

EXECUTIVE

Date: Tuesday 4 June 2024

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

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 Mark Devin, Democratic Services Manager on 01392 265477.

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street.

Membership -

Councillors Bialyk (Chair), Wright (Deputy Chair), Allcock, Asvachin, Foale, Vizard, Williams, R and Wood

Agenda - Updated

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 9 April 2024.

(Pages 5 -
16)

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 Democratic Services Manager 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 **Local Authority Housing Fund (LAHF) Round 3 Funding**

To consider the report of the Director of City Development.

(Pages 17
- 56)

7 ~~**Review of the Corporate Risk Register**~~ – *Item Deferred*

Item deferred to a future date.

8 **Members' Allowances and Expenses Paid 2023/24**

To consider the report of the Chief Executive.

(Pages 57
- 62)

9 **Exeter Port Authority: The role of the Duty Holder**

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

(Pages 63
- 68)

10 ~~**Parking Tariffs 2024**~~ – *Item Deferred*

Item deferred to a future date.

11 **King George V Playing Fields**

To consider the report of the Director Finance.

(Pages 69
- 86)

12 ~~**Land at Pendragon Road**~~ – *Item Deferred*

Item deferred to a future date.

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 25 June 2024** at 5.30 pm in the Civic Centre.

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

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

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EXECUTIVE

Tuesday 9 April 2024

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Foale, Parkhouse and Williams, R

Also present:

Councillor Moore (as an opposition group Leader); and

Councillor M. Mitchell (as an opposition group Leader).

Apologies:

Councillors Pearce and Wood and Jobson (as an opposition group Leader)

Also present:

Chief Executive, Director Corporate Services, Director Net Zero Exeter & City Management, Director of City Development, Director of Culture, Leisure and Tourism, Director Finance, Service Lead Net Zero & Business, Service Lead - Environmental Health & Community Safety, Service Lead - Active & Healthy People, Assistant Service Lead – Local Plan and Democratic Services Manager.

42

COUNCILLOR WOOD

The Leader advised Councillor Wood was unable to be in attendance, following a recent operation and on behalf of the Executive Committee, wished him well for his recovery.

43

MINUTES

The minutes of the meeting held on 5 March 2024, were taken as read, approved and signed by the Chair as a correct record.

44

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

45

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

46

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2023/24 – QUARTER 3

The Executive received the report which advised Members of the overall financial position of the General Fund Revenue Budgets for the 2023/24 financial year after nine months and the approval of additional expenditure required during the financial year.

Particular reference was made to:-

- a number of service projects were likely to run over into the next financial year, with a predicted service underspend of £2.9 million, and future supplementary budget requests would need to be made; and

- there were requests for three supplementary budgets, two of which were for reductions in the budget for areas to be carried forward into the next financial year and one for the depreciation budgets.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on the terminology of ‘income realignment’ in relation to parking and trade waste.
- Cllr Moore – enquired on the risk related to the commercial income generation and what was being done to address the ongoing issue.

During the debate, a Member advised that trade waste realignment referred to original income targets being unrealistic and had been amended to set a more realistic target to support the service.

In response to questions raised, the Director Finance advised that:-

- budget realignment involved the reduction of income budget for trade waste and car parks to reflect the Council’s current financial circumstances;
- the capital programme was proving a challenge to deliver and had not currently required borrowing, with the Council using its own existing funds to finance it and therefore, no additional loans had been taken out;
- commercial income initiatives would be considered over the next financial year as part of the budget process.

The Leader moved, and Councillor Denning seconded, the recommendations which were voted upon and CARRIED unanimously.

RECOMMENDED that Council notes and approves (where applicable):

- (1) the General Fund forecast financial position for the 2023 financial year;
- (2) the supplementary budgets as detailed in paragraph 8.12 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at December 2023;
- (4) the creditors payments performance; and
- (5) the One Exeter programme update.

47

2023/24 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 3

The Executive received the report on the current position of the Council’s revised annual capital programme, advising Members of the anticipated level of deferred expenditure into future years. The report also sought approval to amend the annual capital programme in order to reflect the reported variations.

Particular reference was made to:-

- full Council approved a general fund capital programme of £72 million, which as of December 2023, £3.45 million had been spent;
- the total forecast spend for the financial year was £8.6 million;
- the significant capital programme being carried forward into the new financial year, some of which had been approved in the February 2024 budget and the remainder would be presented to Members in July 2024;
- the challenges in delivering capital receipts, with only £20,000 worth of general fund capital receipts generated in the financial year;
- some schemes had been deferred, whilst other schemes including BLRF were no longer proceeding; and

- the further funding requests outlined in the report were being sought this year and would be carried forward for delivery in the new financial year.

An opposition group leader spoke on the item and made the following points:-

- Cllr Moore – enquired on the AV budget for equipment and whether it would be for improvements to meetings and broadcasting.

During the debate, a Member enquired on the issues of delivering the capital strategy and sought clarification on the uncertainty of the projects in relation to timings.

In response to questions raised, the Director Finance advised that:-

- the AV programme should improve the technology used for delivering meetings;
- some capital projects in the programme were uncertain by their very nature, and although there was a large budget for enhancements at the Guildhall Shopping Centre, it was not known when a lease would be ended or the budget required; and
- there was an ongoing issue in recruiting and maintaining staff in engineering and corporate property services, which were vital in managing the capital programmes.

The Leader moved, and Councillor Denning seconded, the recommendations which were voted upon and CARRIED unanimously.

RECOMMENDED that Council approves:-

- (1) the overall financial position for the 2023/24 annual capital programme; and
- (2) the amendments and further funding requests to the Council's annual capital programme for 2023/24.

48

2023/24 HRA BUDGET MONITORING REPORT – QUARTER 3

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2023/24 financial year after nine months. The report also highlighted areas of risk, where certain budgets had been identified as being vulnerable to factors beyond the Council's control and could result in potential deviations from budget, were subject to close monitoring by officers.

Members noted that the HRA had remained broadly stable throughout the financial year, however particular reference was made to:-

- the significant challenges to the repairs and maintenance budget, which had significantly overspent by £1.1 million and there had been a number of substantial voids reported;
- the HRA had attracted more investment interest than was anticipated when the budgets were set;
- the capital charges were about £350,000 lower than budgeted for; and
- repairs and maintenance would need close monitoring for reasons that the more spent in the revenue account would provide less available funding for capital projects.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on whether there was a strategy in place to recover the repairs and maintenance situation and what the timescales would be to balance it.
- Cllr Moore – enquired if the Portfolio Holder could report on the HRA budget, following conversations held at the Council Housing Advisory Board on the non-expenditure of sundry land maintenance in relation to trees and in respect of property maintenance. She also enquired on what the final outcome of overspending would be with the likely increased demand for repairs.

The Portfolio Holder for Council Housing Development and Support Services advised that budget issues were being addressed at the appropriate level. Additional contracts were in place to allow repairs which needed to be completed. Voids were also being looked at to ensure that people could move in quickly to regain the rent charges. The Council Housing and Development Advisory Board received reports on these matters and full engagement was made. She requested that detailed questions be emailed to her and a response would be provided.

The Leader moved, and Councillor Denning seconded, the recommendations which were voted upon and CARRIED unanimously.

RECOMMENDED that Council notes and approves (where applicable):

- (1) the HRA forecast financial position for 2023/24 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

49

THE HOUSEHOLD SUPPORT FUND – SCHEME 5

The Executive received the report which sought Member agreement to delegate authority to the Director Finance in consultation with the Leader and the Portfolio Holder for Council Housing Development & Support Services to agree and disburse funding from the fifth Household Support Fund scheme.

Members noted that the Chancellor of the Exchequer had announced a 6-month extension to the Household Support Fund, to run from 1 April 2024 to 30 September 2024 and given the timing of the announcement, delegated power was being sought to agree the scheme and ensure the money could be used by the 30 September.

Particular reference was made to:-

- since the report was written, Devon County Council (DCC) had indicated that the Council's allocation of funding may be £309,000, but the official grant agreement had not yet been received;
- DCC were required to send their overall delivery plan to the Department for Work and Pensions by 10 May; and
- support would be provided to a cross section of vulnerable households, including disabled people, care leavers and people with caring responsibilities.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on how the Council could ensure that those who need support could apply and can get hold of this funding and be directed toward the information.
- Cllr Moore – welcomed the report but considered the government proposal to be late and too short a time period for support. She enquired if there was any data available from the previous funding schemes to inform on the level of

demand and if the Council had previously been able to fulfil all the requests made.

During the discussion, the following points were made:

- the funding was welcomed and would be put to good use;
- was the funding similar to the previous household support fund schemes?
- was the Council likely to receive a top up amount from DCC? and
- the Council had records of those who had benefited from the schemes and enabled residents to be contacted and advised.

The Leader requested that data on funding allocations made to date be made available to Councillors.

The Leader moved, and Councillor Denning seconded, the recommendations which were voted upon and CARRIED unanimously.

RECOMMENDED that Council grant delegated authority to the Director Finance in consultation with the Leader and the Portfolio Holder for Council Housing Development & Support Services to agree the scheme for disbursing funding from the fifth Household Support Fund.

50

CLIMATE ADAPTATION STRATEGY FOR DEVON, CORNWALL AND ISLES OF SCILLY

The Executive received the report which sought the Councils endorsement of the Climate Adaptation Strategy for Devon, Cornwall, and Isles of Scilly, which had been produced by the Devon, Cornwall, and Isles of Scilly Climate Impacts Group, who coordinate the regional action on climate application and to improve resilience across the region and was chaired by the Environment Agency.

Particular reference was made to the strategy which included an action plan which would be reviewed again in five years and focussed on impacts relating to river and surface water flooding, rising sea levels, reduced water availability and temperature changes.

Members noted that 64 impacts had been identified and evaluated across five sectors, with 18 being classified as severe, 28 major, 16 moderate, one minor and one negligible. The City Council would work with the actions in the strategy to support the work of the Net Zero team.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – welcomed the report and enquired about how the measures set out in the five-year strategy would be incorporated into the new local plan.
- Cllr Mitchell – enquired on the statutory function of the board and how it related to planning implications. He also enquired on how the strategy fit in with the Councils 2030 Net Zero target in relation to the timescales of other authorities.

The Portfolio Holder for Climate & Ecological Crisis welcomed the report, noting that the recommendations focused on the responsibilities of Devon County Council, covering the period until 2027, where it was hoped a further report would be made. She also welcomed the number of organisations and authorities involved who were addressing the importance of climate change.

The Leader requested that information on the statutory functions be provided to Councillors and would enquire on how it fit in with the new Local Plan under Minute No. 54.

The Leader moved, and Councillor Denning seconded, the recommendations which were voted upon and CARRIED unanimously.

RECOMMENDED that Council approve:-

- (1) the endorsement of the Climate Adaptation Strategy for Devon, Cornwall, and Isles of Scilly; and
- (2) to continue attending and participating in Devon, Cornwall, and Isles of Scilly Climate Impacts Group meetings, which coordinate regional action on climate adaptation, preparing communities and organisations for a changing climate, and improving resilience across the region.

51

COUNCIL HEALTH AND SAFETY AT WORK POLICY

The Executive received the report on the Council's Health and Safety at Work policy, which was a legal policy had been revised to reflect changes to the Council's structure, legislation, and best practice. Members were advised that there were no major changes to this report other than administrative amendments as set out in section 8 of the report .

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

RECOMMENDED that Council adopts the Corporate Health and Safety Policy.

52

MEMBERS' TRAINING

The Executive received the report which provided an update on the progress of work on the Members' training programme and Members' attendance and feedback for the various training sessions, which have been held since November 2023 to present. The report also provided a summary of the work undertaken by the Councillor Development Steering Group for 2023-24.

Particular reference was made to:-

- the training feedback received from Members showed that 59% were either very satisfied or satisfied with the training provided;
- the average turnout for the last quarter was 44%, and more work would be done to ensure training sessions were accessible; and
- the safeguarding and GDPR training on the SSS training platform was notably popular with Members.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – welcomed the figures and satisfaction levels.
- Cllr Mitchell – noted that a planning training event was only open to six members and would therefore be 100% turnout.

During the debate, Members made the following points:-

- the SSS training platform was commended in its ability in providing various training options at a user's leisure;

- GDPR and Safeguarding was recommended as priority training for all Councillors; and
- one of the SSS training courses had been entered twice on the spreadsheet.

The Portfolio Holder for Corporate & Democratic Services and Environmental Health in commending the report, advised that he had sought responses from Members, of which 80% had been very positive. Work had been undertaken on the training provided for licencing and planning to be more interactive and varied and further work on timings and accessibility was being taken.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

RESOLVED that the Executive Committee note the report.

53

LIVEABLE EXETER PLACEMAKING CHARTER AND PRE-APPLICATION CHARGES

The Executive received the report which set out the details of the six-week consultation on the proposals for the provision of charging for pre-application advice on major planning applications, and the introduction of the Liveable Exeter Placemaking Charter.

