycling and composting of 60% of municipal waste by 20014/15. • Recycling and composting of 60% of municipal waste by 2019/20. • Recycling and composting of 65% of municipal waste by 2025/26. <p>Achievement of these targets will depend on the best balance from the following list of considerations:-</p> <ul style="list-style-type: none"> • The existence of a sustainable market for the collected materials and the development of local markets for recycled materials and hence employment. • The likely participation in recycling schemes and the level of contribution. • The environmental impacts of the process. • The cost compared to other methods of waste management. 	<p>Districts are offering appropriate size bins. East Devon is providing a 3 weekly residual waste collection. North Devon is running a 3 weekly trial as is West Devon.</p> <p>55.4% was achieved</p> <p>56.6% was achieved. The recycling rate has stagnated due to a variety of factors</p> <p>Target to be adjusted to EU target of 65% by 2035</p>

<p>The Local Authority Planning Services will seek to ensure by means of planning guidance and conditions that new developments including highway infrastructure will incorporate appropriate space to facilitate recycling both in terms of house and garden space and highway access for waste collection vehicles.</p> <p>The Local Authorities will implement a communication strategy to ensure householders are kept informed of how, where, when and why to recycle and about other aspects of waste management.</p> <p>The LAs will lobby central government by appropriate means to guide, support and fund waste management waste prevention, reuse and education to an appropriate level.</p>	<p>Achieved</p> <p>A communications strategy was published in 2016 and the LAs meet regular to implement the yearly action plan.</p> <p>Following the publication of the Government's waste strategy some sources of funding have become available</p>
<p>WSPS10</p> <p>The Local Authorities will seek to optimise potential for appropriately sized composting facilities including AD within the controls of current legislation and policy.</p> <p>They will work with other organisations to find composting methods which produce a useful and marketable product from household, commercial and industrial wastes.</p>	<p>The AD contracts achieve this.</p> <p>The AD plants comply with PAS110 and the composting plants comply with PAS100 and the waste is co composted with commercial and industrial waste</p>
<p>WSPS11</p> <p>The Local Authorities will support increased participation in home composting by a variety of means including bin sales, promotion and development of a network of "Compost Ambassadors".</p> <p>The target will be to increase the waste composted at home to 10% of the available organic waste by 2025.</p>	<p>Home composting campaigns are regularly featured under the banner of Recycle Devon. HWRCs offer the opportunity to purchase reduced priced bins. CAG Devon promotes home composting</p> <p>Progress being made</p>
<p>WSPS12</p> <p>The Local Authorities will support the proactive development of community composting and schools composting by increasing resources to assist setting up new schemes and provide support for existing schemes.</p>	<p>DCCN support removed due to lack of accountability but community composting credits paid at contract rate from 2020. Limited support now offered on request.</p>
<p>WSPS13</p>	<p>The AD contracts achieve this.</p>

<p>The Local Authorities will seek opportunities to co-compost municipal waste with commercial and industrial waste. E.g. merchant AD plants.</p>	
<p>WSPS14</p> <p>Recovery of value from all practicable waste including energy recovery facilities will play an important role in the long term management of municipal waste in Devon.</p> <p>Appropriately sized facilities taking into account the potential reduction of residual waste from well resourced education and communication strategies which follow the proximity principle will be preferred if economically viable and sustainable.</p> <p>The Local Authorities will maintain an overview of the technologies available to determine an appropriate balance which may be appropriate for Devon.</p>	<p>Devon now has two ERF facilities in Exeter and Plymouth processing the residual waste from all districts, Torbay and Plymouth except for North Devon's and Torrington's waste which goes to Avonmouth and Cornwall.</p> <p>The Exeter plant is small and takes 60,000 tonnes. The Plymouth plant is larger taking up to 245,000 tonnes but takes waste from a wider geographical area and has capacity for commercial waste.</p> <p>This is ongoing.</p>
<p>WSPS15</p> <p>Landfill will continue to be a method of managing a small percentage of Devon's waste from 2014.</p> <p>In some parts of the County, the existing landfill capacity will be insufficient for the quantity of waste likely to be generated over the period and extensions to existing landfill sites or new capacity will be required to meet that need.</p> <p>In the long term landfill will, as part of this Strategy, be used only for those wastes which cannot be recycled, composted or recovered and the residues/rejects from these processes. The aim will be to drive down the waste arising that requires this method of disposal.</p>	<p>14.5% of Devon's waste was landfilled in 2018/19. This has reduced to 5% in 2019/20.</p> <p>Active landfill sites are privately owned. There have been a variety of applications to open and close landfill sites in Devon. Currently Heathfield operated by Viridor and Deep Moor operated by DWM are open.</p> <p>Only 5% of Devon's waste is landfilled in 2020.</p>
<p>WSPS16</p> <p>The Local Authorities will work together to contribute to the UK's obligations under the landfill directive i.e. to achieve the targets set out for the reduction of biodegradable municipal waste being sent to landfill in 2013 and 2020. This will be achieved by promoting waste reduction, meeting or exceeding the Strategy recycling and composting targets, and some form energy and materials recovery.</p>	<p>Achieved.</p>

<p>WSPS17 The Local Authorities will work together to discourage the abandonment of vehicles and to ensure that vehicles once abandoned are treated in full compliance with the end of life vehicles regulations whilst still providing best value.</p>	<p>Achieved</p>
<p>WSPS18 The Local Authorities will work together to implement the requirements of the WEEE Directive. They will request that the Government ensures no extra cost burden will fall to local authorities as a result of any changes to the WEEE regulations.</p>	<p>Achieved Requested</p>
<p>WSPS19 The Devon LAS will seek to support the Producer responsibility schemes which evolve from the EU Directives as appropriate. The LAS will comply with the revised Waste Framework Directive through the Government Transposition (The Waste Regulations 2011)</p>	<p>Achieved</p>
<p>WSPS20 The Local Authorities will work with the Environment Agency to reduce the amount of fly tipped waste by the publicising of the environmental damage and subsequent costs of clearance of fly tipped waste, as well as improved enforcement and subsequent numbers of prosecutions.</p>	<p>The Clean Devon Partnership has been established which is aiming to reduce fly tipping and litter across the county.</p>
<p>WSPS21 The Local Authorities will work together with the waste management industry to investigate alternative forms of transporting waste both within and outside of the County, taking account of both the environmental and economic factors.</p>	<p>Road transport is used to transport waste. Methods of making this less impactful on climate change are being investigated.</p>
<p>WSPS22 The Local Authorities will take steps to ensure that waste produced by their own organisations is kept to a minimum and recycling opportunities are maximised. A level of service equal to that provided for householders should be made available. Similarly they will seek to apply sustainable procurement strategies.</p>	<p>DCC has a sustainable procurement strategy, an Environmental Board which oversees internal policies and a Plastics Strategy. Whilst under resourced great progress has been made.</p>

Progress against 2013 Strategy Review Future Plans

Government Strategy

The review of Devon's Strategy will take on board these government ambitions where appropriate and the authorities will work with the Government to develop them further.

Achieved

Legislation

The Devon Authorities will comply with any relevant legislation and contribute, where appropriate, to meeting European and UK waste related targets.

Complied with

Growth, performance, targets

The Devon Authorities will aim to keep waste growth to a minimum where it is within their influence.

The Devon Authorities together will aim to meet household waste recycling rates of 60% by 2014/15 and 65% by 2025/26*

* achievement of these rates will be dependent on the impact of impending European legislation, in particular the End of Waste criteria (see Chapter 5)

2014/15 target not achieved. 2025/26 target to be adjusted to 2035 as per government strategy

Waste Prevention

The 'Don't let Devon go to waste' campaign will continue to focus on:

- Providing advice and information on waste prevention
- Advising on ways to reduce food waste
- Encouraging reuse
- Offering advice on how to sign up to the Mailing Preference Service
- Encouraging choosing goods with no or reduced packaging
- Discouraging the use of one-use plastic bags
- Promoting the use of Reusable Nappies
- Promoting home composting
- Promoting the use of rechargeable batteries

In addition, the Devon Authorities intend to continue to encourage householders to reduce their waste and, whilst tailoring proposals to local circumstances, have already considered, or will consider options such as:

- Fortnightly collection of residual waste across the county
- Offering smaller bins for residual waste
- Not allowing side waste (extra waste next to standard bin)
- Charging for garden waste

The following waste reduction targets will be set :

Kilogrammes of household waste collected per person per year:

- o 2011/12 473
- o 2012/13 470
- o 2013/14 465
- o 2014/15 460
- o 2015/16 455
- o 2016/17 450

All the initiatives above have been carried out on an ongoing basis. All but one district now charges for garden waste. East Devon offer a 3 weekly residual waste collection with North Devon and West Devon trialling. Appropriate sized bins are offered.

The kg of household waste collected per person per year have reduced to 444kg in 2019/20.

Reuse and community sector activities

- o The Devon Local Authorities will continue to support the activities of the Community Sector
- o Supporting give and take* days
- o Promoting Swishing** events
- o Promoting Waste Electrical and Electronic Equipment (WEEE) reuse through the WEEE contract
- o Consideration of funding bid to DAWRRC to revamp and improve signage to and publicity of Refurnish Reuse shops
- o Improvements will be made to the operation of the resale areas at Recycling Centres
- o *The Recycling Centre Contractor will take the opportunity to partner with the Community Sector to promote re-use where possible*
- o *Consideration of hierarchy of reuse for Bulky Household Waste items*
- o Research with the retail sector partnership working for furthering reuse
- o *Work closely with the social housing sector to promote furniture reuse*
- o Carry our market research on capacity/value of central and satellite re-use centres
- o *Research web-based system for advertising items for re-use from Refurnish*
- o *DCRN and DCCN and Refurnish will continue to support the community sector*
- o *DCRN will continue to support Refurnish to develop a Gift Aid scheme whereby a tax rebate can be reclaimed following the sale of donated goods*

*Give and take days are similar to jumble sales but no money changes hands and the goods are weighed to identify savings from landfill

**Swishing events are social events where unwanted clothes are taken along for exchange. No money changes hands.

The majority of the initiatives above have been carried out. The only ones that haven't are:

**The housing sector has not been engaged*

**Refurnish have not chosen to develop web based sales*

**DCRN and DCCN are no longer supported with funding by the LAs. Composting credits are still paid.*

Recycling

- Devon district councils and the county council will continually looking at ways to improve and rationalise their services
- Recycling of cardboard (as opposed to composting it) across the county is being investigated
- Recycling of mixed plastics across the county is being investigated
- Consideration is being given to approaching supermarkets to offer plastics recycling banks
- Research will be carried out to determine the optimum methods to be used for quality and economic recycling and also into the relevant costs
- Devon Authorities will seek to expand 'Recycle on the Go' where appropriate

The LAs have expanded and improved their recycling services. A comprehensive service is offered in all districts.

Recycling (HWRCs)

Proposals for the next 10 years include:

- Relocation of Woods Farm (Sidmouth) site 2013
- Relocation of Ivybridge site 2014/15

And subject to funding being available:

- New site for Cullompton/Tiverton/Willand
- Improvements Phase 2 to Tavistock site
- Relocation of Totnes site
- An ongoing programme of general infrastructure improvements will be implemented
- The County Council will continue to strive for improved customer service through its Recycling Centre contract
- Consideration will be given to expanding the services offered at Recycling Centres where space and resources allow.
- Advice will be given to any communities who wish to develop, fund and manage their own Recycling Centres

There has been £18 million capital investment in new sites in the last 10 years. New sites at Sidmouth and Ivybridge sites have been constructed within the last 5 years. Improvements have been made at other sites. Sites for a "Tiverton" facility and a Tavistock one are being sought as is the capital funding. Customer service is an on going performance requirement for the HWRC contractor.

Organic waste

The Devon Authorities will continue to promote home and community composting

The County Council will continue to support large scale treatment of garden and food waste in the most appropriate way including by Anaerobic Digestion.

*Home composting is promoted through Recycle Devon campaign work
Food waste is separated out for AD in all districts except Exeter and South Hams.*

Residual waste

During 2012/13 the County Council will begin the process for tendering the contract for dealing with the residual LACW waste emanating from Torridge and North Devon. The contract will direct waste away from landfill but leave the market to offer solutions.

Discussions will be held with regional partners to discuss opportunities for joint working

All kerbside residual waste now goes to ERF in Exeter, Plymouth, Avonmouth and Cornwall.

Behavioural change, community engagement and waste education in schools

The Community Engagement Project will be implemented from June 2012 if a European funding bid is successful. If not, alternative funding will need to be sourced.

Behavioural Change towards more sustainable waste management practices will be encouraged through online and digital methods and via a range of other communication methods detailed in the Communications Strategy.

Waste Education in Schools will continue to be a priority for Devon Authorities through the Waste Education Contract and the Waste Education in Schools Strategy and Action Plan

The Community Engagement Contract is being implemented under contract to Resource Futures as Community Action Group Devon, by DCC.

Engagement with communities and in schools continues to form the bedrock of Devon's behavioural change work.

Partnership working

The Devon Authorities will aim to progress partnership working towards a Waste Integrated Service Partnership subject to individual councils adopting this approach.

The Devon Authorities will continue to enter into partnerships with relevant groups where mutually beneficial.

The Devon authorities and Torbay continue to work in close partnership under the auspices of the Devon Authorities Strategic Waste Committee.

