

EXECUTIVE

Date: Tuesday 12 January 2021

Time: 5.30 pm

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

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

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

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

Membership -

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

Agenda

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

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 1 December 2020.

(Pages 5 -
14)

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 General Buller Statue Review

To consider the report of the Portfolio Holder for Communities & Culture and the Director Comms, Culture and Leisure Facilities. (Pages 15 - 34)

7 Tree replanting programme following Ash Dieback Disease in Exeter

To consider the report of the Director Net Zero Exeter & City Management. (Pages 35 - 64)

8 2021/22 Budget Strategy and Medium Term Financial Plan

To consider the report of the Director Finance. (Pages 65 - 86)

9 Council Tax base and NNDR 1 2021/22

To consider the report of the Director Finance. (Pages 87 - 92)

10 Housing Rents and Service Charges 2021-22

To consider the report of the Director Finance. (Pages 93 - 106)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 9 February 2021** at 5.30 pm.

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 1 December 2020

Present:-

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

Also Present

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

Also Present

Councillors Leadbetter and K. Mitchell (as opposition group leaders)
Councillor Oliver (speaking under Standing Order 44)

116

MINUTES

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

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DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

118

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

119

COUNCILLORS LYONS AND BUSWELL

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

120

COVID-19 - END OF SECOND LOCKDOWN

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

The Leader also referred to the following:-

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

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MEMBERS ALLOWANCES 2021/22

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

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

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

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

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

RECOMMENDED to Council that: -

- (1) the basic structure and principles of the current Members' Allowances scheme for 2021/22 be retained;
- (2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, be retained;
- (3) the Councillors' Basic and Special Responsibility Allowances including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should be linked and updated in line with the LGE staff pay award for the previous year (a 2.75% increase in the annual Local Staff Pay Award was awarded by the Employers side for staff which was effective for staff from April 2020), and be uplifted by this amount with effect from 1 April 2021;

- (4) the principle that Special Responsibility Allowances be paid to no more than 50% of the overall number of Councillors be kept under review and adhered to where possible;
- (5) a new Special Responsibility Allowance be paid to the Chair of the newly formed Harbour Board;
- (6) a new Special Responsibility Allowance, to be funded from the Housing Revenue Account, be paid to the Chair of the newly formed Council Housing and Development Advisory Board;
- (7) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the Living Wage of £9.30 (with effect from 1 April 2020) per hour or part of (retaining the uplift of the standard rate of income tax to £11.16). In the case of Members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, can be agreed by negotiation in advance with the Corporate Manager, Democratic and Civic Support;
- (8) the sum of £50 paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained; and
- (9) the Travel and Subsistence allowances available for staff, to continue to apply to Exeter City Councillors, where appropriate.

122

FREEDOM OF THE CITY

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

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

RECOMMENDED to Council that: -

- (1) the title of Honorary Freeman of the City Status be conferred on Gareth Steenson; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held on the rising of the Ordinary Meeting on 15 December 2020, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.
- (3)

123

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

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

The Director Finance made particular reference to:-

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

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

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

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

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

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

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

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

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

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

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

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

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

126

TREASURY MANAGEMENT 2020/21 HALF YEAR UPDATE

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

The Director Finance advised that:-

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

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

127

LOCAL COUNCIL TAX SUPPORT SCHEME 2021-22

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

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

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

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

RECOMMENDED that Council approve:-

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

128

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

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

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

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

During the discussion the following points were made:-

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

RECOMMENDED that Council: -

- (1) approve the formal withdrawal of Exeter City Council from preparing the Greater Exeter Strategic Plan (GESP);
- (2) support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council. This would be subject to agreement at a later date of details of

the scope of the plan, a timetable for its production, the resources required and governance arrangements; and

- (3) note that the work to develop Exeter's Local Plan had commenced, as agreed in the report to Council on 21 July 2020. A report outlining the scope and timescale for the development of the Local Plan would be presented to Members early next year.

129

ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY ENFORCEMENT POLICY

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

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

RECOMMENDED that Council adopt the revised Enforcement Policy.

130

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

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

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

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

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

131

DRAFT RESOURCE AND WASTE MANAGEMENT STRATEGY FOR DEVON AND TORBAY

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

Approved by the Partnership on 15 October 2020, the draft Strategy would be published for consultation over the winter of 2020/21 and shared with relevant

stakeholders and the public. Any changes after consultation would be reported back for approval. The key objectives of the Strategy were:-

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

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

132

REVIEW OF SAFEGUARDING POLICY

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

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

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

RESOLVED that the revised Safeguarding Policy be supported; and

RECOMMENDED that Council approve the revised Safeguarding Policy.

133

REVIEW OF EQUALITY AND DIVERSITY POLICY

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

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

- the City Council had provided over £320,000 for disabled facilities grants this year including the provision of 60 stair-lifts;
- have great confidence in the Leader, the Chief Executive & Growth Director and all officers in their commitment to equality and diversity and heartened by the work done on equality impact assessments and thank the Policy Officer for her work in this area;
- each Councillor has a responsibility to comply with the equality and diversity policy and training is being planned;
- the tragic death of George Floyd is a reminder to continually question embedded prejudices;

- the nine protected characteristics that require protection are age, disability, gender, gender re-assignment, sexual orientation, marriage or civil partnership, pregnancy or maternity, race and religion or belief and Exeter's policy is exceptional in that it is a policy covering all socio-economic backgrounds;
- whilst the policy is an exemplar, it is increasingly relevant during the current Covid-19 crisis to ensure that no-one is left behind and to ensure Exeter is a city where everyone has opportunities and is protected from discrimination; and
- welcome and support the recommendations.

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

RECOMMENDED that Council approve the revised Equality and Diversity Policy.

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

Chair

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REPORT TO EXECUTIVE

Date of Meeting: 12 January 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Portfolio Holder for Culture and Communities

Title: General Buller Statue Review

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 recommendation listed in the report.

2. Recommendations:

That Executive supports and Council approve the following recommendations;

- 2.1 That Executive note the findings of the Scrutiny Task and Finish Group
- 2.2 That, without prejudice to a final decision on the matter, an application be made for listing building consent for the relocation of the statue to an alternative location. This will provide an opportunity for public consultation on the proposed recommendation by the Task and Finish Group prior to a final determination of the matter by Council.
- 2.3 That temporary information boards be erected near to the statue;
- 2.4 That the Council work with the University of Exeter and Exeter Culture on an arts-based engagement project with residents, through a public art working group that will be established to consider the role of public art in Exeter; in order to create a new public art strategy for the city;
- 2.5 That the Portfolio Holder for Culture and Communities establish a working group to develop an Anti-Racism Strategy for the Council;
- 2.6 That the Corporate Equality and Diversity Group be asked to develop a training and awareness raising programme for staff and councillors on equality impact assessments, and their role in the Council's decision-making process;

3. Reasons for the recommendation:

- 3.1 The Scrutiny Task and Finish Group was asked to investigate the continued appropriateness of the statue of General Buller and his horse Biffen on the junction of

Hele Road and New North Road in Exeter, against the backdrop of the Black Lives Matter movement against systemic racism and discrimination.

- 3.2 The recommendations are made taking into consideration written and oral submissions from a range of stakeholders.

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

- 4.1 There is no financial ask being sought at this stage from Council.
- 4.2 The statue and plinth are Grade II listed and as such any relocation or changes made to it would be subject to formal Listed Building Consent under the 1990 Act. Exeter City Council would need to seek the consent from another authority and cannot give consent to itself.
- 4.3 The cost of the relocation of the statue has been estimated at a minimum of £25,000. A formal site assessment would need to be carried out to establish an accurate cost as part of the listed building consent application.
- 4.4 To erect two temporary information boards (Recommendation 2.3) will cost £256.80 which the Portfolio Holder has identified from existing budgets.
- 4.5 In developing an Anti-Racism Strategy there may be projects that emerge that will have some resource implications above and beyond officer time, however these can be addressed as they are developed, and there is scope to work with other organisations to share any costs.
- 4.6 Training on Equality Impact Assessments will be carried out in house and will not incur any costs other than officer time.

5. Section 151 Officer comments:

- 5.1 There are no financial implications for Council to consider at this stage. However, if the final decision to remove the statue is taken, Members must note that the financial effects of Covid-19 mean that there is no spare funding available and Members and Officers must identify what they are going to stop spending to fund the costs. There is no funding available to cover the additional costs. The costs of any removal would be reviewed.

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.

- Foster good relations between people who share a relevant protected characteristic and those who do not.
- 6.2 The statue was erected in 1905 with funding received from around 50,000 members of the public, and dedicated to the (then) City Council. Up until 1974 Exeter City Council's predecessor authority held responsibility for it.
- 6.3 Legal advice provided by Exeter City Council officers states that following reorganisation under the Local Government Act 1972, the highway function passed to Devon County Council (this actually took place on 1 April 1974) and, as such, ownership of the highway and all attached to it should have passed on to Devon County Council. However, officers from Devon County Council have submitted that this is not the case and that Exeter City Council still owns the site which they state is not on the public highway.

7. Monitoring Officer's comments:

Members should note that the statue and plinth are Grade II listed and as such any relocation or changes made to it would be subject to formal Listed Building Consent under the 1990 Act.

8. Report details:

- 8.1 The statue of General Buller was erected in 1905 during his lifetime, and paid for by public subscription. He was something of a controversial figure at the time but was apparently popular with many in Exeter.
- 8.2 The statue has today become a cause of some public debate not only because of the man it portrays, but because of the names carved on the plinth of colonial campaigns¹ which sought to advance British imperialist interests in other countries.
- 8.3 Following widespread anger and protests over the death of George Floyd on 25 March 2020 at the hands of a US police officer, activism and outrage over this and other perceived aspects of systemic racism and inequality has increased on a global scale rarely seen in modern times. In the UK, and in Exeter, one significant focus has been around the issue of prominent statues on public land. Exeter has six such statues of men who played a part in the city's history. The Buller statue is perhaps the highest profile by way of location and controversy.
- 8.4 The 7 July 2020 meeting of Executive resolved that the Scrutiny Programme Board be requested to agree the investigation by the relevant scrutiny committee of the continued appropriateness of the statue of General Buller and his horse Biffen in its current location, and to act accordingly on its findings. This investigation would include an open and inclusive consultation into the matter as part of the assessment.

¹ India, China, Canada, Ashanti (now part of Ghana), Egypt, Soudan (Sudan), South Africa and Natal (part of South Africa)

- 8.5 This decision was made within the context of the Black Lives Matter movement against systemic racism and followed campaigns within a number of towns and cities across the UK to reconsider the present appropriateness of statues, especially those of prominent people involved in the transatlantic slave trade or advancing British imperialism and colonialism.
- 8.6 Following this decision, a Scrutiny Task and Finish Group was set up chaired by Cllr Amal Ghusain with membership of Cllr Ian Quance, Cllr Olwen Foggin, Cllr Mrs Yolonda Henson and Cllr Diana Moore.
- 8.7 The group met on four occasions and took written and oral submissions from a range of stakeholders. These included local historians and history groups, local Black, Asian and Minority Ethnic Community Groups and a historian who has worked with Bristol City Council on their review into the siting of the statue of Edward Colston.
- 8.8 Following a discussion on the findings, the group members submitted their own position statements on the matter, which were also discussed. The group then formulated the recommendation to Executive, and a vote was taken among the five members to agree the recommendation to Executive. Three members voted to relocate the statue and two voted for it to remain in place.
- 8.9 The Task and Finish Group decision is not based only on an assessment of General Buller himself or of the time in which he lived. The decision is also based on assessment of the role that public statues should have in reflecting present-day values of inclusivity in the city, and the appropriateness of its current location.
- 8.10 In discussing this matter members of the group raised the following points:
- The current location is inappropriate because it is outside an educational establishment which includes young people from diverse backgrounds.
 - The statue's future location should not be somewhere hidden from the public but be in a place, and linked to an organisation, that is in a better position to work with the public on the interpretation of the statue.
 - The voices of the people affected (including in some places to this day) by British imperialism need to be better heard and acknowledged, even if the voices of their forebears were not at the time.
 - The advancement of the British Empire was founded on the premise that other nations and peoples were inferior, and British colonisation and rule would only be of benefit to them.
 - This statue and others like it cause pain to people from Black, Asian and minority ethnic backgrounds as they serve as a constant reminder of the trauma that colonised countries experienced which gets passed down generations.
 - Residents of Exeter paid for the statue and it is important to recognise the sense of ownership that their descendants may feel towards the statue.
 - The pride that families feel, whose members have fought in military campaigns and been awarded medals for their bravery, must be acknowledged even when the purpose of that campaign may not be something society would support today.

- Consideration should be given to whether the statement “He saved Natal” on the plinth should be removed.
- 8.11 The Task and Finish Group feel that the debate around this statue is an opportunity to conduct a wider conversation with the residents of Exeter on the role of public art in the city. A working group including the University of Exeter and Exeter Culture, will be set up to begin this work with the aim to develop a public art strategy for the city.
- 8.12 The Task and Finish Group also feel that this presents an opportunity to examine how the City can respond to the issues raised by the Black Lives Matter movement. Therefore, a recommendation is made that Scrutiny Programme Board be asked to establish a Task & Finish Group with the aim of developing an Anti-Racism Strategy for the Council.
- 8.13 An Anti-Racism Strategy is a proactive document. It sets out the actions an organisation will take to tackle systemic racism within the way it operates. These actions might include scrutinising policies and procedures for implicit bias, training staff on systemic racism and unconscious bias and involving BAME residents in decision making.
- 8.14 Where possible, the council will work collectively with other public authority partners on challenging each other to improve diversity and eradicate racism within our organisations.
- 8.15 Ideas have already been put forward by the group for inclusion in the strategy on ways in which the council can address systemic racism in so far as it has influence and power to do so. These would require partnership working and possibly shared ownership with other organisations in the city:
- Developing training and awareness raising for staff and members on understanding systemic racism, inequality and unconscious bias
 - Informal twinning with the countries listed on the plinth via communities already present in Exeter.
 - Developing further Red Coat Tours of Exeter’s black history and involvement in colonialism
 - Utilising the City of Literature festival to start a conversation within the city about Exeter’s black history and involvement in imperialism and colonialism
- 8.16 In addition to any training to be included in the Anti-Racism Strategy, a recommendation is put forward that the Corporate Equality and Diversity Group be asked to develop a training and awareness raising programme for staff and councillors on equality impact assessments, and their role in the Council’s decision-making process.
- 8.17 It is important that all decision makers within the council are aware of their responsibilities under the Public Sector Equality Duty. Equality Impact Assessment Training is already being developed for Service Leads and this can easily be adapted for elected members.