Particular reference was made to:-

- the Council currently provided a free pre-application advice service, and implementing a fee for advice would provide a more proactive service and encourage developments whilst being consistent with neighbouring authorities;
- the report was seeking delegated authority to make minor editorial changes before publishing the charter on the council's website, and to also ensure it was updated regularly;
- benchmarking work had been undertaken on charges with other authorities, as well as market testing with consultants prior to launching consultation;
- the fee structure was divided into three bands, to reflect the complexity and need for specialist advice, and income would be reinvested to improve the quality of the service provided; and
- the consultation was targeted to a specific group of likely users of the service and some criticism had been received around the limited scope.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on the differences between developers with various numbers of homes and charging rates and whether there was flexibility to charge by the number of units being produced. He also enquired on which authorities had been benchmarked with and whether future review periods were needed.
- Cllr Moore –enquired on whether there were any risks to other planning applications and decision making and how it would improve team capacity. She further enquired about formalising community engagement, enhancing decision making processes and whether councillors and public could see the review panel reports and what had been agreed.

During the discussion, the following points were made:

- the report was welcomed, given there had previously been a public misunderstanding of pre-application advice, providing clarification on its purpose was beneficial;
- would there be any issues relating to an application being refused by the Planning Committee, if a developer had paid for advice?
- would the paid service create extra work for planning officers? and
- how would the fees be re-invested to support the planning team and improve application processes?

In response to questions raised, the Director of City Development advised that:-

- the report set out a legal framework for charging for pre application fees, which would provide a quality of service, but was not a decision process;
- advice provided from officers would be the same as that provided now but would provide a more project management approach. Government guidance encouraged the publication of planning performance agreements and Design Review Panel advice would be quoted in officer reports;
- the service would be contained within the major projects team to support larger, complex applications and would not impact on the overall planning team dealing with householder applications; and
- neighbouring authorities had been compared as part of the benchmarking process; and
- the approach to a flat rate would be structured to reflect the services provided to an applicant.

The Leader moved and Councillor Wright seconded an amendment to the recommendations to read as follows:-

2.3 That the Executive recommends that Council grants delegated authority to the Director of City Development, in consultation with **the Leader**, to make minor editorial changes to the Liveable Exeter Placemaking Charter, attached at Appendix B, prior to its publication on the City Councils website.

2.4 That the Executive recommends that Council grants delegated authority to the Director of City Development, in consultation with **the Leader**, to regularly monitor and review the Liveable Exeter Placemaking Charter, and make minor alterations to improve its clarity and detail.

The Leader explained that the reason for the amended wording was because he was currently managing after the Planning Portfolio and wished to ensure consultation on delegated authority was made with the appropriate Member.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED as amended unanimously.

RESOLVED that the Executive Committee note the Consultation Statement, which documents the responses to the consultation on the proposals for pre-application charges and the introduction of the Liveable Exeter Placemaking Charter, attached at Appendix A of the report.

That **Executive RECOMMEND** that the officer recommendations to Council be amended as follows:-

(1) approves the introduction of preapplication charges as set out in the report and endorses the Liveable Exeter Placemaking Charter attached at Appendix B of the report;

(2) grants delegated authority to the Director of City Development, in consultation with the Leader, to make minor editorial changes to the Liveable Exeter Placemaking Charter, attached at Appendix B, prior to its publication on the City Councils website; and

(3) grants delegated authority to the Director of City Development, in consultation with the Leader, to regularly monitor and review the Liveable Exeter Placemaking Charter, and to make minor alterations to improve its clarity and detail.

54

EXETER PLAN: FULL DRAFT CONSULTATION REPORTING

The Executive received the report on the consultation held between September 2023 and January 2024 on the full draft of the emerging Exeter Plan for the city and the evaluation of the consultation responses received.

Members noted that this was the third major consultation undertaken on the draft plan and the first to include all the details of a full plan. Attention would now turn to the preparation of a final draft for a fourth consultation later this year before submission to the planning inspectorate for examination. Members were also advised that the Devon, Cornwall, and Isles of Scilly climate adaptation emergency strategy would be a part of the evidence base of the local plan.

Particular reference was made to:-

- the consultation used new methods of engagement, including coffee mornings, social media, and different venues;
- a full audio version of the documentation had been made available online, to enhance engagement;
- the consultation in numbers and responses were outlined in the report;
- positive support was received for the approaches set out in the quick questions, particularly in relation to energy efficiency and renewable and to the Council's brownfield approach. A firm level of support for development at higher density and height was identified in the appropriate context;
- 41 of the 61 topic-based policies had been well received;
- the responses to development site proposals generally demonstrated support for brownfield sites; and
- there was a slight reduction in the level of consultation responses compared to the previous consultations.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – thanked officers for the work undertaken but noted a number of issues requiring more discussion within the Council before the next draft. It was noted the local plan would go to one scrutiny committee and an ongoing series of monthly Planning Member Working Group meetings, but an agreed process for more Member inclusion was needed.
- Cllr Mitchell – thanked the officers for the work undertaken and welcomed options for Member involvement, including a Members' briefing or forum on the matter before a full Council debate.

During the discussion, the following points were made:

- officers were thanked for the work undertaken and the detailed report was commended;
- Members needed to contribute to the consultations before a final version was received by full Council;

- it would be welcomed in future reports where any key changes or differences were; and
- having residents respond and engage with the consultation had helped shape and develop the plan.

The Leader agreed that Councillors had a role in the development of the local plan, but the current stage of the process was on listening to residents. Planning Member Working Groups would be holding informative sessions on the matter as it progressed, which were open to all Members. He agreed he would look at how Councillor engagement would be taken forward.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

RESOLVED that the content of the 'Exeter Plan: Full Draft Consultation Statement' (Appendix A) be noted as the document to be used to inform the preparation of the final draft of the emerging Exeter Plan.

55

WONFORD COMMUNITY WELLBEING HUB

The Executive received the report which provided an update on the progress of the Wonford Community Wellbeing Hub prior to a formal planning application and shared the business case and £7 million costs of the project.

Members were advised that there was a typo in the report, and that it was February 2022 that Council had approved the provision of £750,000 funding to progress to the next stage of work and the business case. There had been a high level of responses from the community and what they valued, and the business case outlined how the Wellbeing Hub could generate profit within its first five years.

Members received a presentation on the Wonford Community Wellbeing Hub (attached to the minutes), which included:

- an overview of the purpose and desired outcomes of the hub;
- the progress of work to date;
- an overview of the existing fragmented buildings and the proposed new hub;
- an overview of the designs of the hub; and
- a forecast of the capital cost & revenue position and next steps of the project.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – enquired on the different options to governance arrangements and legal structures, how these might be resolved and who will be taking the project forward in regard to community involvement? She also enquired on what extent would capital be addressed to ensure community organisations do not struggle financially.
- Cllr Mitchell – enquired on the capital funding for the project and what percentage of the capital requirements would be met through grant funding?

During the discussion, the following points were made:

- the Wonford area was one of the most deprived areas in city and deserved the new hub which was supported; and
- the hub would provide both social and community value to residents and be a benefit to the community.

The Leader in commending the report advised that business case figures should be integrated in regard to income and that a report would eventually go back to Scrutiny for consideration on its progress and community engagement.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously

RECOMMENDED that Council note:-

- (1) the report, extensive business case and community engagement; and
- (2) that officers will bring back a report with potential funding options for £7 million by April 2025.

56

LIVE AND MOVE SPORT ENGLAND PLACE PARTNER 2025-2028

The Executive received the report on the Live and Move Programme (Exeter and Cranbrook) as one of the original 12 Sport England Local Delivery Pilots, which launched in 2017 following a successful bid receiving over £7.5m of investment.

The current funding would end on 31st March 2025 and the report sought approval to extend Exeter City Council's role as a Sport England Place Partner and apply for further investment to develop the work of the Live and Move Programme for a further three years (2025-2028).

Members received a presentation on the Live and Move Sport England Place Partner 2025-2028 (attached to the minutes), which included:

- what the report was about;
- the rationale and impact; and
- the high-level programme structure 2025-2028

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on the process of going to Sport England and what would happen if the bid were not successful at the current level? Would funding continue?
- Cllr Moore – enquired on the Sport England framework outlined in 8.12 of the report and how various issues can be brought together and related to other strategies. She further enquired if groups would be involved with the Exeter Place Board in a governance capacity?

In response to questions raised, the Director of Culture, Leisure and Tourism advised that the project was 100% funded by Sport England and there was no other funding available, so the Council was being proactive in applying for bid.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously

RECOMMENDED that Council:-

- (1) authorise the Director of Culture, Leisure, and Tourism in consultation with the Portfolio Holder for Leisure Services and Physical Activity to develop a next stage bid and to apply to Sport England for funding;
- (2) recognise this next stage of work will focus on increasing physical activity, decreasing inactivity, reducing inequalities, and providing positive experiences for children and young people; and

- (3) support the proposed next stage bid to Sport England based on the learning from the project to date and the principles outlined at 8.12 of the report.

(The meeting commenced at 5.30 pm and closed at 7.24 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 23 April 2024.

DRAFT

REPORT TO EXECUTIVE

Date of Meeting: 4 June 2024

REPORT TO EXTRAORDINARY COUNCIL

Date of Meeting: 10 June 2024

Report of: Director of City Development

Title: Local Authority Housing Fund (LAHF) Round 3 Funding

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

Local Authority Housing Fund (LAHF) Round 3 (R3) provides £450 million for a third round of funding with funding being used to deliver high-quality temporary accommodation for homeless families, and to provide housing for those on the Afghan Citizens Resettlement Scheme (ACRS).

Initial allocations for LAHF R3 were made to 203 local authorities (LAs), using an allocations formula. These LAs can also be considered for additional allocations (from unclaimed funds) if they can deliver more homes.

Local authorities that did not receive an initial allocation have been invited to notify DLUHC via an Expression of Interest (EOI) process if they too want to be considered for any unclaimed LAHF R3 funds to deliver the programme objectives.

Exeter City Council has provisionally been identified as eligible for £594,000 capital grant funding to purchase a minimum of 4 homes as per the following indicative allocation (there may be further allocations subject to take up of this scheme nationally):

Resettlement element: With this funding ECC is expected to provide a minimum of 2 home (s) for the resettlement element.

TA element: With this funding ECC is expected to provide a minimum of 1 home(s) for the TA element.

Large resettlement element (4+ bed): With this funding ECC is expected to provide a minimum of 1 home for the large resettlement element.

As with other affordable housing provision, there is an expectation that ECC part funds / finances some of the required capital. Government funding equates to 40% of total capital costs plus an additional **£21,000** per property to account for other costs including refurbishment and conveyancing costs. The governments funding formula is based on the median property price in Exeter of **£300,000**.

The local authority will receive an additional 10% uplift on the grant rate for every unit it will deliver via new supply.

The following key changes have been made for LAHF R3: -

- **Removed the requirement for local authorities to match fund a specific percentage on each home, with full fungibility across the fund elements (TA & resettlement)** – a local authority agrees to deliver a minimum number of TA homes and resettlement homes in exchange for their funding allocation, providing maximum flexibility and simplifying delivery.
- **Increased the programme time frame to a full two years** - increasing scope for a wider range of delivery options, including new supply.
- **Introduced a 10% new supply uplift** to support the growth of overall housing supply.
- **Providing revenue funding** to local authorities to support programme delivery.

Full details of the purpose of the funding, terms and reporting and monitoring arrangements are set out in the Memorandum of Understanding between the Department for Levelling up, Housing and Communities and Exeter City Council at Appendix 1.

There are three options available: -

Option 1 – Purchasing new build properties off the open market - To secure this capital grant funding, it is estimated that the council would need to contribute £630,400.

Option 2 – Purchasing ex-ECC properties off the open market – In order to secure this capital grant funding, it is estimated the council would need to contribute £297,000.

Option 3 – Do nothing - Turn down the opportunity to draw down on £594,000 in DLUHC grant funding to purchase additional properties.

2. Recommendations:

That Executive support and that Extraordinary Council agree Option 2 as follows:

- 1) acceptance of the full allocation of £594,000 in DLUHC grant funding;
- 2) the purchase of (four) properties off the open market;
- 3) that the Council's Capital contribution is funded through £297,000 of S106 funds;
- 4) identification and purchase of suitable properties to let;
- 5) that the rents be set at affordable rates in accordance with the provisions of the Memorandum of Understanding between DLUHC and Exeter City Council and the DLUHC recommended rental funding model Rent Standard – April 2023;
- 6) that the MOU (Appendix 1) be signed and returned to DLUHC by the 12th of June 2024 confirming the Council's participation in the programme;
- 7) that the Director of City Development and Housing and the relevant Portfolio Holder are given delegated authority to proceed with the acquisitions and to amend the number of properties purchased in line with the agreement above and including where additional government grant may become available (provided that no further capital contribution is required from Exeter City Council).