Redundant landfill sites

To continue to maintain and monitor closed landfill sites to ensure their impact on the environment is minimised

Achieved

Commercial waste

The local authorities will confirm whether disposal charges will apply to Schedule 2 groups from 2013/14.

The local authorities will support businesses to carry out more sustainable waste management practices where resources allow.

The local authorities will promote sustainable tourism.

Waste disposal charges are applied under the amended Controlled Waste Regulations 2012

Some WCAs are offering trade waste recycling services

Districts assist tourist venues to reduce, reuse and recycle where possible.

LA achievements since 2013

Authority	Achievements
East Devon	<ul style="list-style-type: none"> • New recycling system and restricted capacity refuse collection system launched in 2017 • Recycling rate increased from 45.6% 2015/2016 in to 59.1% in 2018/2019 • Bring banks removed in 2018 • Chargeable green waste service launched in 2018 gaining 8,000 customers in launch year • Second in English league table for kilograms of refuse per head of population at 126.8kg/capita in 2017/2018 • Multiple award winning new recycling service – green apple, international green apple, DEBI, LARAC • East Devon App launched in 2014 with 20,000 users in 2019 • Alexa recycling skill launched in 2019 winning LARAC award for ‘Best new idea in the recycling sector’
Exeter City	<ul style="list-style-type: none"> • Introduced commercial recycling collections of glass, paper, cardboard, plastic and cans so businesses have the same opportunities as our residents to recycle. Now collecting from over 500 business addresses • We are among the 10% of best performing English local authorities for waste reduction (former Best Value Performance Indicator 84: kg of collected waste per head) • Approval obtained to go for the Devon-aligned recycling service,
Mid Devon	<ul style="list-style-type: none"> • All residents moved to fortnightly residual collections • Weekly food waste collections introduced • Chargeable garden waste collections introduced • Expansion of dry recycling service to accept card and mixed plastics • Opening of WTS so all residual waste now to EFW rather than landfill
North Devon	<ul style="list-style-type: none"> • Introduced commercial recycling collections • Expanded recycling service to take mixed plastics, WEEE and food waste on a weekly basis • Introduced chargeable garden waste collection service • Opening of WTS so all residual waste now sent to EFW rather than landfill • Introduced the “aligned” collection services
South Hams	<ul style="list-style-type: none"> • The Council have approved the move towards the Devon Aligned Service by September 2020. • This will see a weekly recycling collection including food waste. • The number of materials collected for recycling will increase by the addition of glass, plastic pots, tubs and trays, printer cartridges and textiles to the kerbside service. • Single use plastic sacks currently used for recycling will be replaced by reusable containers.

Teignbridge	<ul style="list-style-type: none"> • Introduced weekly collections of increased range of dry recyclables and food waste to all properties. • Introduced a charged garden waste service • Increased our recycling rate from 53.6% 2013/14 to 56.3% 2018/19 • Reduced residual waste from 376kg/hh/yr to 337kg/hh/yr between 2013/14 and 2018/19 • Major investment in fleet, depot and waste transfer station to enable service improvements and deliver efficiencies
Torrige	
West Devon	<ul style="list-style-type: none"> • The Council has introduced a charged garden waste service in line with the Devon Aligned Service. • Whilst this has resulted in an anticipated decrease in garden waste tonnage, the decrease is not matched by the additional tonnage diverted to Household Waste Recycling Centres which is less than half this amount. Residual waste over this period has also decreased along with the number of fly tips comprised of garden waste. It can therefore be assumed that the charges have resulted in this waste being treated higher up the hierarchy by an increase in home composting. • The kerbside recycling service will be enhanced in December 2019 as the number of items that can be recycled will increase to include plastic pots, tubs and trays, printer cartridges, card drink cartons and foil. • In February 2020, a trial will begin involving collecting residual waste on a three weekly basis and information from this trial will inform the decision whether to extend this service to all households in 2021.
Devon	<p>New Infrastructure</p> <ul style="list-style-type: none"> • Exeter ERF • Plymouth ERF • Ivybridge HWRC • Sidmouth HWRC • Exeter TS • North Devon TS • Mid Devon TS <p>New contracts for Anaerobic Digestion of food waste</p> <p>Initialisation and implementation of Shared Savings Scheme</p> <p>Behavioural change</p> <ul style="list-style-type: none"> • Waste Prevention and Reuse Strategy • New Schools Waste Education Strategy • Development of Community Action Groups • EU Ecowaste4food Project • Appointment of Reuse Project Officer • Devon Plastic Strategy published • Resue Officer wins LARAC Recycling Officer of the Year award in 2019 <p>Successful funding bids</p> <ul style="list-style-type: none"> • WEEE x2

	<ul style="list-style-type: none"> • Ecowaste4food
Torbay	<ul style="list-style-type: none"> • HWRC Bike recycling project in partnership with Channing's Wood Prison (Award obtained by the lead prison officer for lecturer of the year 2015) • Diversion of Residual waste to ERF end of April 2015 • Food waste project 2015/16 in partnership with WRAP achieving a 5.2% increase in food waste collected • Achieving zero to Landfill apart from a small amount of Asbestos collected at the HWRC in 2017/18 giving 0.2% as recorded in NI 193 • Last of Torbay's 13 recycling Green apple awards achieved by the recycling officer in 2015

Carbon impact of waste management service

Environmental consultants Eunomia Research and Consulting Ltd have carried out research into carbon impacts of waste management and have produced a yearly carbon index, http://www.eunomia.co.uk/carbonindex/pdfs/2017_18.pdf.

This shows which local authorities' recycling activities are delivering the greatest carbon benefits. Local authorities' recycling performance data for 2017/18 is taken from WasteDataFlow and multiplied by the same carbon 'factors' used by Zero Waste Scotland to produce the Scottish Carbon Metric. This process converts tonnage data for each recyclable material into carbon dioxide equivalents (CO₂ eq.). This shows the total embodied carbon in the material that authorities are diverting from disposal to recycling. Local authorities that collect more of the materials with a higher embodied carbon for recycling will show greater benefits. Account is also taken of the emissions impact of source separated and comingled collections. Devon's index of 102 is in the top 10% of authorities, with Torbay in the good performers' category. The key material metrics are as follows:

Material	Carbon factor (kgco2eq)	Carbon metric weighting
Textiles	-14069	100.0
Aluminium	-9267	65.9
Mixed cans	-3911	27.8
WEEE	-1374	9.8
Wood	-1224	8.7
Plastics	-1205	8.6
Paper and card	-799	5.7
Food and drink	-612	4.4
Glass	-223	2.8
Garden waste	-255	1.8

Table 1: Key material carbon factors and weighting

The table below shows CO₂e generated from each material through the manufacturing and use processes. It can be seen that depending on the material there are different levels of benefit/disbenefit from recycling/composting, thermal treatment and landfill.

	Textiles	Metal	Food	Plastic	Glass	Paper	Card
kgCO ₂ eq/t generated	20444	12950	3744	3189	1210	885	885
Impact of recycling and composting	-5828	-9966	-70	-539	-755	-547	-547
Impact of thermal treatment	216	n/a	-12	1665	69	-180	-180
Impact of landfill	599	n/a	993	5	5	498	498
Net carbon gain/loss thru recycling	14616	2984	3674	2650	455	338	338
% recov'ed of kgCO ₂ e/t	28.5	77.0	1.9	16.9	62.4	61.8	61.8

Table 2: CO₂e generated from each material through the manufacturing and use processes

In winter 2019/2020 Eunomia were commissioned to look at Devon authorities' waste management service and analyse its carbon impact in detail and to make recommendations on how to reach carbon neutral by 2050 or sooner as well as meeting recycling targets. Their recommendations are as follows:

- A primary focus on reducing the amount of plastics in the residual waste
- To capture more carbon intensive materials – i.e. textiles, metals, plastic
- To encourage/enable greater commercial waste recycling
- To explore carbon capture

And to reduce carbon impact but also increase the recycling rate:

- To reduce residual waste arisings
 - By less frequent collections
 - Smaller bins
 - No side waste
- To aim for higher capture rates of key materials
- To expand the range of materials collected
- To carry out a site by site review of Household Waste Recycling Centres (HWRCs) to emulate best sites, residual waste analysis and greater focus on textiles
- To deliver consistent communications including websites

The key to improving the carbon saved is to follow the waste hierarchy, and when recycling, improve the capture rates of the higher impact materials such as textiles, metals and plastics, and when recovering energy to minimise the amount of plastic in the residual waste.

The tables below show the carbon impacts per district with and without the HWRCs. The impacts vary significantly depending on the amount of reuse, the carbon intensity of materials recycled, the Energy Recovery Facility (ERF) used for

residual waste, and transport. On a consumption based analysis (where UK recycling is taken into account) the authorities overall are already carbon neutral if HWRCs are included. However, on a territorial basis (explain) they are not. As tables 5 and 6 show the carbon impact will increase with time (based on today's tonnages) mainly due to the decarbonisation of the electricity grid which will make the ERFs relatively less carbon efficient.

	East Devon	Exeter	Mid Devon	North Devon	South Hams	Teign-bridge	Torridge	West Devon	Total
Transport	7,308	3,316	3,582	5,646	5,139	5,703	3,296	2,355	36,345
Reuse	-4,682	-3,221	-1,668	-2,836	-3,051	-5,282	-1,612	-1,730	-24,083
Dry Recyclables	-13,549	-7,631	-6,278	-8,167	-6,415	-10,830	-5,165	-4,387	-62,421
Organics	-1,689	-377	-859	-578	-375	-1,532	-614	-546	-6,570
Incineration	5,298	4,147	5,276	3,344	4,315	4,355	1,794	1,981	30,510
Landfill	1,250	1,406	544	966	6	7	576	9	4,763
Net Impacts – Consumption basis	-6,064	-2,359	597	-1,626	-380	-7,579	-1,726	-2,318	-21,455
Impacts – Territorial Inventory	12,167	8,493	8,543	9,378	9,085	8,533	5,052	3,799	65,049

Table 3: Household Baseline, Tonnes CO2e. 2020 – including HWRCs

	East Devon	Exeter	Mid Devon	North Devon	South Hams	Teign-bridge	Torrige	West Devon	Total
Transport	5,422	2,067	2,763	4,509	4,138	4,454	2,520	1,745	27,616
Reuse	-976	-39	-54	-453	-694	-2,567	-23	-442	-5,248
Dry Recyclables	-8,832	-3,632	-4,136	-5,129	-3,333	-7,251	-3,088	-2,182	-37,582
Organics	-1,281	-155	-770	-479	-275	-1,350	-542	-414	-5,266
Incineration	5,140	4,024	5,017	3,283	3,649	3,809	1,767	1,625	28,314
Landfill	0	0	0	0	0	0	0	0	0
Net Impacts – Consumption basis	-527	2,265	2,820	1,731	3,484	-2,905	634	331	7,834
Impacts – Territorial Inventory	9,281	5,936	7,010	7,313	7,512	6,913	3,745	2,955	50,664

Table 4: Household Baseline, Tonnes CO2e. 2020 – excluding HWRCs

	2020	2025	2030	2035	2040	2045	2050
Transport	36,345	32,105	27,865	23,624	19,384	15,144	10,904
Reuse	-24,083	-24,083	-24,083	-24,083	-24,083	-24,083	-24,083
Dry Recyclables	-61,875	-61,875	-61,875	-61,875	-61,875	-61,875	-61,875
Organics	-6,750	-6,109	-5,522	-5,166	-4,956	-4,914	-4,873
Incineration	30,510	37,369	46,549	52,036	55,096	55,729	56,362
Landfill	4,763	4,833	4,926	4,982	5,013	5,020	5,026
Net Impacts – Consumption basis	-20,908	-17,759	-12,139	-10,481	-11,420	-14,979	-18,538
Impacts – Territorial Inventory	65,049	68,198	73,818	75,476	74,537	70,978	67,419

Table 5: Projected Total Household Carbon Impacts with HWRCs, tonnes CO2e

	2020	2025	2030	2035	2040	2045	2050
Transport	27,616	24,395	21,173	17,951	14,729	11,507	8,285
Reuse	-5,248	-5,248	-5,248	-5,248	-5,248	-5,248	-5,248
Dry Recyclables	-38,164	-37,963	-37,963	-37,963	-37,963	-37,963	-37,963
Organics	-5,266	-4,805	-4,218	-3,862	-3,652	-3,610	-3,568
Incineration	28,314	34,575	42,956	47,965	50,758	51,336	51,914
Landfill	0	0	0	0	0	0	0
Net Impacts – Consumption basis	7,252	10,953	16,699	18,842	18,623	16,021	13,419
Impacts – Territorial Inventory	50,664	54,165	59,910	62,054	61,835	59,233	56,631

Table 6: Projected Total Household Carbon Impacts without HWRCs, tonnes CO₂e

Exeter University were also asked to look at ways that the Energy Recovery Facilities could reduce their carbon impact. The conclusions from this work were:

- To reduce the amount of plastic in the residual waste
- To increase the efficiency of the plants by increasing the use of heat
- To explore carbon capture

The table below shows the relative impacts of a range of scenarios. All the scenarios have their limitations, for example reducing the plastic in the residual waste depends on manufacturers, the public, pre-treatment technologies and markets; increasing the plant efficiencies depends on suitable offtakers, and carbon capture is currently prohibitively expensive but may become less so in the future.