8.18 Finally, the Task and Finish Group also supports the recent decision taken by Devon County Council, to write to the Secretary of State for Education urging him to encourage schools to:

- I. Capture the voice of children and young people and their responses to the Black Lives Matter movement;
- II. Ensure that the school environment and curriculum allows all students to see themselves reflected and included;
- III. Reflect on how they challenge historic and persisting racist ideas and to how they celebrate diversity

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

9.1 The decision will support the priority to meet community aspirations and build great neighbourhoods.

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

10.1 The risks are reflected in the accompanying Equality Impact Assessment.

10.2 It is also important that the Council's financial position is publicly communicated. Since it may not be possible to move the statue due to funding issues the Council risks raising and then failing expectations if it is unable to deliver on this for the foreseeable future – should council vote in favour of removal and planning be approved.

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 Recommendation a. to relocate the statue, will have low environmental impact and the council will seek to use sustainable materials and transport where possible to move the statue and set it in a more suitable location.

13. Are there any other options?

- 13.1 Executive could decide not to proceed
- 13.2 Executive could decide not to work with the University of Exeter and Exeter Culture on an arts-based engagement project with residents about the role of public art in Exeter through a public art working group. However, this work will be externally funded with the only council resource being officer time. It also fits well with work already being led by Exeter Culture.
- 13.3 Executive could decide not to ask the Portfolio Holder to set up a working group to develop an Anti-Racism Strategy and incorporate any actions into the Corporate Equality and Diversity Action Plan instead. This would mean that the actions are still accountable at a senior level. However, a separate Anti-Racism Strategy would explicitly state the Council's understanding of systemic racism and intention to tackle it.
- 13.4 Awareness of the Public Sector Equality Duty is essential for anyone in public life with decision making powers. If Executive does not approve the recommendation for training on equality impact assessments for all councillors there is a risk of challenge from anyone impacted by a decision where equality and protected characteristics were not taken into account.

Cllr Amal Ghusain, Portfolio Holder Culture and Communities

Director Jon-Paul Hedge

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: -

Equality Impact Assessment

Task and Finish Group member position statements

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

General Buller Task and Finish Group Elected Member Submissions

1. Councillor Ghusain

A. Recommendation & Justification

- The location of the Buller Statue is ***inappropriate***. The statue's position dominates and looms large at the front of the main entrance of Exeter College; a tertiary educational institution for mainly young people aged 16 & over.

If there were to be a statue in that specific location it should be one that ***inspires*** a more *collaborative and consensual future* rather than one that glorifies & upholds the values of an imperial and colonialist past.

- ***Relocating the statue should be an ultimate aim of the Council, but not necessarily an immediate one.*** The City Council and the residents of the Exeter face unprecedented financial crisis and hardships due to the pandemic and subsequent consequences of prolonged, total and partial lockdowns measures. Available funds are better utilised to alleviate immediate needs particularly those of the BAME Communities.

- **An interim action, at minimal cost**, could be to remove some of the wording on the plinth, eg "He saved Natal" and/or to affix laminated framed posters, or stands with boxed explanations of the life of Redvers Buller, in the context of the history of the British Empire.

- **A public consultation process on this issue at this time is not advisable**, as it could prove divisive and controversial at a time of heightened public health & economic concerns.

Given the current priorities of the Council, the public consultation process should be deferred until Spring 2021 at the earliest, but should not be put off indefinitely.

B. Possible questions to include in a public consultation

1. In your opinion, what is the role of statues in civic public spaces?
2. As an Exeter resident, in what way does the General Buller Statue relate to that role?
3. If the people of Exeter wanted to crowd fund a for statue to be erected today fronting the main entrance of a learning institution, what, in your opinion, are the values such a statue should reflect?
4. Would you be in favour of a replacement for the Buller statue at this site, if this did not utilise City Council funds? (eg crowd-funded, lottery/arts/other funding?)

2. Councillor Foggin

I believe the statue of General Buller should stay where it is, because of the overwhelming response and wishes of Exeter people who did bother to write a response to the Council and many Exeter people that I have communicated with from the outset of the review wishes. As part of the Black Lives Matter awakening, I feel strongly that we **must** use the General Buller statue as an educational tool. To teach man's inhumanity to man, the complexity of history, and that ultimately good comes out of evil.

Let us place information boards, as the information panel on the back of the statue near Exeter College as stated to be offensive to students who are passing through the college, then we should remove the panels and put a large information board into the ECC owned Bury Meadow Park or on the wall of the park to make sure we contextualise all these interwoven strands as part of a powerful public information campaign. For example the life of General Buller's daughter who devoted all her life to public service for vulnerable people in Exeter thus against being a daughter of the military.

If we don't learn from the past we are condemned to make the same mistakes over and over again. Let us also use this opportunity to work together towards future living memorials, rather than hollow statues, such as tolerance, diversity, and positive change, for the BAME community and the wider society, such as combating and eliminating the scourge of modern day slavery.

So to include not only General Buller's time in the army but other things that he was involved in in Exeter--The building of Exwick Village, Village Inn public house for the Workers who worked on his farms - the Model village, St Andrews Road, Exwick Square in Station Road, not forgetting Exe View cottages and River View Drive, Buller Court. There is also the Buller memorial in St Thomas church yard that people of St Thomas value.

The information panel could be a family information board not just concentrating on the evils of war to include the above and the works of his daughter Georgina who was an important woman in what I would call a man's world a century ago and worthy of recognition this could be a good way of doing so.

Georgina Buller who was heavily involved in setting up a voluntary aid organisation, now the British Red Cross, also raised funds for the Building of the children's Orthopaedic Hospital and preserving the grounds for health use only to date.

Passionate about improving the prospects of the disabled people in 1937, she founded St Loyes College which was a training centre for the disabled to include people injured by war and including the famous Sir Douglas Bader WW2 hero. In communication with Ministry of Supply and the Air Ministry Ernie Bevin Minister of Labour who was founder of the NHS.

St Loyes employed and used by the people of Burnthouse Lane for their summer events which families still talk about today.

Bellair which was Georgina Buller's home in the grounds of County Hall was left to the people of Devon by Georgina. The County Hall was built on the grounds.

We have had one fatality in over 100 years on the statue, probably more people have died crossing the roads at this point.

3. Councillor D Moore

Buller Statue Recommendations Cllr Diana Moore

The process has been informative. I have welcomed the opportunity to learn more about Exeter's history and how the role of stature relates today to our culture and heritage in the city.

Buller has not had a role in the transatlantic trade in enslaved Africans and his role is not widely understood – it is important to state that the working group is not looking nor sought to judge General Buller's life.

The statue is however symbolic of its time, celebrating the colonial role that Great Britain has had around the world. In the context of the Black Lives Matters movement, the statue, like many others around the country has added symbolism of the continued systemic racism in our institutions and communities and the lasting legacy of colonialism.

It should also be noted the statue in its current location outside Exeter college, has contributed to the death of a young man.

Recommendations

1. In recognition of the lack of information and understanding of the role of General Buller that interpretation and contextualisation should be provided, this should include:
 - Moving the statue and plinth panels to a location where it can be connected to a local, appropriately experienced organisation that can oversee and sustain ongoing education;
 - That working with a range of organisations, including community groups, the University and Council (RAMM), interpretation and education resources and programme should be co-created. This should be able to be delivered in a range of creative ways including as a resource for local schools, other organisations and included as part of the City of Literature programme.
2. In recognition of the placement of the statue and plinth in a high profile position, the plinth could remain and be an opportunity to engage the wider community, college and cultural sector in the development of a permanent or changing installation .
3. In recognition of the ongoing day to day reality of systemic racism that annual training is provided to all Councillors and staff on anti-racism and Equalities Legislation, unconscious bias and modern slavery.
4. The council should work with its community, 'customers' and staff to develop an anti-racism strategy and action plan to identify and address conscious and unconscious racism in its approaches and services.

Questions for consultation

Heritage

How can the city better provide interpretation and information about statues and monuments around the City for current and future generations?

What role would you like to see public art and statues play in public areas?

What positive opportunities do you see for celebrating a diverse range of people, issues or events that are core to Exeter as a place and its values?

Community (to inform strategy above) – a serious piece of engagement to work with all communities (geographically and of identity) across Exeter, organisations and businesses, and council staff, to hear their concerns and explore all the ways racism creates barriers to BAME people achieving equality, from jobs to housing, and access to services.

4. Councillor Quance

Exeter City Council has acknowledged the importance of Black Lives Matter, it is committed to examining all aspects of its operation in a timely manner with regard to all of the issues raised and to taking appropriate action without delay.

The Task and Finish group has been asked solely to consider questions raised by the prominent statue of Redvers Buller and his horse Biffin on the streets of our City. Inevitably, any decisions made will have implications for similar questions others may want to raise subsequently.

Our purpose is not to judge Buller the man or the values of the time in which he lived. They are for historians to interpret. What we can establish is that what is celebrated by the statue and the wording on the plinth, is a small part of a much larger history. The complete story can only be interpreted when all those with something to add are heard. Many voices were not heard at the time and continue to be ignored. Our role has to be to allow those voices to be heard.

Aside from the cultural issues, it must be remembered that the statue is a health and safety risk; we cannot afford another tragedy like the death of Tom Calloway.

The statue, as soon as is possible, should be moved, ideally to the RAMM, where it and the issues it raises, can be presented in context. Further consultation on the issue is unnecessary and may create divisions in the City that no one would want to encourage.

We need two positives to come out of this: Firstly, a debate about what should replace it; the idea of a 'fourth plinth' type of space has been a common suggestion with sponsored competition. Secondly, we need to encourage educational activity at all levels to better reinterpret our common history. Everyone should be allowed to contribute to this.

5. Councillor Mrs Y Henson

The Buller Statue was erected because the people of Exeter wished to commemorate General Sir Redvers Buller. The History books show that he was much loved by his men and the citizens of Exeter. This must not be forgotten by us who are the current custodians of the City.

It is right that we should condemn racism in all its forms including the taking of black lives by the armed US Police and that we should encourage every one of every generation to be tolerant of all.

To achieve this, we need to embrace aspiration and opportunity for everyone. If we were to erect a statue by public subscription today the criteria would clearly be very different.

The people of Exeter's decision should continue to be respected and the statue should remain.

Equality Impact Assessment: *Review of the General Buller statue*

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	General Buller statue review	a) That the Council accept in principle that the Buller statue is in an inappropriate location, and should be moved, with the final decision on its relocation to be made	Black, Asian and Minority Ethnic Women, Transgender and Non-Binary

		<p>by the Executive after the public consultation;</p> <p>b) That the residents of Exeter be consulted on the future location of the Buller statue and what they would like to see in its place;</p> <p>c) That temporary information boards be erected in the mean-time to contextualise the statue;</p> <p>d) That the Council work with the University of Exeter and Exeter Culture on an arts-based engagement project with residents, through a public art working group that will be established to consider the role of public art in Exeter; in order to create a new public art strategy for the city;</p> <p>e) That the Portfolio Holder for Culture and Communities establish a working group to develop an Anti-Racism Strategy for the Council;</p>	
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		f) That the Corporate Equality and Diversity Group be asked to develop a training and awareness raising programme for staff and councillors on equality impact assessments, and their role in the Council's decision-making process;	
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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
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Positive and Negative	High	This review is a sensitive and contentious piece of work which will have a High impact on BAME people. Whether this impact is positive or negative will depend largely on how the review is carried out.

			<p>A successful review, done well, could have a positive impact for BAME people in the city if they feel that they have been properly listened to throughout the process. But if carried out without due care and attention to the strength of feeling around the future of the statue and the risks posed by the project, despite best intentions the project could end up having a High negative impact on BAME communities.</p> <p>BAME people have been voicing concerns about the legacy of empire and the glorification of colonialism for decades, both nationally and locally, so many may feel fatigued about having to engage in this conversation again. To ensure that any decision about the statue is legal and binding the council needs to consult and it needs to make sure the BAME people have a strong voice and feel, at the end of the process, that they were listened to whatever the decision.</p> <p>As has been seen in other cities there are strong views both for and against removing statues which commemorate empire and protests can rapidly gain momentum. A small number of those who protest in favour have extreme right wing views and can quickly turn such protests into demonstrations for white nationalism. This can incite intolerance towards people of colour and an increase in hate incidents which obviously has a High Negative impact on BAME people.</p> <p>There is also a risk that BAME people who take part in the consultation will feel a weight of responsibility on them for whatever the outcome of the decision.</p> <p>Setting the consultation within the proposed arts based engagement project looking at the role of public art in Exeter reduces the risk of negative impact as this will widen the scope of the conversation, involve experts with experience of similar pieces of work and stakeholders from different backgrounds who are able to tell their stories about what the statue means to them.</p>
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			The development of an Anti-Racism Strategy will have a positive impact on people from BAME backgrounds as it will proactively seek to address systemic racism where the council has the ability to create change.
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	Positive	Medium	The General Buller statue represents the patriarchal structures of empire and colonialism which impact negatively on women and anyone who does not define themselves in binary gender terms. The consultation will need to ensure that the views of women, trans gender and non-binary people are captured and given due weight.
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).			

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"> • Inclusive proactive community consultation and engagement • Transparency on where responsibility for decision making lies 			

Version 2
 Officer: Melinda Pogue-Jackson
 Date: November 2020

REPORT TO EXECUTIVE

Date of Meeting: 12 January 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Net Zero Exeter & City Management

Title: Tree replanting programme following Ash Dieback Disease in Exeter

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

Effects of this Europe wide tree disease now means that additional trees and associated works are needed to ensure that our tree canopy cover is maintained in Exeter as this will contribute to our Net Zero aspirations and will also ensure the diseased trees do not pose an unacceptable risk to people and property.