3. Reasons for the recommendation:

Exeter City Council is committed to supporting refugees, where possible and within available resources, that have been displaced due to conflict and the Local Authority Housing Fund (LAHF) is an opportunity to bring on additional units of long-term family accommodation that will help address much needed accommodation for this cohort and to provide homes for future housing need.

The Home Office have advised that at this juncture, they require over 100 properties of all sizes for the Afghan cohort. While 2 and 3 beds dominate the requirement there is a need for properties that are 4 – 7 beds in size.

One of the properties will be used for temporary accommodation and will assist local citizens who are homeless. The Council currently has 34 families in Temporary Accommodation.

Subject to council approval, once these properties have been secured, they will be an ECC asset. DLUHC envisages that once all Afghan households have been resettled the Council will be able to use the properties for other housing needs such as temporary accommodation which is always in high demand.

4. What are the resource implications including non financial resources

There are a number of resource implications to consider: -

Sourcing appropriate properties –This will require cross departmental co-operation with Housing Needs Department sourcing appropriate properties from open market, Estates and Housing Assets visiting and inspecting properties, Legal Department carrying out conveyancing and then when purchased, Housing Assets inspecting and arranging for necessary works to be carried out to ensure that all properties meet the Decent Homes Standard. Costs have been factored into the budget to cover the cost of conveyancing and inspections and £90,000 will be set aside to carry out necessary repairs if purchasing Ex-ECC properties.

Financing the council contribution

Option 1 – Purchasing New Build

The properties will be owned and managed by the Council and based on a stock profile of 3 x Two Beds and 1 x Four Beds it is estimated that the total cost of purchasing properties off the open market will be £1,246,000. Alongside contributions of £594,000 from DLUHC and a New Homes Bonus of £84,000 the Council will need to invest a total of £630,400.

There is currently £643,500 in unreserved non-restricted S106 funds. This includes underspends from LAHF 1 which came in with an underspend of £63,000 and a £40,000 underspend on LAHF 2.

Option 2 – Purchasing ex-ECC properties off the open market

The properties will be owned and managed by the Council and based on a stock profile of 3 x Two Beds and 1 x Four Beds it is estimated that the total cost of purchasing

properties off the open market will be £891,000. Alongside contributions of £594,000 from DLUHC the council will need to contribute a total of £297,000

There is currently £643,500 in unreserved non-restricted S106 funds. This includes underspends from LAHF 1 which came in with an underspend of £63,000 and a £40,000 underspend on LAHF 2.

Project-On Costs – Appendix 2 provides an overview of associated Project Costs – legal costs have been factored into the budget alongside Officer time from Assets.

5. Section 151 Officer comments:

Whilst there is an opportunity cost to using s106 resources, this is an opportunity to acquire four additional properties without adding to the Council's borrowing requirement. This means that the rental income will add resources to the revenue account. The Finance team will work closely with Housing to ensure that the houses are placed in the most economically advantageous position, whilst ensuring that the Councils is acting in line with legislation and s106 obligations.

6. What are the legal aspects?

The funds are to be provided by central government to authorities in accordance with the provisions of section 31 of the Local Government Act 2003. Section 31 addresses the power to pay grants to local authorities and states:

A Minister of the Crown may pay a grant to a local authority in England towards expenditure incurred or to be incurred by it.

This is a non-ring-fenced capital grant, although conditions can be attached as to the use of the grant. In this case, DLUHC requires the Council to enter into a Memorandum of Understanding (MOU). Members should read and consider the MOU.

Members will note that the terms of the MOU are not legally binding and state at paragraph 1 that 'this MOU is not intended to create legal or binding obligations. It describes the understanding between both parties for the use of funding specified in Section 3 of this agreement'.

The stated purpose of the scheme is for local authorities to acquire housing stock in order to "[r]educe local housing pressures and use of expensive and unsuitable accommodation, by providing better quality temporary accommodation to those owed homelessness duties by local authorities', to '[r]educe temporary accommodation costs' and to '[p]rovide sustainable settled housing to those on the ACRS [Afghan Citizens Resettlement scheme] so that they can build new lives in the UK, find employment and integrate into communities'.

7. Monitoring Officer's comments:

The Deputy Monitoring Officer reminds members that they are under an obligation to exercise their fiduciary duty carefully. The meaning of fiduciary duty 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.

Simon Copper – Deputy Monitoring Officer.

8. Report details:

All properties under LAHF 1 and LAHF 2 have now been purchased and 7 households have moved into their new homes, the remaining properties are going through a matching process to identify suitable households.

Whilst locally all Bridging Hotels have been closed and households rehoused the Home Office have advised that at this juncture, they require over 100 properties of all sizes for the Afghan cohort. While 2 and 3 beds dominate the requirement there is a need for properties that are 4 – 7 beds in size.

Purpose of funding and Next Steps

The £450 million LAHF R3 helps deliver DLUHC's commitment to assist those who are homeless to secure accommodation, alongside supporting the government's humanitarian obligations to provide safe and suitable housing to those fleeing Afghanistan.

The objectives of LAHF R3 are to:

- Reduce local housing pressures and use of expensive and unsuitable accommodation, by providing better quality temporary accommodation to those owed homelessness duties by local authorities.
- Reduce temporary accommodation costs.
- Provide sustainable settled housing to those on ACRS so that they can build new lives in the UK, find employment, and integrate into communities.
- Support local housing markets by assisting the delivery of new housing stock or new developments to grow overall housing supply.

Property acquisition

Within the framework of the purpose and objectives of the fund set out above, we want to provide local authorities with as much flexibility as possible to shape local delivery according to circumstances in each area. The guidance provided in this document is intended to support this. Local authorities will need to be satisfied that their specific plans are lawful and deliverable.

Housing delivered as part of LAHF R3 could include, but is not limited to:

- expanding existing local authority delivery programmes or those of local housing association partners;
- increasing the number of affordable housing units in housebuilder-led schemes due to complete in 2024-25 or 2025-26;

- bringing empty / dilapidated properties (both residential and commercial units) back into use, including properties owned by a local authority or housing associations;
- remodelling defunct specialist accommodation including sheltered accommodation;
- ‘flipping’ forthcoming shared ownership completions into housing;
- providing modular housing as part of wider efforts to use MMC to support local temporary accommodation pressures;
- commissioning new supply that can be delivered in 2024-25 or 2025-26 from developers;
- purchasing existing properties on the open market.

Local authorities may choose the most appropriate delivery mechanism to achieve the fund’s objectives and to bring on stream the accommodation as quickly as possible.

Officers are proposing the following options for Council to consider: -

Option 1 – Purchasing New Build Properties

The Council uses eligible Section 106 funds to purchase through open market acquisition.

Based on a stock profile of 3 x Two Beds and 1 x Four Beds it is estimated that the total cost of purchasing properties off the open market would be £1,246,000. Alongside contributions of £594,000 from DLUHC and a New Homes Bonus of £84,000 the Council would need to invest a total of £630,400.

The Council’s contribution will come from the use of Section 106 Funding towards the acquisition of affordable housing in Exeter.

Rental Income Yield

Rents would be set at Affordable Rent and capped at LHA + £100 per month and are based on [median private rentals](#) in Exeter

Property Size	Median Market Monthly Rent	Affordable Rent @ 80% of Market Rent	LHA Rate	Rent to be charged
2 Bed	£1,173	£938.40	£792.83	£892.83
3 Bed	£1,495	£1,196	£947.40	£947.40
4 Bed	£2,348	£1,878.40	£1,296.45	£1,296.45

Assuming a 1% annual rent increase would see a total income of £3.15 million over a 50-year period. With On costs for Contribution to Technical officer and Housing Officer, Planned Maintenance, Reactive Repairs and allowance for bad debt and voids factored in this would see a total outlay of £2.4 million over the same period. Concentrating on acquiring new build properties would see a reduction in long term planned maintenance costs.

Total Income (Rents)	£3,152,203.20
Total Outlay (staff costs, bad debt and voids, planned maintenance & reactive repairs)	£2,450,301.18
Return to ECC over 50 years	£701,902.01

Pros

- The government will be providing £594,000 investment to purchase additional family homes.
- There will be a 10% New Homes Bonus for purchasing new build properties – this will be around £84,000 of additional grant funding.
- With 35 families currently in Council temporary accommodation and over 1,000 families on the housing register, in the medium to long-term the accommodation can be used to relieve Council and local housing need.
- There are available properties on the market which will mean that we will be able to meet delivery within timescales.
- Concentrating on purchasing new build properties will mean that the Council will be purchasing modern housing stock and that there are less upfront costs associated to refurbishment, removal of asbestos and the properties will meet current building regulations and have updated insulation – reducing long term planned maintenance costs.
- Rent charges will be fully covered by HB claims and / or affordable top-ups for those households with income more than benefits thresholds

Cons

- There is currently £643,500 of eligible funding in the Section 106 account utilising this will effectively expend current s106 funds The Section 106 Account will increase over the coming year as committed receipts are paid to the Council.

Option 2 – Purchasing ex-ECC Properties

The Council uses eligible Section 106 funds to purchase through open market acquisition.

Based on a stock profile of 3 x Two Beds and 1 x Four Beds it is estimated that the total cost of purchasing properties off the open market would be £891,000. Alongside contributions of £594,000 from DLUHC the Council would need to invest a total of £297,000.

The Council's contribution will come from the use of Section 106 Funding towards the acquisition of affordable housing in Exeter

Rental Income Yield

Rents would be set at Affordable Rent and capped at LHA + £100 per month and are based on [median private rentals](#) in Exeter

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Total Income (Rents)	£3,152,203.20
Total Outlay (staff costs, bad debt and voids, planned maintenance & reactive repairs)	£2,450,301.18
Return to ECC over 50 years	£701,902.01

Pros

- The government will be providing £594,000 investment to purchase additional family homes.
- With over 1,000 families on the housing register, in the medium to long-term the accommodation can be used to relieve Council and local housing need.
- One of the properties will be used as temporary accommodation and benefit Exeter Citizens who are homeless or at risk of homelessness. The council currently has 34 families we currently have in temporary accommodation.
- There are available properties on the market which will mean that we will be able to meet delivery within timescales.
- Rent charges will be fully covered by HB claims and / or affordable top-ups for those households with income more than benefits thresholds

Cons

- Purchasing properties off the Open Market will come with its challenges and will require cross department co-operation. However, this should not be an issue as the Council has successfully purchased 27 ex- ECC properties off the open Market over the past 3 years.

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

The service will contribute to the Council's Corporate Plan in the following areas: -

- Building great neighbourhoods - By tackling social inequality through maximising homelessness preventions and reliefs and through maintaining and developing emergency, first and second stage housing options with suitable personalised support to address single and multiple need.

- Promoting active and healthy lifestyles - Supporting households to access key health and advocacy services in primary and secondary healthcare services including mental health assessment and support, physical and social care, and education, training, and employment opportunities.
- Tackling congestion and accessibility - By extending access to homelessness & housing support services by extending our reach into the community through outreach and co-location and by developing multiple access points to advice and assistance

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

Risks are:

- **Local housing market** - not having the desired property available for acquisition. This is a minimal risk as the market has been assessed for the range of properties and there are sufficient numbers of 2 to 3+ bed houses available including new builds. The Developer who was used to deliver LAHF 1 and LAHF 2 on time has already confirmed that they are able to meet our needs under LAHF 3.
- **Officer capacity to progress the scheme.** The risk is low to medium. The identification of properties would be undertaken by the Housing Needs Service with conveyancing and purchase via Legal and Estates who have been notified of the potential scheme and timescales. Subject to purchasing properties that can be inhabited without significant lead in for compliance and repairs an assessment of ongoing capacity for property management including cyclical maintenance will be undertaken. It is likely that there will be additional works needed to the properties to bring them to a decent homes' standard, this will include asbestos removal, new kitchens, and bathrooms etc. These works will put additional pressures on Tenancy Services and Assets to oversee this work.
- **Public perception** that the Council are acquiring properties for refuges when so many local people are in housing need. This can be mitigated by ensuring clear communications that the funding is targeted grant monies from central government and that there is no impact on the Council's social housing development programme, and that long term the properties will be used for local citizens. One of the properties is to be used as temporary accommodation which will directly help local families who are homeless or at risk of homelessness in the city.

11. Equality Act 2010 (The Act)

Initially the properties acquired will be ring-fenced for the eligible cohort. Once there are no longer eligible households the properties will be free to be used as the Council determines best. This might be as temporary accommodation for homeless households or as long-term homes to relieve household need.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

The Council is already facing significant financial pressures and there are other options where S106 funding could be used: -

Council Own Build Programme

Exeter City Council has given itself the target of building 500 new Council homes in the Housing Revenue Account by 2030. 72 homes have been completed, with a further 112 on site at Vaughan Road and Hamlin Gardens. There are also a number of other sites that are being investigated and designed at present with the potential to deliver a further 200+ new homes into the HRA.