GHG reduction scenario	Exeter ERF		Devonport EfW CHP	
	Fossil kt CO _{2e}	% reduction	Fossil ktCO _{2e}	% reduction
Base case				
2018 emissions	15.7		39.3	
Reduced fossil content				
Plastics -100%	3.4	78%	-14.8	138%
Plastics -50%	9.6	39%	12.3	69%
Dense plastics -45%	13.2	16%	27.7	29%
Increased heat offtake				
Zero electricity export	-4.8	130%	-65.5	267%
Net zero heat	0.0	100%	0.0	100%
Max practical heat	7.9	50%	12.0	69%
Carbon capture and storage				
"Just Catch" and storage	-2.9	119%	-51.8	232%
Combined scenario				
Dense plastics -45% and max practical heat offtake	2.6	83%	-0.3	101%

Table 7: Range of scenarios for reducing carbon impact of ERFs

The data for Plymouth includes all waste entering the plant. The contribution of the Devon Authorities is approximately 1/3rd of the total, i.e. 60,000 tonnes, and Torbay similarly.

Table 8 below shows a summary of carbon impacts and the relationship with Devon's material tonnages. The summary notes explain the potential order of priority in terms of carbon impact reduction for the various actions – reduce, reuse, recycle.

Key

For each column the colours show the 1st, 2nd and 3rd best material to tackle for that particular action e.g. Considering waste prevention alone (Column B) textiles are the material to focus on. Considering waste prevention and the tonnage of that material in the residual bin (Column F), food waste would be best to focus on.

Green: greatest impact

Orange: 2nd greatest impact

Red: 3rd greatest impact

A	B	C	D	E	F = BxE	G = CxE	H = DxE	I	J = I/(E+I)	K = E/125,571
	TCO ₂ eq /t generated through manufacture and use	Impact of recycling (TCO ₂ eq/t)	Impact of thermal treatment (TCO ₂ eq/t)	Tonnes in Devon's residual dustbins	Waste prevention carbon saving (TCO ₂ eq/t)	Recycling carbon saving (TCO ₂ eq/t)	ERF carbon impact (TCO ₂ eq/t)	Tonnes of material recycled by Devon's districts	% of material available recycled	% of material in residue
Textiles	20.44	-5.83	0.216	6,530	-133,473	-38,070	1,410	1,095	14.3	5.2
Metals	12.95	-9.97	n/a	4,269	-55,284	-42,562	0	3,080 (+2,000 from ERFs)	42.0 (54%)	3.4
Food	3.74	-0.07	-0.012	37,797	-141,360	-2,645	-435	21,522	36.0	30.1
Plastic	3.19	-0.54	1.67	18,082	-57,681	-9,764	30,197	7,000	28.0	14.4
Glass	1.21	-0.76	0.069	4,143	-5,013	-3,149	285	23,000	84.7	3.3
Paper and card	0.89	-0.55	-0.18	19,464	-17,323	-10,705	-3,503	30,000	60.7	15.5

Table 8: Summary of carbon impacts and the relationship with Devon's material tonnages.

This table shows how waste prevention, recycling and energy recovery have different carbon impacts depending on the material in question:

- **Prevention:** Textile production has the greatest carbon impact per se, followed by metals, food and plastic. Waste prevention therefore is most effective in that order. However, given the quantities of materials in the residual, the scope for most impactful waste prevention might be food, textiles, plastic, metals, paper
- **Recycling:** Metals recycling has the greatest impact per se followed by textiles, glass, paper and plastic. However, given the quantities in the residual, the scope for most impactful recycling is metal, textiles, paper, plastic, glass.
- **Energy recovery:** Plastics to ERF has the greatest impact per se followed by textiles, paper, glass. However, given the quantities in the residual, the scope for most impactful ERF avoidance is plastic, textiles, glass. Putting food and paper waste into the ERFs reduces the carbon impact