2. Recommendations:

That the Executive Committee recommends that Council approves a capital budget to allow our Tree Management Team to undertake replanting of new trees in place of diseased Ash trees following the Ash Die Back emergency and additional Ash tree works in accordance with the recommended actions by the Service Manager Public & Green Spaces at Exeter City Council to maintain our tree canopy cover. Below is the table outlining the required budget.

	2020/2021	2021/22	2022/2023	2023/2024	
Tree replanting and associated tree works	£34,920	£93,140	£150,481		
Total	£34,920	£93,140	£150,481	25,000	£303,541

3. Reasons for the recommendation:

The extent and pace of the impact of this disease within Exeter is becoming more acute. In 2018 a survey of the valley parks showed less than 10% positive identification of ash dieback, whereas Devon Highways authority have seen a higher proportion of infected trees earlier. Summer 2019 gave us a better idea of the progression within the city. Ash Dieback has an overarching carbon sequestering (carbon seizing) impact. Managerial and financial impact on ECC is becoming a more immediate task. 2020 has seen a

substantial increase in diseased Ash trees on ECC land. We need to take action over the next 3-4 years to ensure tree canopy cover is maintained on Council land and the wider city. The way we can do this is to replant those Ash trees lost to the disease and carry out associated tree works.

Financial impacts have now been estimated since our survey of tree numbers on ECC land was completed in 2020. It is estimated that we have around 193 Ash trees that have been inspected and identified as high (red) or medium (amber) risk of being lost and 445 Ash trees are currently in the low (green) category at present out of a total tree stock of 7,577 plotted single stem trees and tree groups that are not part of a woodland.

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

As the majority of the physical work is undertaken by our contractor, it is estimated that there is limited impact on resources to Exeter City Council.

5. Section 151 Officer comments:

The financial implications are noted and the programme will be financed from usable capital receipts meaning that there is no impact on the Council's revenue position. If approved, the funds will be added to the capital programme for each of the respective years.

6. What are the legal aspects?

A 2012 Plant Health Order bans the movement of both ash seed and trees for planting. Ash logs can continue to be moved except for circumstances where a Plant Health Notice has been served.

The Town and Country planning Act 1999 and the legal framework relating to Tree Preservation Orders and Conservation areas remains unchanged by the presence of ash dieback and each tree will be judged on its own merits. The existing exemptions for the removal of dead and dangerous trees allows for the speedy removal of the most dangerous trees.

The Forestry Commission Felling Licence rules (the Forestry Act 1967) remain unaltered by the existence of the disease.

The Wildlife and Countryside Act 1981 has not changed as a result of ash dieback and the normal rules apply. There are exemptions for safety, however these should only be used in exceptional circumstances.

7. Monitoring Officer's comments:

Members need to have careful regard of the risk rating set out in paragraph 8 of this report to ensure that the public entering council land are not exposed to an unacceptable risk of harm.

8. Report details:

8.1 It is estimated that the rate of Ash Die Back by ward and by risk rating is:-

Currently Low Risk	Number of Trees
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Alphington	36
Duryard St James	7
Exwick	87
Heavitree	27
Mincinglake & Whipton	27
Newtown St Leonards	14
Pennsylvania	18
Priory	100
St David's	44
St Loyes	12
St Thomas	27
Topsham	46
TOTAL number of trees evaluated at low risk	445
Currently Medium Risk	Number of Trees
Alphington	7
Duryard St James	12
Exwick	6
Heavitree	6
Mincinglake & Whipton	20
Pennsylvania	1
Pinhoe	13
Priory	14
St David's	1
St Loyes	22
St Thomas	7
Topsham	16
TOTAL number of trees evaluated at medium risk	125
Currently High Risk	Number of Trees
Exwick	50
Pinhoe	1
St Thomas	2
Topsham	15
TOTAL number of trees evaluated at high risk	68

8.2 We are aware that some of the Ash trees identified in the green table will need further inspections and will no doubt need to be dealt with in future years. The Tree Team know we have Ash trees that are part of a woodland group of trees and these trees will need to be identified as soon as possible and risk rated to identify the risk and then manage the risk.

8.3 Generally speaking, the effects of this disease mean that crown reduction will not be an option. As a result, the majority if not all of the works will involve tree removal rather than pruning or reduction and replanting. There will of course be the occasional site where it is possible to reduce or monolith Ash trees. Removal of a diseased Ash tree is in most cases going to be the most sensible approach, as leaving dead or dying Ash trees will incur ongoing costs associated with inspections and the risk that an Ash trunk could still fall and cause damage. Ash dieback can leave Ash trees susceptible to secondary pathogens that can contribute to an increase risk to whole tree failure.

8.4 All plotted remaining Ash trees will continue to undergo annual inspection and we will continue to plot currently unrecorded trees. This in turn will provide us with a more comprehensive database and a better understanding of those trees that require risk management works and replacement planting. ECC has an estimated 40 ha of broadleaved woodland. In 2019 a survey was undertaken of these woodlands which found there to be estimated 730 ash stems per ha. The cost of managing trees in woodlands differs from those in Public Open Space, as many of the trees in woodland settings can be felled. There will also be some trees in woodlands that can be left altogether because they are not diseased or do not pose a significant threat due to their position. There will however be woodland boundary trees that will require replanting and associated works. Woodland trees will be assessed using sample plots to maximise efficiency where individual tree assessment and plotting is not necessary or appropriate.

8.5 We are working as part of and in association with the Devon Ash Dieback Resilience Forum convened by Devon County Council. We will be open to sharing information gathered where it is requested and keep up to date with the latest advice and assistance provided by other Local Authorities as well as DEFRA, National Tree Safety Group, Forestry Commission, Forest Research, Arboriculture Association, The Tree Council and any other recognised industry bodies. We are also part of Saving Devon's Tree Scapes and have already contributed to funding for replacement trees to mitigate against the loss of these Ash trees.

8.6 The ongoing costs associated with Housing trees have already been identified and included within their existing budget profile.

8.7 At present we are uncertain as to when the Ash trees in the green category will move to medium or high categories. There is a requirement to continue with regular inspections and at the current assumptions that at least 90% of Ash trees will sadly succumb to this disease and therefore will need replacement in line with the current amber and red Ash tree categories at some point in the future.

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

- Contribute to net zero targets
- Promoting active and healthy lifestyles
- Building great neighbourhoods
- Provide value-for-money services despite continuing central government budget reductions

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

The risks of not undertaking the work to the diseased Ash trees is well documented across the UK and beyond. Diseased Ash trees will at some point fail catastrophically. This can occur without warning, and the consequent weaknesses in the tree as a result of the disease, are likely to be exacerbated by windy weather and other outside influences. Depending on the size and position of the tree concerned, it has the potential to cause a great deal of damage to life and or property. If an Ash tree on Exeter City Council land is identified as posing significant threat, it is Exeter City Council's duty to take all reasonable action to prevent foreseeable harm and or damage. It is entirely appropriate to introduce a replanting scheme to compensate for the loss of these affected Ash trees.

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 the diseased Ash trees are in most circumstances naturally occurring on Exeter City Council land.

12. Carbon Footprint (Environmental) Implications:

In light of the Council declaring a Climate Emergency it is considered that the loss of Ash trees affected by the disease will result in a reduction of tree canopy cover on Council land. It is therefore important that a programme of replacement planting be ongoing. Exeter's tree canopy cover currently is above the national average. But we should not allow this tree canopy cover to reduce.

Where it is possible Ash trees that have been removed as a result of Ash dieback disease will be left on site to contribute to the biodiversity of the immediate area, in line with guidance from the Tree Council.

13. Are there any other options?

There are no other practical options available to the Council other than dealing with the diseased Ash trees in accordance with industry guidelines to reduce the risk to citizens and property.

Director Net Zero Exeter & City Management, David Bartram

Author: Louise Harvey

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

Background papers used in compiling this report:-

Ash Dieback Action Plan V2.

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

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Exeter City Council

Ash Dieback Action Plan (ADAP)

Version 0.1 – Exeter City Council Ash Dieback Action Plan

May 2019

Document Control Sheet

Document Title	Exeter City Council Ash Dieback Action Plan
Version	Version 0.1
Author	J. Morshead, B. Corke
Date	May 2019
Further copies from	Public Realm

Executive Summary

This plan is to enable ECC to assess our current position and the potential effect of Ash Dieback in relation to our city and its inhabitants.

The outcome of this assessment will assist in our response to avert risk and mitigate the inevitable environmental and ecological impact.

This document lays out the Ash Dieback Action Plan for Exeter City Council

- About Ash Dieback and the need for the toolkit
- Benefits of Trees and Woodlands
- General management advice

- Ash Trees in the UK/ Region/ County/ Area
- Potential impact of Ash Dieback on landscape and biodiversity in Exeter City
- Potential impact of Ash Dieback on local landowners, land managers and homeowners
- Potential impact of Ash Dieback on local utilities and infrastructure organisations
- Recovery from the effects of Ash Dieback
- Potential impact of Ash Dieback on your organisation and the potential financial implications

In addition, a **Delivery Plan** is set out which covers:

- Production of a baseline ash tree survey
- Establishing a multi-agency structure
- Reviewing current legal practice

- Developing a risk management plan
- Producing a publicly available local bio-security tool-kit / guidance for ash dieback
- Developing and running local training

- Producing a communications strategy and public information
- Developing an Ash Dieback recovery plan
- Creating measured systems to monitor and assess the spread of ash dieback

- Preparing and developing a tree strategy to ensure preparedness for future tree diseases.

Key Findings, Recommendations and Actions:

- Only trees with an intolerable ratio of risk of harm are recommended appropriate works.

- Exeter City Council manages an estimated 200,000 trees of which there are 465 plotted ash, however this figure is likely to be far greater as many of the trees have not yet been individually recorded. In addition to this the council owns and manages approximately 40 hectares of broadleaved woodland.

- Homeowners taking felling operations into their own or untrained hands will be at greater risk due to the disease.
- Summer 2019 will give us a more conclusive idea of the progression within the city.
- This disease outbreak could cost ECC an extra £50,000 to £150,000 per year for the next 5-10 years.
- The existing Tree Risk Strategy will provide a means of managing the risks that infected trees pose to people and property.
- Our web document will be updated as and how the spread of the disease progresses.
- A document will be released on our internal news site aiding symptom recognition along with a facility for notifying our Tree Team.
- Tolerant and resistant trees should be retained, as should a proportion of dying or dead trees where it is safe to do so.
- Identify positions within the city for re stocking and doubling our planting numbers in advance of the biodiversity loss.
- Further plotting of ash on our existing mapping system and database alongside the use of a spreadsheet that accounts for dates, locations and numbers of trees lost to the disease.
- Our tree strategy will incorporate our reaction to the impact of events such as this.

1. Ash Dieback Action Plan Aims and Objective

What we want to achieve and how we are going to do this

Objectives include that the ADAP will (be):

- ‘An overarching Plan to identify, communicate and address the risks of Ash Dieback disease in Exeter.
- Identify and manage the risks from the disease to the environment (landscape and biodiversity), to public safety (falling trees) and to communication networks (roads and overhead cables)
- Identify actions that are a priority because they pose a short-term major risk, (as to public safety), and those that pose a longer-term risk (as to the environment) and require long term planning and budgeting.
- For non-woodland trees, consider both a worst-case scenario, where over 90% of ashes die or are clearly dying within a ten-year period, and a less severe scenario, where about 50% of non-woodland ashes are affected.
- Identify the likely costs of responding to the disease, and thereby identify where extra resources will be needed.

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3. Ashes and Ash Dieback

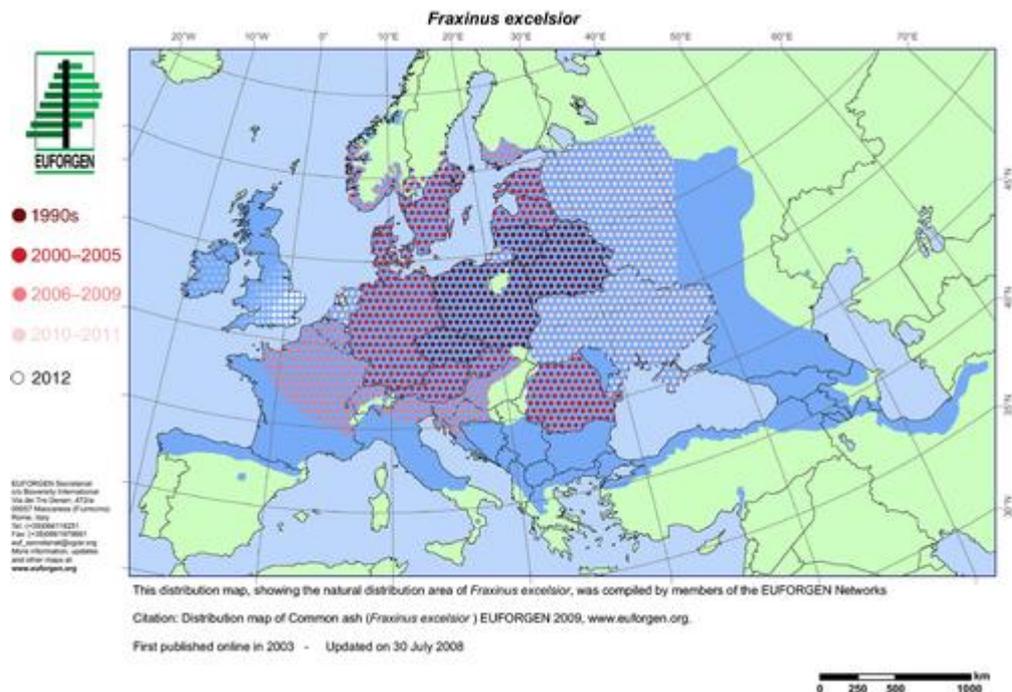
Understanding the ash tree population within the area covered by the plan, ash dieback as a disease, and the way in which the trees are likely to respond to infection.