The HRA are in the unique position when developing on HRA land, rather than purchasing units, that consideration can be given to other more specialist forms of housing, including housing for older residents, Extra Care and for those with mobility issues or requiring fully wheelchair accessible properties. Where sites are suitable from a layout and geographic position these types of properties will be considered and designed into each scheme. Currently there is need for 31 fully wheelchair accessible wheelchair properties, as per the data from Devon Home Choice, this is a need across 1 bed to 4 bed homes. Detail in the table below.

Wheelchair Accessible Housing Need by Band and Bedroom					
01.04.2024	1 Bed	2 Bed	3 Bed	4 Bed	Total
Band A	1	1			2
Band B	5	8	5	2	20
Band C	5				5
Band D	3	1			4
Total	14	10	5	2	31

New build schemes within the HRA are funded using a combination of funding sources, including borrowing, HRA capital, retained Right to Buy Receipts and S106 commuted sums. The funding for each scheme is built up of the most financially advantageous combination of the funding sources with the aim of reducing the borrowing required to the absolute minimum. The HRA are in detailed discussions with Homes England to add to these funding streams by bidding for grant monies under the Homes England Affordable Housing programme on future schemes. The use of this Homes England grant restricts the ability of the HRA to utilise RTB receipts on the same scheme.

The HRA has used S106 commuted sums on a number of schemes in the past, most recently several million pounds of this S106 money was used on the recently completed Edwards Court Extra Care scheme. Whilst there are not large sums of S106 commuted sum available to use for affordable housing provision at the moment, not having this money available for new build schemes has the potential to make the viability of schemes more challenging and removes one of the 'cocktail' of available funding streams.

The viability of new build affordable housing schemes is a challenge for the HRA at this time. There is a combination of issues at play currently; tender prices are continuing to rise, with sub-contractors seemingly cherry picking the work that they want to do, and material prices have not returned to previous levels; interest rate rises are increasing the costs of borrowing and reducing the amount of borrowing that can be financed with the available rental income on schemes; less capital is available through the HRA, RTB receipts and S106 monies; and we don't yet have a track record for bidding to Homes England for grant and the levels of grant being offered may not be keeping pace with tender rises. This combination of factors is making the funding of new build schemes for the HRA particularly challenging flexibility is required to arrive at the most advantageous combination of funding sources.

LAINGS Properties

This scheme consists of 18 non-traditional Laings Easi-Form properties (concrete panel construction, designed for speed of construction rather than longevity), which, for the most part form one half of a pair of semi-detached properties. The project is two thirds completed but has suffered from delays with the previous contractor, relating to Covid shutdown of their business, and the need for an alternative contractor to be brought in to finish some partially completed properties. There are still 6 properties to be completed. There is also the potential to purchase a further privately owned Laings property, which is the other half of one of the Council owned properties, so the purchase of this property would aid in the rebuilding of the Council owned property.

The Laings project received a budget allocation at committee on 20 February 2018 for £3.25m, at that time this was thought to be adequate to develop all the properties. But the scheme has suffered a number of setbacks & changes since this original allocation; including the addition of another property; Lockdown contractor shutdowns and slow progress; issues with the original contractor resulting the Council bringing in a replacement contractor; significant changes in material and labour costs resulting in large cost uplifts.

To date 12 of the 18 properties have been completed on this project, these properties are signed off and have tenants living in them.

There are 6 properties that are still to be completed for this project, one remains un-demolished, two are a self-contained pair of semi-detached houses, and the final three have been demolished and the remaining half of the semi is weather protected and propped with scaffolding.

A budget totalling £2.5m is required to deliver the final phase of the Laings project. This budget also includes the purchase of one privately owned property. The purchase of this property is underway.

S106 monies could be used towards the redevelopment of the Laings Project, although it would still require additional borrowing of £1.9 million to complete the scheme. It is likely to take 5 years before there is sufficient funds in the S106 budget to cover the complete cost of the re-build.

Director City Development, Ian Collinson

Authors: Chris Stocks & Lawrence Blake

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

MEMORANDUM OF UNDERSTANDING

Between

Department for Levelling Up, Housing and Communities

-and-

LA Name

1. Purpose

- 1.1. This Memorandum of Understanding ('MOU') sets out the agreed working relationship between the Department for Levelling Up, Housing and Communities ('DLUHC') and **LA Name** ('the Council') regarding the administration and delivery of the Local Authority Housing Fund – third funding round ('LAHF R3').
- 1.2. This MOU will be for the period 2024/25-2025/26. It will be reviewed and updated only where either of the signatories deem it necessary, in which case it will require joint agreement. Further detail on changing the MOU is set out in Paragraph 5.5.
- 1.3. This MOU is not intended to create legal or binding obligations. It describes the understanding between both parties for the use of funding specified in Section 3 of this agreement.

2. Background

- 2.1. LAHF R3 was launched in March 2024. The details of the fund were shared with the Council in the document 'Local Authority Housing Fund - third funding round: Prospectus and Guidance' ('the Prospectus').
- 2.2. LAHF R3 is a £450m grant fund, with objectives to:
 - Reduce local housing pressures and use of expensive and unsuitable accommodation, by providing better quality temporary accommodation to those owed homelessness duties by local authorities.
 - Reduce temporary accommodation costs.
 - Provide sustainable settled housing to those on ACRS so that they can build new lives in the UK, find employment and integrate into communities.
 - Support local housing markets by assisting the delivery of new housing stock or new developments to grow overall housing supply.

3. Total delivery target and Total allocation

- 3.1. DLUHC has accepted the Council's plan to provide X homes ('the total delivery target') under LAHF R3, of which X homes shall be new homes ('the new homes delivery target'), and DLUHC will provide a grant of £X ('the total allocation').
- 3.2. The total allocation includes any New Homes uplift and the refurbishment allowance as calculated with reference to 6.3 of the Prospectus.
- 3.3. For the purposes of the New Homes Uplift, a new home is a property that will be delivered in FYs 24/25 or 25/26 as a direct new development, an 'Off-the-shelf' new build property purchased from developers, a property that has its use converted (delivering an extra residential unit), or a property that has its use changed (delivering an extra residential unit).
- 3.4. The total allocation will be provided as £X in 2024-2025 ('the Year 1 allocation') and £X in 2025-2026 ('the Year 2 allocation').
- 3.5. The Council agrees the following targets to deliver at least:
- X properties to be allocated to households that meet the **TA element** eligibility criteria outlined in section 5.1 of the Prospectus.
 - X properties for households that meet the **R3 resettlement element** eligibility criteria outlined in section 5.2 of the Prospectus.
 - X properties (4+ bed) for households that meet the **R3 large resettlement element** eligibility criteria outlined in section 5.2 of the Prospectus.
- 3.6. DLUHC will also provide a in revenue grant to the Council for 2024-2025 of £X.
- 3.7. This MOU covers the funding commitments from DLUHC and the delivery, financial expenditure, agreed milestones, reporting and evaluation, and communications between the Parties. It also sets out the steps DLUHC could take in the event of underperformance if required.

4. Purpose of the Funding

- 4.1. LAHF R3 funding has been provided specifically for spending on LAHF R3 priorities as specified at 2.2 to deliver properties for use by households that meet the LAHF R3 eligibility criteria, and the Council agrees to spend

LAHF R3 funding on activity set out in this MOU as agreed with DLUHC or subsequently agreed with DLUHC as per Paragraph 5.5.

- 4.2. LAHF R3 funding is unlikely to meet all the Council's acquisition/ delivery costs. The Council or its delivery partner(s) will fund any outstanding sum required.
- 4.3. The Council will use its best endeavours to meet the delivery target and to achieve value for money. The Council should ensure it complies with the Code of Practice for Local Authority Accounting.
- 4.4. The Council may determine how it uses the total allocation and the revenue funding as long as the delivery target and the new home delivery target are met.
- 4.5. Revenue funding has been provided to the Council for any activities which support delivery of the total allocation, including but not limited to programme/ administration resource or professional services (e.g., fees, conveyancing). Revenue funding will be paid in full alongside the Tranche 1 allocation.

5. Delivery Profile

- 5.1. Delivery of the fund will be measured on the basis of exchange of contracts, or equivalent milestone where exchange of contract will not occur, and the number of households accommodated in the properties. Any variations to this, and necessary changes to the MOU, will need to be agreed by the parties and an amendment to this MOU made.
- 5.2. Funding outlined in Table 1 is provided to deliver the total delivery target. The Council agrees to make best endeavours to meet the total delivery target by 31 March 2026.
- 5.3. The Council agrees to deliver **X** properties in financial year 2024-25 ('the Year 1 delivery target') and **X** properties in financial year 2025-26 ('the Year 2 delivery target'). The property types that the Council agrees to delivery in each year is outlined in Table 1.

Table 1 – delivery profile

Property type	Year 1 delivery target (2024-25)	Year 2 delivery target (2025-26)	Total delivery target
TA element	X	X	X
R3 resettlement element	X	X	X

R3 large resettlement element	X	X	X
All property types	X	X	X

- 5.4. This MOU is for the full term of the total allocation unless signatories agree to change as per Paragraph 5.5. A further Grant Determination Letter (GDL) will be provided following confirmation of each tranche payment.
- 5.5. DLUHC and the Council both have the right to request a change to the MOU. With regards to changing the target number of units, the Council may ask for either a higher or lower target. Any proposed change will impact the amount of funding received (as set out in the Prospectus) unless the Council is seeking to deliver more units for the same amount of money. Requests will be considered based on the progress of the reallocations process as outlined in Section 11 of the Prospectus and confirmed in writing.

6. Financial Arrangements

- 6.1. The agreed funds will be issued to the Council as grant payments under section 31 of the Local Government Act 2003. The Council may pass on the funding to a third party (e.g. Registered Providers) as appropriate to deliver the delivery target, complying with the Subsidy Control Act 2022.
- 6.2. The capital funding will be provided by DLUHC in four tranches. The ‘Tranche 1 allocation’ is 30% of the Year 1 allocation. The ‘Tranche 2 allocation’ is 70% of the Year 1 allocation. The ‘Tranche 3 allocation’ and the ‘Tranche 4 allocation’ are both 50% of the Year 2 allocation. All tranches are set out in Table 2.

Table 2 – Capital funding allocation

	Tranche 1 allocation	Tranche 2 allocation	Tranche 3 allocation	Tranche 4 allocation	Total allocation
Total funding	£X	£X	£X	£X	£X

- 6.3. Table 2 sets out the timetable for payments to be made to the Council. The earliest payment date for the Tranche 1 allocation is in July 2024. The Tranche 2 allocation will be paid once the Council has demonstrated that at least 60% of the Tranche 1 allocation has been committed (‘the Tranche 2 spend requirement’) via a Section 151 officer Statement of Grant Usage.
- 6.4. The Tranche 3 allocation will be paid once the Council has demonstrated that at least 80% of the Tranche 1 and Tranche 2 allocations have been

committed ('the Tranche 3 spend requirement') via a Section 151 officer Statement of Grant Usage.

- 6.5. The Tranche 4 allocation will be paid once the Council has demonstrated that at least 80% of the Tranche 1, Tranche 2 and Tranche 3 allocations have been committed ('the Tranche 4 spend requirement') via a Section 151 officer Statement of Grant Usage.
- 6.6. Should the Council not meet the spend requirement for Tranche 2, 3 or 4 payments by the dates set out in Table 3, DLUHC will consider putting in place further payment dates.
- 6.7. The Council may wish to return unspent monies to the Department.
- 6.8. DLUHC reserves the right to request the return of some or all of the capital and resource funding if the Council significantly reduces its agreed delivery target or withdraws from LAHF R3 completely.