Waste Analysis October 2017

East Devon Residual bin contents

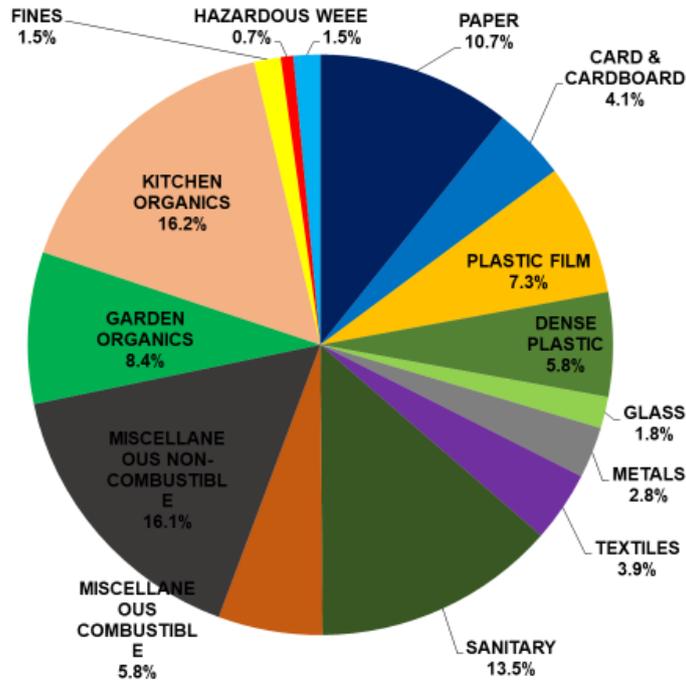


Figure 1: Contents of the residual bins October 2017: East Devon

Exeter Residual bin contents

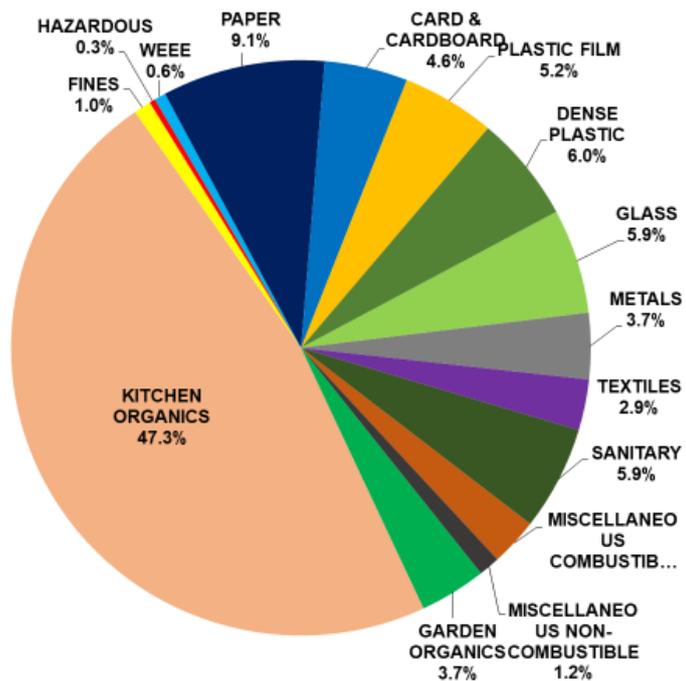


Figure 2: Contents of the residual bins October 2017: Exeter

Mid Devon Residual bin contents

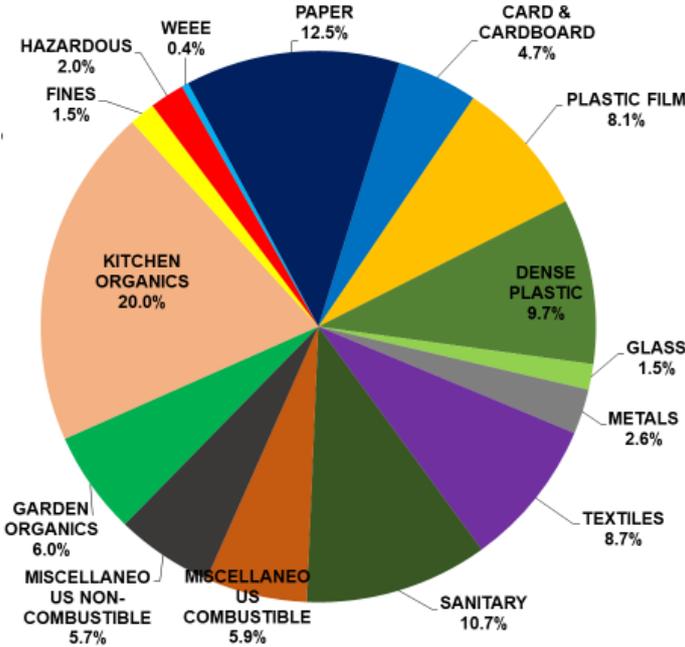


Figure 3: Contents of the residual bins October 2017: Mid Devon

North Devon Residual bin contents

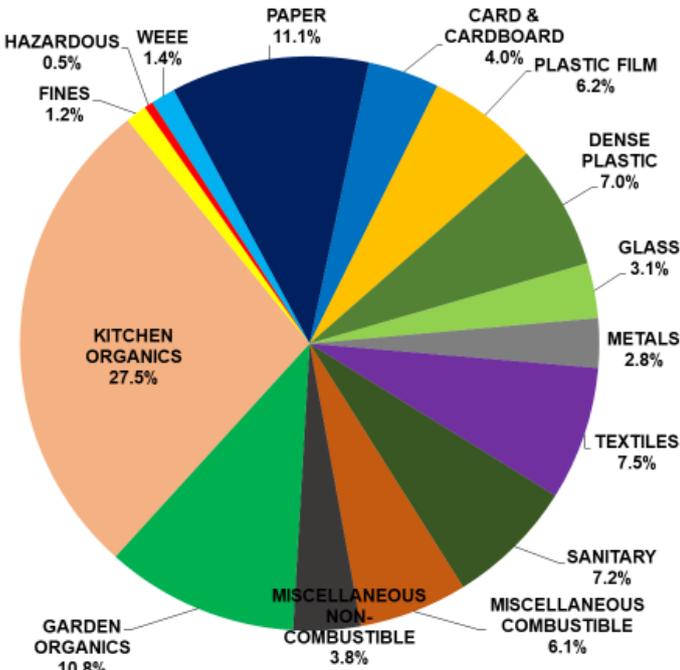


Figure 4: Contents of the residual bins October 2017: North Devon

South Hams Residual bin contents

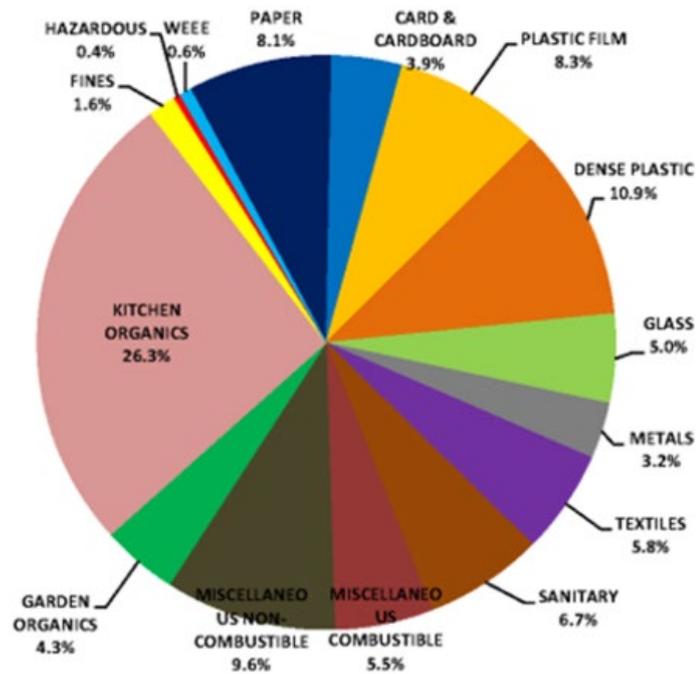


Figure 5: Contents of the residual bins October 2017: South Hams

Teignbridge Residual bin contents

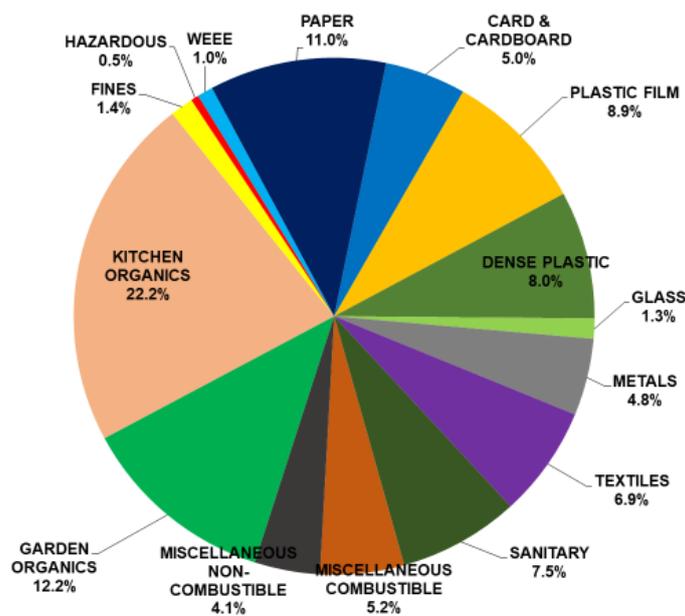


Figure 6: Contents of the residual bins October 2017: Teignbridge

Torrige Residual bin contents

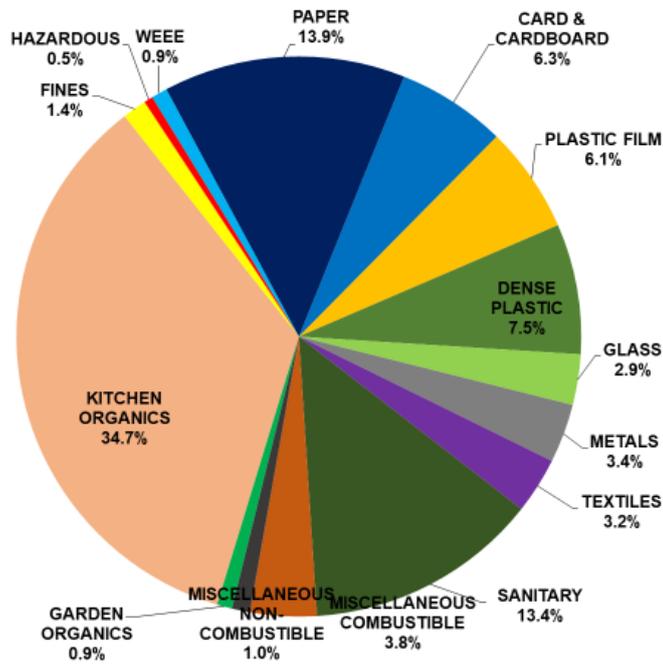


Figure 7: Contents of the residual bins October 2017: Torrige

West Devon Residual bin contents

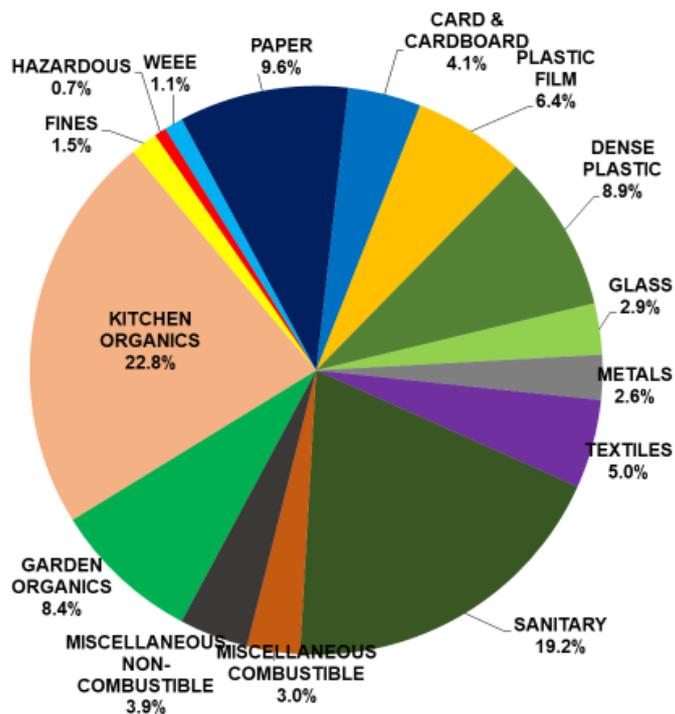


Figure 8: Contents of the residual bins October 2017: West Devon

Litter and fly tipping legislation

Litter

Local authorities, national park authorities, the Broads Authority and police community support officers have powers to take enforcement action against offenders. Anyone caught littering may be prosecuted in a magistrates' court, which can lead to a criminal record and a fine of up to £2,500 on conviction. Instead of prosecuting, councils may decide, under section 88 of the Act to issue a fixed penalty notice, otherwise known as an 'on-the-spot fine', of up to £150. Under section 88A, councils in England outside London can also issue civil penalties (not carrying criminal liability) to the keeper of any vehicle from which a littering offence is committed.

Section 89 of the Environmental Protection Act 1990 also imposes two distinct duties on a range of bodies to "keep their relevant land clear of litter and refuse" and to "keep the highways clean". In complying with these duties, "duty bodies" (district councils, highway authorities, educational institutions, the Crown and statutory undertakers such as rail and tram operators and water companies) must "have regard to" the statutory Code of Practice on Litter and Refuse. The Code sets out the legal standards that duty bodies are expected to be able to achieve in carrying out these duties on different types of land and seeks to encourage duty bodies to maintain their land within acceptable cleanliness standards. The emphasis is on the consistent and appropriate management of an area to keep it clean, not on how often it is cleaned.

To assist them in achieving these standards, litter authorities (predominantly district councils) have access to a range of other powers and duties designed to deter littering and prevent the defacement of land by litter and waste. E.g. Anti-social Behaviour, Crime and Policing Act 2014 which provides local agencies (councils, local police forces and registered social housing providers) with a range of flexible powers to tackle various anti-social and nuisance behaviours. For example, Community Protection Notices (CPN) may be used to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life, by targeting those responsible. Also, Public Space Protection Orders (PSPOs) provide similar protection from nuisances in public spaces by imposing conditions on the use of that area. For example, a PSPO may be used to require dog owners to pick up their dog's faeces.

Fly Tipping

Fly-tipping is the illegal deposit of waste on land. Fly-tipping differs from littering in that it involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully, or as a result of legitimate outlets not being available. The offence of fly-tipping, and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping, are set out in [Section 33\(1\)\(a\) of the Environmental Protection Act 1990](#). Section 33 is enforceable by both the Environment Agency and the local authorities.

The penalties for these offences are:

- Summary conviction: to imprisonment for a term not exceeding 12 months or a fine or both; and
- On conviction on Indictment: to imprisonment for a term not exceeding five years or a fine or both.

Directors, officers and senior employees can be imprisoned, and there is the possibility of licences being revoked if the person in question is not regarded as a 'fit and proper person' following conviction.

The registered keeper of a vehicle is liable for conviction if their vehicle is used during a fly-tipping offence.

Anyone who produces waste has a duty of care under section 34 of the Environmental Protection Act 1990 to ensure that it is disposed of properly. Therefore a person may be guilty of an offence under section 34 if their waste has been found to be dumped, even if the dumping was carried out by someone else. The duty applies to both businesses and householders.

For further information see

<http://www.tacklingflytipping.com/Documents/NFTPG-CaseStudies/Fly-tipping-responsibilities-Guide-for-local-authorities-and-land-manage....pdf>

Brief description of the Communications Strategy

The communications strategy covers all forms of targeted marketing and communications, including public relations, publications, campaigns and one-to-one engagement and aims to:

- Set objectives in line with government and local authority strategic aims
- Support and raise awareness of local, regional and national waste communication initiatives.

The strategy focusses on the following areas:

Audiences

- Make use of data for identifying key target audiences e.g. waste analysis and recycling collection tonnages to identify priority areas for communications.
- Develop understanding of key stakeholders, partners, residents and the best methods of how to engage with and motivate them via different means.

Key messages

- Work in partnership to ensure that communications are consistent, clear and effective.
- Support groups, charities, individuals and businesses who are actively preventing waste and reusing e.g. by telling and sharing their stories.
- Motivate residents by letting them know how well they are doing.

Tools and activities

- Identify the communication methods that are most appropriate to communicating the key messages to target audiences.
- Embrace and utilise new digital communication technologies and use where appropriate.
- Encourage engagement from residents and respond to queries raised
- Work in partnership and support the community and charitable sectors to increase waste prevention, repair and reuse

Resources and timescales

- Work in partnership with stakeholders to achieve economies of scale, and budget/plan communications effectively.
- Keep residents informed of changes to waste and recycling services in good time.

Evaluation

- Assess how effective the strategy and communications are e.g. by carrying out market research and using analytical tools.
- Provide feedback to stakeholders on performance.
- Develop evidence-based communications where possible.

Impact Assessment

Assessment of: Resource and Waste Management Strategy for Devon and Torbay

Service: Waste Management

Head of Service: Wendy Barratt

Version / date of sign off by Head of Service: 30th September 2020

Assessment carried out by (job title): Principal Waste Manager

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1. Description of project / service / activity / policy under review

The Resource and Waste Management Strategy for Devon describes how the Devon local authorities and Torbay will manage domestic waste from 2020-2030. The delivery of this Strategy is overseen by the Devon Authorities Strategic Waste Committee. Torbay are party to the Strategy but, as a Unitary Authority also have their own.

2. Reason for change / review

Government advice suggests that Waste Strategies should be reviewed every 5 years. The Waste Strategy was last reviewed in 2013. Due to the significant changes that have occurred since the Strategy was first published in 2005 it was agreed that a new Strategy rather than a review was appropriate. The process of drafting a new Strategy was then delayed due to waiting for the Government's new Resource and Waste Strategy for England which was published in October 2018 but was followed by a number of consultations in 2019 designed to develop the Strategy further. It

was concluded in February 2020 that the Devon Strategy should be progressed regardless. However, the Covid 19 pandemic initially delayed further progress. Further Government consultations were also delayed until early 2021. Approval to the draft Strategy will be sought in the Autumn of 2020 with the final document to be published in 2021 following a public consultation. The aim is to provide a document which describes the way in which Devon and Torbay local authorities will manage resources and waste (under their control) from 2020 – 2030 and to set both targets to reach and policies to manage waste. The objectives are to:

- To manage Devon’s & Torbay’s waste in a sustainable and cost efficient manner.
- To minimise the waste we create.
- To reduce the impact of resource and waste management in Devon on climate change by implementing the waste hierarchy and tailoring operations to reduce the waste carbon footprint.
- To maximise the value of the resources we use and preserve the stock of material resources i.e. Preserve natural capital and practice resource efficiency

Page 272 3. People affected and their diversity profile

The whole of the populations of Devon and Torbay will be affected as residents who receive waste collection and treatment services. The Community Survey of 2019 raised a number of issues and low satisfaction in relation to the question of whether Devon was free of fly tipping and litter. People from North Devon were concerned about the Tarka Trail. There were no significant differences for diversity groups.

4. Research used to inform this assessment

N/A

5. Description of consultation process and outcomes

Following on from the approval of the draft Strategy in October 2020 the Strategy will be put out for public consultation. Given the Covid 19 situation this is likely to be on-line only.

6. Equality analysis

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief. This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).
- The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:
 - Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
 - Proportionate (negative impacts are proportionate to the aims of the policy decision)
 - Fair
 - Necessary
 - Reasonable, and
 - Those affected have been adequately consulted.

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
All residents (include generic equality provisions)	<ul style="list-style-type: none"> The Strategy is relevant to the whole population of Devon and Torbay but it is not expected to have any specific negative consequences on the whole population 	N/A
Age	<ul style="list-style-type: none"> People may have difficulty understanding new instructions as services change 	<ul style="list-style-type: none"> Assistance can be provided by the local councils and the Waste Recycling Advisors We are committed to using plain English and, where appropriate, Easy Read (simple words and pictures) in public communications

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people	<ul style="list-style-type: none"> People may have difficulty understanding new instructions as services change 	<ul style="list-style-type: none"> Assistance can be provided by the local councils and the Waste Recycling Advisors Campaigns as well as information about service changes will be made accessible to disabled people where appropriate (e.g. alternative formats such as large print, Easy Read and BSL, website accessibility) We are committed to using plain English and, where appropriate, Easy Read (simple words and pictures) in public communications.
Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief	<ul style="list-style-type: none"> There may be a language barrier with regard to understanding new instructions 	<ul style="list-style-type: none"> Assistance can be provided by the local council and instructions can be provided in different languages Campaigns as well as information about service changes where appropriate will be made accessible to BAME people whose first language is not English. We are committed to using plain English and, where appropriate, Easy Read (simple words and pictures) in public communications.

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	In what way will you: <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim? Are you complying with the DCC Equality Policy ?
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)	N/A	N/A
Sexual orientation and marriage/civil partnership	N/A	N/A

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban	<ul style="list-style-type: none"> HWRC shops – positive issue – increased availability of low priced items in reuse shops 	<ul style="list-style-type: none"> There are shops at every HWRC where secondhand goods are sold at low prices. A recent initiative includes TVs, lamps and vacuum cleaners also being sold at low prices. Much of the Strategy is focussed on reducing, reusing and recycling waste. If residents follow some of the advice and ideas they will be able to save money, e.g. wasting less food can save a family up to £700 a year.

7. Human rights considerations:

N/A

8. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

The Strategy proposes the continuing support of Community Action Groups. These provide support in communities for residents to help themselves become more resilient. For example assistance is offered to set up Repair Cafes whereby local menders repair items such as toasters that are broke. This helps community cohesion, saves people money and can offer the potential to develop skills

In what way can you help people to be safe, protected from harm, and with good health and wellbeing?

The Strategy describes how domestic waste will be dealt with over the next 10 years. It will be dealt with in a safe manner and therefore will not harm residents. There is a chapter on litter and fly tipping which have the potential to harm communities, landowners and wildlife in a number of ways so there are proposals to work more closely together with partners to reduce the impact.

In what way can you help people to be connected, and involved in community activities?

As above, the Strategy proposes the continuing support of Community Action Groups. These provide support in communities for residents to help themselves become more resilient. For example assistance is offered to set up Repair Cafes whereby local menders repair items such as toasters that are broke. This helps community cohesion, saves people money and can offer the potential to develop skills. In addition a bid is being made to the Lottery Funds to provide community fridges whereby local people can access food for free, donated by local businesses.