This section should cover:

- **What is Ash Dieback?**

Ash dieback (*Hymenoscyphus fraxineus*) also known as *Chalara fraxinea*, is the most significant tree disease to affect the UK since Dutch elm disease. It will lead to the decline and death of the majority of ash trees in Britain and has the potential to infect more than two billion ash trees (over 1.8 billion saplings and seedlings to more than 150 million mature trees) across the country.

Arriving in mainland Europe from Asia in the 1990's *Chalara* has spread throughout Europe devastating up to 95% of trees, some showing a natural resilience. It was first recorded in the UK in Buckinghamshire in 2012, evidence suggests that it has been present since perhaps a decade earlier.



The disease is spread by the wind through spores produced from fungal fruiting bodies on fallen leaves, once infected the fungus destroys the trees vascular system preventing nutrients and water movement. Once weakened the trees are susceptible to secondary pathogens like honey fungus (*Armillaria Spp.*) Symptoms of the disease are lesions on the bark, blackening of leaves, dieback of branches and whole tree death. Where trees are badly infected they can develop decay and rot at the branches or root and stem base rendering the branches or whole trees unstable and dangerous. When dismantling or felling diseased trees experience has shown that there is a propensity for the stems and branches to shatter “like a grenade”. This will determine the removal methods required in each scenario. Trees

can become infected and can decline rapidly dependant on biotic factors, some trees can die within a couple of years where others may decline more slowly.

- ***Where is Ash Dieback?***

From the south east ADB has progressively spread across the country, the first outbreak in Devon was confirmed in 2016 along the Exe valley south of Tiverton and has since been confirmed in most parts of the county. So far only small amounts have been identified in Exeter City. Approximately <10% was confirmed in the Valley Parks in September 2018. Further confirmed cases have been seen since, mainly on young trees.

- ***How many ash trees are in our area?***

We have 465 ECC plotted, inspected and maintained ash trees, a far greater number are not plotted and are yet to be assessed.

The National Forest Inventory estimates that there are on average 887 ash trees per hectare in woodlands greater than 0.5ha plus 10,500 seedlings and saplings of ash per hectare of private sector woodland. There are an average number of 444 ash trees per hectare in small woods and linear features of ash habitat in England.

Linear feature numbers in Exeter have not been counted though with an assessed 40 Ha of woodland in the city it would suggest there are 35,480 ash stems with a diameter at breast height greater than 4cm and 420,000 seedlings and saplings.

4. Benefits of Trees and Woodlands

What may be lost in terms of ecosystem, landscape and biodiversity, and what will need to be replaced.

Trees and woodlands make Exeter a healthier, more attractive place to live, they help combat climate change and air pollution.

Exeter's urban forest contains an estimated >1 million trees and tree canopy covers approximately 24.5% (treeconomics 2018) of the city's land area.

Ash is most commonly in mixed woodlands, rather than as a sole canopy dominant. Its saplings are shade-tolerant, enabling it to respond well to fill any new canopy gaps.

- With regards tree and woodland biodiversity, an ancient woodland is the UK's most biodiverse land habitat, individual mature ash trees can support around 1058 total species including 12 bird species, 58 bryophytes, 78 vascular plants, 68 fungi, 239 invertebrates, 548 lichens and 55 mammals. 44 of these species (4 lichen, 11 fungi, 29 invertebrates) are entirely dependent on ash, 62 species are highly associated.
- Local air temperatures are reduced by shade and transpiration of trees which block up to 90% of solar radiation, cool buildings and reduce air conditioning costs by 20-30%. Ash however has a reduced ability to block sunlight, its leaves appear later in the season, are thinner and create a more dappled effect which influences the intensity of below-canopy light levels. Shade cast by the trees that replace ash will reduce the species types of plant, shrubs and trees that usually inhabit the ground level under ash trees.
- The high carbon-cycling and soil respiration rates that are characteristic of ash leaf litter are not conducive to accumulation of soil organic matter, this can help to reduce atmospheric carbon dioxide. A 40 year old broadleaf tree can sequester approximately 1 ton of CO₂ in its timber. Allowed to decompose naturally the CO₂ will be more slowly released.
- Urban trees intercept rainfall slowing water run-off, increasing ground water recharge and thereby reducing flood water volumes. The absorption and slow release of rain water lessens sediment transportation helping reduce water pollution.
- Ash helps reduce air pollution by absorbing toxins such as nitrogen oxides, ammonia and Sulphur dioxide through their leaves, bark and roots.
- As an adventitiously seeding tree ash seedlings establish prolifically in places where stabilizing soil on banks and hillsides reduces erosion; course and fine roots can form a dense network that binds soil together minimizing soil loss and anchoring into subsoil.
- As a commercial crop ash is one of Britain's most important timber hardwoods, meeting specific requirements for furniture and sports goods. As a firewood source ash grows quickly, has a low moisture content and a relatively high calorific value making it a popular choice for fuel wood. The nearest firewood alternative being sycamore though ash is a lot less susceptible to squirrel damage.

5. General management advice

National and local available guidance on managing Ash Dieback. Advice for all types of areas (urban, semi-urban, woodland) pertinent to ECC.

Having a planned approach may help us to retain more Ash trees for longer so that we can:

- Identify individuals with genetic resistance to the disease.
- slow down the pace of landscape change, allowing replacement trees time to grow before Ash becomes scarce.
- reduce the impact on biodiversity and associated species
- budget time and costs more effectively

Advice might need to be tailored to:

- Contractors
- Exeter City Council employees
- Managers, Directors and Councillors
- Local amenity users
- Community groups

6. Impacts

What will be the impacts of Ash Dieback? The possible impacts relating to ECC areas of activity.

These may include:

6.1 Landscape and biodiversity *“The natural climax vegetation (the plant communities which would develop and be present in the absence of human intervention) over much of the UK is broadleaved forest, dominated by trees such as oak, ash and small-leaved lime” (UK Biodiversity Action Plan)*

The impact on the landscape character cannot be denied, the loss of Ash trees specifically will be noticed by the public and in the main it will be noticeable that there are fewer trees. Losses to ecosystem services will be affected for example habitat and bird nesting / nesting material opportunities reduced, also ash seeds, leaves and flowers as a source of food. Ash leaves are quick to degrade due to reduced calcium levels, the leaves become readily available nutrients to add to the woodland humus layer, there are no other native woodland tree species that can achieve this as quickly. Species dependent on ash will be lost to the food chain and ecosystem reducing wildlife levels.

Losses to ecosystem services will include:

- Reduction in air quality.
- Potential for increased flooding as water retaining trees are lost in catchment areas.
- Increases in noise levels adjacent to roads as a result of the loss of the sound attenuation that trees provide generally.
- Losses of visual screens.
- The degradation and loss of wildlife corridors where ash is the dominant species.
- Loss of biodiversity where ash dependent species lose their habitat
- Increase in wind speed and air movement.

6.2 Local landowners, land managers and homeowners

Under the occupiers Liability Act 1957, tree safety is nearly always the responsibility of the property owner however there are exceptions such as when the land is leased and the rental agreement passes the responsibility for tree management onto the tenant. These rules not only apply to private dwellings but also all other types of property such as commercial premises, schools, charities etc.

Ash Dieback will not only be felt by ECC in our city, but also by many others in our communities. As well as land owners and managers we have many individuals who we are obliged to inform of our tree management. There are neighbourhood, park or ward voluntary action groups who show a keen interest in trees. We have 38 councillors who are not only interested in their ward environments themselves but also have the interests and enquiries from

residents who live in their areas to answer to. At ECC we are obliged to answer to enquiries through our councillors and to keep them informed.

The Exeter City Council Planning Team manages the city's Tree Preservation Orders and Conservation Areas and therefore they must be consulted before works are carried out to protected trees. This also applies to trees that are owned by Exeter City Council.

Sites of Special Scientific Interest are managed by the landowners but overseen by Natural England, there are two particular Sites of Special Scientific interest areas in Exeter; Stoke Woods and The Exe Estuary from Countess Weir downstream. ADB will require well considered and combined management in these areas.

Local utilities such as British Telecoms, Southwest Water and Western Power Distribution are also likely to be impacted by the disease.

7. Potential impact of Ash Dieback on your organisation

The impact to ECC and the services delivered. The impact on the statutory and non-statutory duties that ECC undertakes.

Health and Safety Impacts

- Potential for death or injury as a result of ADB related accidents
- Increased health and safety issues due to declining ash trees on roads, county parks, housing estates, schools, cycleways, bridle paths and footpaths
- Risks to statutory functions or service delivery such as retaining safe schools, public open spaces or highways.
- Risks to staff and user community from trees on adjacent land falling into ECC property.
- Risks from falling ash to infrastructure such as fencing, signs, equipment stores.

Economic impacts

- Increased liabilities in cases of death or injury as a result of ADB related incidents
- Inadequate staffing levels or the work required resulting in increased costs to recruit and retain the necessary staff.
- Increasing prices as a result of market competition for a limited pool of skilled tree contractors.
- Increased expenditure from direct and indirect costs as a result of ADB
- Additional costs of the disposal of waste products from felled, diseased ash

- Increased direct/indirect costs due to increased flood risk due to the loss of water retaining ash trees
- Costs of replanting needed to retain ecosystem services provided by ash e.g. flood reduction, urban shading, carbon storage and habitat for biodiversity.
- Increased liabilities as a result of risks to adjacent land and 'third party' property from your trees falling/ shedding branches.
- Drop in market prices for ash wood products due to excess ash on the market.

Reputational Damage

- Potential for disruption as a result of ADB management e.g. widespread road closures to deal with potentially dangerous trees.
- Political and reputational risks as a result of negative press over ADB management and public outrage and/or anxiety.
- Potentially strained relationships with land owners and managers as ADB spreads and increased costs fall on the private owners.

Environmental Impacts

- Landscape changes with impacts on tourism and recreational opportunities.
- Losses to ecosystem services such as reductions in air quality, potential for increased flooding, biodiversity losses, increases in noise levels adjacent to roads, losses of visual screens.
- Risks to protected species / sites through alteration of habitat structure, stability and composition e.g. loss of bat breeding/ feeding sites.
- Losses of carbon storage and sequestration.

The operational issues and potential financial costs for ECC that could occur as a result of Ash Dieback.

Firstly there will be a requirement for extra resources to be directed at the inspection of ECCs ash population, there is also likely to be an increase in the number of ash dieback related enquiries. It may be necessary to use our appointed contractor Devon Trees Services to assist with the increased levels of tree inspection.

The Tree Management budget will dictate annually how many trees we can afford to replant. We hope to raise funds for the increased planting numbers by investigating available grant aid, crowd funding opportunities and encouraging more community lead, memorial and donation planting.

Financially the uncertainty of when Ash Dieback will become a problem in Exeter and the unknown quantities of ash trees and their sizes and positions mean that even an estimate of costs and operational issues cannot yet be quantified. However with 465 plotted and monitored trees on the database we can assume there are more than double that amount of trees when including un-plotted trees in both woodlands, parks and ECC housing land that could be a risk to public and property.

An assumption of 1000 mature trees in ECC ownership is used for the following calculations;

What will happen if 50% / 75% / 90% of ash in our area is in decline or may die because of Ash Dieback in the next 5 years?

50%:

- 1 man surveying trees across the city including answering enquiries for 1 year. Contractor rates of £240 per man day x 240 days = £57,600 / 5 years = **£11,520 per year**
- 500 mature trees to remove including traffic management and other costs. Contractor rates at average £400 per tree (ref DTOG) = £200,000 / 5 years = **£40,000 per year.**
- Replanting where significant trees may be lost (allowing for regeneration in woodlands and parks) (465 trees / 50%) at 1:1 ratio and at £500/new tree = 232.5 trees x £500= £116,250 / 5 years = **£23,250 per year.**
Total £373,850 for a 5 year period or £74,770 per year.

75% for the above situations;

- 1 extra man surveying trees across the city including answering enquiries for 1 year. Contractor rates of £240 per man day x 240 days = £57,600/ 5 years = **£11,520 per year**
- 750 mature trees to remove including traffic management and other operational costs. Contractor rates at average £400 per tree (ref DTOG) = £300,000 / 5 years = **£60,000 per year.**
- Replanting where significant trees may be lost (allowing for regeneration in woodlands and parks) (465 trees / 75%) at a 1:1 ratio and at £500/new tree = 348.75 trees x £500= £174,375/ 5 years = **£34,875per year**

Total £531,975 for a five year period or £106,395 per year.

90% for the above situations;

- 1 extra man surveying trees across the city including answering enquiries for 1 year. Contractor rates of £240 per man day x 240 days = £57,600/ 5 years = **£11,520 per year.**

- 900 mature trees to remove including traffic management and other operational costs. Contractor rates at average £400 per tree (ref DTOG) = £360,000 / 5 years = **£72,000 per year**.
- Replanting where significant trees may be lost (allowing for regeneration in woodlands and parks) (465 trees/90%) at a 1:1 ratio and at £500/new tree = 418.5 trees x £500= £209,250 / 5 years = **£41,850 per year**

Total £626,850 for a five year period or £125,370 per year

Currently these financial costs will be absorbed by our Public Realm arboriculture budget as the trees failing become a high priority, the greatest cost currently will be the surveying and plotting of previously un-plotted trees.

8. The Delivery Plan

Resources required to deliver the aims and objectives of the plan.

Aims:

We aim to manage and reduce the risk to the people and property of Exeter with minimum disturbance to the conduct of public experience and activities. In addition to this we aim to reduce the impact on biodiversity, canopy cover, city treescape perspective and any detriment to the council's appearance of good management.

Objectives:

- Gather statistical information on our ash tree stock numbers and update our existing database by plotting and updating the council's tree inventory.
- Assess the geographical distribution of the disease and identify areas where it is most prevalent.
- Make an assessment of the health and condition of the council's ash population.
- Identify and quantify potential risk posed by trees that already have or are likely to succumb to the disease and prioritise works accordingly.
- Monitor the spread and effects of Ash dieback over time to gain a better understanding of the disease.

- Increase levels of tree planting to help mitigate the loss.

Intended method of operation.