Table 3 – Payments timetable

Payment milestone	Requirements for payment milestone	Payment by
Tranche 1 (30% of total Year 1 capital allocation) 100% of programme revenue allocation	MOU signed with DLUHC	By 1 July 2024 (if a MOU is signed by 12 June) or By 12 August 2024 (if a MOU is signed by 12 July 2024)
Tranche 2 (70% of Year 1 capital allocation)	Statement of Grant Usage (SOGU) demonstrating <u>60% of the Tranche 1 first tranche</u> has been committed*, AND Relevant monitoring information (MI) submitted	By 4 November 2024 (if SOGU provided by 7 October) and all MI submitted to schedule. Or By 13 December 2024 (if SOGU provided by 8 November) and all MI submitted to schedule. (With further payment windows in January 2025, and March 2025 deadlines TBC)

<p>Please note that Year 2 allocation can be paid in full, in a combined tranche 3 & 4 payment if the relevant milestone is met and SOGU submitted by relevant deadline¹.</p>		
<p>Tranche 3 (50% of Year 2 capital allocation)</p>	<p>Statement of Grant Usage (SOGU) demonstrating <u>80% of the Tranches 1 and 2</u> have been committed*, AND</p> <p>Relevant monitoring information (MI) submitted</p>	<p>By 2 April 2025 (if SOGU provided by 3 March) and all MI submitted to schedule.</p> <p>Or</p> <p>By 4 June 2025 (if SOGU provided by 2 May) and all MI submitted to schedule.</p> <p>(With further payment windows in September 2025, November 2025, January 2026, and March 2026 deadlines TBC)</p>
<p>Tranche 4 (50% of Year 2 capital allocation)</p>	<p>Statement of Grant Usage (SOGU) demonstrating <u>80% of the Tranches 1, 2 and 3</u> have been committed*, AND</p> <p>Relevant monitoring information (MI)</p>	<p>By 3 September 2025 (if SOGU provided by 6 August) and all MI submitted to schedule.</p> <p>Or</p> <p>By 5 November 2025 (if SOGU provided by 8 October) and all MI submitted to schedule.</p> <p>(With further payment windows in January 2026, and March 2026 deadlines TBC)</p>

* Note: committed spend in table 1 refers only to capital grant spend (and does not include revenue grant spend)

7. Charging Affordable Rents for LAHF R3 funded homes

¹ For local authorities seeking to accelerate delivery, a combined tranche 3 & 4 payment can be made. The SOGU needs to demonstrate the local authority has committed 80% of the combined Tranche 1, 2 and 3 total grants paid (or due.)

- 7.1. The LAHF Prospectus specifies “It is up to local authorities to determine the precise rent level and tenure of homes in line with the fund objectives. This could include...Affordable Rent.”
- 7.2. The Rent Standard <https://www.gov.uk/government/publications/rent-standard/rent-standard-april-2023-accessible-version> provides that Affordable Rents may be charged only in limited circumstances.
- 7.3. This MOU records the agreement between the Secretary of State and the Council that relevant accommodation, provided by the Council or a partner Registered Provider pursuant to LAHF grant funding, is permitted to be let at an Affordable Rent, and that accordingly that an Affordable Rent may be charged for such accommodation in accordance with paragraph 3.8b of the Rent Standard - April 2023.
- 7.4. In Paragraph 7.3, “relevant accommodation” means accommodation:
- in the Council area;
 - which is being used to further the LAHF objectives set out at paragraph 2.2 of the MOU;
 - which has never been let at a social rent; and
 - where the accommodation is provided by a partner Registered Provider, for which the Council has agreed that the partner Registered Provider may charge affordable rent.

8. Roles and Responsibilities

DLUHC Responsibilities

- 8.1. DLUHC is responsible for setting national housing policy, providing grant(s) to the Council and monitoring the delivery of homes.

Council Responsibilities (fund delivery)

- 8.2. The Council will make housing investment decisions, review existing housing policies and products, maximise leverage of this public sector investment and ensure that funds provide value for money and are deliverable within the timescale of the fund. The Council may work in partnership with private Registered Providers, local authority housing companies or other bodies to deliver homes. The Council will also report on the fund by providing Management Information (MI) as set out in **Annex A** of this MOU and will work with DLUHC to ensure they have the capability to deliver the fund and provide MI within the set timescales.

- 8.3. The Council is expected to have the necessary governance and assurance arrangements in place and that all legal and other statutory obligations and consents will be adhered to, which may include, but not solely:
- **subsidy control**, at all levels e.g. the funding the Council allocates to project deliverers and subsidies that project deliverers provide to third parties.
 - **equalities duties**, the Council must ensure that all LAHF funded activity is delivered in accordance with its obligations under the public sector equality duty (PSED.)
 - **procurement**, the Council must ensure that the allocation of funding to project deliverers that constitutes a procurement is managed in compliance with the public contract regulations.
 - **fraud**, the Council must ensure that robust arrangements are in place to manage fraud risk, including ensuring that project deliverers have robust fraud risk management process and paying particular attention to projects that involve the payment of grants to beneficiaries e.g. businesses.
- 8.4. The Council's Section 151 Officer is expected to ensure that these legal duties and all other relevant duties are considered and that delivery of LAHF investment is carried out with propriety, regularity, and value for money.

Council Responsibilities (Affordable Rents – where required by LAs)

- 8.5. The Council should note (and remind partner Registered Providers) that conversion of social rent properties to affordable rent is not permitted pursuant to paragraph 3.15 of the Rent Standard other than in the circumstances set out in chapter 2 of the Rent Policy Statement.
- 8.6. Where the Council has agreed that a partner Registered Provider may charge affordable rent, the Council will confirm to the Registered Provider that the Registered Provider may charge affordable rent in accordance with Paragraph 7.3 of this MOU.
- 8.7. The Council will require partner Registered Providers to provide details to the Council of any accommodation provided pursuant to LAHF grant funding for which Affordable Rent is charged.
- 8.8. The Council will maintain a register of any accommodation provided pursuant to LAHF grant funding for which it or a partner Registered Provider is charging Affordable Rent. This register should be available for inspection upon request by either DLUHC or the Regulator for Social

Housing. The fields of information required in register are specified in **Annex C**.

9. Monitoring Arrangements and Accountability

- 9.1. The Council will put in place appropriate governance and oversight arrangements to ensure that delivery of housing is on track and that plans remain ambitious and provide value for money.

Reporting Arrangements

- 9.2. The Council has agreed to provide reporting information to DLUHC on fund allocations and delivery. The Council will be asked to provide a mix of quantitative and qualitative summary updates to DLUHC; a full list of MI can be found in **Annex A**.
- 9.3. The first report will be due in September 2024 and then every two months thereafter, until the Council's programme has completed. The schedule for monitoring reports is outlined in **Annex B**.
- 9.4. Spend outturn and forecast should be signed off by the Section 151 officer or deputy Section 151 officer.
- 9.5. A Statement of Grant Usage Section 151 officer or deputy Section 151 officer should be submitted when:
- at least 60% of the Tranche 1 allocation has been committed.
 - at least 80% of the Tranche 1 and 2 allocations have been committed.
 - at least 80% of the Tranche 1, 2 and 3 allocations have been committed.
- 9.6. The Council also agrees to work with the department to provide any reasonable additional MI as and when requested by the DLUHC Senior Reporting Officer (SRO). DLUHC will provide an appropriate amount of time to return any additional MI requests.
- 9.7. The Council agrees to work collaboratively with any requests from DLUHC to support any retrospective assessment or evaluation as to the impact or value for money of LAHF. As a minimum, the Council is expected to monitor spend, outputs and outcomes against agreed indicators and keep this information for at least 5 years.

10. Governance & Assurance

- 10.1. The Council is expected to ensure that all legal and other statutory obligations and consents will be adhered to, which may include, but not solely, state aid / subsidy control, equalities duties, procurement, health and safety, and fraud prevention. The Council has prerogative to establish internal governance and assurance arrangements as they see fit to achieve this.
- 10.2. The Council will ensure data can be shared for the prevention and detection of fraud by including the following clause in all agreements with companies or external entities in relation to LAHF – including, but not limited to, property contracts, professional services contracts, construction contracts and lease agreements:

“Data may be shared with other enforcement agencies for the prevention and detection of crime.”

Signed for and on behalf of DLUHC

Signature:

Name:

Position:

Date:

Signed for and on behalf of LA Name

Signature:

Name:

Position:

Date:

Annex A – Reporting and Monitoring Arrangements

Scope and Purpose

1. This annex sets out the agreed reporting and monitoring arrangements for LAHF, including the expected frequency and content of the regular reports that the Council will provide to DLUHC.

DLUHC Role

2. DLUHC will support the running of the fund and maintain a national picture of delivery by putting in place a proportionate monitoring and governance framework. This will include a fund governance board(s) attended by the DLUHC Senior Reporting Officer (SRO) and other relevant stakeholders. Wherever possible DLUHC will avoid duplication of requests towards the Council.

Council Role

3. Day-to-day project monitoring and delivery responsibilities will be delegated to the Council. The Council will submit reports to DLUHC in accordance with the agreed timescales and frequency set out in the MoU. The Council will also work with DLUHC to provide any reasonable additional MI required as and when requested by the DLUHC Senior Reporting Officer. DLUHC will provide an appropriate amount of time to return any additional MI requests.

Management Information (MI)

4. The list of MI is split between operational data – required for monitoring the ongoing fund delivery (Table 4) and evaluation data (Table 5) required to assess the strategy-level success of the fund and inform future policy development. Tables 4 and 5 present the required routine MI and is subject to change, with agreement by DLUHC and the Council. For MI and payment purposes, “committed spend” is considered funding which has been allocated to a property where there has been an exchange of contracts or equivalent milestone where exchange of contract will not occur.

Table 4 – Monitoring Data

Item	Frequency
Number of properties where contracts exchanged, including: <ul style="list-style-type: none"> • bedroom size • whether located in another borough area • who will own the dwellings • how properties obtained 	Every 2 months
Number of properties occupied/ ready to let, including bedroom size	Every 2 months
Number of resettlement scheme households housed	Every 2 months
Number of pending resettlement scheme properties pre-matched to current/ former bridging hotel households	Every 2 months
Total expenditure (incl grant and other funding)	Every 2 months
Total committed spend (incl grant and other funding)	Every 2 months
DLUHC grant used	Every 2 months
Overall assessment (RAG rated) of whether delivery is on track as determined by the responsible Council officer	Every 2 months

Table 5 – Evaluation Data

Item	Frequency
How properties have been sourced (e.g., through stock acquisition or another delivery route)	In April 2026 and thereafter upon request to aid with evaluation of the fund
How the Council has funded its contributory share	
Breakdown of resettlement scheme households housed by previous housing situation, e.g., in bridging hotel, in LA emergency accommodation/temporary accommodation	
Tenancy duration	
Rent levels	
Number of properties obtained outside the local authority's area, if applicable, and where these are located.	

- In addition, to enable the assessment of relative value for money and to assist with future spending reviews, we may occasionally ask for additional information including details of how the fund is delivered and housing market conditions. This will provide important data to support future policy developments and will also support engagement with HM Treasury. This information will be provided to agreed timeframes when requested by DLUHC.
- Should the Council wish to amend and/or not collect any of these proposed data points, they should submit a proposal to DLUHC for agreement.

Frequency of Reporting

- The Council will be asked to provide reports every two months. The schedule for monitoring reports is outlined in Annex B.

Data Consistency

8. DLUHC and the Council have a shared commitment to ensure that, for clarity and transparency purposes, consistent methods of recording outputs are maintained. It is expected that the provided reporting will be robust, accurate and quality assured to a high standard. As such minimal revisions would be expected – although, where these are required, DLUHC should be advised as soon as practical.

Use of Material Provided

9. DLUHC will use the provided material to monitor delivery nationally.

Annex B – Monitoring Milestones

1. The Council is requested to submit the monitoring information summarised in **Annex A** via a Microsoft Form every two months by 5pm on the dates outlined below. DLUHC will provide the link to the form directly to the Council well in advance of each touchpoint date.
2. DLUHC will provide full guidance for submitting the form directly well in advance of each touchpoint date.

Table 6 – Monitoring Touchpoint Dates

Monitoring touchpoint	Microsoft Form to be submitted by 5pm on the following dates
Touchpoint 1	02 September 2024
Touchpoint 2	04 November 2024
Touchpoint 3	06 January 2025
Touchpoints 4-12	TBC
Evaluation	April 2026

Annex C – Register of LAHF accommodation for which an Affordable Rent is charged

This annex sets out the agreed information which will be contained in the Council's Register of LAHF accommodation for which an Affordable Rent is charged.

This register should be available for inspection upon request by either DLUHC or the Regulator for Social Housing.

Property address			
Completion date			
Name of Registered Provider			
Registration Code			

(Note: The Council is not required to submit this information as part of regular delivery monitoring submissions.)