9. Environmental analysis

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties. The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	
Strategic Environmental Assessment	

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce, reuse, recycle and compost:	The key focus of the Strategy is based on managing waste at the higher end of the waste hierarchy, in other words, reusing, reusing and recycling/composting. There are no negative consequences in this context.	Dealing with Devon's waste in line with the waste hierarchy will result in reduced impact on the environment and also reduce carbon impact.
Conserve and enhance wildlife:	There are no negative impacts.	Working together to tackle litter and fly tipping will reduce the impact on wildlife
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	There are no negative impacts	Working together to tackle litter and fly tipping will reduce the impact of waste on Devon's landscape. The Strategy will ensure that the amount of waste landfilled is reduced to less than 5% of the total waste disposal and that redundant landfills are maintained and returned to their original land use where possible.
Conserve and enhance Devon's cultural and historic heritage:	N/A	N/A
Minimise greenhouse gas emissions:	Waste management does produce greenhouse gases.	The Strategy will ensure that waste will be dealt with in ways that reduce carbon impact in line with the Devon and Torbay climate emergency declarations.
Minimise pollution (including air, land, water, light and noise):	Waste management has the potential to pollute if not carried out in a controlled manner.	The Strategy will ensure that waste is managed in line with planning and permitting requirements.

Contribute to reducing water consumption:	N/A	N/A
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	Waste infrastructure could be affected by climate change weather impacts.	When designing new infrastructure e.g. HWRCs, the need to build in resilience to climate change effects will be taken into account.
Other (please state below):		

10. Economic analysis

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	There are no negative impacts.	Advising residents on how best to reduce, reuse and recycle will increase their knowledge. Work with residents on initiatives such as repair cafes could potentially increase the skills base in communities.
Impact on employment levels:	There are no negative impacts.	The Strategy aims to help develop the Circular Economy – i.e. keeping things in use for as long as possible before they are disposed of, designing goods to be durable, and easily repairable, and recycling to reduce the use of finite resources. Encouraging reuse and repair could potentially lead to new jobs in Devon, supported by the need for a Green Recovery.
Impact on local business:	There are no negative impacts.	Supporting a circular economy and a Green Recovery could have a positive effect on businesses and enable new businesses to appear. The Government is likely to introduce the requirement for business waste to be recycled. Requiring businesses to recycle could increase opportunities for business development.

11. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

The Strategy aims to integrate and develop the positive social, environmental and economic impacts of waste management. There are no obvious conflicts between them.

12. How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

By focussing on reducing, reusing and recycling there will be positive impacts on the environment, including a reduction in greenhouse gases, potential for improved social cohesion via community engagement and the possibility of new jobs in the sector due to the need to increase reuse and recycling and enable businesses to recycle more.

The majority of the waste management services provided by the county, district and Unitary authorities are procured through contracts with the private sector. In as far as is possible through sustainable procurement obligations the specifications will ensure a positive impact on the economic, social and environmental well being of Devon and Torbay.

13. How will impacts and actions be monitored?

The Strategy will be accompanied by an Action Plan that will be reviewed yearly and impacts and actions will be monitored through this.

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Equality Impact Assessment: *Draft Resource and Waste Management Strategy for Devon and Torbay*

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 1 December 2020	Draft Resource and Waste Management Strategy for Devon and Torbay	Approve the draft Resource and Waste Management Strategy for Devon and Torbay for consultation	In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

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).			
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.			
Sex/Gender			
Gender reassignment			
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).			
Sexual orientation (including heterosexual, lesbian, gay, bisexual).			
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older			

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			
Marriage and civil partnership status			

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

Officer: Fiona Tame

Date: 30.10.2020

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REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director Transformation

Title: Review of Safeguarding Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To seek approval for the adoption of the revised Safeguarding Policy.

2. Recommendations:

2.1 That Executive supports the revised Safeguarding Policy; and

2.2 That Council approves the revised Safeguarding Policy

3. Reasons for the recommendation:

The safeguarding policy has been updated to ensure it reflects best practice in safeguarding and the recent updates to Statutory Taxi and Private Hire Vehicle Standards.

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

The report is an update on the policy. Resources are required to fund training and awareness raising programmes to ensure all staff understand their responsibilities and what to do to manage enquiries and referrals, and Disclosure and Barring Service checks for key staff. These have been found within existing budgets.

5. Section 151 Officer comments:

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

6. What are the legal aspects?

6.1 The Children Act 2004, specifically Section 11, places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.

6.2 The Care Act 2014 requires local authorities and relevant partners (including district councils) to co-operate with each other when exercising any respective functions which are relevant to care and support. This co-operation can be at a strategic level or related to individual cases.

6.3 There are a number of other pieces of legislation that cover all aspects of safeguarding under which the council has specific duties and these are listed in the policy document.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 The city council has had a safeguarding policy in place since 2006 which has been subject to review and minor amendments. It was last reviewed in 2018;

8.2 Apart from general updates to reflect the current best practice clauses have also been included to reflect changes to the Statutory Taxi and Private Hire Vehicle Standards places additional responsibilities on the licensing regime;

8.3 The policy is subject to ongoing annual review in order to respond to changes in legislation and best practice; and

8.4 Members are asked to endorse this document

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

In promoting safeguarding and protecting the wellbeing of children, young people and adults with care and support needs the safeguarding policy meets contributes directly to three strands of the Corporate Plan:

- Lead a well-run council;
- Building great neighbourhoods;
- Supporting active and healthy lifestyles

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

10.1 Failure to meet the requirements of the legislation could lead to children and adults at risk coming to significant harm. This could result in legal challenge to the Council.

10.2 The Council's Corporate Safeguarding Group provides governance to the policy and resulting actions.

10.3 The council safeguarding officers work closely with both Devon Safeguarding Adults Partnership, Devon Children and Families Partnership, Safer Devon Partnership and other district councils. This ensures best practice and that the council is kept up to date with any issues.

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?

None

Director Transformation, Jo Yelland

Author: Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity

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

Background papers used in compiling this report:-

- The Care Act 2014
- The Children Act 2004
- The Counter Terrorism Act 2015
- The Modern Slavery Act 2015.
- The Anti-Social Behaviour, Crime and Policing Act 2014
- The Serious Crime Act 2015
- The Statutory Taxi and Private Hire Vehicle Standards

Contact for enquires:

Democratic Services (Committees)
Room 4.36
01392 265275



Exeter City Council

Safeguarding Policy

This policy should be read with the Exeter City Council guides for managers and employees

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

Policy development and Version details

V3 23 September 2020

Title	Exeter City Council Safeguarding Policy
Author	Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality & Diversity
Owner	Jo Yelland, Director
Review dates	June 2023
Status for FOI	Open
Protected marking status	Unclassified
EqIA conducted	April 2020

Version	Date	Description

1. Introduction

- 1.1 Exeter City Council believes that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The council is committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in point 3.1 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.

- 1.2 We aim to act as an exemplar of safeguarding practice providing strong leadership and improving safeguarding standards through having a robust safeguarding policy and monitoring system.

2. Aims of the Policy

2.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs are protected and respected.
- Promote best practice in how employees, elected members and associated workers interact with children, young people and adults with care and support needs while providing Council services.
- Develop clear guidance and procedures for those employees, elected members and associated workers and ensure through training and support that they are aware of these and able to implement them.
- Provide a framework for developing partnerships with appropriate external bodies e.g. Devon Safeguarding Children Board and Devon Safeguarding Adults Board, to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs.

3. Scope of the Policy

3.1 The policy is in respect of Exeter City Council's responsibility towards:

- Children and young people, legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Care leavers up to the age of 25. The primary function for providing services specifically for care leavers in Exeter rests with Devon County Council. However Exeter City Council recognises its role in providing services that care leavers may access in particular its homelessness and homeless prevention services.
- Adults with care and support needs are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
 - has needs for care and support (whether or not the local authority is meeting any of those needs) **and**;
 - is experiencing, or at risk of, abuse or neglect; **and**
 - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- The employees of the council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and elected members of the council who, while not required to act in a position of trust, may come into contact with members of these groups on a regular basis during the course of their work.
- Employees and elected members involved in decision making with regard to licensing.

- Volunteers and other workers involved in the provision of council services or who are granted licences by the council, but not employed by the council, including workers in organisations with whom the council has contracts for the delivery of services.

- 3.2 It covers all the functions and services of the council, its elected members, staff, partners and contractors.
- 3.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. However it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.
- 3.4 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.
- 3.5 The policy does not cover safeguarding of council staff, elected members, contractors or volunteers which is dealt with separately under the Health and Safety Policy and associated procedures.

4. Legal Framework

- 4.1 This policy is based on Exeter City Council's responsibilities under:
- 4.1.1 The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- 4.1.2 The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- 4.1.3 The Counter Terrorism Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- 4.1.4 The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- 4.1.5 The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- 4.1.6 The Serious Crime Act 2015 particularly Part 5 (see Appendix A)
- 4.1.7 The Devon Adolescent Safety Framework <https://www.dcfp.org.uk/training-and-resources/policies-and-procedures/adolescent-safety-framework-safer-me/>
- 4.1.8 The Statutory Taxi and Private Hire Vehicle Standards <https://www.gov.uk/government/news/new-standards-to-improve-safety-for-taxi-and-private-hire-vehicle-passengers>

5. Supporting structures, policies and procedures

- 5.1 A Corporate Safeguarding Group has been set up to have oversight of safeguarding practice within the council and to drive forward improvements. The Group meets four times a year and includes representation from the Strategic Management Board and unions.
- 5.2 The Director Transformation has been appointed Strategic Safeguarding Lead and will chair the Corporate Safeguarding Group.
- 5.3 In addition the council has appointed a Corporate Safeguarding Lead responsible for co-ordinating the implementation of the policy and providing a single point of contact for the safeguarding boards.
- 5.4 The Corporate Safeguarding Lead has responsibility for:
- ensuring there is a secure central record relating to allegations and investigations
 - acting as multi agency partner on the Local Safeguarding Children Board and Local Adult Safeguarding Board
 - advocating the importance of safeguarding to partners, contractors and customers
 - ensuring all safeguarding policies, procedures and guidelines are implemented and promoted
- 5.5 In addition the Corporate Safeguarding Lead chairs a Safeguarding Representatives Group made up of a number of staff across the different services of the council. This group will have an operational overview of safeguarding issues in service areas, together with actions that could be taken.
- 5.6 In the absence of the Corporate Safeguarding Lead the Service Lead – Environmental Health and Community Safety will deputise for the corporate lead.
- 5.7 Safeguarding Representatives have responsibility for:
- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
 - Making a decision about how to proceed and whether to make a formal referral. If there is disagreement on the appropriate course of action to take then the safeguarding lead has the final decision. Where staff are dissatisfied with the decision of the safeguarding lead, they should report their concerns to their line manager in the first instance and can still make a referral if they have strong concerns.
 - Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording.
 - Working with colleagues to improve practice across the organisation.
 - In the event of an incident or query, should a safeguarding lead not be available, staff should go straight to relevant Devon County Council service. They can be supported by a senior manager but details of any incident must not be shared unless absolutely necessary.
 - Attending appropriate courses and updating of safeguarding legislation.
- 5.8 Any staff who have a safeguarding concern should in the first instance discuss the matter with any one of the Safeguarding Representatives who will make a decision whether or not to refer

the matter to the appropriate external organisation. A suite of supporting procedural documents is made available to all staff on the council's intranet site.

5.9 Exeter Community Safety Partnership (of which Exeter City Council is a statutory partner) also deals with some safeguarding issues on a city wide basis such as Domestic & Sexual Violence and Abuse, Modern Slavery, Child Exploitation and Preventing Violent Extremism. Both the Strategic and Corporate Safeguarding Leads sit on the Partnership so are able to ensure that the work of the Corporate Safeguarding Group supports that of the Community Safety Partnership and vice versa .

5.10 This policy should also be used in conjunction with the following:

- Disciplinary Procedure
- Grievance Procedure
- Whistle Blowing Policy
- IT Acceptable Use Policy
- Equality and Diversity Policy
- Complaints & Feedback Procedure
- Health & Safety at Work guidance
- Modern Slavery Transparency Statement
- Taxi Policy

6. Responsibilities

6.1 Responsibility for the implementation of this policy lies at all levels of the council.

6.2 Members

6.3 Elected members are collectively responsible for ensuring that the council has a policy, which adequately provides protection for children and adults with care and support needs in receipt of its services and for the regular review of this policy in the light of changes to legislation or regulation.

6.4 Each Exeter City Councillor has the personal responsibility to comply with the policy.

6.5 Elected Members should report any concerns to the Strategic or Corporate Safeguarding Leads.

6.6 The Portfolio Holder for Support Services has lead responsibility for safeguarding.

6.7 Members of the Licensing Committee have responsibility for ensuring that those taxi and private hire vehicle drivers to whom they grant licences are fit and proper people to hold such licences.

6.8 Officers

6.9 All employees and particularly those working with children and adults with care and support needs are responsible for:

- Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and adults with care and support needs.
- Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.