- A full survey of the Councils ash population will commence in June / July when ash leaves have established and any dieback will be more evident.
- Walkover surveys will be used on general site visits as a quick method of assessing for hazardous trees that require urgent attention. Where defects are noted a more detailed inspection and tree risk assessment will be undertaken.
- Inspect and risk assess all known ash trees and plot any unrecorded ash using the Confirm database.
- Ash trees will be assigned a risk rating (using QTRA methodology) so that re-inspections and the priority of remedial works can be prescribed accordingly.
- Standard tree inspection and plotting methods are not likely to be cost effective, appropriate or practical for the assessment of large populations of trees such as those in woodlands. In order to overcome this we will use sample plots to gain an estimate of the distribution of ash, the number of trees effected and the severity of the disease. Boundary trees that could affect targets such as roads and property will be plotted separately as detailed above.
- A national standard assessment will be used which identifies 4 recognisable stages of dieback according to the percentage of crown that remains. Using this format along with QTRA we can readily identify a works programme.

National standard of assessment;

Ash Health Class 1 – 100 – 75% Canopy	Inspect in line with tree management policies
Ash Health Class 2 – 75% -50% Canopy	Increased inspection and possible work.
Ash Health Class 3 – 50% - 25% Canopy	Detailed and specialist inspection and/or work.
Ash Health Class 4 – 25% - 0% Canopy	Fell / Order necessary works.

Equipment and resources already in place

We currently have the facility to receive enquiries through our website with a link specifically for reporting incidence of ash dieback. We are also able to receive enquiries via the telephone, email and post.

The ECCs Parks and Open Spaces Operations Teams have chainsaw certificates and chippers that enable them to undertake small tree clearance and assist with the effort when they are urgently required.

The Councils appointed arboriculture contractors are flexible and capable of diverting resources to prioritise works, we will use a quarterly review system which will more regularly highlight any increase in work load and shortfall in staff resources making for a more efficient regime.

Exeter City Council are members of the Devon and Cornwall Tree Officers Group which holds quarterly meetings and provides a platform for information sharing between us and our counterparts across the county. We receive regular correspondence from the group and there are a number of more experienced senior members who are always forthcoming with advice when it is sought.

Key influencers

The Plan needs to cover communication with Stakeholders including:

- ECC Management, Directors and Councillors
- Devon Ash Dieback Resilience Forum
- Devon Wildlife Trust
- Devon County Council
- Exeter University
- Exeter College
- The Environment Agency
- Department for Environment and Rural Affairs
- Forest Research
- The Forestry Commission.

Priority 1 communications.

A document has been written titled "*Current stance of ECC on ash dieback*" has been forwarded to our management as an initial status document, this can be updated and distributed to all ward councillors, portfolio holders, executive committee and all ECC staff via email. We will update our primary stakeholders independently as and when requested to do so.

Priority 2 communications.

The wider public require clear communication about Ash Dieback, the Plan, the response to Ash Dieback and details of how Ash Dieback may impact upon them. With such a large amount of interested parties in the wider public notification directed to all are best made

via press release, the councils website and social media. This information can be updated when new information becomes available.

A document titled "Ash Dieback in and around Exeter, A public awareness document" has been prepared and is available for publication on our social media and web site.

Basic information and ADB reporting pages have been added to our website (May 2019).

A document titled "*Notes on Ash Dieback for enquiries*" has been distributed to our enquiries staff, this will be updated when there are significant developments to be able to give public enquirers current status information.

An addition will be inserted into our FAQ's document on our website.

Documents will be updated once surveys have been completed and a firm grasp of the situation has been achieved.

The activities required to ensure the Action Plan is effective including:

Reviewing current legal practice.

The ECC Planning department will not be changing any legal practices unless or until Ash die back becomes overwhelming when the planning process for TPO's and Conservation Areas may be reviewed.

A 2012 Plant Health Order bans the movement of both ash seed and trees for planting. Ash logs can continue to be moved except for circumstances where a Plant Health Notice has been served.

The Town and Country planning Act 1999 and the legal framework relating to Tree Preservation Orders and Conservation areas and remains unchanged by the presence of ash dieback and each tree will be judged on its own merits. The existing exemptions for the removal of dead and dangerous trees allows for the speedy removal of the most dangerous trees. As for works to trees that do not require urgent and immediate action the normal processes should be followed and the Council must be given five days written notice of exempt works on protected trees to remove dead trees and parts that pose an immediate risk. For more information please use the following link <https://exeter.gov.uk/planning-services/heritage-and-environment/trees-hedges-frequently-asked-questions/tpo-and-conservation-areas/>

Hedgerow Regulations 1997 are also unchanged by the presence of the disease and the normal rules still apply. For more information please use the following link <http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

The Forestry Commission Felling Licence rules (the Forestry Act 1967) remain unaltered by the existence of the disease. Under the existing exceptions lopping and topping and the felling of trees in orchards, gardens, church yards and designated public open spaces are exempt from the requirement to obtain a licence. Dead trees are also exempt from the need for a licence. On this basis the rules are only likely to apply to ECC for operations that require the felling of woodland trees that are of a volume and size that would normally require a licence. For more information please use the following link <https://www.gov.uk/government/publications/how-chalara-fraxinea-affects-grantsfelling-licences-operations-note-30>

The Wildlife and Countryside Act 1981 has not changed as a result of ash dieback and the normal rules apply. There are exemptions for safety, however these should only be used in exceptional circumstances. For more information please use the following link <http://jncc.defra.gov.uk/page-1377>

Tree disease management does not take priority over the requirements of the Habitat Regulations.

Developing a risk management plan for short term risks, to public safety and communication networks and longer-term risks, to the environment e.g. Biodiversity impact; Landscape restoration.

The councils Tree Risk Strategy has been developed to ensure that the council meets its 'common law' duty of care to avoid acts or omissions that could cause foreseeable harm. The councils Tree Risk Strategy provides a methodology and framework for dealing with tree risk management that encompasses dead, dangerous and diseased trees. Ash dieback and its effects can be dealt with within the existing tree risk management framework albeit with an increase level of priority.

The council's Tree Strategy is currently under review, with the rise in globalisation and the ever increasing threats from pests and diseases a great deal of consideration will be made for ways in which we can combat these issues. We aim to achieve this by following good biosecurity practices and ensuring that we procure our planting stock from reputable nurseries that have necessary control measures in place to reduce the risk of introducing and spreading harmful agents.

The council will aim to create a more resilient and sustainable tree stock that is able to adapt and recover from the effects of pest and disease outbreaks.

Developing an ash dieback recovery plan

We will put plans in place to increase our planting numbers and aim to not only sustain the but also increase the city's canopy cover which is currently at 24.5% (2018). We aim to do this by replacing the lost trees with a diverse mixture of species that are selected for their site suitability to ensure they are appropriate for their setting and have the best possible chance to succeed.

Because Exeter City Council only owns approximately 18.05% of the city's area with the remaining 81.95% falling into private ownership efforts will need to be made to encourage people who are willing and have the space, to play their part in the recovery and enhancement of the city's urban forest. We will do this by increasing public awareness of the problem and offer free tree planting advice to the public as well as looking at opportunities to donate trees to homeowners who have the space.

Increasing diversity and the planting of indigenous tree species will go some way to speed up the recovery of the ecosystems that have been impacted by the loss of ash.

We will develop a Woodland Management Plan for all of the council's woodlands to ensure that they are managed in a holistic and sustainable manner that seeks to maximise their benefits to wildlife, biodiversity and the surrounding community. Because ash is a large component of the city's woodlands it is expected that the impacts

will be great and good management and investment will be required to aid with the recovery.

Preparing and developing a Tree Strategy

An update of the ECC Tree Strategy is underway and it is predicted that it will be ready for wider consultation by the end of August 2019. This document is intended to work in combination with the Tree Risk Management Strategy. These documents will be reviewed annually to ensure that it is up to date with the latest industry standards and guidance.

Creating measured systems to monitor and assess the spread of ash dieback.

A basic survey form has been created for use by ECC tree officers and contractors as a paper recording aid. This includes survey area, size and type, number, age structure and variety of trees, targets and class of ADB stage.

Alongside the existing tree database a spreadsheet has been created to record dates, reference identification number, location, ward, number of trees, age group, and extent of infection, QTRA risk rating, action required / taken and photographs for reference.

Our confirm system related to our ARC mapping system is already in use and will record information on mapping layers with ability to update or review historical information.

9. Action!

Summary of planned actions to counteract the negative effects of ash dieback. What is likely to change and what is likely to stay the same as we develop the plan.

- Communication with all relevant stakeholders, initial awareness documentation internally and public.
- Publicise intentions and organise information gathering from public, Make ADAP a public document, maintain the website and enquiry forms.
- Zone areas in order of target value, organise walkover inspections, survey plots, timing of surveys, manpower required, mapping and delegation of sample plots.
- Undertake survey - June- September
- Identify and prioritise areas for further / increased inspections.

- Prioritise and order works as necessary.
- Collate survey information to gain an understanding of the scale of the problem and costs involved.
- Using the spreadsheet and ARC GIS to highlight current levels of infection and monitor its progression across the city.
- Analyse data and feed information to stakeholders, peers and the public.
- Record and plot re-planting positions.
- Estimate the cost of replanting and recommend species according to site factors and objectives.
- Undertake tree planting at a ratio of at least 2:1 where it is practical to do so.

An action table follows in section 13.

10. Recovery from Ash Dieback

How we will recover from the impacts of Ash Dieback.

We will recover from the effects of ash dieback by:

- Develop a tree and woodland strategy that has sustainability and biodiversity at its core.
- Create a woodland management plan that encompasses all ECC owned woodland to ensure that there is a joined up holistic and sustainable approach to woodland management.
- Capitalise on any available grant funding for tree planting, wildlife protection / enhancement and woodland management.
- Increase tree planting numbers across the city.
- Identifying and retaining resistant ash trees.

Further information

Information and web links to organisations that are a useful resource for us and for those Organisations which monitor and study the progression of ADB in Exeter and Great Britain

Devon county council	www.devon.gov.uk
Devon Wildlife Trust	www.wildlifetrusts.org
Arboriculture Association	www.trees.org
Municipal Tree Officers Association	www.mtoa.co.uk
National Tree Safety Group	www.ntsgroup.org.uk
DEFRA	Department for Environment, Food & Rural Affairs - GOV.UK
Natural England	Natural England - GOV.UK
Forestry Commission	https://www.forestryengland.uk
JNCC	http://jncc.defra.gov.uk/
EFGRP	http://www.euforgen.org/
BSPP	https://www.bspp.org.uk/
Woodland trust	https://www.woodlandtrust.org.uk/
Forest research	Forest Research - GOV.UK
Royal Forestry Society	ww.rfs.org.uk
Institute of chartered foresters.	The Institute of Chartered Foresters (ICF)
Forestry journal	Forestry Journal essential ARB Magazines for Foresters
Living ash project	Living Ash Project
The Tree Council	https://www.treecouncil.org.uk/

11. Priority actions

This element of the plan will be derived from the Delivery Plan above. The Sections below can be used as a framework.

#	Topic	Key people/ bodies affected	Actions	Priority	Costs (Low <£10K Medium £10K - £100K High > £100K)	Suggested Lead
1	Communication	<ul style="list-style-type: none"> ECC staff ECC Management and directors. Councillors General public Community groups 	<p>Communicate existing information, making ADAP freely available as a public document.</p> <p>Create and monitor website document and public enquiry form.</p> <p>Update information as and when new developments are made.</p>	High	Low	All email addresses available.
2	Plan and undertake surveys	J. Morshead B. Corke D. Johnson/DTS P. Rovira	Set survey areas and disperse survey form to operatives with dates and areas to undertake survey	High	Low	Contact details available
3	Short term risks	J. Morshead B. Corke P. Rovira D. Johnson/DTS	Order works to priority cases. Plot locations for re stocking.	High	TBC	N/A
4	Information	B. Corke J. Morshead	Disseminate and plot accumulated information to create a broad picture of longer term risk and values. Update stakeholders and website. Share information with DTOG / DADRF	High	Low	N/A
5	Longer term risks	B. Corke J. Morshead	From information identify potential problem areas with a view to increased inspection regimes. Identify areas with greater potential losses for prioritising re stocking Plot positions, species and figures for re planting.	High	Low	N/A
6	Regulation	B. Corke J. Morshead	Plan annual re-survey to assess disease development and areas of resilience.	High	Low	N/A

REPORT TO EXECUTIVE

Date of Meeting: 12 January 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Finance

Title: 2021/22 Budget Strategy and Medium Term Financial Plan

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To provide a strategic overview of the budgetary position for the 2021/22 financial year and beyond including an indication of the likely level of available resources and the known demand for resources and the proposals to ensure that a balanced budget is achieved.

2. Recommendations:

It is recommended that the contents of the report are noted and that the proposals to establish a balanced revenue budget and capital programme are approved.

3. Reasons for the recommendation:

The Council is required to set a balanced budget and Council Tax prior to the start of the financial year.

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

4.1 The Council has a Medium Term Financial Plan that contains proposals to ensure it is balanced next year. However, there is significant uncertainty over the ability of the Council to deliver its income targets next year in such uncertain times. To this end proposals to protect the Council's financial position have been put forward.

4.2 The rest of the medium term financial plan is dominated by the impact of the proposed Business Rates reset and the ending of the New Homes Bonus, which will have a significant and damaging effect on the Council's finances. It remains the case that the Council will require £6.1 million of savings to balance the budget in the medium term, with £3.5 million required in 2022-23 if the reset finally materialises.

5. Section 151 Officer comments:

5.1 The delivery of the emergency budget early in 2020-21 has enabled the Council, to protect itself from significant savings in 2021-22, by setting aside the compensation funds made available by Government to balance the budget. This however is only a temporary respite and the savings requirement remains high over the medium term at £6.1 million.

5.2 There is also great uncertainty over income targets being achieved next year, and whilst the Government have extended the sales, fees and Charges compensation scheme for a further three months, it is essential that the Council has resources set aside to protect itself from the risk of a further emergency budget being required in 2021-22.