Option 1

Property Number	Number of bedrooms	Price Property - Acquisition	Type of property	Property Type	Oncosts		
					Legal Fees - On Costs (£1,500 per property)	Additional Searches (500 per property)	Repair time (£2,000 per property)
1	2	£275,000	New Build	Temporary Accommodation	£1,500	£500	£2,000
2	2	£275,000	New Build	Resettlement	£1,500	£500	£2,000
3	2	£275,000	New Build	Resettlement	£1,500	£500	£2,000
4	4	£385,000	New Build	Resettlement (4+)	£1,500	£500	£2,000
Total	10	£1,210,000			£6,000	£2,000	£8,000

Option 2

Property Number	Number of bedrooms	Price Property - Acquisition	Type of property	Property Type	Oncosts		
					Legal Fees - On Costs (£1,500 per property)	Additional Searches (500 per property)	Repair time (£2,000 per property)
1	2	£150,000	Ex-council Masionette Merlin Cres	Temporary Accommodation	£1,500	£500	£2,000
2	2	£170,000	Ex-council Flat Beacon Lane	Resettlement	£1,500	£500	£2,000
3	2	£165,000	Ex-council flat Tor Close	Resettlement	£1,500	£500	£2,000
4	4	£300,000	Ex council - Ribston Ave	Resettlement (4+)	£1,500	£500	£2,000
Total	10	£785,000			£6,000	£2,000	£8,000

Refit - Works (£5,000 per property)	Total	DLUHC Base Grant Contribution	DLUHC Base Grant and Additional New Homes	Additional Property Grant	ECC Contribution
£5,000	£284,000	£120,000	£124,800	£21,000	£143,000
£5,000	£284,000	£120,000	£124,800	£21,000	£143,000
£5,000	£284,000	£120,000	£126,000	£21,000	£143,000
£5,000	£394,000	£150,000	£156,000	£21,000	£223,000
£20,000	£1,246,000	£510,000	£531,600	£84,000	£630,400

Repair - Works	Total	DLUHC Base Grant Contribution	DLUHC Base Grant and Additional New Homes	Additional Property Grant	ECC Contribution
£20,000	£174,000	£120,000	N/A	£21,000	£33,000
£20,000	£194,000	£120,000	N/A	£21,000	£53,000
£20,000	£189,000	£120,000	N/A	£21,000	£48,000
£30,000	£334,000	£150,000	N/A	£21,000	£163,000
£90,000	£891,000	£510,000		£84,000	£297,000

ASSUMING 1% ANNUAL RENTAL INCREASE

Property	Median Market Rent	Affordable Monthly Rent Capped at LHA +£100	Affordable Weekly Rent	Annual Rent	Year 2	Year 3	Year 4	Year 5
2 Bed	£1,200	£892.83	£206.04	£10,713.96	£10,821.10	£10,929.31	£11,038.60	£11,148.99
2 Bed	£1,200	£892.83	£206.04	£10,713.96	£10,821.10	£10,929.31	£11,038.60	£11,148.99
2 Bed	£1,200	£892.83	£206.04	£10,713.96	£10,821.10	£10,929.31	£11,038.60	£11,148.99
4 Bed	£2,350	£1,396.45	£322.26	£16,757.40	£16,924.97	£17,094.22	£17,265.17	£17,437.82
Rental Income Total				£48,899.28	£49,388.27	£49,882.16	£50,380.98	£50,884.79
Tech Officer				£5,000	£5,100.00	£5,202.00	£5,306.04	£5,412.16
Housing Officer				£10,000	£10,200.00	£10,404.00	£10,612.08	£10,824.32
Planned Maintenance				£16,480	£16,480	£16,480	£16,480	£16,480
Reactive Repairs				£4,000	£4,000	£4,000	£4,000	£4,000
Bad Debt and Voids @5%				£2,445	£2,469	£2,494	£2,519	£2,544
Oncosts Total				£37,925	£38,249	£38,580	£38,917	£39,261
Grand Total				£10,974.32	£11,138.86	£11,302.05	£11,463.81	£11,624.07

Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15
£11,260.48	£11,373.08	£11,486.82	£11,601.68	£11,717.70	£11,834.88	£11,953.23	£12,072.76	£12,193.49	£12,315.42
£11,260.48	£11,373.08	£11,486.82	£11,601.68	£11,717.70	£11,834.88	£11,953.23	£12,072.76	£12,193.49	£12,315.42
£11,260.48	£11,373.08	£11,486.82	£11,601.68	£11,717.70	£11,834.88	£11,953.23	£12,072.76	£12,193.49	£12,315.42
£17,612.20	£17,788.32	£17,966.20	£18,145.86	£18,327.32	£18,510.59	£18,695.70	£18,882.66	£19,071.48	£19,262.20
£51,393.63	£51,907.57	£52,426.65	£52,950.91	£53,480.42	£54,015.23	£54,555.38	£55,100.93	£55,651.94	£56,208.46
£5,520.40	£5,630.81	£5,743.43	£5,858.30	£5,975.46	£6,094.97	£6,216.87	£6,341.21	£6,468.03	£6,597.39
£11,040.81	£11,261.62	£11,486.86	£11,716.59	£11,950.93	£12,189.94	£12,433.74	£12,682.42	£12,936.07	£13,194.79
£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480
£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000
£2,570	£2,595	£2,621	£2,648	£2,674	£2,701	£2,728	£2,755	£2,783	£2,810
£39,611	£39,968	£40,332	£40,702	£41,080	£41,466	£41,858	£42,259	£42,667	£43,083
£11,782.74	£11,939.76	£12,095.03	£12,248.48	£12,400.01	£12,549.55	£12,697.00	£12,842.26	£12,985.25	£13,125.86

Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
£12,438.57	£12,562.96	£12,688.59	£12,815.48	£12,943.63	£13,073.07	£13,203.80	£13,335.84	£13,469.19	£13,603.89
£12,438.57	£12,562.96	£12,688.59	£12,815.48	£12,943.63	£13,073.07	£13,203.80	£13,335.84	£13,469.19	£13,603.89
£12,438.57	£12,562.96	£12,688.59	£12,815.48	£12,943.63	£13,073.07	£13,203.80	£13,335.84	£13,469.19	£13,603.89
£19,454.82	£19,649.37	£19,845.86	£20,044.32	£20,244.76	£20,447.21	£20,651.68	£20,858.20	£21,066.78	£21,277.45
£56,770.55	£57,338.25	£57,911.63	£58,490.75	£59,075.66	£59,666.41	£60,263.08	£60,865.71	£61,474.37	£62,089.11
£6,729.34	£6,863.93	£7,001.21	£7,141.23	£7,284.06	£7,429.74	£7,578.33	£7,729.90	£7,884.50	£8,042.19
£13,458.68	£13,727.86	£14,002.41	£14,282.46	£14,568.11	£14,859.47	£15,156.66	£15,459.80	£15,768.99	£16,084.37
£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480
£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000
£2,839	£2,867	£2,896	£2,925	£2,954	£2,983	£3,013	£3,043	£3,074	£3,104
£43,507	£43,939	£44,379	£44,828	£45,286	£45,753	£46,228	£46,713	£47,207	£47,711
£13,263.99	£13,399.55	£13,532.43	£13,662.52	£13,789.71	£13,913.88	£14,034.93	£14,152.73	£14,267.16	£14,378.10

Year 26	Year 27	Year 28	Year 29	Year 30	Year 31	Year 32	Year 33	Year 34	Year 35
£13,739.93	£13,877.32	£14,016.10	£14,156.26	£14,297.82	£14,440.80	£14,585.21	£14,731.06	£14,878.37	£15,027.15
£13,739.93	£13,877.32	£14,016.10	£14,156.26	£14,297.82	£14,440.80	£14,585.21	£14,731.06	£14,878.37	£15,027.15
£13,739.93	£13,877.32	£14,016.10	£14,156.26	£14,297.82	£14,440.80	£14,585.21	£14,731.06	£14,878.37	£15,027.15
£21,490.23	£21,705.13	£21,922.18	£22,141.40	£22,362.82	£22,586.44	£22,812.31	£23,040.43	£23,270.84	£23,503.54
£62,710.00	£63,337.10	£63,970.47	£64,610.18	£65,256.28	£65,908.84	£66,567.93	£67,233.61	£67,905.95	£68,585.00
£8,203.03	£8,367.09	£8,534.43	£8,705.12	£8,879.22	£9,056.81	£9,237.94	£9,422.70	£9,611.16	£9,803.38
£16,406.06	£16,734.18	£17,068.86	£17,410.24	£17,758.45	£18,113.62	£18,475.89	£18,845.41	£19,222.31	£19,606.76
£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480
£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000
£3,136	£3,167	£3,199	£3,231	£3,263	£3,295	£3,328	£3,362	£3,395	£3,429
£48,225	£48,748	£49,282	£49,826	£50,380	£50,946	£51,522	£52,110	£52,709	£53,319
£14,485.41	£14,588.97	£14,688.65	£14,784.31	£14,875.79	£14,962.98	£15,045.70	£15,123.82	£15,197.18	£15,265.61

Year 36	Year 37	Year 38	Year 39	Year 40	Year 41	Year 42	Year 43	Year 44	Year 45
£15,177.43	£15,329.20	£15,482.49	£15,637.32	£15,793.69	£15,951.63	£16,111.14	£16,272.25	£16,434.98	£16,599.33
£15,177.43	£15,329.20	£15,482.49	£15,637.32	£15,793.69	£15,951.63	£16,111.14	£16,272.25	£16,434.98	£16,599.33
£15,177.43	£15,329.20	£15,482.49	£15,637.32	£15,793.69	£15,951.63	£16,111.14	£16,272.25	£16,434.98	£16,599.33
£23,738.58	£23,975.96	£24,215.72	£24,457.88	£24,702.46	£24,949.49	£25,198.98	£25,450.97	£25,705.48	£25,962.53
£69,270.85	£69,963.56	£70,663.20	£71,369.83	£72,083.53	£72,804.36	£73,532.41	£74,267.73	£75,010.41	£75,760.51
£9,999.45	£10,199.44	£10,403.43	£10,611.49	£10,823.72	£11,040.20	£11,261.00	£11,486.22	£11,715.95	£11,950.27
£19,998.90	£20,398.87	£20,806.85	£21,222.99	£21,647.45	£22,080.40	£22,522.00	£22,972.44	£23,431.89	£23,900.53
£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480	£16,480
£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000	£4,000
£3,464	£3,498	£3,533	£3,568	£3,604	£3,640	£3,677	£3,713	£3,751	£3,788
£53,942	£54,576	£55,223	£55,883	£56,555	£57,241	£57,940	£58,652	£59,378	£60,119
£15,328.97	£15,387.08	£15,439.76	£15,486.86	£15,528.18	£15,563.55	£15,592.78	£15,615.68	£15,632.05	£15,641.69

Year 46	Year 47	Year 48	Year 49	Year 50	
£16,765.32	£16,932.97	£17,102.30	£17,273.33	£17,446.06	
£16,765.32	£16,932.97	£17,102.30	£17,273.33	£17,446.06	
£16,765.32	£16,932.97	£17,102.30	£17,273.33	£17,446.06	
£26,222.16	£26,484.38	£26,749.23	£27,016.72	£27,286.88	
£76,518.12	£77,283.30	£78,056.13	£78,836.69	£79,625.06	£3,152,203.20
£12,189.27	£12,433.06	£12,681.72	£12,935.35	£13,194.06	£422,897.01
£24,378.54	£24,866.11	£25,363.44	£25,870.70	£26,388.12	£845,794.01
£16,480	£16,480	£16,480	£16,480	£16,480	£824,000.00
£4,000	£4,000	£4,000	£4,000	£4,000	£200,000.00
£3,826	£3,864	£3,903	£3,942	£3,981	£157,610.16
£60,874	£61,643	£62,428	£63,228	£64,043	£2,450,301.18
£15,644.40	£15,639.97	£15,628.17	£15,608.80	£15,581.63	£701,902.01

Equality Impact Assessment: The Local Housing Authority Fund (LHAF)

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 4 th June 2024 Extraordinary Council meeting – 10 th June 2024	Local Authority Housing Fund Round 3	To sign MOU with DLUHC and to purchase 4 units of accommodation	See below

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	medium	The LHAF is targeted funding to provide homes for refugees who have come to England from areas of conflict. The properties being purchased are to be ring-fenced for the use of households from Afghanistan as per Grant restrictions. For future let's if there are no further eligible cohorts, then the properties can be used to meet the housing needs of Exeter citizens. One of the properties will be used as temporary accommodation to meet the needs of homeless households in Exeter.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive	Low	As above
Sex/Gender	Positive	Low	As above
Gender reassignment	Positive	Low	As above
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Positive	Low	As above
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive	Low	As above

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive	Low	As above
Pregnancy and maternity including new and breast feeding mothers	Positive	Low	As above
Marriage and civil partnership status	-	-	(No negative impacts identified)

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

Officer: Chris Stocks

Date: 19th April 2024

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REPORT TO EXECUTIVE

Date of Meeting: 4 June 2024

Report of: Chief Executive

Title: Members' Allowances and Expenses Paid 2023/24

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 To report the allowances paid to Elected Members in 2023/24

2. Recommendations:

2.1 The Members of the Executive note the allowances paid and the expenses claimed by Members in 2023/24.

3. Reasons for the recommendation:

3.1 The Council has a statutory obligation to publish all allowances paid, and expenses claimed by Members each financial year.

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

4.1 There is an existing budget allocation to meet the amount paid in Members' Allowances

5. Section 151 Officer Comments:

5.1 The figures set out in the report broadly align with the figures in the finance system. In overall terms, Members expenses came in under budget for 2023-24.

6. What are the legal aspects?

6.1 The Members Allowances Scheme is governed by the Local Government and Housing Act 1989, and in particular the details are set out in the Local Authorities (Members' Allowances) (England) Regulations 2003. Publication of the details contained in this report meet these requirements.