- Reporting to a Safeguarding Representative, any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from other staff, from carers, parents or those in place of a parent or between members of the group.
- 6.10 The Chief Executive has overall responsibility for the organisation's safeguarding arrangements.
- 6.11 Strategic Management Board is required to ensure good governance of the organisation and has responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.
- 6.12 Members of Strategic Management Board are also responsible for:
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
 - Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.
- 6.13 Tier 3 Service Leads are responsible for:
- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
 - Ensuring that those people appointed by them to the district council, whose normal duties fall into the definition of Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
 - Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the council's Human Resources team if the incident involves a member of staff.
 - Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
 - Ensuring that external contractors delivering council services and licensees are aware of the council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
 - Ensuring that carers and/or parents of the children and adults with care and support needs are aware that, in providing services, council employees are not normally acting in place of a parent, except in relation to events for unaccompanied children who have been formally registered.
 - Ensuring the carers and/or parents of the children and adults with care and support needs who are in direct receipt of council services ¹ are made aware that services will be delivered in line with this policy.
 - Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Devon County Council, Safeguarding Board or the Police, and to council's Human Resources team where employees, volunteers and contractors are involved and to the Monitoring Officer where elected members are involved.

¹ For example: this would include arranging accommodation for a vulnerable adult or holding an event for children at the museum. It would not include arranging accommodation for a family with children where the contract is with the parents/carers.

- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

6.14 Human Resources are responsible for:

- Working with senior managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.
- Supporting senior managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups.

6.15 Volunteers and other workers are responsible for:

- Working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

6.16 Contractors, suppliers, consultants and licensees are responsible for:

- Working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

6.17 A requirement to comply with safeguarding legislation will be included in all contracts and service level/delivery agreements. Failure to comply may lead to the termination of contracts. Organisations doing business with us are welcome to adopt our safeguarding policy for their own use.

7. Events and land hire

7.1 Any organisation who has lease agreements or regularly hire out or lease council facilities or open spaces, should have appropriate safeguarding procedures in place. They should ensure any volunteer or employee that has unsupervised contact with children, young people or adults with care and support needs undertakes a DBS check. They will also be required to demonstrate

that they have read the Council's policy on extremist speakers and will be encouraged to utilise the Council's Event Checklist Risk Assessment.

- 7.2 Any safeguarding concerns on council land should be reported to a Safeguarding Representative. (Not negating a need to call Police in a safeguarding emergency) Safeguarding Representatives are able to provide further advice and support to groups or organisations.
- 7.3 Details of these requirements are set out in the Exeter City Council Events Hire Policy

8. Grant applications

- 8.1 Safeguarding policies and procedures are required from all grant funded organisations. Satisfactory DBS checks for employees and volunteers may also be requested of any organisation or group, working with children, young people and adults with care and support needs who seek funding from the council.
- 8.2 As a minimum, an organisation will be expected to have a policy statement or procedure relating to safeguarding. Commissioned, contracted or grant funded organisations with minimal contact with children, young people and vulnerable adults may wish to adopt the councils Safeguarding Policy and procedures if deemed suitable.

9. Review

- 9.1 This policy and the related guidance will be reviewed every three years or sooner if required by the Safeguarding Representatives Group and Corporate Safeguarding Group. This will include and on-going review of guidance, both nationally and locally, to ensure the Council meets requirements to safeguard children, young people and adults, and there are appropriate procedures and protocols in place.
- 9.2 The Council's scrutiny function will also have a role in scrutinizing and challenging the Corporate Safeguarding Policy and the work of the Corporate Safeguarding Group.

Serious Crime Act 2015

Part 5 Protection of children and others

Protection of children

- 66. Child cruelty offence
- 67. Sexual communication with a child
- 68. Child sexual exploitation
- 69. Possession of a paedophile manual

Female genital mutilation

- 70. Offence of female genital mutilation: extra-territorial acts
- 71. Anonymity for victims of female genital mutilation
- 72. Offence of failing to protect girl from risk of genital mutilation
- 73. Female genital mutilation protection orders
- 74. Duty to notify police of female genital mutilation
- 75. Guidance about female genital mutilation

Domestic Abuse

- 76. Controlling or coercive behavior in an intimate or family relationship
- 77. Guidance about investigation of offences under section 76

Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>

Corporate Safeguarding Group Terms of Reference



Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.

1. Purpose

- 1.1 Exeter City Council recognises and accepts its responsibility as an employer to ensure, as far as is reasonably practicable, that its staff are aware of their individual and collective responsibilities to safeguard vulnerable citizens.**
- 1.2 In its ambition to act as an 'exemplar' of safeguarding practice, it seeks to give strong leadership through the formation of a Corporate Safeguarding Group to devise, develop and promote controls and initiatives, to improve standards of safeguarding through having a robust Safeguarding Policy and monitoring system.**

1. Function

- 1.1 Responsibility for promoting exemplar safeguarding practice throughout the Council;
- 1.2 Actively improve safeguarding performance and standards, and strive to exceed all statutory standards, codes of practice, regulations and applicable legal requirements reviewing where and when appropriate;
- 1.3 To ensure the effective implementation of systems and processes for safeguarding is embedded within corporate and service structures;
- 1.4 Provide strategic oversight for all aspects of safeguarding work across the organisation and ensure our policies and procedures are up to date and effective in protecting people who use services from potential or actual harm;
- 1.5 To identify, commission and monitor the Council's safeguarding training needed and attainment of the required training standards;
- 1.6 Providing strategic leadership and oversight with respect to safeguarding across all Council services so that strategic decisions can be made on robustly tackling emerging threats and trends, together with actions that need to be taken;
- 1.7 Consider reports from the Safeguarding Lead, Safeguarding Representatives Meetings, Internal Audit and external auditors deemed necessary;
- 1.8 Consider information provided by HM Government and other responsible bodies and provide the necessary strategic direction and guidance as required;
- 1.9 Provide strategic direction regarding Safeguarding communication and publicity across the Council, raising the profile of children and adults' safeguarding and promote proactive communications and raise awareness both internally and externally;
- 1.10 Initiate improvements in Exeter City Council's working practices, systems and procedures to support effective safeguarding practice in Exeter City Council's statutory and regulatory roles to protect people from potential or actual harm;

- 1.11 Identify, respond and escalate, as appropriate, organisational risk within Exeter City Council related to safeguarding;
- 1.12 To be satisfied that investigations have been undertaken where safeguarding issues are suspected or identified, to receive reports and make appropriate recommendations arising from the outcome of such investigations;
- 1.13 To provide strategic oversight of any internal management reviews that are conducted and to consider recommendations that are made as a result of Domestic Homicide Reviews, Safeguarding Adults Reviews and children's Serious Case Reviews;
- 1.14 To maintain links with other local community safety and protection strategies and frameworks, ensuring that multi-agency partnership working is strengthened and any issues identified are given a focus (such as PREVENT, domestic and sexual violence and abuse, modern slavery, child sexual exploitation and hate crime).

2. Membership

2.1 The membership of the Corporate Safeguarding Committee will be:

- **Directors**
- **City Solicitor and Head of Human Resources**
- **Chief Finance Officer**
- **UNISON Branch Secretary (or nominated deputy)**
- **Other recognised Union Branch Secretary's as appropriate**
- **Corporate Safeguarding Lead**
- **Human Resources Business Manager**
- **Environmental Health and Community Safety Manager**

2.2 Membership of the group will be reviewed annually to ensure that it remains appropriate.

2.3 A minimum of 5 group members will need to be present at any given committee meeting for it to be deemed quorate.

3. Procedures

3.1 The Chair shall be the Director appointed by the Chief Executive to be the Strategic Safeguarding Lead. In their absence their duties will be picked up by a nominated member of the Senior Management Board.

3.2 Tier 3 staff (Corporate Managers and Service Leads) may make representation about safeguarding matters relating to their service through making a formal request to the chair.

3.3 Tier 3 staff may also be invited to discuss matters arising at the request of the chair.

3.4 Meetings will take place every quarter. Reports submitted will be timetabled and there will be standing items on proactive and reactive monitoring.

3.5 Additional meetings may be arranged by the chair in exceptional circumstances in response to a local or national event or change in national guidance or legislation.

3.6 Minutes of meetings will be taken by Democratic Services

3.7 Agreed minutes will be kept of each meeting and circulated to the group members. A copy of the minutes will be made available on Mod Gov. committee system

3.8 Group members will be trained in safeguarding.

Safeguarding Representatives Group Terms of Reference



Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.

1. Purpose

1.1 Exeter City Council recognises and accepts its responsibility as an employer to ensure, as far as is reasonably practicable, that its staff are aware of their individual and collective responsibilities to safeguard vulnerable citizens.

1.2 In its ambition to act as an 'exemplar' of safeguarding practice, it seeks to give strong leadership through the formation of a Corporate Safeguarding Group and Safeguarding Representatives Group to devise, develop and promote controls and initiatives, to improve standards of safeguarding through having a robust Safeguarding Policy and monitoring system.

1. Function

1.1 Actively improve safeguarding performance and standards, and strive to exceed all statutory standards, codes of practice, regulations and applicable legal requirements reviewing where and when appropriate.

1.2 Commit to improving safeguarding practice across the organisation and to take all reasonable steps to promote safeguarding.

1.3 To have an operational overview of safeguarding issues in service areas, together with actions that could be taken

1.4 Make representation on potential safeguarding risks which affect, or could affect service areas

1.5 Make representations on general safeguarding matters affecting service areas and on matters consulted about by the Corporate Safeguarding Group

1.6 Undertake audits and reviews assigned to them and report back to the Safeguarding Representatives Meeting.

1.7 Consider information provided by the Devon Children and Families Partnership, Devon Adult Safeguarding Board and other relevant partnerships, and input to the Safeguarding Group on the impact to service areas as required

1.8 Revise and review safe working practices as necessary

1.9 Consider reports which other Safeguarding Representatives submit to the meeting

1.10 To provide an operational input on safeguarding training

1.11 Progress the annual Safeguarding Action Plan within their service area

2. Membership

2.1 The membership of the Safeguarding Representatives Group will be:

- **Corporate Safeguarding Lead**
- **Safeguarding representatives from the following services:**
 - **Housing Assets, Customers and Lettings & Leasehold**
 - **Housing Needs**
 - **RAMM**
 - **Benefits**
 - **Payments & Collections**
 - **Customer Support**
 - **Environmental Health and Community Safety**
 - **Events (Communications, Tourism & Culture)**
 - **Corn Exchange (Events, Facilities and Markets)**
 - **Public Realm**
 - **City Development and Economy**
 - **Active & Healthy People**
 - **Human Resources**

2.2 Membership of the Group will be reviewed annually to ensure that it remains appropriate

2.3 A minimum of 5 group members will need to be present at any given group meeting for it to be deemed quorate.

3 Procedures

3.1 The Chair shall be the Corporate Safeguarding Lead.

3.2 Meetings will take place every quarter. The agenda will focus on service improvement and performance monitoring of remedial actions. Matters arising that cannot be resolved locally will be passed to the Safeguarding Group for consideration.

3.5 Meetings that have to be cancelled or postponed will have an agreed date for the next meeting made as soon as possible

3.6 Additional meetings may be arranged by the chair in exceptional circumstances in response to a local or national event or change in national guidance or legislation.

3.7 Agreed minutes will be kept of each meeting and circulated to the Representative Group Members and the Corporate Safeguarding Group.

3.8 Safeguarding Representative Group Members will be trained to Devon Children and Families Partnership Group 3 and Devon Adult Safeguarding Board Level 3 or equivalent.

3.9 Safeguarding Representative Group Members will be permitted time away from normal duties to fulfil their role. The amount of time away from normal duties will be discussed and agreed with the line manager of the service from which the Representative Group Member is nominated.

3.10 Changes to the Safeguarding Representatives Group terms of reference must receive ratification from the Safeguarding Group.

Equality Impact Assessment: *Corporate Safeguarding Policy Review June 2020*

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:
Corporate Safeguarding Group	Corporate Safeguarding Policy Review June 2020	Adoption and Implementation of the revised policy	Older people, young people, those with disabilities, people from ethnic minority backgrounds

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).	Positive	High	The Policy includes actions to protect people experiencing cultural issues such as forced marriage and Female Genital Mutilation which tend to affect young people from ethnic minority backgrounds disproportionately. The Policy covers Modern Slavery which can affect migrant workers.
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 policy has two key purposes, one of which is to demonstrate the Council's commitment to safeguarding from harm all adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.
Sex/Gender	Positive	High	The policy covers domestic violence and abuse which has a disproportionate impact on women.
Gender reassignment			
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).			
Sexual orientation (including heterosexual, lesbian, gay, bisexual).			

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 purpose of the policy is to demonstrate the council's commitment to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the council, our partners and contractors.
Pregnancy and maternity including new and breast feeding mothers			
Marriage and civil partnership status			
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p> <ul style="list-style-type: none"> • 			

Officer: Melinda Pogue-Jackson

Date: 21 May 2020

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REPORT TO EXECUTIVE

Date of Meeting: 3 November 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director Transformation

Title: Review of Equality and Diversity Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To seek approval for the adoption of the revised Equality and Diversity Policy.

2. Recommendations:

2.1 That Executive supports the revised Equality and Diversity Policy; and

2.2 That Council approves the revised Equality and Diversity Policy.

3. Reasons for the recommendation:

The Equality and Diversity Policy has been updated to ensure it reflects current process relating in particular to the production of Equality Impact Assessments and the recent updates to Statutory Taxi and Private Hire Vehicle Standards.