5.3 In order to maintain financial discipline and prepare for the reductions required, Council can no longer merely approve additional expenditure without identifying what will be cut to fund it. This is essential as Officers and Members prepare to identify ways to address the gap in funding early in the year.

6. What are the legal aspects?

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

- (a) it must calculate its budget requirement in accordance with Section 32 of the Act;
- (b) it must calculate the City Council element of the Council Tax - first for Band D and then for all bands - in accordance with Sections 33 to 36; and
- (c) it must set the overall Council Tax for each band in accordance with Section 30.

7. Monitoring Officer's comments:

7.1 Section 25 of the Local Government Act 2003 requires the S.151 officer to report on the adequacy of the Council's financial resource.

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

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

- a. To act in accordance with their statutory duties and responsibilities;
- b. To act reasonably; and
- c. To have careful regard to their fiduciary duty to its rate payers and Council tax payers.

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

When making a decision, councillors are reminded of the obligation to act reasonably and in accordance with the principals set down in the Wednesbury case. This means that councillors are required to take into account all relevant considerations and

ignore any irrelevant considerations. Put simply, it would be unlawful for the Council to come to a view which is unreasonable in the sense that it is so irrational that no reasonable authority could have reached it.

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

- a. Prudent use of the council's resources, including the raising of income and the control of expenditure;
- b. Financial prudence both long and short term;
- c. Striking a fair balance between the interest of the council tax payers on the one hand and the community interest and adequate and efficient services on the other hand; and
- d. Acting in good faith with a view to complying with statutory duties and exercising its statutory powers for the benefit of the community.

Restriction on voting

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

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

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

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

8. Report details:

8.1 Local Government Provisional Finance Settlement 2021-22

8.1.1 1 year Settlement

The Government confirmed in the Spending Review that the changes proposed to the Business Rates Retention scheme were being delayed for a further year and that a 1 year settlement would follow.

The provisional settlement for 2021/22 was announced in December and the figures in the Medium-Term Financial Plan have been updated. A new Lower Tier Services Grant has been included and Exeter has received £0.228 million.

8.1.2 New Homes Bonus

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

8.2 Business Rates

8.2.1 The Government have further delayed the implementation of the Business Rates retention reform and the review of the formula that underpins it. This has meant that the reset, expected in 2021/22 has been put back another year at least. Although, this is positive news for Exeter as we benefit from being significantly above our baseline needs, the impact of Covid-19 means we will still see a drop in our business rates income next year as businesses fail. A drop of £0.7 million has been built into the MTFP. The review is currently expected to be implemented in 2022/23, and will have a further significant, negative impact on our resources, as set out in section 8.5

8.3 Council Tax

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

8.4 Other Budgetary Assumptions

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

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

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

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

8.5 Likely Revenue Resources 2020/21 to 2024/25

8.5.1

	2020/ 21 £'000	2021/ 2 £'000	2022/ 3 £'000	2023/ 4 £'000	2024/ 25 £'000
RSG	371	379	386	394	402
Council Tax	6,087	6,261	6,404	6,658	6,916
Business Rates	6,157	5,495	4,296	4,378	4,469
Resources	12,615	12,135	11,086	11,430	11,787
Increase/(decrease)		(480)	(1,049)	344	7
Annual % change		(3.8%)	(8.6%)	3.1%	357
					3.1%

8.6 Additional Spending Pressures

8.6.1 Additional Spending Pressures over the period are set out in Appendix 1 and total:

	2020/ 21 £'000	2021/ 2 £'000	2022/ 3 £'000	2023/ 4 £'000	2024/ 25 £'000
Additional Pressures	2,343	2,133	(679)	75	50

8.7 Revenue Savings and Other Budgetary Reductions

8.7.1 The updated Medium Term Financial Plan (MTFP) is set out in Appendix 2. The MTFP has identified a gap in resources from 2022/23. The reduction required by 2024-25 totals £6.1 million or 46.5% of the net budget of the Council. This reduction is in addition to the savings already identified and set out below:-

	2020/ 21 £'000	2021/ 2 £'000	2022/ 3 £'000	2023/ 4 £'000	2024/ 25 £'000
Savings identified	(2,201)	(497)	(53)	0	0

8.8 General Fund Capital Programme

8.8.1 Attached at Appendix 3 is the proposed general fund capital programme for the next three years. This reflects the substantial condition survey results and uses up the Council's capital resources. Any further additions to this programme will require compensating reductions in revenue expenditure to cover the additional cost to the General Fund.

	2021/ 22 £'000	2022/2 3 £'000	2023/2 4 £'000	Future £'000
New Bids	0	0	0	0
Pre-approved	20,177	12,035	6,619	7,300
Total	20,177	12,035	6,619	7,300

8.9 Risk Assessment

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

- The continued response to the Covid-19 pandemic means that there is great uncertainty around income levels for the Council. This will affect not only sales, fees and charges, but business rates and Council tax income as well;
- The Governments review of the future funding formula for Local Government, including a business rates rest, coupled with the potential loss of New Homes Bonus, leaves a significant gap in funding over the Medium Term Financial Plan. The overall impact of both streams of funding stopping in the next four years would require reductions of around £6.1 million.

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

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

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

This is the strategic overview of the financial position of the Council

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

The risks relate to failing to set a balanced Council budget and are mitigated by regular reporting to the Strategic Management Board and Members.

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:

11.4.1 The report sets out the MTFP for the whole Council.

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, Dave Hodgson

Author: Director Finance, Dave Hodgson

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

Background papers used in compiling this report:-

None

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

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REVENUE PRESSURES - 2021/22 - 2024/25

	2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's
<u>Unavoidable or Already Committed from Previous Years</u>				
Living Wage	25	25	25	25
Housing Benefit Admin grant reduction	60	60	60	60
Pension Backfunding	(14)	51		
Software Licence modules	45			
	116	136	85	85
<u>New Revenue Bids - Recurring</u>				
Leisure Service	1,300	(600)		
GESP	39			
Local Plan	185	(40)	(60)	(85)
Governance arrangements	20			
Local Plan staffing	190			
Other	92	(17)		
Commercial Finance Manager	60			
	1,886	(657)	(60)	(85)
<u>New Revenue Bids - Non Recurring</u>				
Removal of Footbridge	129	(129)		
Climate budget	(50)			
Finance Systems Officer	(16)			
Leisure contract tender budget	(98)			
Other	50	(168)		
Bridge maintenance	75	(75)		
	90	(372)	0	0
<u>Revenue Costs Arising from New Capital Bids</u>				
Unsupported Borrowing Costs of Capital - Repayment of Loan		50	50	50
	0	50	50	50
TOTAL	2,092	(843)	75	50

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

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	
Resources							
Revenue Support Grant	365	371	601	386	394	402	
Business Rates Income (assumed by Government)	4,064	4,130	3,239	4,296	4,378	4,469	
Business Rates growth	1,869	2,140	0	0	0	0	
Business Rates pooling / pilot benefit	701	0	0	0	0	0	
NNDR Deficit to Cover	(473)	0	(16,588)	0	0	0	
Section 31 Grant	0	16,445	2,286	0	0	0	
Excess S31 to earmarked Reserve	0	(16,588)	16,588	0	0	0	
Covid 19 Support	73	1,822	645	0	0	0	
SFC Compensation		2,500					
CIL income	700	1,363	1,090	1,090	1,090	1,090	
New Homes Bonus	2,518	2,490	1,941	678	0	0	
Council Tax	5,831	6,087	6,261	6,404	6,658	6,916	
Likely resources	15,648	20,760	16,063	12,854	12,520	12,877	
Expenditure							
Service expenditure							
Committee expenditure base budget	12,975	12,697	13,309	16,046	12,025	11,300	
Inflation	602	470	817	500	500	500	
Potential increase in service costs	1,083	2,343	2,092	(843)	75	50	
Budgeted reductions	(1,963)	(2,201)					
	12,697	13,309	16,218	15,703	12,600	11,850	
Supplementary Budgets	4,320	1,362					
Net Interest	(97)	673	150	122	98	99	
Forecast Committee movements	(2,159)	9,688					
RCCO	32	15	0	0	0	0	
Repayment of debt	693	1,154	1,961	2,226	2,128	2,389	
Additional repayment of debt	(582)	(604)	(1,269)	(1,451)	(1,080)	0	
	14,904	25,597	17,060	16,600	13,746	14,338	
Other funding							
Contribution to/ (from) earmarked reserves	(717)	(4,291)	570	(76)	0	0	
Contribution to/ (from) balances - Other	1,461	(546)	(1,395)	8	74	39	
	744	(4,837)	(825)	(68)	74	39	
Further reductions required				(3,300)	(1,300)	(1,500)	(6,100)
Potential reductions identified			(172)	(378)	0	0	
Total Net Budget	15,648	20,760	16,063	12,854	12,520	12,877	
							(6,100)
Opening General Fund Balance	4,395	5,856	5,310	3,915	3,923	3,997	
Closing General Fund Balance	5,856	5,310	3,915	3,923	3,997	4,036	
Balance as a percentage of budget	37.4%	25.6%	24.4%	30.5%	31.9%	31.3%	

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GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS						
SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Chief Executive & Growth Director						
Customer Contact Platform		100,000				Contribution to Strata led projects
Annual Contribution to Strata		53,910	53,910	53,910	53,910	
Datacentre Relocation		35,940				
SAN Replacement		179,700				
Door Access RAMM		100,000				
NCSC Zero Trust		53,910				
TOTAL		523,460	53,910	53,910	53,910	
Transformation						
Leisure Complex - Build Project		112,180				To develop a new leisure complex and swimming pool on part of the bus station site to replace Pyramids.
TOTAL		112,180	0	0	0	
Net Zero Exeter and City Management						
Parks Infrastructure		189,560				To ensure public safety in parks and open spaces. Works include resurfacing parking areas and repairs to steps, railings and gates.
Cemeteries & Churchyards Infrastructure Improvements		119,790				To provide adequate and safe access to graves. Works include improvements to path and road layout and surfacing improvements and provision of suitable parking.
Tree Removal & Replacement		173,140	150,480			
Outdoor Leisure Facilities		121,270				To provide facilities at Omaha Drive.
Repair Canal Bank at M5		26,890				To re-strengthen and raise canal banks at this known vulnerable location.
City Wide Property Level Protection		46,660				
Bowling Green Marshes Coastal Defence Scheme		340,000	160,000	160,000	160,000	To repair the coastal defences to retain the level of protection to the freshwater marshes. The scheme is entirely funded by the Environment Agency.

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS

SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Exeter Flood Alleviation Scheme		29,250				Approximately 30 to 40 properties that are not protected from the Environment Agency's main flood scheme will be offered property level protection. The scheme is entirely funded by the Environment Agency.
Pinhoe Playing Field Upgrades		50,000				
Topsham Flood Prevention Scheme		800,000				
Repairs to Turf Lock Pier Head		73,500				Stabilisation work to Turf Lock Pier Head by providing rock protection on the seaward side and making good displaced masonry slabs in other areas.
Repair to Walls at Farm Hill		40,000				To ensure stability and integrity of structures.
Waste Infrastructure		144,000				To reduce on-street presentation of domestic and commercial rubbish. Infrastructure to consist of communal domestic waste collection points in selected streets, 'Recycle on the Go' bins in the city centre and communal trade waste facilities.
Improved recycling containers		2,150,000				To provide recycling containers to implement kerbside-sort recycling collection, incorporating glass and food waste collection.
Enhance the Materials Reclamations Facility		1,500,000				To provide necessary improvements to the Materials Reclamation Facility and ensure adapted for the planned improvements to rubbish collection.
Disabled Facility Grants		800,000	800,000	800,000	800,000	To meet the legal duty to pay grants to enable disabled people to remain in their homes.
Exhibition Way Bridge		41,200	169,760			Full Repair (specification dependent upon PI Report findings) & redecoration
Cricklepit Bridge		128,750				Full Repair (specification dependent upon PI Report findings) & redecoration. Last full paint coat was 15 years ago and is due for renewal
Yaroslavl Bridge		77,250				Full Repair (specification dependent upon PI Report findings) & redecoration, including redecking and replacement of handrail. Last full paint coat was 15 years ago and is due for renewal
Leypark Road Footbridge		41,200	169,760			Full Repair (specification dependent upon PI Report findings) & redecoration
Paul Street Car Park Bridge & Ramp			21,220	87,440		Full Repair (specification dependent upon PI Report findings) & redecoration

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS

SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
King William Footbridge			21,220	87,440		Full Repair (specification dependent upon PI Report findings) & redecoration
Farm Hill Retaining Walls (23 no.)			53,050	218,600	281,250	Stabilising works and other remedial actions (specification dependent upon PI Report findings)
Mallison Bridge		772,500	265,250			Replace bridge as per prepared Design, creating new public boardwalk and raised platform alongside quay walls
Trews Weir		103,000	901,850			Repair weir structure insitu
Riverside Walls at Quay		51,500	477,450			Underpinning or sheet piling existing Quay walls. Potential opportunity to deliver alongside Trews Weir
Exeter Arena Skatepark		20,600				Divert foul sewer around North & West edges of new Skatepark and reconnect into existing at manhole to SW of new Skatepark
Bonhay Rd/Andlaw House Footpath			42,440			Remedial works to replace existing gabion baskets or shore up existing gabion baskets - plus resurfacing of path with tarmac
Turf Pierhead				27,330	140,620	Construction of new sheet piled wall around the pierhead
Northernhay & Rougemont Gardens					168,750	Footpath improvements including resurfacing, replacement of handrails and fencing, repairs to retaining walls, refurbish bandstand. Improve electrical and water supplies for events, plus realignment of gates for easier events access
Longbrook Street wall behind 30-38					56,250	Localised repairs and strengthening of masonry wall
Underground Passages		30,900				Carry out all works identified in the inspection report
District Street Lighting		103,000	159,150	163,950	168,750	Complete stock replacement of aging lighting columns to drop-down type and to LED lamps over 5 year programme.
Okehampton Street & Parr Street Car Parks				54,650		Completely resurface both Car Parks and re-line Parking Spaces
Exwick Cemetery				21,860		Fill potholes and fit grates to open gullies. Carry out resurfacing to a number of localised areas to eliminate trip hazards
Higher Cemetery				21,860		Fill potholes, fill ruts in soft ground, eradicate trip hazards, raise sunken gullies/manhole covers and carry out resurfacing to a number of localised areas
St James' Weir & Ducks Marsh Meadow banks			212,200	1,093,000		Repair and rebuild St James Weir. Cost is likely maximum, as it is anticipated that EA would contribute as they own the right bank of the river