7. Monitoring Officer Comments:

7.1 Members will note that members' allowances are usually set in accordance with the recommendations made by the Independent Remuneration Panel.

Simon Copper – Deputy Monitoring Officer.

8. Report details:

8.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to publish the total sum of each of the following allowances paid to each recipient in the previous financial year:

- a) Basic allowance;
- b) Special responsibility allowance;
- c) Dependants' carers' allowance;
- d) Travelling and subsistence allowance;
- e) Co-optees' allowance; and
- f) The Lord Mayor and Deputy Lord Mayor's expenses allowance.

8.2 A schedule of allowances made and expenses claimed for 2023/24 is attached to this report in Appendix A.

8.3 The amounts paid are in accordance with the Scheme of Member's Allowance as agreed by Council on 12 December 2023, which accepted the recommendations of the Independent Remuneration Panel on Members' Allowances, which included approval of the scheme for 2024/25.

8.4 The report included the detail of remuneration paid for the Council Housing and Development Advisory Board, which is drawn separately from the Housing Revenue Account.

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

- Ensuring a well-run Council.
- To invoke public confidence that the Council's operation in relation to Members are transparent.

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

10.1 The risks are reduced by the publication of this annual report.

11. Equality Act 2010 (The Act)

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

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

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

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and

new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report is for information.

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

13.1 None

Chief Executive, Bindu Arjoon

Author: Mark Devin, Democratic Services Manager

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

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265115

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As required by the Local Authorities (Members) 2003 Regulations 2003 the total amount of Basic, Special Responsibility and Travel & Subsistence Allowances paid to each Member (including part payment to those Members who ceased to be Councillors during the year) for the year ending 31 March 2024 are given below. For details of the Special Responsibility Allowances please refer to the Council's website - www.exeter.gov.uk

Initial	Councillor Surname	Basic Allowance £	Special Responsibility Allowances £	Special Responsibility Allowances £	Comments	Conference/Travel / Subsistence	Carers £	Sub Total £
A	Fullam	£5,834.10						£5,834.10
A	Ghusain	£685.33	£1,199.25		Portfolio Holder			£1,884.58
A	Jobson	£6,537.00	£3,267.96		Group Leader			£9,804.96
A	Ketchin	£5,816.52						£5,816.52
A	Leadbetter	£6,537.00	£412.89		Deputy Chair of Scrutiny Committee			£6,949.89
A	Sheridan	£5,834.10						£5,834.10
A	Sparling	£6,537.00						£6,537.00
A	Wardle	£6,537.00	£3,267.96		Chair of Audit & Governance			£9,804.96
B	Denning	£6,537.00	£11,439.00		Portfolio Holder			£17,976.00
C	Bennett	£6,537.00				£83.20		£6,620.20
C	Rees Stephan	£6,537.00	£2,855.07		Deputy Chair of Scrutiny Committee			£9,392.07
D	Harvey	£6,537.00						£6,537.00
D	Moore	£6,537.00	£1,961.52		Group Leader			£8,498.52
D	Wood	£6,537.00	£11,439.00		Portfolio Holder			£17,976.00
E	Morse	£6,255.84	£10,947.00		Portfolio Holder			£17,202.84
H	Packham	£685.33						£685.33
J	Ellis-Jones	£6,537.00						£6,537.00
J	Miller	£5,798.95						£5,798.95
J	Moore	£685.33						£685.33
J	Parkhouse	£6,537.00	£11,439.00		Portfolio Holder			£17,976.00
K	Mitchell	£6,537.00	£5,958.92		Lord Mayor			£12,495.92
L	Wright	£6,537.00	£11,439.00		Portfolio Holder	£576.95		£18,552.95
M	Asvachin	£6,537.00	£4,282.66		Licensing Chair			£10,819.66
M	Mitchell	£6,537.00	£3,267.96		Deputy Chair of Scrutiny Committee	£41.60		£9,846.56
M	Pearce	£6,537.00	£11,439.00		Portfolio Holder			£17,976.00
M	Snow	£6,537.00						£6,537.00
M	Vizard	£6,537.00	£6,537.00		Chair of Scrutiny			£13,074.00
M	Williams	£5,851.67						£5,851.67
N	Allcock	£6,537.00	£685.22	£1,291.42	Chair of Council housing & Development Advisory Board & Member Champion			£8,513.64
P	Bialyk	£6,537.00	£21,245.04		Leader	£187.45		£27,969.49
P	Holland	£6,657.90						£6,657.90
P	Knott	£6,537.00	£5,711.09		Chair of Planning Committee			£12,248.09
P	Oliver	£685.33						£685.33
R	Branston	£6,537.00						£6,537.00
R	Foale	£6,537.00	£9,993.75	£619.34	Portfolio Holder & Licensing Chair			£17,150.09

Initial	Councillor Surname	Basic Allowance £	Special Responsibility Allowances £	Special Responsibility Allowances £	Comments	Conference/Travel / Subsistence	Carers £	Sub Total £
R	Hannaford	£6,537.00	£1,856.53	£825.91	Chair of Council Housing & Development Advisory Board (part yr) & Chair of Scrutiny(part yr)			£9,219.44
R	Newby	£685.33	£206.46		Deputy Lord Mayor			£891.79
R	Sutton	£685.33	£342.61		Deputy Chair of Planning Committee	£138.40		£1,166.34
R	Williams	£6,537.00	£11,439.00		Portfolio Holder			£17,976.00
S	Patrick	£5,816.52						£5,816.52
T	Read	£6,537.00	£1,427.59		Deputy Lord Mayor			£7,964.59
Y	Atkinson	£6,537.00		£5,711.09	Chair of Scrutiny			£12,248.09
Y	Henson	£685.33	£825.91		Lord Mayor			£1,511.24
Z	Lights	£6,537.00	£1,634.04		Member Champion	£225.22		£8,396.26
S	Warwick	£6,537.00						£6,537.00
J	Begley	£5,834.10						£5,834.10

TOTAL	£254,607.01	£156,520.43	£8,447.76			£1,252.82	£0.00	£420,828.02
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REPORT TO EXECUTIVE

Date of Meeting: 04 June 2024

Report of: Director, Net Zero and City Management

Title: Exeter Port Authority: The role of the Duty Holder

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 Establishing the role of the Duty Holder for the Port of Exeter

2. Recommendations:

That the Executive agrees to:

2.1 undertake the role of the Duty Holder for the Port of Exeter in accordance with the Port Marine Safety Code; and

2.2 undertake the required training to fulfil the role.

3. Reasons for the recommendation:

3.1 The Duty Holder is responsible for ensuring that the organisation complies with the Department for Transport's Port Marine Safety Code (PMSC). Our ambition to achieve compliance with the PMSC and to demonstrate best practice in harbour management, was previously approved at Executive (10/03/20) and Council (21/04/20).

4. What are the resource implications including non financial resources

4.1 It is anticipated that meetings would be quarterly and there would be two half-day training courses to complete, to gain familiarity with the PMSC and the role of the Duty Holder.

4.2 It is also advised that members of the Executive undertake a familiarisation visit with the harbour team to gain an understanding of the work they do, and the estuary and surrounding environment.

5. Section 151 Officer comments:

5.1 There are no financial implications contained in this report.

6. What are the legal aspects?

6.1 A harbour is defined by the Harbours Act 1964 as any natural or artificial harbour, any port, haven, estuary, tidal or other river or inland waterway navigated by sea going ships. Harbour authorities are responsible for the management and running of the harbour.

6.2 Exeter City Council are the statutory Harbour Authority (HA) for the Port of Exeter and Canal.

7. Monitoring Officer's comments:

This report sets out the necessity of putting in place more robust arrangements concerning the role of the Duty Holder in order to demonstrate best practice in harbour management and to aim to ensure a robust approach to safe marine operations in accordance with the Port Marine Safety Code. The Deputy Monitoring Officer has no additional comments.

Simon Copper – Deputy Monitoring Officer.

8. Report details:

8.1 Exeter City Council is the Statutory Harbour Authority for the Port of Exeter and the Canal. The area over which we are the Harbour Authority includes the Exe Estuary from Blackaller Weir (outside Mill on the Exe) to the 'Safe Water Mark', one mile out to sea off Exmouth beach including the Exeter Ship Canal.

Our responsibilities as HA include:-

- a) Being responsible for safety of navigation;
- b) Providing and maintaining lights and buoys to ensure safe navigation (there are over 50 navigation aids in the estuary, which we have provided and maintain);
- c) Exercising functions with regard to nature conservation and other environmental considerations;
- d) Conserving the harbour so that it is reasonably fit for use as a port and in such condition for a vessel to utilise it safely;
- e) Complying with the Port Marine Safety Code;
- f) Complying with Environmental Protection legislation;
- g) Keeping the canal open, maintained, and navigable for commercial vessels.

This note focuses on the Port Marine Safety Code and the roles identified within the code.

8.2 What is the Port Marine Safety Code (PMSC)

8.2.1 The PMSC published by the Department for Transport, offers a national standard for port safety in the UK with the aim of improving "safety for those who use or work in ports, their ships, passengers, cargoes, and the environment".

8.2.2 Although the PMSC is not a statutory instrument, all Harbour Authorities are expected to comply, and failure to do so can lead to prosecution under other relevant legislation such as the Merchant Shipping and the Health and Safety at Work legislation.

8.2.3 Exeter City Council committed to achieving full compliance with the PMSC at Executive (10/03/20) and Council (21/04/20) and we are starting the process of applying for a Harbour Revision Order, which will bring us a large way towards compliance.

8.3 PMSC Compliance and the Duty Holder

8.3.1 The PMSC introduces two main roles for achieving compliance with the code. They are the 'Duty Holder' and the 'Designated Person'. The PMSC is primarily intended for

the 'Duty Holder', which will, for most organisations, mean those members of the organisation, both individually and collectively, who are ultimately responsible for marine safety.

8.3.2 The Port Marine Safety Code ('PMSC') requires the appointment of a 'Duty Holder'. Those people who are appointed as the 'Duty Holder' are individually and collectively accountable for compliance with the PMSC and their performance in ensuring safe marine operations in the harbour and its approaches. The PMSC itself is best practice guidance not a legally binding obligation. However, as set out in the PMSC, failure to comply with the PMSC can lead to prosecution, for example under section 3 of the Health and Safety at Work Act 1974. All persons appointed by the Council to the role of Duty Holder are undertaking the position in the course of their role for the Council and must act with the same level of care and good faith as they do in other activities they undertake for the Council. If the Council appoint an experienced external 'Designated Person' (see paragraph 8.5), and then follow their recommendations following audit to ensure compliance with the PMSC, then that provides a significant safeguard that the Duty Holder will act in compliance with the PMSC (the Designated Person will provide independent confirmation that the Council is complying with the PMSC or what it needs to do to become compliant). On behalf of their Organisation, the Duty Holder should be able to set policy and approve finances. Typically, it is up to the Organisation to evaluate who is best placed to provide the Duty Holder function and where this responsibility lies. The Duty Holder cannot assign or delegate its accountability for compliance with the Code

8.3.3 In commercial ports, the responsibility lies with the senior management team but in municipal ports, there are a number of differing models. They are:

- One a single person (elected member or senior manager);
- the Executive committee;
- a separate committee of elected members; or
- full council.

8.3.4 Recent training from Associated British Ports highlighted that a single person is not considered a robust model since the responsibility cannot be delegated. In addition individuals do not usually have the power to set budgets or policy.

8.3.5 Most typically in municipal ports, the Duty Holder role sits either with the Executive or Full Council (depending on how the statutory harbour function is held within the Council).

8.3.6 For the Port of Exeter, our opinion is that the Duty Holder role, would be best placed at the Executive Committee to give maximum oversight.

8.4 What are the responsibilities of the Duty Holder?

8.4.1 The duty holder is responsible for ensuring that the organisation complies with the Code. In order to do that they should:

- be aware of the organisation's powers and duties related to marine safety;

- ensure that a suitable Marine Safety Management System (MSMS), which employs formal safety assessment techniques, is in place (this is already in place for Exeter Harbour);
- appoint a suitable 'designated person' (DP) to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;
- appoint competent people to manage marine safety (competent team already in place);
- ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set (underway); and
- report compliance with the Code to the MCA every 3 years (completed by the harbour team and the DP).

8.4.2 It is anticipated that meetings would be no more than quarterly and that two half-day training courses, to gain familiarity with the PMSC and the role of the Duty Holder would be sufficient for the role.

8.4.3 It is also advised that members of the Executive undertake a familiarisation visit with the harbour team to gain an understanding of the work they do, and the estuary and surrounding environment.

8.5 Who is the Designated Person?

8.5.1 The DP is a paid independent adviser who provides assurance and advice directly to the Duty Holder. They are effectively working directly for the Duty Holder. Their main responsibility is to determine, through assessment and audit, the effectiveness of the Marine Safety Management System which is a large part of the PMSC.

8.5.2 The DP must be independent and have a thorough knowledge and understanding of the requirements of the PMSC (and supporting Guide to Good Practice) and associated port and marine legislation. The role of the DP does not obscure the accountability of the Duty Holder.

8.5.3 The DP will assist, when required, to assess and audit our compliance against the code and report back to the Duty Holder. The DP will be appointed by the Duty Holder following a transparent process.

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

9.1 The role of Duty Holder directly contributes to a well-run council by exhibiting good governance, making sure that assets are well managed and the harbour is a safe place for all users.

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

10.1 Should ECC fail to appoint a Duty Holder then we will be unable to comply with the PMSC. It is one of the core basic requirements of the Code. The proposals in this report seek to reduce the risks of non-compliance with the PMSC.

The best way to reduce the risk is to appoint an appropriate Duty Holder as a matter of priority.

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 this is simply to decide where the role of Duty Holder sits within the Council.

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

13.1 There are a number of other choices for who should be the duty holder discussed in section 8.3.3. These alternatives either do not give adequate powers or responsibility to the Duty Holder or they are not a robust enough provision since the responsibility cannot be delegated.

Director, Net Zero and City Management, David Bartram

Author: David Bartram

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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REPORT TO EXECUTIVE

Date of Meeting: 4th June 2024

Report of: Director Finance

Title: King George V Playing Fields

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 The report proposes the transfer by lease of the whole of the King George V Playing Fields, including the changing rooms, to the Exeter City Community Trust but with continued use by the community.

2. Recommendation:

2.1 That the Council enter into an agreement for lease dictating terms for the eventual grant a lease of the King George V Playing Fields to the Exeter City Community Trust (ECCT) in accordance with the broad proposals set out in this report but with negotiation and agreement of detailed terms to be delegated to the City Surveyor in consultation with the Leader of the Council.

3. Reasons for the recommendation:

3.1 ECCT have been developing a scheme of sport, recreational and community facilities to develop an improved proposition for the Playing Fields in consultation with the Council. They have identified sources of funding to start to deliver these facilities on the basis that they have been able to secure a property position satisfactory to the funding bodies. It has been determined that a leasehold interest along the lines set out in this report would satisfy this requirement. It is felt that, in the current financial circumstances of the Council, that this would be the best way to bring forward much-needed investment in these facilities in line with the aspirations of the Corporate Plan.

4. What are the resource implications including non financial resources

4.1 The proposal has the potential to reduce operational costs over time, although at the outset there will be some ongoing costs incurred by the Council that we would look to recover from ECCT through the lease agreement. There are likely to be significant ongoing savings from ECCT becoming responsible for building and site maintenance that will outweigh lost booking fee income.

The City will benefit from the provision of the new sport, leisure and community facilities at no capital cost which substantively outweighs concerns regarding best consideration in the property transaction.

There is an income stream generated from the garage premises on Bridge Road that is currently dedicated to the upkeep of the playing fields. This can either be transferred to ECCT (with an appropriate clawback mechanism in the lease) or allocated to another site (subject to Fields In Trust consent).

5. Section 151 Officer comments:

5.1 Whilst there is a small loss of income from booking fees (around £5,000) there is an opportunity to attract significant external funding to develop the playing fields. This is investment that it is unlikely the Council could afford to make. Whilst there are unlikely to be savings, the loss of income is small.

6. What are the legal aspects?

6.1 The proposal will require the Council to comply with section 123 of the Local Government Act 1972 ('the Act').

Section 123 (1) and (2) state that a principal council may dispose of land held by them in any manner they wish subject to obtaining the best consideration that can reasonably be achieved unless the consent of the Secretary of State is obtained.

Section 123 (2A) of the Act states that a principal council may not dispose of any land consisting or forming part of an open space unless they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

It is noted that in addition to compliance with the obligations specified above any disposal of the playing fields at this site will require the consent of Fields in Trust as the land is subject to a trust.

7. Monitoring Officer's comments:

7.1 Members attention is drawn to the detailed legal provisions that apply and must be observed as set out in paragraph 6 above.

8. Report details:

8.1 The proposed Heads of Terms for the agreement for lease and lease are as follows:

ECCT will be obliged to provide the Council with a substantive business plan setting out funding for the construction of the first phase and subsequent operational management proposals. They would also be obliged to secure planning consent for the initial scheme of development. The Council is required to seek the consent of Fields In Trust for the proposal and the lease grant. Officers are in discussion with the Trust on this. On satisfaction of the conditions in the agreement for lease a lease would be granted for the whole playing fields site for a term of 50 years. ECCT would be responsible for the maintenance of the whole site. The land could only be used for sports, recreational and community activities (together with ancillary use). ECCT will fund and deliver the initial phase of improvements to be agreed with the Council and would look to secure further funding to bring forward further phases of investment during the lease term. A local forum would be established to oversee the ongoing public use of the playing fields and to

ensure fair access to pitches and other facilities. The makeup of the forum would include representatives from the Council and local sports clubs.

The proposed concept scheme is as set out in the attached brochure.

Background of the Playing Fields

Protected by Fields In Trust in 1948, a site of c. 40 acres of recreational green and open space. It is identified as a priority within the Exeter City Council Playing Pitch Strategy (adopted January 2022). Central FC took residence in 2010/11, and pitch provision has changed over the years with no formal stipulation in place. However, when it first started there were only 12 pitches total. The current facility mix is:

- Wide range of formally marked football pitches (7x adult pitches, 4x Intermediates, 2x Mini's, 2x mini mini's)
- Changing Room Building (14 changing rooms, storage, and showers)
- 2 x Play Areas (One fully inclusive) *
- 2 x Tennis Courts
- 1 x Artificial Grass Cricket Wicket
- Car Park

The site is very popular for informal recreation and dog walking

*The Council has recently had to close the KGV play area due to the collapse of the Countess Wear Road retaining wall and decline in equipment condition. The extension to the inclusive play area to the north of the field will increase the onsite provision so that the site, alongside Southbrook Road, better meets Fields in Trust play area standards west of Bridge Road. First opened in 2008 the inclusive play area was named as the 6th most impressive accessible and inclusive playground in the world. ECC, and Mencap put funding into redeveloping the site in 2020. However, whilst this went some way to managing the equipment life, it did not extend to developing the site in respect of losing the southern play area. Development will both meet play standards and provide more accessible provision as per ECC standard play protocols.

Summary of proposed improvement programme

ECCT are undertaking feasibility, business case and pre-planning work to deliver a transformational community sports hub development at King George V Playing Fields.

This will include:

- Improvements to 13 grass pitches catering for all adult, junior and mini football
- Refurbishment to existing two-storey pavilion to provide community engagement and space to facilitate the four pillars of delivery for ECCT (Participation, Education, Wellbeing, and Inclusion).
- Single-storey ground floor extension (with option to develop second storey extension with lift and staircase).
- 3G full size floodlit pitch (100 x 64m).
- 4 x 36 seat covered stands with foundations and lighting.
- Building services infrastructure upgrades.
- 2 x fenced Play Zones (20 x 30m).
- Improve grass condition to four full size pitches.

- Approx. 375m of bi-direction cycle paths (4mw).
- Sports Hall - Covered tensile structure with supporting facilities
- (2,960 sq. m).
- 25 new car park spaces (upper and lower).

Whilst retaining the existing playing fields, inclusive play park and recreational / dog walking culture on site.

This would deliver the first community based 3G in the city as a priority within the Playing Pitch Strategy, which identified a shortfall of 3 community 3G pitches in the city.

ECCT are working alongside Exeter City Council, The Football Foundation, Devon FA, and other partners to deliver:

- Ongoing community engagement and consultation
- Technical Support to achieve planning and cost certainty
- Programming of Use
- Business Planning
- External funding opportunities
- Funding application to The Football Foundation

Outcomes – benefits city-wide and to the Council

- Improved engagement and sense of ownership with community
- Deliver a new community space to provide greater connectivity and social outcomes for local residents
- Reduction in inequalities to access and participation with a focus on:
 - Lower socio-economic groups
 - Women and Girls
 - Culturally Diverse Communities
 - People with disabilities
- Improved physical and mental wellbeing in priority area of the city
- Delivers on priority of ECC Playing Fields Strategy
- Strengthening partnership with existing locally trusted anchor organisations delivering health and wellbeing benefits across the city
- Utilising the skills and experience of ECCT charity to bring in investment and resource to meet the city 'Healthy and Active' corporate priority
- Lever in external investment from Football Foundation, Devon FA
- Bring in additional non-football partners, investment, and improvements (e.g., play areas, tennis)

A model of delivery to save ECC revenue costs (maintenance, grounds repair, facilities repair) within Parks and Open Spaces and Corporate Property Services

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

9.1 The proposal contributes significantly to the objectives for a Healthy and Active City and to Build Great Neighbourhoods and Communities. It also delivers the objectives of the Playing Fields Strategy in enhancing recreational facilities in this area.

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

10.1 The main risks are the ECCT do not secure sufficient funding to deliver the investment. However, in this case, it would be unlikely to satisfy the pre-conditions in the agreement for lease and the land would then remain in Council management.

It is possible that ECCT do not maintain the area to the standard anticipated or that community use is not available as conveniently or as affordably as anticipated. This risk can be mitigated by having the joint local forum to advise on public use/ hiring of facilities

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, save for the potential for improved sporting facilities for the city as a whole.

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

13.1 The alternative would be to retain direct management of the playing fields but this would forego the possibility of delivering enhanced facilities.

Director Finance, Dave Hodgson

Author: Michael Carson – City Surveyor

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



KING GEORGE V PLAYING FIELDS PROJECT

Presented to Exeter City Council
January, 2024



BACKGROUND

- Site of great potential
- 40 Acres of recreational space
- Dilapidated Infrastructure
- Primarily in use by Central Football Club
- Situated between mixed-economic urban areas
- Arterial Route to the River Exe and Exe Valley River Park
- Identified as key location for Exeter's Playing Pitch Strategy
- 1.5m investment agreed in principle from the Football Foundation
- Working with ECC, residents and local stakeholders to identify the core needs and demands of the community







Project:	King George V Playing Fields - Exeter	Scale:	Not to scale	Date:	January 2024	Drawing No.:	NPS-DR-A-200 Rev P1	SOUTH WEST norse
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PROJECT COSTS

PHASE ONE

£3,700,000

- Refurbish and extend existing pavilion
- 3G full size floodlit pitch with spectator viewing area
- Building infrastructure
- 35 additional parking spaces

PHASE TWO

£1,500,000

- Second storey extension with lift and stairs
- 2 x floodlit play zones
- Improvements to existing pitches
- Upgraded Tennis Courts

PHASE THREE

£2,900,000

- 375 metres of bi-directional cycle paths
- Indoor sports community dome

All costs exclude:

***VAT * Feasibility *Surveys *Design Fees**

FUNDING SOURCES

FOOTBALL FOUNDATION

£1,500,000

COMMUNITY OWNERSHIP FUND*

£500K -£2M

EGCT INVESTMENT

C. £200,000

PREMIER LEAGUE

C. £125,000

DEVON FA

C.£100,000

OTHER SOURCES

TBC

Other sources e.g.,

***ECC * Royal Foundation *National Lottery Community**

Fund *Exeter City Football Club

TARGET TIMELINE- PHASE ONE

- **Completion of feasibility studies** - February 16, 2024
- **Sign-off on legal agreement and lease with ECC** - February 19, 2024
- **Instruct second phase of design work** - February 26, 2024
- **Second informal consultation** - May to June 2023
- **Full Planning submitted** – July 2024
- **Both tenders (3G and other works) are returned so that overall project cost certainty is known** – December 2024
- **The Football Foundation application needs to be submitted on the basis that planning is granted and overall project cost certainty is known** – March 2025
- **Both contracts are awarded at the same time, albeit 2 orders** – April 2025
- **Construction starts** - June 2025
- **3G available to use** – December 2025



OUTCOMES

- Community-Led Engagement
- Data-Driven Provision
- Reduced Barriers to Participation
 - Women & Girls
 - Para Sports
 - Lower Socio-economic
- Increased physical activity for all
- Broader Health Partnerships
- Outstanding Youth Development
- Embedded Social Inclusion
- First Class Alternative Provision
- Meaningful Life-long Learning
- Greater Cultural Exchange
- Increased Community Pride
- Enhanced Safety and Security
- Tangible Connections to Nature
- Sustainable Infrastructure



Equality Impact Assessment: KING GEORGE V PLAYING FIELDS

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 4 June 2024	King George V Playing Fields	Grant of agreement for lease and lease	None identified

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

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Pregnancy and maternity including new and breast feeding mothers			
Marriage and civil partnership status			

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

Officer: City Surveyor

Date: 09.05.24

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