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

The report is an update on the policy. The policy will require a heightened awareness from staff in their day to day work to take account of equality considerations which may require additional time. There will also be a requirement for training and awareness raising programmes to ensure all staff understand their responsibilities.

5. Section 151 Officer comments:

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

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 Equality Act brought together and harmonised all previous nine main pieces of equality legislation covering service provision and employment, protecting individuals against discrimination

7. Monitoring Officer's comments:

The Monitoring Officer is happy to endorse this Policy to members in order to ensure that we comply with our statutory obligations.

8. Report details:

8.1 Equality and Diversity Policy

8.2 This policy was last reviewed in 2018. The current review makes minor amendments to reflect current procedures such as those for Equality Impact Assessments and the recent Statutory Taxi and Private Hire Vehicle Standards.

8.3 The policy is subject to ongoing annual review in order to respond to changes in legislation and best practice.

8.4 Members are asked to endorse this document.

8.5 Key Achievements

8.6 Since the previous iteration of the policy a new procedure for the production of Equality Impact Assessments has been developed. This procedure, which is available on the intranet, provides clarity about when and how to write assessments and has increased the number being produced for members to aid their decision making.

8.7 A training session is planned for service leads to provide further guidance on best practice in writing these assessments.

8.8 As part of the Council's rapid response to the outbreak of Covid 19, work was undertaken to ensure that information on how to access help and support, including grants, was made available to harder to hear groups through the Exeter Community Wellbeing programme and Covid-19 Exeter Wellbeing Support Fund. A link to the British Sign Language translation of Government guidance has also been included on the Council's web site.

8.9 The Council has responded to the requirements of the 2018 Accessibility Regulations for websites by producing guidance for staff, available on the intranet, on how to make documents and web pages fully accessible. Since February 2020 no content will be published on the website unless it meets these requirements.

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

In promoting equality and diversity the policy contributes directly to three strands of the Corporate Plan:

- Lead a well-run Council;
- Building great neighbourhoods; and
- Supporting active and healthy lifestyles

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

10.1 Failure to meet duties under the Equality Act 2010 risk challenge from the public and community groups.

10.2 The Council's Corporate Equality and Diversity Group provides governance to the policy and resulting actions.

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?

None.

Director Transformation, Jo Yelland

Author: Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity

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

Equality and Diversity Policy

This policy should be read with the Exeter City Council Guides for Managers and Employees

Policy development and Version details

V3 September 2020

V2 July 2018

Title	Equality and Diversity Policy
Author	Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality & Diversity
Owner	Jo Yelland, Director
Review dates	June 2023
Status for FOI	Open
Protected marking status	Unclassified
EqIA conducted	August 2016. Reviewed June 2020

1. Introduction

Exeter City Council bases all of its work on the fundamental principles of the Universal Declaration of Human Rights 1948¹ and welcomes the diversity of the community living, working and learning in the city. As a service provider, community leader and employer the council is committed to being an exemplar in promoting equality and tackling social exclusion.

This document sets out our aims for the city and what we need to do to achieve those aims. It provides an overarching direction for our work and other policies and activities will be developed and reviewed to ensure that we can achieve our aims.

2. Devon Joint Declaration for Equality

Exeter City Council is a signatory to the Devon Joint Declaration for Equality. This states that we will work to achieve:

- a city where people achieve their own potential and a good quality of life.
- a city where everyone can access our services, facilities or information.
- a city where there is public involvement and influence over decision making, planning, policy and service delivery.
- a city that is a strong, safe and inclusive community.
- a city where people have trust and confidence to report incidents of abuse or discrimination.
- a workforce, at all levels, that is supported and broadly reflects the diversity of the community.

3. How will we achieve this?

3.1 As a provider of services

3.2 We will make our services easier to use and more accessible for everyone in Exeter. To do this we will:

- make information about our services more widely available and more accessible
- make our buildings more accessible to customers
- make contacting the council easier and more accessible to all customers

3.3 As an employer

3.4 We believe that having a workforce that reflects the diversity of the local population that feels it is treated equally and fairly and has the opportunity to grow and develop at work will help us to provide the best possible service to the people of Exeter. Our aim is to be an equal opportunities employer. To do this we need to:

- increase the degree by which workforce diversity reflects the local population
- ensure all staff are paid equally for work of equal value
- ensure that staff are treated fairly and have equal opportunities at work regardless of their background or status
- ensure that all staff can work in an environment and culture free from harassment, bullying and discrimination

¹ <http://www.un.org/en/universal-declaration-human-rights/>

- ensure that all staff have the skills and understanding they need to meet the diverse needs of a diverse population

3.5 When helping to build successful communities:

3.6 The council has an important role to play in helping to build and support successful cohesive communities that have an active role in shaping their services and local neighbourhoods. To do this we need to:

- develop policies that promote community cohesion and resilience
- increase the engagement of people from diverse communities with the council's decision making process
- support services in the private and voluntary sector that meet the diverse needs of the community

4. **Scope of the policy**

4.1 This policy is intended to reflect the impact of The Equality Act 2010. The act brings together and harmonises previous equality legislation covering service delivery and employment practice and introduces the Public Sector Equality Duty:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) **eliminate discrimination, harassment, victimisation and any other conduct that is prohibited** by or under this Act;

(b) **advance equality of opportunity** between persons who share a relevant protected characteristic and persons who do not share it;

(c) **foster good relations** between persons who share a relevant protected characteristic and persons who do not share it.

4.2 Due regard to the duty should occur when making decisions and in other day to day activities. The duty must be exercised in substance, with rigour, and with an open mind, and in such a way that it influences the final decision.

4.3 Case law states that a record of decision making is vital to demonstrate that thought has been given to the duty².

4.4 The duty applies to nine 'protected characteristics': age, disability, sex, gender reassignment, marriage and civil partnership (in relation to point a. at work), pregnancy and maternity, race, religion and belief, sexual orientation.

4.5 The council extends this protection under the policy to socio economic background, class, caste, political or other opinion, national origin, locality, or association with these characteristics.

4.6 Everyone who uses services, facilities and information provided by the council should be treated in line with this policy. This includes customers, members of the public, partners, contractors, employees, volunteers and elected members.

² <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 4.7 The Equality Act 2010 is built on the principles of the Human Rights Act. The council supports the purpose and articles of the Act and specifically Article 14 which provides that 'the rights and freedoms set forth in (the Human Rights Act) shall be secured without discrimination on any ground".

5. Our supporting policies, structures and processes

- 5.1 The council has a number of supporting policies, structures and processes in place, in addition to this policy. These include:

- an Equality Impact Assessment toolkit to analyse the effects our policies and services have on people
- policies on recruitment and selection and learning and development opportunities for employees
- policies and codes of conduct covering employee, member and customer behaviour
- policy and procedures for reporting incidents of bullying, discrimination and Hate Crime
- communication standards including policies and guidance for translations, interpreting and alternative formats, and use of Social Media
- disability access improvement plans for buildings
- procurement/commissioning standards and clauses
- supporting guidance and information, including information about community needs, views and profiles although we are aware that we need to make improvements in this area
- a member and officers who have designated responsibility for leading on equality, raising awareness and building capacity within the organisation
- external consultation arrangements commissioned with voluntary and community sector organisations
- partnership meetings such as the Community Safety Partnership which provide governance to how we work with other agencies on issues we cannot tackle in isolation
- the Equality Framework for Local Government will be used as a framework to improve or maintain standards and be accountable to the people it serves. However we are not only driven by legislation - our policy and work programmes are also in response to local needs.

6. Responsibilities

6.1 Ultimate responsibility

The ultimate responsibility for the provision of equal opportunities lies with the council. The Public Sector Equality Duty cannot be delegated. This means that the duty will always remain the responsibility of the organisation subject to the duty, in this case Exeter City Council. In practice, this may mean that the council will need to ask suppliers to take certain steps (such as monitoring service users), in order to enable the public authority to meet their continuing legal obligation to comply with the Public Sector Equality Duty.

6.2 Individual responsibility

6.3 Members

Each Exeter City Councillor has the personal responsibility to comply with the policy. The Portfolio Holder for Communities and Culture has lead responsibility for equality in service delivery supported by the Member Champion for Equality and Diversity. The Leader of the Council has responsibility for equality in employment.

6.4 Officers

6.5 Strategic Management Board

The Chief Executive and Growth Director has been delegated overall responsibility for ensuring that this policy and the processes underpinning it are developed, implemented effectively, monitored and updated.

The Strategic Management Board is required to ensure good governance of the organisation and has overall responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.

The Director Transformation has the strategic lead for equality and diversity and the implementation of this policy.

Individual directors are responsible for checking that reports to committee include Equality Impact Assessments where necessary.

6.6 Service Leads and Corporate Managers (Tier 3 Managers) are required to:

- manage equality within their services
- ensure that equality is clearly incorporated in to policy, design and delivery of services and functions, where relevant and that Equality Impact Assessments are carried out where appropriate.
- ensure that all employees within their services are aware of the policy and have received training in the implementation of the policy
- ensure that all employees within their services who are involved in recruitment and selection have received training on equal opportunities

6.7 Employees in general are required to:

- ensure they understand and comply with the letter and spirit of the policy
- actively participate in measures introduced by the council to promote equality and diversity and ensure that there is no discrimination
- report to management any discriminatory practices or behaviours
- support the proper investigation of complaints.

Employees and others working on behalf of an employer can be held personally liable for acts of unlawful discrimination where an employer has taken all reasonable steps to prevent such an act.

6.8 Human Resources are required to:

- ensure that the council's recruitment, training and development and other working practices and procedures are non-discriminatory and promote equality of opportunity
- carry out corporate monitoring of employment policies and practices and publish results annually
- ensure that managers and members are aware of the content of the policy relating to employment matters and the legislative framework underpinning it

6.9 Trade Unions are encouraged to:

- work with management in monitoring equality and diversity
- ensure that their elected officials are conversant with the council's policy and its application

6.10 Contractors, suppliers and consultants

A requirement to comply with equality legislation will be included in all contracts, service level/delivery agreements and licences. Failure to comply may lead to the termination of contracts. Organisations doing business with us are welcome to adopt our equality policy for their own use.

7. **Actions to ensure the council meets its duties**

7.1 Awareness raising with employees

7.2 The council will provide appropriate training to staff to help them to understand their rights and responsibilities and to increase awareness of the council's legal duties, obligations, practices and procedures.

7.3 The corporate induction processes will include a basic introduction to the council's policies on equality and directorate induction should cover issues specific to that area of work.

7.4 Reasonable adjustments will be considered and where appropriate made to enable employees with a disability to take advantage of training opportunities and events.

7.5 Assessing the impact of policies and services

7.6 An Equality Impact Assessment should be carried out when:

- Recommending a decision to committee
- Planning a consultation to help identify focused work on hard to hear groups
- Developing the business case for a project and throughout the project lifecycle
- Developing policies, strategies, tenders/contracts or plans.
- Deciding on alterations to a service, including the closure of a service.
- Reviewing a service, policy or practice, including commissioned service even if an EQIA was carried out when the work was first developed.
- There is a concern about an existing policy or practice e.g. complaints, feedback or monitoring indicates disadvantage or gaps in service, economic disadvantage or damage to the environment. This can include concerns raised at a regional or national level.

And where it directly affects people and has the potential for different treatment, access, outcomes or levels of satisfaction.

The assessment should be used to aid development and produce recommendations for decision makers.

7.7 Assessing the impact on equality helps us to understand need by looking at the effect or possible effect our work may have on different groups of people. By anticipating the consequences of our work we 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. This also improves efficiency because we can identify where to target our resources most effectively.

7.8 All project leaders are responsible for incorporating equality into their projects or strategies starting at the very beginning of the project and maintain this focus so that it is a continuous process. An Equality Impact Assessment Toolkit is available on the Council's intranet to assist with this work. Any project or policy team can use the this toolkit to help them assess

the potential impact of their project, regardless of whether it has been identified by the directorate as requiring an assessment. The complexity of the impact assessment will vary dependent on the nature of the issue being assessed.

- 7.9 We will work to increase the number of services that involve people from diverse communities in their equality impact assessments and service planning processes.
- 7.10 Completed impact assessments will be submitted with relevant committee papers and are published on the council's website.
- 7.11 Community engagement
- 7.12 The council recognises the specialist role that the community and voluntary sector plays in tackling inequality through its strong roots in service user involvement, community engagement and social justice.
- 7.13 We will work with members of the public, diverse communities and community organisations to develop our priorities and challenge our equality performance.
- 7.14 We will ensure that all sections of the community have equal opportunity to successfully bid for council contracts and are informed about other opportunities such as asset transfer.
- 7.16 Accessible services and information
- 7.17 The council will consider the needs of potential and existing customers (whether internal or external) and take steps to make information as accessible and easy to read as possible. We will use plain English and follow good practice guidance on font size, contrast, typeface and use of the 'alternative format statement'.
- 7.18 When publishing content on intranet and internet sites, we will follow web-accessibility legislation³ and where possible, provide information in a way that people can change the typeface and colours to suit their own needs.
- 7.19 We will provide translations, face to face or telephone interpreting, and alternative formats in line with good practice guidelines. In particular, we will provide information in a different format on request if someone is unable to access information they need in its original format (this can include providing information in large print, Easy Read words and symbols, Braille, audio, British Sign Language video and in other languages). The Council reserves the right to provide the most cost effective alternative which serves as a reasonable adjustment but does not compromise quality and professionalism.
- 7.20 The Council also has a legal duty to anticipate reasonable adjustments for disabled people and make information readily available in alternative formats where there is anticipated need.
- 7.21 When organising meetings or events we will ask if delegates have any specific requirements such as diet, access or communication support. Accessible venues will be used where possible and must be used if someone has this need. Reasonable adjustments must be made for disabled people (sometimes this can be achieved through an individual's Access to Work Funding). You may need to factor in the cost of supported transport.
- 7.22 Recruitment and selection
- 7.23 The council is committed to applying its equality policy at all stages of recruitment and selection. Short listing, interviewing and selection will always be carried out without regard

³ Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018

to sex, gender, gender reassignment, sexual orientation, marital or civil partnership status, race, nationality, ethnic or national origins, religion or belief, age, disability, pregnancy or maternity leave or trade union membership.

- 7.24 Where a service has identified underrepresentation of a particular group with protected characteristics, the advert may include a statement to encourage applicants from such a specified group(s).
- 7.25 All disabled applicants who meet the minimum requirements of the job as set out in the job description and employee specification will be guaranteed an interview. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his/her disability.
- 7.26 Learning and development
- 7.27 Development and training is essential to the achievement of the council's core values. Exeter City Council will treat its employees fairly and offer them the appropriate training and development, to not only help them do their current jobs but also help them develop further within their area of work.
- 7.28 Any training highlighted on an employee's Growth & Development Review Form will be included in the Service Learning & Development Plan.
- 7.29 Positive action may be taken in providing training and development to minority groups to ensure that members of the group have equal access to training and development and promotion opportunities.
- 7.30 Employees will not be denied access to training and development on any basis and in particular any reason associated with a protected characteristic.
- 7.31 Flexible working
- 7.32 The council believes that flexible working can increase employee motivation, promote work-life balance, reduce employee stress and improve performance and productivity and support equality.
- 7.33 All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by the council.
- 7.34 The council's flexible working arrangements may take account of religious requirements. Although there is no entitlement for a person to work particular days or hours because of religious commitments, any requests to do so will be considered positively and balanced with the needs of the service. Religious requirements for certain dress codes will also be considered positively and balanced with the requirements to wear a corporate uniform or Personal Protective Equipment.
- 7.35 Assisting employees who are disabled or who become disabled
- 7.36 The council will seek and consider advice with regard to reasonable adjustments to working arrangements, equipment, furniture etc to assist employees who are disabled or who, in the course of their employment, become disabled.
- 7.37 Employees who become disabled will be given opportunities to train within their present job to continue with that job or to re-train and be re-deployed to a job more suitable to their level of abilities.

7.38 Equality monitoring

7.39 The Council recognises that equality monitoring of service delivery is essential for effective planning of the services that it provides. Monitoring can tell us which groups are using services and how satisfied they are with them. This data, in conjunction with impact assessments can then be used to highlight possible inequalities, investigate their underlying causes and remove any unfairness or disadvantage.

7.40 The council will ensure that the impact of its employment policies and practices are also regularly monitored so that the success of the council's aims and objectives can be measured and continuous improvements made. A report on employment equality monitoring will be made to the Strategic Management Board and to the relevant Scrutiny Committee annually.

7.41 Data will be obtained from the Equal Opportunities Monitoring form included with the application form and will be retained on the Resource Link System.

7.42 An Equality Monitoring Toolkit providing advice and guidance to staff is available on the intranet.

7.43 Responding to discrimination, bullying and harassment

7.44 Employees who feel that they are victims of discrimination should immediately draw the issue to the attention of their line manager who should, if possible, resolve the issue informally. If the issue cannot be resolved in this way a complaint should be made in accordance with the Council's Dignity at Work Policy.

7.45 The council's Dignity at Work Policy covers bullying and harassment of all kinds and across all protected characteristics. It makes it clear that the council believes all employees have the right to seek and hold employment without discrimination, harassment or bullying. It aims to create a working environment that is free from all harassment and intimidation.

7.46 Where customers believe they have been discriminated against they should be directed to the Council's complaints procedure. Such complaints will be investigated in the normal way however these will also be reported to and monitored by the Corporate Equality and Diversity Officer.

7.47 Customers who are council housing tenants and have been victims of harassment will be supported by their neighbourhood officer. Council housing tenants who perpetrate harassment will be challenged and are at risk of sanctions and eviction. As a landlord the city council has a specific duty not to discriminate in regard to the allocation of accommodation or in regard to subjecting its tenants to detriment. Specific procedures have been developed to ensure compliance with this requirement.

7.48 Other customers will be offered advice and supported to report their complaint to the appropriate agency.

7.49 The council has signed up to the Zero Tolerance to Hate Crime pledge, led by Devon and Cornwall Police.

7.50 Identifying improvements

- 7.51 The council will produce an annual action plan to address gaps in work to achieve the vision. The actions contained in it will be specific, measurable, achievable, resourced and have timescales (SMART).
- 7.52 A report against this action plan will be made to the Corporate Equality and Diversity Group quarterly.

8. Access Statement

- 8.1 The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include actions such as the provision of communication in a different format (e.g. brail, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.
- 8.2 However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

9. Related Policies

- 9.1 Other policies and guidance which support this policy include:

- Dignity at Work
- Flexible Working Hours Scheme
- Family Friendly policies
- Grievance Procedure
- Complaints and Feedback Procedure
- Unacceptable Behaviour policy
- Safeguarding Policy and procedures
- Accessible, Inclusive Events planning guide
- Taxi Policy

Forms of Discrimination

Direct Discrimination occurs when a person is treated less favourably than another person on the grounds of gender, sexual orientation, race, disability, religion or belief, age etc. In many cases direct discrimination is made unlawful through legislation such as the Sex Discrimination, Race Relations, Disability Discrimination Acts and The Employment Equality (Age) Regulations 2006.

Discrimination by Association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception Discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Perception discrimination already applies to age, race, religion, or belief and sexual orientation. It has now been extended to cover disability, gender reassignment and sex.

Indirect Discrimination occurs when a condition or requirement, formal or informal, although applied equally to all groups has the effect of excluding, penalising or treating any of those groups less favourably and cannot be shown to be justified and may be to the detriment of those who cannot comply with it.

Positive Discrimination is illegal. For example it is illegal to employ someone purely on the basis of their race, gender etc. (see Positive Action below). **Positive Action** is not illegal if it reasonably appears that it prevents or compensates for disadvantage suffered by specific groups in work or who are likely to take up that work. Thus, if it can be shown that specific groups are currently underrepresented in certain areas and levels of the workforce then positive action can be taken to redress the situation. For example, courses and events can be run for specific groups and positive action can include positively seeking to attract applicants from underrepresented groups.

By Way of Victimisation when a person is treated less favourably than others because it is known that they are taking proceedings or acting as a witness under a particular Act e.g. Sex Discrimination Act, The Employment Equality (Age) Regulations 2006.

In Recruitment when the choice of candidates for interview or appointment is influenced solely by discriminatory factors

In Treatment of Employees when deciding which employees have access to promotion, training, allowances or services and including consideration for reasonable adjustments: between colleagues where harassment takes place : by the discriminatory abuse of procedures e.g the disciplinary procedures

Circumstances when Discrimination can legally take place In certain occupations where there is a genuine occupation qualification for reasons of decency and privacy, welfare provision, religion or belief, or single sex establishments.



Corporate Equality and Diversity Group Terms of Reference

1. Purpose

- 1.1 Exeter City Council bases all of its work on the fundamental principles of the Universal Declaration of Human Rights 1948 and welcomes the diversity of the community living, working and learning in the city. As a service provider, community leader and employer the council is committed to being an exemplar in promoting equality and tackling social exclusion.
- 1.2 Exeter City Council recognises and accepts its responsibility as an employer to ensure, as far as is reasonably practicable, that its staff are aware of their individual and collective responsibilities to meet the general and specific equality duties set out in the Equality Act 2010.
- 1.3 In its ambition to act as an 'exemplar' of equality practice, it seeks to give strong leadership through the formation of a Corporate Equality and Diversity Group to devise, develop and promote controls and initiatives, to improve standards of equality work through having a robust Equality and Diversity Policy and monitoring system.

1. Function

- 1.1 Responsibility for promoting exemplar equality practice throughout the Council;
- 1.2 Actively improve equality performance and standards, and strive to exceed all statutory standards, codes of practice, regulations and applicable legal requirements reviewing where and when appropriate;
- 1.3 To ensure the effective implementation of systems and processes for equality is embedded within corporate and service structures;
- 1.4 Provide strategic oversight for all aspects of equality and diversity work across the organisation and ensure our policies and procedures are up to date and effective in meeting the requirements of the Equality Act 2010;
- 1.5 To identify, commission and monitor the Council's equality and diversity training needed and attainment of the required training standards;
- 1.6 Providing strategic leadership and oversight with respect to equality and diversity across all Council services so that strategic decisions can be made on robustly tackling emerging issues and trends, together with actions that need to be taken;
- 1.7 Consider reports from the Equality Lead, Equality and Diversity Representatives Meetings, Internal Audit and external auditors deemed necessary;
- 1.8 Consider information provided by HM Government and other responsible bodies and provide the necessary strategic direction and guidance as required;
- 1.9 Provide strategic direction regarding equality and diversity communication and publicity across the Council, raising the profile of equality and diversity, and promote proactive communications and raise awareness both internally and externally;

- 1.10 Initiate improvements in Exeter City Council's working practices, systems and procedures to support effective equality practice in Exeter City Council's statutory and regulatory roles;
- 1.11 Identify, respond and escalate, as appropriate, organisational risk within Exeter City Council related to equality;
- 1.12 To be satisfied that investigations have been undertaken where equality issues are suspected or identified, to receive reports and make appropriate recommendations arising from the outcome of such investigations;
- 1.13 To provide strategic oversight of any internal management reviews that are conducted in relation to equality and diversity practice;
- 1.14 To maintain links with other local strategies and frameworks, ensuring that multi-agency partnership working is strengthened and any issues identified are given a focus (such as hate crime, PREVENT, domestic and sexual violence and abuse and modern slavery).

2. Membership

2.1 The membership of the Corporate Equality and Diversity Group will be:

- **Directors**
- **UNISON Branch Secretary (or nominated deputy)**
- **Other recognised Union Branch Secretary's as appropriate**
- **Corporate Equality and Diversity Lead**
- **Service Lead - Human Resources**
- **Environmental Health and Community Safety Manager**

3.2 Membership of the group will be reviewed annually to ensure that it remains appropriate.

3.3 A minimum of 5 group members will need to be present at any given group meeting for it to be deemed quorate.

3. Procedures

4.1 The Chair shall be the Director appointed by the Chief Executive to be the Strategic Equality and Diversity Lead. In their absence their duties will be picked up by a nominated member of the Strategic Management Board.

4.2 Tier 3 staff (Corporate Managers and Service Leads) may make representation about equality and diversity matters relating to their service through making a formal request to the chair.

4.3 Tier 3 staff may also be invited to discuss matters arising at the request of the chair.

4.4 Meetings will take place every quarter. Reports submitted will be timetabled and there will be standing items on proactive and reactive monitoring.

4.5 Additional meetings may be arranged by the chair in exceptional circumstances in response to a local or national event or change in national guidance or legislation.

4.6 Minutes of meetings will be taken by Democratic Services

4.7 Agreed minutes will be kept of each meeting and circulated to the group members. A copy of the minutes will be made available on Mod Gov. committee system

4.8 Group members will be trained in equality and diversity.

Equality Impact Assessment: *Equality and Diversity Policy review June 2020*

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 3 November	Equality and Diversity Policy review June 2020	Adoption and implementation of the revised policy	All protected characteristics are impacted.

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).	Positive	High	<p>The policy sets out the Council’s commitment to be an exemplar in promoting equality and tackling social exclusion as a service provider, community leader and employer. This includes, but is not limited to, the following actions:</p> <ul style="list-style-type: none"> • ensure physical access to services • access to information about services and contact with the council • ensure the council work force reflects the community it serves • put in place policies and procedures for fair recruitment and selection and learning and development for staff • work through established partnerships such as the Community Safety Partnership to tackle city wide issues such as hate crime • Maintain a system of equality impact assessments to ensure all protected characteristics are considered in decision making
	Negative	Low	<p>There is no hierarchy of rights in the Equality Act 2010 or this policy, however occasionally actions to support one protected characteristic may inadvertently discriminate against people sharing another protected characteristic. Where this occurs each case will be looked at with reference to case law and best practice to ensure that the action is</p>

			proportionate and necessary to achieve a legitimate aim e.g. protection against discrimination.
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	As for Race and Ethnicity above. The Policy also includes a section 7.35 on assisting employees who become disabled during their employment and a reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Sex/Gender	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Gender reassignment	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive	High	As for Race and Ethnicity above.
	Negative	Low	As for Race and Ethnicity above.
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	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.

living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Negative	Low	As for Race and Ethnicity above.
Pregnancy and maternity including new and breast feeding mothers	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Marriage and civil partnership status	Positive	Medium	Maintain a system of equality impact assessments to ensure all protected characteristics are considered in decision making.
	Negative	Low	As for Race and Ethnicity above.
<u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u>			
•			

Officer: Melinda Pogue-Jackson

Date: 21 May 2020