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS

SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
St David's Church Boundary Wall			31,830			Deconstruction of unstable sections of Heavitree stone wall followed by full reconstruction including replacement of stored copings
Canal Basin, Topsham Quay, Countess Wear		82,400	106,100			provision of purpose-built concrete craning pads
Double Locks Access Road & paths		10,300		43,720		Repair & resurface roadway
Heavitree Paddling Pools		309,000	159,150			Redesign and rebuild Paddling Pools, add new Splash Pad & replace dated Plant & Plant-Room. Expand and replace play area with a designed site
Cemetery Fields Play Area		77,250	79,580			Delivery of new major play area including ground improvements and accessibility improvements. May permit closure of 1 or 2 nearby local sites with lower play value which will offset revenue costs.
Budlake Road				109,300		Remedial works to highways including resurfacing and drainage improvements. Possibility of DCC adopting the highway if brought up to standard., and this would then take away a future maintenance burden.
Taddiford Brook @ New North Road / Taddiford Road		10,300		43,720		Delivery of flood scheme comprising flood storage areas in Taddiford Brook valley. ECC will contribute approximately £50k of the funding towards this with the rest being provided by the EA, DCC and University
Flowepot Skate-park		25,750				To supply & install 8 no. 380 watt Philips BVP651 Clearflood Large T25 DX60 LED floodlight luminaires complete with internal drivers, commission and Certificate. Commission a contractor to remove all graffiti on site, and install CCTV for enforcement and deterrent against graffiti
Piazza Terracina (Public Realm & Corporate Property)					157,500	Repaving and landscaping Terracina, with new service points to improve suitability for events. Could include spaces for street food and pop-up stalls similar to Guildhall. Potential income from stalls and events which would help to offset some of the costs
Numerous Play Areas		206,000	212,200	218,600	225,000	Supply & Installation of new play equipment at multiple play areas across the city to replace old, end of life equipment. Cost includes 2 potential full redesigns where all equipment is old and the site could provide better play value and more accessible play in areas of multiple indices of deprivation (Lakeside Avenue & Chestnut Avenue)

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS

SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Landfill Gas Extraction Systems @ Clifton Hill & Mincinglake Valley Park (Public Realm & Environmental Health)			53,050	601,150		Significant upgrade or replacement of all three extraction systems.
Mincinglake Valley Park Reed Beds & Pipe Inlet		51,500	106,100			Re-lining of the lagoon to minimise leaks, coupled with design and construction of new debris screens to minimise blockage risks.
Exeter Ship Canal - M5 Viaduct		154,500				Raise and widen approximately 250m length of canal bank in the vicinity of the M5 crossing. Reinforce with geotextile (terram / enkamat or similar) to reduce future erosion.
Exeter Ship Canal - Bottleneck & Bird Hide		10,300	106,100			Top-up and reinforce approximately 200m length of canal bank and reinforce.
Exeter Ship Canal - Swans Nest Car Park					56,250	re-surface car park with asphalt, re-line car park spaces
Exeter Ship Canal - Green Tip to Salmonpool		51,500				re-surface path.
Exeter Quay Cellars & cliff face .		128,750	318,300			Undertake full geotechnical investigations to determine the continuity of materials along cliff & determine the seasonal variation of the water table, plus monitoring further movement. Likely that each archway may need to be provided with rock anchors and water proof lining.
Capitalised Staff Costs		50,000	50,000	50,000	50,000	To provide for the cost of certain Council employees, which will be directly involved in the construction or acquisition of assets and qualify as capital expenditure, including engineers and surveyors.
TOTAL		9,141,510	4,826,240	3,802,620	2,264,370	

Finance						
Fire Risk Assessment Works		418,190				
Corn Exchange		555,880	152,700			
Guildhall		636,240	174,770			
Matford Centre		329,920	90,630			
MRF		200,050	54,950			
Underground Passages		16,940	4,650			
Clock Tower		32,770	9,000			
Higher Cemetery Chapels		154,770	42,520			
Old Exe Bridge and St Edmunds Church		40,030	11,000			

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS

SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Alphington Community Centre		41,950	11,520			Condition Survey Backlog for all currently surveyed operational and commercial properties
Barnfield Theatre		38,620	10,610			
Bettys Mead Changing Rooms		46,990	12,910			
Bradninch Place		384,570	105,640			
Cowick Barton Changing Rooms		116,960	32,130			
Hamlin Lane Changing Rooms		36,600	10,050			
King George V Changing Rooms		255,610	70,210			
Pinces Garden Bowls Club		24,100	6,620			
Pinces Gardens Croquet Pavilion		21,980	6,040			
Pinhoe Station Road Changing Rooms (pending outcome of asset transfer)		52,130	14,320			
St Katherine's Priory		79,450	21,830			
St Thomas Bowls Club		105,570	29,000			
Topsham Museum		29,040	7,980			
Ark		12,500	3,430			
Exwick Chapel		17,750	4,870			
Oakwood House		12,400	3,410			
RAMM		210,530	57,830			
Topsham Cemetery Chapel (working)		22,280	6,120			
Belmont Bowls Club		56,360	15,480			
Catacombs		84,800	23,290			
Old Paper Mill		27,630	7,590			
Topsham Cemetery Chapel (non-working)		24,300	6,680			
Vicars Choral		11,490	3,160			
Guildhall roof replacement			614,190			This scheme is subject to ECL review
RAMM - roof replacement		388,400	600,130			
Mary Arches MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements. No allowance for works to North Street foot bridge.		1,959,470	1,467,960			

GENERAL FUND - CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS

SCHEMES	NEW BID	2021/22	2022/23	2023/24	Future Years	What the scheme is trying to achieve
		£	£	£	£	
Guildhall MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements				1,014,340	1,160,040	Current Corporate Property Maintenance Requirements
Cathedral and Quay MSCP including allowance for structural repairs, expansion joint replacements, drainage improvements and secure access control. This scheme is subject to ECL review	3,496,800					
Harlequins MSCP					352,930	
John Lewis MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements					2,709,760	
Princesshay 2 MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements			2,384,310			
Princesshay 3 MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements				567,580	649,110	
Leighton Terrace and King William Street MSCP including allowance for structural repairs, expansion joint replacements and drainage improvements			606,660	1,071,350		
Commercial Property Ancillary Accommodation flat roof recovering			124,640			
Bradninch Place - additional actions to enable potential asset transfer including heating system, roof access and removal of the BMS system. These works are in addition to the condition survey backlog of £598,000			242,350			
Wat Tyler House - resolving ongoing water ingress with new rainwater system		235,270				
Verney House - roof access and rainwater drainage improvements. Potential for mitigation if asset transferred for residential development opportunity		121,000				
Commercial Properties - capital improvements to enable ongoing income (compliance with EPC legislation)		100,830	103,870	107,000	110,130	
TOTAL		10,400,170	7,155,050	2,760,270	4,981,970	

TOTAL CAPITAL PROGRAMME		20,177,320	12,035,200	6,616,800	7,300,250	
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New Bids		0	0	0	0	
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Pre-Approved		20,177,320	12,035,200	6,616,800	7,300,250	
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TOTAL CAPITAL PROGRAMME		20,177,320	12,035,200	6,616,800	7,300,250	
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GENERAL FUND AVAILABLE RESOURCES

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

UNCOMMITTED CAPITAL RESOURCES:			
Capital Receipts Brought Forward	4,333,210	5,036,770	2,142,420
Resources in Year	6,388,244	2,526,850	960,000
Less Capital Receipts to carry forward	(5,036,770)	(2,142,420)	(2,038,510)
Less Spend in Year	(63,121,310)	(20,177,320)	(12,035,200)
Borrowing Requirement	57,436,626	14,756,120	10,971,290

2,894,350 103,910

2,894,350 103,910

2023-24 £	Future Years £	TOTAL £
		4,333,210
0	0	3,949,000
0	0	107,190
800,000	800,000	4,099,470
0	0	68,410
0	0	837,830
160,000	160,000	2,733,194
960,000	960,000	16,128,305
6,616,800	7,300,250	109,861,290
		(60,000)
		(550,410)
6,616,800	7,300,250	109,250,880

Check

2,142,420	2,038,510	4,333,210
960,000	960,000	11,795,095
(2,038,510)	(1,988,510)	(2,038,510)
(6,616,800)	(7,300,250)	(109,250,880)
5,552,890	6,290,250	95,007,176

103,910	50,000	6,243,700
103,910	50,000	

REPORT TO EXECUTIVE

Date of Meeting: 12 January 2021

Report of: Director Finance

Title: Council Tax base and NNDR 1 2021/22

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 To set the 2021/22 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012.

1.2 To seek approval that the Council's estimate of Business Rate Income (NNDR1) for the next financial year is delegated to the Director Finance.

2. Recommendations:

2.1 In accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2021/22 shall be 37,377; and

2.2 That the section 151 Officer is delegated responsibility to approve the Council's NNDR1 return by 31 January 2021.

3. Reasons for the recommendation:

To ensure that the Council meets its statutory deadline for notifying Precepting Authorities and the Government by 31 January 2021.

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

Both the Council Taxbase and the NNDR1 provide key information used to calculate the overall resources available to the Council, Government and Preceptors in the following financial year.

5. Section 151 Officer comments:

Approval of the report is a statutory requirement in respect of the Taxbase. There is an increase of 29 Band D equivalent properties compared to the 2020/21 Taxbase. This has been heavily affected by the Covid-19 pandemic, which has seen a large increase in Council Tax support cases, reducing the taxbase for the forthcoming year.

6. What are the legal aspects?

The requirement to set the Council Tax base is set out in the Local Authorities (Calculation of Tax Base) (England) Regulations 2012.

In coming to decisions in relation to the revenue budget and the Council Tax the City Council and Councillors have the following legal duties, namely:-

- (a) The Council must act in accordance with its statutory duties and responsibilities;
- (b) The Council must act reasonably; and
- (c) The Council must not act in breach of its fiduciary duty to its ratepayers and Council Tax payers.

7. Monitoring Officer's comments:

Members should be aware of the provisions of Section 106 of the Local Government Finance Act 1992 applies to this report where members are present at a meeting of the Council, the Executive or a Committee and at the time of the meeting an amount of council tax is payable by them and has remained unpaid for at least two months.

In these circumstances, any such members shall at the meeting and as soon practicable after its commencement disclose the fact that Section 106 applies to them and shall not vote on any question concerning the matter.

It should be noted that such members are not debarred from speaking on these matters.

Failure to comply with these requirements constitutes a criminal offence, unless any such members can prove they did not know that Section 106 applied to them at the time of the meeting or that the matter in question was the subject of consideration at the meeting.

8. Report details:

8.1 BACKGROUND

8.1.1 In accordance with the requirements of the Local Government Finance Act, 1992, Exeter City Council as a billing authority will be issuing Council Tax bills to occupiers of property in March 2021, effective from 1 April.

8.1.2 As a first step to calculating the Council Tax itself, the City Council is required by legislation to determine a tax base by the 31 January for the following financial year.

8.1.3 Based on a valuation list received from the Valuation Officer, the calculation, in simple terms, involves three steps, namely :

- i. the determination of the number of chargeable dwellings;
- ii. an assessment of disregards, premiums and discounts, and
- iii. the equivalent number of band D properties and a collection rate.

8.1.4 The calculation of the Taxbase includes the impact of the Council Tax Support Scheme, which significantly reduces the Council's income from Council Tax. In order to reflect the increased risk of non-recovery, which may result from the move to Local Council Tax Support, the Collection Rate has been reduced to 97% from 98% since introduction.

8.2 COUNCIL TAX BASE FOR 2021/22

8.2.1 The Council Tax Base for Exeter is set out in table 8.1 and in Appendix A. It is estimated that the equivalent number of Band D properties (Gross taxbase) for 2020/21 (including the reduction in dwellings owing to the Council Tax Support Scheme) will be 38,533 an increase of 30 over 2020/21.

8.2.2 To this figure the estimated collection rate of 97% for the year is applied, which results in a net Council Tax base of 37,377, an increase of 29 over the 2020/21 figure of 37,348.

Table 8.1 – Taxbase 2021/22

Taxbase	2021/22 Gross Taxbase	2021/22 Net Taxbase (97%)
Taxbase to be used in calculating the council tax for 2021/22	38,533	37,377

8.3 BUSINESS RATES RETENTION

8.3.1 Under the new Business Rates Retention funding, the Council has to provide MHCLG with an estimate of its Business Rate Income for the forthcoming year. However due to the changes in the funding and the local/central share, MHCLG require the estimate (completed on a NNDR1 form) to be compiled and formally submitted by January 31st. The Council must also share this information with Devon County Council and Devon and Somerset Fire and Rescue Service who are also affected.

8.3.2 MHCLG have stated that, in their view, the decision to approve the NNDR1 can be delegated to the section 151 Officer and this report seeks approval for such delegation as the figures have not yet been calculated (The Council requires an annual software update in order to calculate the NNDR1 form).

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

The approval of the Taxbase enables the Council to calculate the budget available for the following financial year.

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

Not applicable.

11. Equality Act 2010 (The Act)

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

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

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

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

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

11.4.1 The report determines the taxbase for the whole City.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

Not applicable

Director Finance, Dave Hodgson

Author: Director Finance, Dave Hodgson

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

Background papers used in compiling this report:-

None

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

EXETER CITY COUNCIL
2021/22 TAX BASE

	BAND	TOTAL	A relief	A	B	C	D	E	F	G	H
LINE 1	No. OF CHARGEABLE DWELLINGS	51,881	22	9,589	14,323	13,035	8,080	3,952	1,919	930	31
LINE 2	No. OF DISCOUNTS	-9,905	-12	-3,660	-3,148	-1,850	-788	-276	-119	-49	-3
LINE 3	No OF ADDITIONS (TECHNICAL CHANGES)	29	0	0	2	4	15	2	5	1	0
LINE 4	WHOLE No. EQUIVALENT CHARGEABLE DWELLINGS	42,005	10	5,929	11,177	11,189	7,307	3,678	1,805	882	28
LINE 5	FRACTION TO APPLY TO ARRIVE AT BAND D EQUIVALENTS		5/9 ths	6/9 ths	7/9 ths	8/9 ths	1	11/9 ths	13/9 ths	15/9 ths	18/9 ths
LINE 6	BAND D EQUIVALENTS (PER CTB1)	38,533	6	3,953	8,693	9,946	7,307	4,495	2,607	1,470	56
	TOTAL BAND D EQUIVALENTS	38,533									
LINE 7	COLLECTION RATE	97.00%									
LINE 8	EXETER CITY COUNCIL TAX BASE	37,377									

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REPORT TO EXECUTIVE

Date of Meeting: 12 January 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director Finance

Title: Housing Rents and Service Charges 2021-22

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report sets out the proposed changes to council dwelling rents, garage rents and service charges with effect from 1 April 2021.

2. Recommendations:

That Executive recommend that Council approves:

- Rents of Council dwellings are increased by 1.5% from 1 April 2021
- Garage rents are increased by 1.5% from 1 April 2021
- Service Charges are increased by 1.5%, with the exception of charges specified in paragraph 13.3, from 1 April 2021

3. Reasons for the recommendation:

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

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

Rents of garages and service charges fall outside the scope of the Government's rent policy. Authorities are expected to set reasonable and transparent charges which reflect the service being provided to tenants.

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

The proposed changes in housing rents, garage rents and service charges are reflected in the proposed 2021/22 estimates for the Housing Revenue Account (HRA).

The current rent policy was intended to apply for five years from 2020, in order to allow landlords to plan ahead. The medium term financial plans for the Council's HRA therefore reflect assumptions for the annual uplift of property rents by CPI + 1%.

5. Section 151 Officer comments:

The report contains details of the Government rent policy. This will offer an uplift in the resources available to the HRA and it is a legal requirement to have regard to Government policy. Council will note the changes in other charges, which have been set following the same principle. Council should also note that rent arrears are continuing to rise, although this is particularly affected presently by the pandemic.

CPI is lower than projected in the last medium term financial plan and this will result in lower than expected income for the HRA, which will have an ongoing impact of their revenue. As set out in budget monitoring reports, the medium term financial plan for the HRA projected the use of all resources by the end of the period.

Therefore this lower than anticipated income will require reductions to be made to the plan, in order for the HRA's budget to remain balanced over that period.

6. What are the legal aspects?

The Council, in setting its annual rents, is directed to have regards to the Government's policy on Rents for Social Housing 2018 which came into effect from 1 April 2020.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

RENT SETTING BACKGROUND

8.1. The underlying rent for each council property is based upon a national rent formula.

8.2. The rent formula was established to ensure that social rents take account of:

- The condition and location of a property – reflected in its value
- Local earnings
- Property size (specifically, the number of bedrooms in a property)

8.3. The rent formula for each council dwelling is set, based upon January 1999 levels, and uplifted for inflation each year.

8.4. On 4 October 2017, DCLG announced that increases to social housing rents will be limited to the Consumer Price Index (CPI) plus 1% for 5 years from 2020.

Social Rent Increases for 2021/22

- 8.5. In accordance with the social rent policy which came into effect from 1 April 2020, rents will be increased by CPI + 1% (CPI is the official method of calculating inflation in the UK). For 2021/22 this will result in an average increase of £1.14 per week, over 52 weeks, per property.
- 8.6. Rents are collected over 48 weeks, resulting in an average increase of £1.24 per collection week for 2021/22.
- 8.7. On a typical 2 bedroom flat the weekly rent for 2020/21 will be £77.51 (over 52 weeks). For comparative purposes, the average weekly rents for a 2 bedroom flat in Exeter are:
- £92.23 per week with a housing association
 - £183.47 per week rented in the private sector

9. Universal Credit

- 9.1. As previously reported to committee, areas in which Universal Credit has been rolled out have reported a rise in the level of rent arrears with claimants requiring additional support in order to manage this new way of receiving benefits. The Citizens Advice (CAB) have a national contract to deliver support services to Universal Credit claimants, but the challenge faced is finding timely support for the most vulnerable customers who may suffer financial distress, health issues, or who do not have access to equipment to make a claim, the rising numbers needing support from CAB and other support services have seen delays for these people who most need it. Support is still offered by the Council via the direct.gov website, especially for those who find the process challenging.
- 9.2. From the 5th October 2020, the Council moved to the new Payment Alignment feature, this allows direct payments of housing costs to be made in line with the payment of a tenant's personal element of Universal Credit, removing delays. Payments will be made via BACs transfer and can be viewed via a Landlord portal. In addition to this a request for 'Alternative Payment Arrangements' (APAs) can be made via the Landlord portal, this allows Landlords to request rents are paid direct to them, along with collection of any arrears outstanding, by a managed monthly payment direct from the DWP. The Landlord portal is used to verify rent charges and service charges, allowing for a quick turnaround on new claims.
- 9.3. The level of rent arrears is kept under review by the Payments and Collection Team and analysis during 2019/20 & 2020/21 shows that a large majority of Council tenants in receipt of Universal Credit have rent arrears. However, some tenants had rent arrears prior to receiving this benefit, so cannot easily be attributed to the move to Universal Credit. On the whole, rent arrears have increased, with average arrears during 2019/20 at 2.75%, compared to average arrears during 2020/21 (to date) at 3.31%. This will also have been impacted by COVID-19.
- 9.4. In light of the pressure on arrears, the proposed budget for rental income in 2021/22 has made an estimated £150k provision for an increase in arrears, specifically related to tenants owing more than £500. This assumes a recovery from the current year position which has been impacted by COVID-19. As a guide, rent arrears were £434,421 as at 31 March 2020 in respect of current tenants.

10. COVID-19

- 10.1. The COVID-19 pandemic has had a negative impact on rent arrears since March 2020. Overall rent arrears have steadily increased from 2.25% at the start of April 2020 to 4.26% at the end of October 2020.
- 10.2. The pandemic has resulted in an increase in the number of tenants claiming Universal Credit and also brought financial pressure on those tenants who have been furloughed. Tenants who found it difficult to maintain consistent rent payments prior to the pandemic have found it increasingly challenging to meet their rent obligation throughout 2020.
- 10.3. New guidance was issued by MHCLG in November 2020 that set out arrangements for local authorities to apply to the Secretary of State for agreement to depart from the Government Rent Policy, if it would cause the authority 'unavoidable and serious financial difficulty'.

In considering whether the application of the Government Rent Policy would cause unavoidable and serious financial difficulty, the Secretary of State will expect to be provided with evidence that:

- the local authority's Housing Revenue Account (HRA) is at risk of a deficit in either the current or subsequent financial year
- complying with the requirements set out in the Rent Standard would jeopardise the local authority's ability to meet legal requirements/ obligations, including ensuring the health and safety of its residents
- all possible steps have been taken to avoid the need for an application to the Secretary of State, including reviewing services and commitments and taking action to minimise costs and curtailing non-essential commitments

It is not considered that there are grounds to depart from the Government's Rent Policy.

11. Affordable Rents for Newly Built Council Housing

- 11.1. Affordable rent allows local authorities to set rents at levels that are typically higher than social rents, at up to 80% of local market rent inclusive of service charges. The intention behind this is to maximise returns and generate capacity for further investment in new affordable housing, allowing more people in housing need to have access to a good quality home at sub-market rent.
- 11.2. For Exeter, this includes properties the Council has built at Knights Place, Rowan House, Silverberry Close, Barberry Close, Reed Walk and Chester Long Court. Affordable rents may also be increased by CPI + 1% in line with annual social rent rises.

12. Garage Rent Increase

- 12.1. Rentals of non-dwellings, such as garages, are outside the scope of the Government's social rent policy. However annual increases to garage rents are generally kept in-line with rises in social rents.
- 12.2. Under self-financing local authorities are encouraged to review the rents of non-dwellings in order to ensure associated costs are fully recovered. Allowing for

inflationary rises for employee costs and for general repair costs, a rise in line with rent charges is considered appropriate.

- 12.3. A 1.5% increase in garage rents and parking spaces is therefore proposed, in line with the permitted rises in social and affordable rents at CPI + 1%.

13. Service Charge Increase

13.1. These charges cover services and facilities provided by the authority to tenants which are not covered by their rent. Service charges reflect additional services which may not be provided to every tenant, or which may be connected with communal facilities. Different tenants receive different types of service reflecting their housing circumstances.

13.2. Service charges are limited to covering the cost of providing the services. Government guidelines advised that authorities should endeavour to keep increases in-line with rent changes, at CPI + 1%, to help keep charges affordable. Increases above this may be made on rare occasions when an authority has increases in costs outside its control, such as increases in fuel costs.

13.3. It is proposed that service charges are increased by 1.5%, in line with rent rises, with the following exceptions:

- 4% decrease in respect of the Older Persons' property service charge due to post changes
- 0% no increase in water charges in respect of Magdalen Gardens in line with contract prices
- 0% no increase in respect of door entry systems in line with system maintenance costs
- 5% increase in fire alarm charges to reflect the contract for weekly fire alarm testing

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

9.1. The Housing Revenue Account contributes to three key priorities, as set out in the Corporate Plan; providing value-for-money services, leading a well-run council and building great neighbourhoods.

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

10.1. The main risk to council dwelling rents relates to the COVID-19 pandemic and its impact on tenants' ability to pay.

10.2. The level of rent arrears is kept under review by the Payments and Collection Team. A £150k provision has been made for an increase in arrears, however this assumes a recovery from the current year position over the next 12 months.

11. Equality Act 2010 (The Act)

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

12. **Carbon Footprint (Environmental) Implications:**

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

13. **Are there any other options?**

From 1 April 2020, social landlords may not increase rents by more than CPI + 1% in any year. This limit is a ceiling and landlords are able to apply a lower increase. However, any rent increases at less than CPI + 1% would have a significant impact on the HRA's financial position and resources available to invest in its stock.

Director Finance, David Hodgson,

Author: Kayleigh Searle, Finance Manager - Corporate

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

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36

01392 265275

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Equality Impact Assessment: *Housing Rents and Service Charges 2021-22*

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 Committee 12 th January 2021	Housing Rents and Service Charges 2021-22	That Executive approves:	See below

		<ul style="list-style-type: none"> • Rents of Council dwellings are increased by 1.5% from 1 April 2021 • Garage rents are increased by 1.5% from 1 April 2021 • Service Charges are increased by 1.5%, with the exception of charges specified in paragraph 12.3, from 1 April 2021 	
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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
<p>Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).</p>	<p>Neutral</p>		<p>Every year the Council reviews the rents and service charges that apply to its housing and garage stock. This is to take account of inflation and any other financial factors in order to ensure we have the income to deliver a high quality housing service to all tenants and garage renters.</p> <p>As a local authority we must observe government legislation and guidance when it comes to levying rents. As the report states, in October 2017, the government announced its intention to set a long term rent policy in respect of annual rent increases on both social rent and affordable rent properties of up to CPI plus 1% from 2020, for a period of 5 years.</p> <p>Following government policy we intend to increase rents by CPI plus 1%, which equates to 1.5% for 2021/22.</p> <p>Service charges fall outside the policy but we intend to increase them in line with rent rises except where specified in the report (paragraph 12.3).</p> <p>Increasing rent and service charges by the amounts specified will have a neutral effect on protected groups. The cost rise to residents itself is a relatively modest one.</p> <p>The rise will enable the Council to continue to provide an excellent range of services, such as:</p> <ul style="list-style-type: none"> • Repairing and improving our housing stock of almost 5,000 properties • Building a significant number of new affordable homes (500 over the next ten years) • Letting the properties

		<ul style="list-style-type: none"> • Managing the tenancies, including dealing with anti-social behaviour • Managing the estates in which the properties are located <p>all of which would be compromised if we did not levy the proposed rent and service charge rises.</p> <p>The rise will also help the Housing Service contribute towards the Council's corporate plan, which includes</p> <ul style="list-style-type: none"> • Delivering net zero Exeter 2030 • Promoting active and healthy lifestyles • Building great neighbourhoods • Providing value for money services • Leading a well-run council <p>No group is discriminated against in the allocation of council housing (or in renting garages from the Council). All groups benefit equally. It could be argued that a group such as those with a disability will tend to have a lower average income than non-disabled people and therefore will be disproportionately adversely affected by any rent rise. However people on low incomes and/or with high rents will (if they fulfil the conditions) qualify for housing benefit (now Universal Credit) and will therefore be insulated from negative financial effects.</p> <p>It is understood that there may be an increase in the level of rent arrears as a result of the shift to Universal Credit, however that risk is being mitigated by the Council working closely with Citizens Advice to provide advice and support services to Universal Credit claimants.</p> <p>Even with the proposed rent and service charge increases Exeter City Council rents are among the lowest in the city. For example, last year the average weekly rent for a two-bedroom property in the private sector was £183. For Housing Associations it was £92; for Exeter City Council the rent it was £77.</p>
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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.	Negative	Low	See above As has been stated, disabled adults are more likely to be living in low-income households than non-disabled adults. Additionally, disabled people are more likely to not be working, and where they are working, are more likely to be earning less than non-disabled people. It is evident therefore that an increase in rents is likely to specifically impact this protected characteristic. However we believe that as the rises proposed are modest; that as the welfare benefit system should be able to protect people; and that as we can provide advice, help and support both from ourselves and through working with Citizens Advice, any impact will be low.
Sex/Gender	Neutral		See box 1 above
Gender reassignment	Neutral		See box 1 above
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		See box 1 above
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		See box 1 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 living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Neutral/positive		See box 1 above
Pregnancy and maternity including new and breast feeding mothers	Neutral		See box 1 above
Marriage and civil partnership status	Neutral		See box1 above

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

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Officer:
Date: