

EXECUTIVE

Date: Tuesday 9 January 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), Denning, Foale, Morse, Parkhouse, Pearce, Williams, R and Wood

Agenda

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

1 **Apologies**

To receive apologies for absence from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 28 November 2023.

(Pages 5 -
24)

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 **Urgent Matter - Response to the Governments consultation to the Home Office's consultation cap for safe and legal routes for asylum seekers**

Urgent matter of the response from Exeter City Council to agree the number of properties it believes it can facilitate provide in response to the Government's consultation on refuges and asylum seekers entering the UK via safe routes in 2025.

Due to the timings of the consultation and Exeter City Council's meeting dates it was not possible for the Council to consider a draft response in advance of its submission. The response to the consultation has been treated as an urgent matter.

In accordance with the Council's Constitution, it has been discussed with the Leader, the Portfolio Holder for Communities and Homelessness Prevention and Council Housing, Development and Support Services in addition to the Chair of the Customer Focus Scrutiny Committee, and the Executive is now invited to note the response which has been submitted and dealt with under emergency provisions. The key issue identified relates to:

1. The government consulted with local authorities to introduce an annual cap on the number of refugee entrants using safe and legal routes coming to the UK. This is to meet a duty under the Illegal Migration Act 2023.
2. It provided an opportunity for local authorities to put forward their capacity to house and support people coming to their districts in light of current pressures. The aim is to establish a migration system which is sustainable and well managed. There is an expectation for every Local Authority (or equivalent) to respond to this consultation.
3. The consultation paper suggested that there should be a politically agreed commitment to any figure proposed and that any proposition represents a consensus view in the area. Response in two tier areas needed to the agreed by District and County Councils. This was facilitated by Devon County Council who provided a Devon wide response.
4. By using historic data and an understanding of the current housing market

Exeter City Council has proposed to agree to facilitate 5 properties from private rented sector being provided in response to the consultation.

- | | | | |
|----|--|--|----------------------|
| 7 | City Wide Net Zero | To consider the report of the Director Net Zero and City Management. | (Pages 25
- 40) |
| 8 | 2024/25 Budget Strategy and Medium Term Financial Plan | To consider the report of the Director Finance. | (Pages 41
- 56) |
| 9 | Council Taxbase and NNDR 1 2024/25 | To consider the report of the Director Finance. | (Pages 57
- 64) |
| 10 | Housing Rents and Service Charges 2024-25 | To consider the report of the Director Finance. | (Pages 65
- 78) |
| 11 | Approval of Devon Districts Procurement Strategy (DDPS) | To consider the report of the Director Finance. | (Pages 79
- 100) |
| 12 | Update Briefing on the Governance Review Working Group | To consider the report of the Director Corporate Services. | (Pages
101 - 106) |
| 13 | Members' Training | To consider the report of the Director Corporate Services. | (Pages
107 - 118) |
| 14 | Tenancy Policy and Strategy Review | To consider the report of the Director City Development. | (Pages
119 - 138) |
| 15 | Council Housing Strategy 2023 - 2027 | To consider the report of the Director City Development. | (Pages
139 - 170) |
| 16 | Review of Safeguarding Policy | To consider the report of the Director Net Zero and City Management. | (Pages
171 - 202) |
| 17 | Review of Policy for Dealing with Unacceptable Customer Behaviour | To consider the report of the Director Net Zero and City Management. | (Pages |

18 **Review of Equality and Diversity Policy**

To consider the report of the Director Net Zero and City Management.

(Pages
221 - 240)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 6 February 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.

Follow us:

[Twitter](#)

[Facebook](#)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265275.

EXECUTIVE

Tuesday 28 November 2023

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Morse, Parkhouse, Pearce, Williams, R and Wood

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor Moore (as an opposition group Leader); and

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

Councillors in attendance under Standing Order No. 44

Councillor Vizard speaking on item 10 (Minute No. 110 below)

Apologies:

Councillor Denning

Also present:

Chief Executive, Director Net Zero Exeter & City Management, Director of City Development, Director Finance, Service Lead - Environmental Health & Community Safety, Assistant Service Lead – Local Plan, Collections & Content Manager and Democratic Services Manager

107

MINUTES

The minutes of the meeting held on 7 November 2023, were taken as read, approved and signed by the Chair as a correct record.

108

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

109

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

Three questions were received from Members of the public, relating to Minute No. 110. For Mrs Thompson, who was unable to be present, her question and response are as follows:-

Question received from Mrs Cynthia Thompson

As the Director of Finance and City Surveyor report appears to indicate the disposal of the Clifton Hill site would be sold on an unrestricted basis, would this mean the site could be developed with student housing even if previous reassurances from the City Council seemingly indicated restrictions would be attached for development on this site?

Response

The Director Finance as Section 151 Officer, had a legal duty to act in the interests of the taxpayer and the City Surveyor had a duty to achieve best consideration for the Council in respect of property transactions, therefore the Officers recommendations in the report reflect this.

However, it was for Council to determine the final decision in respect of the sale of assets taking into consideration all factors and it is the right of elected members to make a different decision from that recommended if they so wish.

Question received from Dr Virginia Russell

Given that plans to sell the Clifton Hill site generated significant public concern when first proposed, will you provide adequate opportunities for members of the public to scrutinise and comment on any new plans recommended?

Response

Consultations and decisions regarding planning and have been agreed. Should any revisions come forward to those plans, then the appropriate consultations will of course take place in accordance with our agreed procedures.

Supplementary question, asked by Dr Russell

Given the short time frame that's been suggested for the resale, we have no idea where the boundaries of the site being sold are, or what trees will be remove. There has been a significant loss of habitat and biodiversity in the area. Can you assure us that local people will at least have a chance to scrutinise the area that's being sold and to comment?

Supplementary Response

There were two elements to the question. The Planning element had already been approved by the Planning Committee. If any developer was to move in on that part of the site, they could follow those plans, but any change would require coming back to the planning committee, requiring public consultation. So the public, obviously, are consulted on all that. The second element will be answered in Item 19, which has been moved to the next item of business.

Question received from Ms Emily McIvor

Will Members respect previous public representations on the original plans to develop the Clifton Hill site, especially calls for ECC to retain ownership of the entire site including all green space (pink/yellow/green on your plan) to protect nature and benefit residents, in line with policies on climate change and biodiversity?

Response

Item 19, on tonight's agenda will consider the future disposal of the site. However, it is for Council to determine the final decision in respect of the sale of assets taking all factors into consideration, and it is the right of elected members to make a different decision from that recommended if they so wish. Following the recommendations of the officers, Executive members may amend those recommendations following the officer's presentation on item 19.

Supplementary question, asked by Ms McIvor

I understand that Councillors will decide this evening how to respond to the recommendations and the various options presented. I noticed that there was a limit

to the amount of financial information being made available to members of the public at this point. I would ask Councillors, to please, scrutinise all the various options. I'd like to particularly ask you to keep hold of the do nothing option'. I feel you could decide tonight to sell the previously built on portion of the site, and you could decide tonight to sell that for residential.

I can see the subtext in the Council papers very clearly. There's a clear leaning towards residential rather than the Council Officer's recommendation. However, any sale would mean losing control of that site. The public campaign sought to ensure that the Council kept control for so many different reasons.

Supplementary Response

I feel if you listen to the discussion in the next item, and hear what we have to say, I think you'll have a different view when you leave this evening.

110

DEVELOPMENT LAND DISPOSAL PROGRAMME

The Executive received the report, which following an Assurance Review of Exeter City Living (ECL) and Council approval in October 2023, would receive a report setting out a site disposal strategy in the likely event of a shortfall on the ECL loan after the Council acquires ECL's assets.

The report proposed a programme of disposals as set out below:-

- (1) the unrestricted disposal of land at Mary Arches Street Car Park as shown on the site boundary plans in Appendix 1 of the report;
- (2) the unrestricted disposal of land at Clifton Hill as shown on the site boundary plans in Appendix 2 of the report;
- (3) the granting of delegate authority to the City Surveyor, in consultation with the Leader and the Director Finance (S.151 Officer) to approve the final terms of the disposals, in accordance with the Local Government Act 1972, Section 122, to appropriate the sites which belong to the Council (shown on the plans at Appendices 1 and 2), for planning purposes to facilitate the carrying out of development, re-development or improvement on or in relation to that land; and
- (4) a budget of £800,000, funded by a mix of the earmarked reserve set aside for this purpose and the surplus income from the Guildhall Shopping Centre, to cover the costs of preparing the sites for disposal and the facilitation of best consideration for the Council's assets.

Members were advised that the S151 Officer had a legal duty to act in the best interest of the taxpayer of the city and the City Surveyor had a duty to obtain the best consideration for the Council in respect of all property transactions, which formed the officer recommendations, outlined in the report.

Particular reference was made to the Council's owning and responsibility for maintaining 100 operational properties, 28 bridges, 50 parks, 90 play areas, alongside footpaths, a river, canal, and a Roman wall. Currently, there was £22 million of works identified in the latest condition survey that were unfunded, and the generation of capital receipts was a means of addressing the backlog without incurring service cuts.

The total cost of funding the works to the revenue budget required £1.75 million of cuts to the revenue budget on top of the unidentified £4.4 million of cuts already required in the Medium Term Financial Plan. Officers had recommended the unrestricted sale of two assets at Mary Arches car park due to the sufficient spare capacity in the city to absorb the loss of this car park. Clifton Hill had also been recommended for disposal as it was the asset being recovered from ECL and would be most appropriate for disposal.

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

2.1 the disposal of land at Mary Arches Street Car Park as shown on the site boundary plans in Appendix 1, the multi-storey car park site for co-living use, and the surface carpark for residential use.

2.2 the disposal of land at Clifton Hill as shown on the site boundary plans in Appendix 2, for use as residential homes on the existing site (shaded blue), retaining the green shaded area for existing use as an open space, and retaining the yellow and purple shaded areas for existing uses.

The Leader explained that the reason for the revision was that the Council was committed to no Purpose-Built Student Accommodation (PBSA) on Council land and delivering residential homes for the people in Exeter. The multi-storey car park site would be used for Co Living and the surface car park for residential use. Clifton Hill, would be used for residential homes on the existing site shaded blue, retaining the green shaded area as open space. If approved by Council, recommendations on how it would be achieved would be brought back to the Executive in a future report.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on this item. He welcomed the Leader's amendment, which would ease residents' minds and clarified that the Council would honor its commitment to the residents at Clifton Hill. It was right and transparent that the Council commissioned a renewed independent report and valuation on these sites following the winding down of Exeter City Living to allow Members to consider options for future sale and development. When proposals previously came forward to sell and develop the whole site a few years ago, the Council had listened to the community in wanting to save the green space and sporting facilities. A balanced plan for new homes and the preservation of the rest of the site was brought forward instead.

Clifton Hill was a brownfield site which needed to careful consideration when faced with a national housing crisis in context with the challenge of preserving the threatened green fields and ridgeline of the city. The Council had to make choices about development and be responsible for providing homes of all types in Exeter over the next 20 years. The Council had no powers to control the number of students the university takes in, or the number of people who wish to come and live and work in the city.

Local authorities faced enormous financial pressures after 13 years of cuts to grants placing a terrible strain on local services. Exeter City Council was turning down millions in potential receipts by not selling the whole site by ruling out student accommodation.

Councillor Vizard welcomed the amendment which weighed up the need for homes and financial receipts with the compelling environmental case for the site. He welcomed holding to the previous decision, in ensuring that only the existing site

already earmarked for family homes be taken forward, which would exclude the public green space and areas currently occupied by the ski slope and golf driving range from development. He also welcomed the Executive Members holding to the Council's existing policy in not selling land within its ownership for student housing development.

In closing, Councillor Vizard highlighted that this was the right decision and demonstrated the commitment to protecting and enhancing the city environment, communities and raising wellbeing standards and health outcomes, while also providing desperately needed new homes to help address the national housing crisis. It was a difficult balance but this amendment would ensure we get right.

Councillor Jobson, as an opposition group leader, spoke on this item. She welcomed the amendments and advised that her previously submitted questions were no longer relevant. She remained concerned that more Co-Living would not be beneficial for housing residents of Exeter or that Mary Arches site would be used for residential development.

Councillor Moore, as an opposition group leader, spoke on this item and considered there to be insufficient information provided to the Executive to make an informed decision on the options for disposal. She raised the following points:-

- It was important to note that any sale would be dependent on planning permission being granted and therefore failure to agree a proposed scheme would jeopardise the Council's ability to write off the debt.
- Clifton Hill had permission, with conditions to provide affordable housing removed because a grant could be secured by Homes England to help fund it. The Planning Committee had indicated that it would buy those affordable homes, so had that grant and homes to be owned by the Council now been lost?
- There was no information on the Mary Arches Multi Storey Car Park (MSCP) feasibility and how close it was to the planning permission stage. Neither Exeter City Living (ECL) nor the Council had worked on this, so why was this not bought forward to planning?
- The Council had been awarded a grant for its demolition, was this still happening?
- It might be possible to keep sites that currently accommodated facilities encouraging active lifestyles. Were there were plans to sell the water sports association property too?
- In section 8.16, the outcome would be a receipt from student housing developers to cover the ECL write off generating some capital used to unlock further sites for the disposal programme. However, given the sum that has been proposed for CIL, Co-Living bedsits would be built in areas of high deprivation instead of homes, with residents paying three times over.
- The report continued the narrative conditions that had contributed to ECLs insolvency. The auditor and the assurance review had highlighted that there had been a failure on the part of the Executive to provide proper oversight of ECL.
- Members needed to know how much money had been spent by the Council since ECL was set up to look at site viability. What stages had the sites progressed to, why they didn't come forward, what internal decisions were taken and at what cost?
- the report was light on financial information. Clifton Hill was now considered a liability to the Council and Mary Arches was no longer an income generating asset. The Council was going to be asked to makes decisions without all the financial information and the full extent of the liabilities.

The Leader requested that due to the large number questions asked, that they be emailed to him for response.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and thanked the officers for writing the report and noted the repercussions for the Council and the decisions to be made. He supported the amendment to allow the Council to maintain control on what was built on the land. He had concerns about Co Living and would like to see the evidence for it. He further noted that the recommendations would be decided by full Council where further opportunities to amend the recommendation could be made.

He raised concern that social housing development through ECL and retaining profits for investment in further ventures had not occurred and the Council was now in the situation of selling two sites with a potential deficit. A lot of money was spent on developing some very good plans for Clifton Hill in regards to the housing standards and now may see some speculative applications from planning developers to test the market.

During the discussion the following points were made:

- there were good reasons for not making all details in the report public and some details on what the Council was willing to accept for the sale of land could not be disclosed. The Council need to manage tax payer money wisely;
- the report was written by officers, who felt it important that the details of their report was presented to the public. Members usually agreed with officer recommendations, but on this occasion, Member's considered the recommendations needed amending.
- there were extensive details in the Part 2 appendices to explain the officer recommendations, and there was a complexity to the matter, but Members wanted to maintain their commitment that no PBSA's would be built on Council land we have after it was sold;
- the previous decisions were correct at the time, and the Council had maintained its rule in not developing PBSA's. The student population had increased over the last decade from 14,000 students to 39,000. Housing development focused on dealing with housing needs had not kept pace and traditional housing stock has been lost;
- the amendments were welcomed and Co-Living options were needed for younger residents and essential workers and embodied the inclusivity of Exeter; and
- there was a housing emergency and a need for good quality accommodation for various housing needs. Protecting the city's green ridge line was important, with limited development space and an increasing population. The Brownfield sites were suitable for good quality residential homes and Co-Living would provide that.

The Leader advised that some questions raised would be discussed in Minute No. 125, under Part 2. There were several issues to be addressed including financial considerations which would be discussed. He thanked the officers for bringing the report forward and advising on the consequences of the decisions being made.

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

(1) the disposal of land at Mary Arches Street Car Park as shown on the site boundary plans in Appendix 1, the multi-storey car park site for co-living use, and the surface carpark for residential use.

(2) the disposal of land at Clifton Hill as shown on the site boundary plans in Appendix 2, for use as residential homes on the existing site (shaded blue), retaining the green shaded area for existing use as an open space, and retaining the yellow and purple shaded areas for existing uses.

(3) the granting of delegated authority to the City Surveyor, in consultation with the Leader and the Director Finance (S.151 Officer) to approve the final terms of the disposals, in accordance with the Local Government Act 1972, Section 122, to appropriate the sites which belong to the Council (shown on the plans at Appendices 1 and 2), for planning purposes to facilitate the carrying out of development, re-development or improvement on or in relation to that land; and

(4) a budget of £800,000, funded by a mix of the earmarked reserve set aside for this purpose and the surplus income from the Guildhall Shopping Centre, to cover the costs of preparing the sites for disposal and the facilitation of best consideration for the Council's assets.

111

PROPOSED WITHDRAWAL AND DISSOLUTION OF THE HEART OF THE SOUTH WEST JOINT COMMITTEE

The Executive received the report on the steer from Leaders and Senior Members of several Devon Constituent Authorities to consider the withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee, which the Council was a member of. The report was focussed on the joint committee's governance rather than the Heart of the Southwest Local Enterprise Partnership or the associated Heart of the Southwest Joint Scrutiny Committee.

Members noted that the integration of Local Enterprise Partnerships (LEP) into local authorities and their relationship with devolution deals, meant that the purpose of the joint committee had been superseded and delivery could be achieved through other existing partnership arrangements. It was agreed by the Leaders and Senior Members of the constituent authorities that the proposal to withdraw be brought forward officially to the appropriate bodies of the constituent authorities.

Reference was made to, Plymouth withdrawing from the devolution deal, leaving only Devon and Torbay, which had occurred following the publication of the report.

Councillor Moore, as an opposition group leader, spoke on this item and in thanking the Chief Executive for the report enquired whether the cost for withdrawal could be outlined?

Councillor M. Mitchell, as an opposition group leader, spoke on this item and highlighted that the withdrawal was a joint exercise with the other authorities.

In response to a Members question, the Director Finance advised that the Councils contribution was £2,800 and based on the size of an authority. There would be a small amount returned to the unallocated balance.

The Leader advised that the LEP was ending in April 2024 and all assets were held by Somerset Council and would be distributed amongst the top tier authorities

RECOMMENDED that Council approve the service of a notice of withdrawal on the constituent authorities and the Heart of the South West Joint Committee effective from 31 December 2023.

112

MEMBERS' ALLOWANCES 2024/25

The Executive received the report on the Council's Independent Remuneration Panel report relating to Members' Allowances for the period 2024/25 and noted that Derek Phillips, as the Chair of the Independent Remuneration Panel had given his apologies, but would be attending Full Council on 12 December.

The Council's Independent Remuneration Panel reviewed and advised the Council on its scheme of Members' Allowances and made recommendations on the allowance to be paid to Members each year, following the legislation set out under the Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003.

The Panel had met in October 2023, to discuss the level of Members' Allowances for the period 2024/25, and had received survey results and interviews from Members and Group Leaders relating to the level of remuneration and work being carried out by Members.

The Panel had recommended an increase of 4%, based on a median percentage increase, which was in line with the staff payment award as the benchmark for basic Councillor Allowance in 2024/25. This equated to a £261 increase in the level of Basic Allowance for each Member taking effect from 1 April 2024 and reflected the level of time which the average Councillor spent on constituency matters, casework, local community work and other Council work.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired how Exeter compared with other authorities.

During the discussion a Member advised that as a former Member of a remuneration panel in an authority, that comparisons with other authorities were undertaken but that the remuneration panel made its own decision and recommendations to the Council.

RECOMMENDED to Council that:-

- (1) the basic structure and principles of the current Members' Allowances scheme be retained for 2024/25;
- (2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, be retained;
- (3) the Councillors' Basic and Special Responsibility Allowances including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should continue to be linked and updated in line with the national pay awards for the previous year, (a lump sum payment of £1,925 was agreed for the period 2022/23 effective from April 2022). The Panel considered it appropriate to use the median percentage pay increase of 4.04% as a benchmark for the Basic Councillor Allowance;
- (4) a new Special Responsibility Allowance be offered to the Chair of the Scrutiny Programme Board in recognition of their coordination of the support role offered by the Board to the scrutiny function;
- (5) the principle that Special Responsibility Allowances be paid to no more than 50% of the overall number of Councillors to continue to be kept under review and adhered to where possible;
- (6) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the hourly Living Wage as

applicable from April of each year (together with the retention of the uplift of the standard rate of income tax). In the case of Members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, (together with the retention of the uplift of the standard rate of income tax) can be agreed by negotiation in advance with the Democratic Services Manager;

- (7) the sum of £50 be paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained; and
- (8) the Travel and Subsistence allowances available for staff continue to apply to Exeter City Councillors, where appropriate.

113

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2023/24 – QUARTER 2

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 six months and sought approval of the additional expenditure required during the financial year.

Members were advised that there had been a significant underperformance in key income budgets, which is being offset by higher investment interest being received, leisure income and a high number of vacant posts and would need to be addressed when setting the budget for the next financial year. There was a £20,000 supplementary budget request for the debt recovery team to strengthen the debt recovery process.

Councillor Moore, as an opposition group leader, spoke on this item and enquired:-

- Whether the £276,940 overspend figure outlined in 8.3 of the report for the impact of Exeter City Living (ECL) being scaled back was for the year or to date?
- Whether the Leader would be asking the Council to spend the approved bus station demolition money to cover the ECL funding gap? and
- In regards to strengthening the debt collection and that the HRA team is undertaking some of the debt collection activities in relation to rent, did that mean that an additional amount was going to be required under the HRA to pay for that service there?

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on the pattern on the under-spend across departments was in relation to staffing and how much of the actual underspend across the Council related to having no staff and the money not being used? He also enquired in relation to these figures, whether there was a system in place for agency staff for the in-year targets?

Councillor Jobson, as an opposition group leader, spoke on this item and also enquired on the staffing recruitment patterns for leisure and sport and use of agency staff.

During the discussion the following points were made:

- not all of the under-spend was related to staffing and some related to the income, such as the Matford Centre. It was important to recognise that staff were working very hard and having to adopt a more commercial way of working; and

- it was important to recognise that the Council had an unrealistic income target for trade waste and good work had been done in generating some big new contracts.

In response to questions raised the Leader and Director Finance advised:-

- financial information would be made available to show a breakdown analysis of vacancies against the use of agency staff;
- there was a challenge in providing the analysis as some agency staff were required to ensure frontline services operated effectively, and a need to cover vacant posts;
- leisure and sport staffing was a question to the relevant Portfolio Holder at Scrutiny Committee;
- the £276,940 overspend figure was a projection for the year; and
- the Leader wouldn't be asking the Council to spend the approved bus station demolition money to cover the ECL funding gap.

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

- (1) the General Fund forecast financial position for the 2023 financial year;
- (2) the supplementary budgets and budget transfers as detailed in paragraph 8.11 and Appendix 3;
- (3) the outstanding Sundry Debt position as at September 2023;
- (4) the creditors payments performance; and
- (5) the One Exeter programme update.

114 **2023/24 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 2**

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 Member approval to amend the Annual Capital Programme to reflect the reported variations in the report.

Members were advised that £28 million of the Capital Programme had been deferred, bringing it down to around £42 million, with £2.2 million spent to date. This demonstrated the challenges in tendering and getting acceptable tenders. There was one additional request for funding for replacing the roof of the phase three building at the Civic Centre. The replacement went out to tender but came back £140,000 pounds higher than estimated. Reference was also made to the Council signage improvement programme which had been completed.

Councillor Moore, as an opposition group leader, spoke on this item and enquired on funding requirements.

In response to Members questions the Director Finance advised that there were no unallocated capital resources available, so borrowing was required. This highlighted, the current state of the construction market, in which amounts increased during the time period of going out to tender.

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.

115 **2023/24 HRA BUDGET MONITORING REPORT – QUARTER 2**

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2023/24 financial year after six months and the budgetary over/under-spend. The report highlighted areas of risk, where certain budgets had been identified as being vulnerable to factors beyond the control of the Council, and may result in potential deviations from budget.

Reference was made to a significant increase in repairs and maintenance spend, mainly due to an increase in voids, being offset by higher investment interest for the HRA, which is received from the General Fund for the balances on the major repairs reserve and the HRA working balance and capital receipts, both the General Fund and HRA were receiving about half a million pounds more than expected when we set the budget. The long-term position of the HRA remained unchanged with capital plans exceeding the resources available over the longer term.

Councillor Jobson, as an opposition group leader, spoke on this item and enquired about the voids which appeared to be on a downward trend?

Councillor Moore, as an opposition group leader, spoke on this item and enquired about general repairs which stated that 60% had been spent already, and whether tenants would be able to get their essential repairs done? She also enquired about adaptations to the budget, due to there being many property requests which have not had full evaluation. She requested this be taken as a priority because of the many elderly and disabled tenants and enquired how urgent work would be prioritised.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on the general maintenance increase, how much of it was due to general inflation in contracting work and how much of it was due to additional workload?

A Member enquired on the Laings Houses refurbishments, which was originally budgeted for £14,000, but was now showing as £323,188, and wasn't showing in the 2023/24 Capital Programme. Could reassurance be given that spend was going to happen even though it's not in the capital programme?

In response to Councillor Moore's question in Minute No. 114, the Director Finance advised that the General Fund was providing a service to the HRA, which the HRA paid for. If a service transferred back to the HRA, there would normally be a net neutral position. However, the HRA had been paying less than the cost to the general fund over the last number of years, and there will be an additional cost to the HRA to take back the HRA rent.

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

- a response to the detailed questions about the repairs and maintenance, would be provided outside of the meeting; and
- In regards to the Laings Houses refurbishments, a budget had been approved for Laings in the Capital Programme. The report was seeking approval to spend some of the money in the current financial year. As part of this report, Members were approving the fact that they could spend the money in this financial year rather than 2024-25.

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.

116

TREASURY MANAGEMENT 2023/24 HALF YEAR UPDATE

The Executive received the statutory report on the current Treasury Management performance for the 2023/24 financial year and the position regarding investments and borrowings at 30 September 2023.

The report set out the Surplus cash invested and borrowing status, based on actual external borrowing and a new section was included in the report, which detailed the projected position in respect of statutory repayments of debt on the General Fund.

Particular reference was made to the HRA having closer to £600,000 extra than originally budgeted for, owing to higher interest rates and higher surplus cash positions. There was a projected small variation in the repayment of debt provision, and there had been no external borrowing in the current year.

RECOMMENDED that Council note the Treasury Management report in respect of the first six months of the 2023/24 financial year.

117

REVIEW OF THE CORPORATE RISK REGISTER

The Executive received the revised Corporate Risk Register, which reported on the Council's risk management progress, which was linked to the Council's Strategic Priorities.

Members were advised that the Risk Register had been reviewed and updated by Directors in consultation with their Portfolio Holders. The request made by the Audit and Governance Committee for including a risk around Civil Emergencies had been considered by the Strategic Management Board (SMB) and they requested a paper be written to consider the Council's approach and whether there was a need for the risk to be included.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on the mechanism of the report, as to whether necessary actions were proposed at the meeting or included in the report?

Councillor Moore, as an opposition group leader, spoke on this item and made the following points:-

- Was the Executive responsible for the risks in the corporate plan for presenting at Council for Members to vote on?
- How was the score determined for maintaining the Council property and assets?
- On the delivery of Net Zero, and given the Scrutiny Committee didn't hear much about the proposals to tackle Net Zero, how confident was the Executive that they were acting on the climate emergency for the city?
- Under, the Delivering Housing and Building Great Neighbourhoods, the Exeter Development Fund was listed as a mitigation. How was this a mitigation?

The Leader in responding to the question raised advised:-

- the mitigations were listed in the report, and showed the work that was required to be undertaken;

- there was a process in place for dealing with risks and the Portfolio Holders were reviewing their portfolios regularly;
- the remainder questions were requested to be, submitted outside of the meeting.

RESOLVED that a report on the Corporate Risk Register be received once a quarter to propose any necessary actions to help mitigate the risks for which it is responsible.

118

REVIEW OF THE ARTICLE 4 DIRECTION AND HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT

The Executive received the report which summarised the results of a six-week public consultation undertaken by the Council during the summer period on a draft Article 4 Direction, to restrict permitted development rights of dwellings to Houses in Multiple Occupation (HMOs) with the related HMO Supplementary Planning Document (SPD). The report also explained how the consultation had supported the final versions of the Article 4 Direction and HMO SPD.

Particular reference was made to the policies, which would help to manage the concentration of HMOs and suspending committed development rights to enable HMOs to be created. The consultation process had received more than 300 responses, with the preferred option being to expand into areas where there were 20% or more HMO properties. The consultations also addressed some minor revisions to the accompanying SPD, which clarified the Council's position with regard to applications for HMOs in that Article 4 area.

Members were advised of the next set steps of the process, with a notification process and then implementation of the revised Article 4 direction set for February 2025.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and considered that more could still be done, given the growth of the University, which was an issue in certain Wards, and may need to be revisited.

Councillor Jobson, as an opposition group leader, spoke on this item and enquired about the legal differences between bringing the SPD into effect and having to wait for the implementation of Article 4 Direction. What would the implications be on planning applications for HMOs given the revised Article 4 Direction wasn't yet in place?

Councillor Moore, as an opposition group leader, spoke on this item and welcomed the recognition on the imbalance in the local community threshold and enquired how a balanced community was defined? She further enquired on the basis of the calculation and whether that could be recorded with the documents and when the policy would be reviewed?

During the discussion the following points were made:

- many of the respondents to the consultation were from the Pennsylvania Ward who had welcomed the consultation and appreciated the work that had been undertaken by officers;
- the feedback favoured option 2, which was also the Council's preferred option and was a fair compromise between control and making provision for non-student HMOs;

- was there a formula in relation to the postcode and output areas where an exceedance of 20% HMOS were expected?
- the work undertaken was a large step forward for residents and a lot of hard work had been undertaken in a very short time; and
- the report was welcome with great outcomes.

The Portfolio Holder for City Development highlighted that the Council had listened to residents and thanked Members who raised the issues and engaged with the process. She also thanked the officers involved who have worked hard on bringing the matter forward.

The Leader requested that the questions raised by opposition Leaders be submitted, so a response could be provided.

RECOMMENDED that Council approves:-

- (1) the making of the Article 4 Direction (including the Article 4 area plan) attached at Appendix A of the report with non-immediate effect; and
- (2) the adoption of the Houses in Multiple Occupation Supplementary Planning Document attached at Appendix B of the report.

RESOLVED that delegated authority be granted to the Director of City Development, in consultation with the Council Leader and Portfolio Holder for City Development, to agree a change to the date of the confirmation of the Article 4 Direction attached at Appendix A of the report, if required.

119

CIL REVIEW: EXETER COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE APPROVAL AND IMPLEMENTATION

The Executive received the report which explained the progress made following a review and examination of the Council's Community Infrastructure Levy (CIL) Charging Schedule, which identified the CIL rates to be charged on different types of development. The report sought approval of the draft revised CIL Charging Schedule for implementation from 1 January 2024.

Particular reference was made to the Council charging CIL for 10 years, with significant changes to the property market in that period, requiring a review to be undertaken. Following a consultation, it was proposed that the rates be increased for purpose built accommodation, creating a specific rate for co living and also introduce a zero rate for build to rent and flats.

Following a consultation of the draft proposed charging rates, the responses had been analysed and submitted for an independent examination which took place in July 2023. It was concluded that the draft charging schedule provided an appropriate basis for the collection of the CIL within Exeter.

Councillor Jobson, as an opposition group leader, spoke on this item and thanked the officers for the work undertaken and considered that Co-Living not being charged at the same rent rate as Purpose Built Student Accommodation (PBSA) was a missed opportunity. They were an almost identical feature but were being charged at the same rate as build to rent, which was an entirely different feature.

Councillor Moore, as an opposition group leader, spoke on this item and welcomed the discount to seasonal developers ending because they were building luxury developments which were top prices for students. She raised concerns about high

density Co-Living units for long term living and not providing needed infrastructure to the community.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and highlighted that he attended the independent examination. His only concern was in ensuring the Council was making the right decision to prevent a repeat of the issues arising from previous PBSA developments.

During the discussion the following points were made:

- CIL would be charged for Co Living units, which, because has a large floor area, would be a significant;
- the recommendations were set by the independent inspector and examiner, who had looked at the proposals, which had been backed by experienced officers, to ensure the City Council was making the right decision; and
- development of Co-Living units would support professional workers of all ages and younger generations, and would provide a greater flexibility and opportunity to meet needs and providing more variety in the market.

The Leader thanked the officers for the report and for the work that had been put into enabling the inspector to approve the proposed recommendations.

RECOMMENDED that Council:-

- (1) note the conclusions of the Independent Examiner of the CIL Charging Schedule, as included in the Examiner's Report attached at Appendix A of the report, notably that the CIL Charging Schedule provides an appropriate basis for the collection of the levy in Exeter; and
- (2) approves the CIL Charging Schedule attached at Appendix B of the report to take effect on 1 January 2024.

120

LIVEABLE EXETER PLACEMAKING CHARTER AND PRE-APPLICATION CHARGES

The Executive received the report on the Liveable Exeter Placemaking Charter, which set out the City Council's commitment to work collaboratively with all those delivering developments in Exeter as part of the Exeter Design Quality Partnership and would help to frame the proposal to introduce pre-application charges.

Before adopting the Liveable Exeter Placemaking Charter, it was proposed that a six week consultation be undertaken with the key stakeholders who would be impacted by the implementation of pre-application charges, allowing them to provide feedback and insights to help shape the Charter.

Particular reference was made to the five elements in the charter and the independent design review process in place with Design West, which had been running for a year.

Members were referred to the pre application charges set out in the report and to the developer's forum which would enable more collaboration with the users of the planning service. The Charter was designed to raise the standard of proposals, in having better engagement, more collaboration, and ultimately better outcomes for the city that could be delivered through the planning process. A subsequent report would be presented to the Executive and Council for approval following the consultation

Councillor Moore, as an opposition group leader, spoke on this item and welcomed the principle of charging for pre application advice. She sought clarification on residents would be included in the consultation process, which she felt was essential in being open to residents and giving them confidence in the planning system.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on whether the charges would vary by the size of a development and whether there was scaling built in? He also enquired if there was any indication of any anticipated income?

Councillor Jobson, as an opposition group leader, spoke on this item and supported the recommendations.

During the discussion the following points were made:

- the inclusion for measuring outcomes against key social, economic, and environmental performance was welcomed; and
- thanks were given to the officers involved in developing the Liveable Exeter Placemaking Charter, which would provide a better service for all residents and developers, in the city.

Leader requested that the questions raised in the discussion be sent in for a response to be provided.

RESOLVED that:-

- (1) the Liveable Exeter Placemaking Charter, including the draft pre-application charges, be approved as the basis for public consultation commencing on 04 December 2023;
- (2) delegated authority be granted to the Director of City Development, in consultation with the Portfolio Holder for City Development, to agree minor changes to the Liveable Exeter Placemaking Charter and draft pre-application charges before publication for consultation;
- (3) delegated authority be granted to the Director of City Development, in consultation with the Portfolio Holder for City Development, to agree a change to the consultation start date if required;
- (4) delegated authority be granted to the Director of City Development in consultation with the Portfolio Holder for City Development to make any necessary minor modifications to the Liveable Exeter Placemaking Charter and draft pre-application charges following public consultation; and
- (5) the outcome of the public consultation for the Liveable Exeter Placemaking Charter and the draft pre-application charges be reported back to the Executive for Council approval and that both documents be published on the City Council's website.

121

EAST DEVON, EXETER, MID DEVON AND TEIGNBRIDGE JOINT STRATEGY APPROVAL

The Executive received the Exeter City Council and East Devon, Mid Devon and Teignbridge District Councils non-statutory Joint Strategy report, which set out key functional linkages across the area, how the development strategies in Local Plans fit together and identified key infrastructure themes.

The Joint Strategy sought approval for publication on the City Council website, and East Devon, Mid Devon and Teignbridge District Councils were also taking equivalent reports through their committee processes in late 2023.

Reference was made to how the document demonstrated the joined-up strategy across the area and the benefits of working together through shared coordinates and the duty to cooperate, which was a key part of producing the Exeter Plan and a means for supporting funding bids for the infrastructure.

Councillor Moore, as an opposition group leader, spoke on this item welcoming the report, but raised concerns about climate change relating to the MRF and district heating in system in Cranbrook, which were high in CO² emissions. She considered that there needed to be additional conclusions of measures for moving towards Net Zero.

Councillor M. Mitchell, as an opposition group leader asked whether the document was statutory.

Councillor Jobson, as an opposition group leader, spoke on this item and welcomed the report.

During the discussion the following points were made:

- the Shared Coordinates document was welcomed and an appropriate title;
- the report would help bring other Councils to progress their Net Zero aspirations;
- Exeter did not use landfill and the CO² emissions from the energy from waste plant was producing renewable energy; and
- the document supported the duty to cooperate and was not a formal planning policy document.

RESOLVED that the Joint Strategy (Appendix 1 of the report) be approved, subject to agreement by the other partner authorities, with delegated authority granted to the Director of City Development in consultation with the Leader of the Council and the Portfolio Holder for City Development, to make any amendments arising from the resolution of the other authorities provided that they do not materially alter the content of the document.

122

ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2022 - 2023

The Executive received the report on the Annual Infrastructure Funding Statement for 2022 - 2023 which provided information relating to how funding was secured, received, committed and spent from the Community Infrastructure Levy (CIL) and Section 106 monies. The Government required that the Annual Infrastructure Funding Statement be published on an annual basis and include an Infrastructure List identifying a series of projects that could benefit from Community Infrastructure Funding in future.

Particular reference was made to:-

- the Council received approximately £3.1 million of CIL receipts, which highlighted the importance of the CIL within the city; and
- 146 units of affordable housing were secured through the Section 106 agreements.

Councillor Jobson, as an opposition group leader, spoke on this item and referred to the parks and play areas on the infrastructure list and that more priority should be given to these.

Councillor Moore, as an opposition group leader, spoke on this item and enquired if Ward Members could be involved in decisions on how Section 106 money was spent in their Ward. She also enquired about Mallison Bridge, in relation to the priorities for the cycling bridge over the canal.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on how often the infrastructure list would be reviewed.

During the discussion a Member advised that spending couldn't take place until the money for the infrastructure was secured.

The Leader advised in response to questions raised, that:-

- there were processes in place for use of Section 106 monies; and
- the infrastructure list was not in any particular order;

RESOLVED that:-

- (1) the content of the Annual Infrastructure Statement for 2022 – 2023 be agreed; and
- (2) the Annual Infrastructure Funding Statement be published.

123

PUBLIC ACCESS TO IMAGES OF RAMM'S COLLECTIONS

The Executive received the report which concerned access to digital images of objects in the RAMM's collections. The museum, routinely photographed objects for use on its online collections database, which were not downloadable by the public. It also licenced images to members of the public and commercial entities for personal use or in websites and publications at rates set out in ECC's fees and charges document.

Some of the RAMM's collections were protected by copyright while others were in the public domain. The report was seeking approval to adopt an 'Open Access Strategy' in relation to digital copies of public domain works and other materials which are out-of-copyright.

Members were advised that there had been some wider legal debate relating to the interpretation of law and guidance relating to copyright involving the digital reproduction of public domain works. In recent years there had also been growing support for releasing images free of copyright.

Particular reference was made to:-

- Since autumn 2022, work had been undertaken with the University of Exeter Law School on developing an appropriate policy direction for use at the RAMM.
- A trial release of 60 medium resolution images, into public domain had been undertaken and had been used by 'Wikimedia Commons', to populate Wikipedia pages. The images released, had been used on 60 Wikipedia pages and viewed 4.7 million times.
- Medium resolution works would be available in the public domain for academics and high resolution images would be reserved for commercial activity and remain available for fees and charges.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on how people would apply and how the RAMM would differentiate between personal and commercial use

Members welcomed the report and the work that had been undertaken with the University of Exeter

The Collections & Content Manager in response to a Members' question, advised that images used for posters or merchandising would be considered commercial use and that medium resolution images would not be used commercial use.

RECOMMENDED that Council approve:-

(1) the adoption of an 'Open Access Strategy' in relation to digital copies of public domain works and other materials which are out-of-copyright (see Appendix 1);

(2) authority being delegated to the Museums Manager (or subsequent equivalent post) and the Portfolio Holder for Culture and City Centre Strategy (or subsequent equivalent post) to determine the digitised public domain works and other out of copyright materials to be published online in accordance with the Open Access Strategy;

(3) the Museums Manager (or subsequent equivalent post) reporting on the progress of the Open Access Strategy on a quarterly basis to the Director for Culture, Leisure, Tourism and Communications (or subsequent equivalent post) and Portfolio Holder for Culture and City Centre Strategy (or subsequent equivalent post);

(4) allowing the free reuse of digitised public domain collections up to 300 dpi when printed at A5 ('medium resolution'), as detailed in the fees and charges schedule and retaining the high resolution versions for commercialisation and restricting reuse through contracts; and

(5) the adoption of the fees and charges schedule attached to the report to be reviewed on an annual basis.

124 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that they involved the likely disclosure of exempt information as defined in paragraph's 3 and 4 of Part 1, Schedule 12A of the Act.

125 **APPENDICES 5 - 8 - DEVELOPMENT LAND DISPOSAL PROGRAMME**

The meeting was moved into Part 2, to discuss the commercially sensitive financial information contained in the report appendices.

The recommendations were agreed in Minute No.110.

126 **FUTURE INVESTMENT IN THE MATERIALS RECLAMATION FACILITY AND EXTON ROAD**

The Executive received the report on the future investment of the Materials Reclamation Facility (MRF) at Exton Road. In July 2021, the Council agreed to

support the procurement, financing, construction and operation of to upgrade the MRF, and since the decision was taken, there had been several impacts beyond the Council's control affecting that decision.

The report outlined the detailed work undertaken on the project to date, and outlined the predicted costs for upgrading the MRF operations, and sought approval for additional capital financing to meet the requirements of the 15 year service delivery plan.

Members and Non Executive Members discussed the report and, the Executive Members were in support of the recommendations.

RECOMMENDED that Council:-

(1) subject to the identification of sufficient capital receipts to finance the whole project, approve the addition of up to £3.8 million to the Council's Capital Programme for the purposes of delivering the MRF, which includes the amount previously agreed that would take the project to an agreed budget of £8 million; and

(2) grant delegated authority on the final decision to the Director Finance, in consultation with the Leader, relevant Portfolio Holder and Director of Net Zero and City Management.

(The meeting commenced at 5.30 pm and closed at 9.20 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 12 December 2023.

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director Net Zero Exeter & City Management

Title: City Wide Net Zero

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report details a way forward for coordinating and facilitating city wide net zero for Exeter, utilising an existing budget, staffing resources and internal and external structures.

2. Recommendations:

That Executive recommend that Council approve that: -

2.1 The City Council takes a leading role of coordinating and facilitating city wide net zero for two years 2024/25 and 2025/26; and

2.2 A temporary post of grade M (indicative) is established for 2 years to coordinate and facilitate city wide net zero, sits within the Net Zero team and is paid from the one-off net zero earmarked reserve.

3. Reasons for the recommendation:

3.1 To provide a resource to lead on strategic guidance for city wide net zero in delivering the Exeter Net Zero 2030 Plan. The City Council plays an important place leadership role in the reduction of city wide net zero.

3.2 To provide a process and structure to coordinate and facilitate City Wide Net Zero that reports into the City Council, the business community and communities (residents & volunteers) from across Exeter.

4. What are the resource implications including non financial resources

4.1 A temporary net zero £1m earmarked reserve was established in 2021 with £200,00 allocated for city wide net zero, of which £155,513 remains. This remaining element of the reserve will be used to recruit a temporary Programme Manager for just over 2 years to lead on the city wide net zero ambitions – grade M at £64,993 (on-costs included) per

annum. If there are any surplus funds remaining, then they will be earmarked for the redundancy payment for the post.

4.2 The Service Lead for Net Zero & Business will also dedicate some of their time to support city wide net zero. The remaining net zero team will primarily focus on reducing the Council's own carbon emissions and as and when capacity allows, they will dedicate some time to city wide net zero.

4.3 The challenge remains that the net zero budget is temporary. Once the £1m is spent, the temporary roles of the Sustainability Officer, the Net Zero Data & Support Officer and the Programme Manager City Wide Net Zero will be made redundant and activity to reduce the Council's own corporate carbon emissions and city-wide carbon emissions will be scaled back significantly. Therefore, a major part of this new role will be researching external funding opportunities to speed up delivery of city wide net zero.

4.4 Members will note that achieving net zero will require initiatives from central government in terms of legislation and funding, as well as private sector initiatives. Without central government investment and private sector initiatives, it will be extremely difficult for the Council to deliver on its ambitions to achieve net zero emissions by 2030 in accordance with its Net Zero Exeter 2030 plan.

5. Section 151 Officer comments:

The proposal will use up the majority of the amount left in the reserve allocated to City wide Net Zero. As the proposal is to employ someone for more than two years, an element of the reserve will be held back to address any redundancy liability arising.

6. What are the legal aspects?

6.1 Section 1 of the Climate Change Act 2008 states that it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. The target was originally 80% and was increased to 100% by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 following recommendations made by the Committee on Climate Change. This means that the government has a target of net zero for UK greenhouse gas (GHG) emissions by 2050.

6.2 Exeter City Council was one of the first local authorities to declare a climate emergency in 2019 and set a target of achieving net zero for greenhouse gas (GHG) emissions by 2030. This target is not legally binding.

7. Monitoring Officer's comments:

The content and recommendations set out in this report are supported and raise no issues for the Monitoring Officer.

8. Report details:

8.1 The Chief Executive brought a report to both Executive and Council in October 2023, with a summary of the work delivered by Exeter City Futures. The report included an update on its closure, as well as the barriers and challenges Local Authorities encounter to deliver place-based net zero by 2030.

8.2 Whilst on secondment to Exeter City Futures, there are a number of legacy projects that were overseen by the former Chief Executive and Growth Director and Director for Transformation.

8.3 An update on the latest position with these projects is summarised below.

Project	Aim	Update
Creating a vision for a low vehicle city centre	Engage the public and key stakeholders in the design of a blueprint for the City-Centre as a tool for use by stakeholders in their individual and collective development plans.	Work is being progressed by DCC through the Exeter Local Cycling & Walking Infrastructure Plan (LCWIP) The City Council's Transport Working Group met November 2023, to receive a presentation on The Exeter Plan's Sustainable Transport & Communications Chapter. Terms of Reference for this group are being revised
Community Energy Project	To bring forward a business case setting put proposals to test out models that could scale up domestic retrofit using community development approaches.	An outline business case has been produced but the work has not progressed due to a lack of staff resources to undertake the work.
Co-ordination of the delivery of the Innovate UK funded Pioneering Places project	The Phase 1 bid provides funding to create a blue print for collaboration across sectors to enable more agile and flexibility joint working on major projects. Successful completion of the project (June 2023) has the potential to open the gateway for Phase 2 funding @£8 million which could be used on a real-life project e.g., delivery of a Commercial DHN.	The funding for this scheme was not drawn down due to a lack of capacity to undertake the work required.
Facilitating the collaboration necessary for the delivery of a city centre commercial District Heating Network	Develop the collaboration that resulted in public sector support for a large funding bid to BEIS in Nov 2022. Should the bid be successful (announcement due Feb 23) this work will need to continue to bring together a single business case across the key public sector partners.	Discussions are progressing with regards to the location of an energy centre and network DHN routing. Ongoing discussions with key offtaker partners from across the city.

9. City Wide Net Zero Proposal

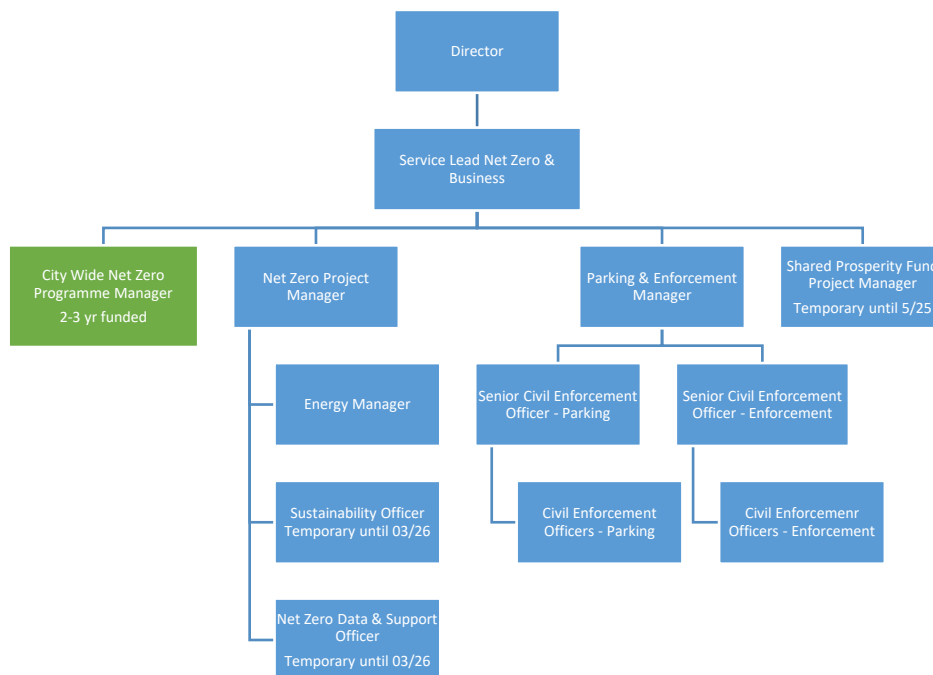
9.1 The Net Zero team has been established for just over 18 months. It was a brand-new service with the aim of reducing City Council carbon emissions to net zero by 2030.

9.2 The Net Zero team have been successful in building relationships, engaging with services from across the City Council and have quickly achieved traction using their extensive experience and skills, making an impact in such a short space of time.

9.3 The team is a role model and is respected, having established a reputation for delivery, innovation and leadership - internally, with members, with environmental groups, as well at the University of Exeter and Exeter Chamber. Exeter City Council has been nationally recognised by an independent review as being the second district council in the country for net zero by Climate Emergency UK. This was highlighted in a recent news story - <https://news.exeter.gov.uk/exeter-ranked-one-of-uk-s-best-performing-councils-on-net-zero-journey/>

9.4 The climate emergency is real and in reality, very challenging to achieve. However, the City Council have a team that can transition the City Council and Exeter to Net Zero – if this is supported by external funding.

9.5 The Net Zero team is made up of the following services, the existing services managed by the Service Lead are indicated in blue and the new temporary City-Wide Programme Manager is indicated in green.



9.6 Corporate net zero activity is reported to Strategic Scrutiny every 6 months with the next update being March 2024.

9.7 Since the closure of Exeter City Futures, no one organisation has been coordinating and facilitating the Exeter Net Zero 2030 Plan in regard to its delivery, monitoring and evaluation. It is proposed that Exeter City Council take on this role for a period of 2 years,

the timeframe temporary funding allows. This work will be overseen by the Portfolio Holder for the Climate & Ecological Crisis and the Director for Net Zero Exeter & City Management (David Bartram). As there is an existing team that focuses on net zero activity, in reducing the City Council's own corporate carbon emissions, it is proposed that the new Programme Manager sits within this team, with delivery overseen by the Service Lead for Net Zero & Business.

9.8 £155,513 remains in the earmarked reserve for City Wide Net Zero, which formed part of the £1million earmarked reserve for net zero overall. The £155,513 was initially going to be consumed within the budget to deliver net zero within the City Council, this will now remain for city wide net zero and will fund a Programme Manager (indicative grade M) post for 2 years lead on city wide net zero. The post holder will be required to research and source external funding to enable the post and city wide net zero activity to continue after the 2-year period. The Job description and person specification is within Appendix A.

9.9 There will be a proposal submitted to the business members of the Liveable Exeter Place Board to contribute to this post, to extend the period of time they will be in post. If no external funds materialise, the post will cease after 2 years.

9.10 This new temporary post will be the main point of contact for city businesses, community groups and residents in delivering net zero for Exeter, acting as a co-ordinator and facilitator for a wide range of carbon reducing projects. The chart in 9.5 highlights reporting lines.

9.11 The Service Lead for Net Zero & Business will focus some of their time on city wide net zero, whilst also overseeing car parking, shared prosperity, city centre and City Council net zero. The rest of the net zero are currently working at capacity, so opportunities to support are limited.

9.12 One live project that the wider Net Zero team support is the development of a new city-wide District Heat Network (DHN) led by a private company on a commercial basis. The proposal is that a DHN is installed in the city to which public and private organisations and companies could connect. Discussions are progressing with regards to the location of an energy centre and network DHN routing. There are ongoing discussions with key partners from across the city who could connect to such a system.

9.13 From discussions with City Council Service Leads, the following services align with reducing city wide carbon emissions:

- Monitoring Air Quality;
- Planning;
- Waste & Recycling;
- Private Sector Housing (grants for energy saving retrofit);
- Procurement.

Service Leads managing these services will play their role in reducing city wide carbon emissions and will form part of future discussions.

UK Shared Prosperity Fund

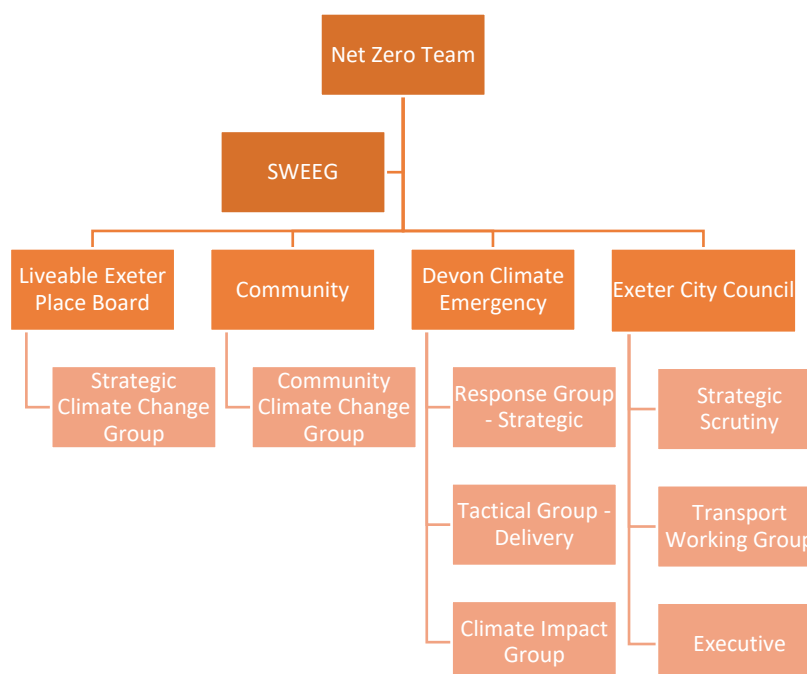
9.14 To support city wide net zero, the City Council have committed budget to a number of carbon reducing projects.

Project	Lead	Capital	Revenue	Year
EPC Advisors (either residential or commercial)	Exeter City Council – to commission	£0	£40,000	2024/25
Greening Your Business (business support)	Devon County Council	£0	£54,000 £67,182	2023/24 2024/25
Innovation Hub (high growth business support)	University of Exeter	£0	£110,000 £110,000	2023/24 2024/25
Retrofit Skills Centre	Exeter College	£140,000	£49,575	2024/25
	TOTAL	£140,000	£430,757	

9.15 Discussions have taken place with the University of Exeter, on how the new Innovation Hub, could support city wide net zero in providing advice and guidance to the business community to pivot and innovate. The University has secured additional Innovate UK funding to support city wide net zero solutions. The University are also in discussions with Barclays Eagle Lab for them to have a presence in the Innovation Hub.

Reporting Structure

9.16 The table below highlights how city wide net zero will be structured. The Net Zero team (Service Lead Net Zero & Business and Programme Manager City Wide Net Zero) will report into a number of groups and organisations, with SWEEG acting as our independent body for advice, support and technical guidance.



Liveable Exeter Place Board

9.17 A new Strategic Climate Change Group will be established, to lead on city wide net zero focusing on supporting the business community and major infrastructure projects. The group will meet every four months and report into the Liveable Exeter Place Board with minutes for the meeting being reported to Exeter City Council's Strategic Scrutiny, alongside our corporate net zero update. This group will be chaired by the PH for the Climate & Ecological Crisis, supported by Service Lead for Net Zero & Business. This group will be business focused.

9.18 An environment, climate change or low carbon representative from each organisation that sits on the Exeter Place Board, will be invited to join this new group to collaborate on reducing city wide carbon emissions. As and when required, Task & Finish or project groups will be established to lead on particular areas of activity, such as energy (DHN is a current example).

9.19 There are a number of organisations that support reducing carbon emissions that are not represented on the Liveable Exeter Place Board, they will be invited to join the Strategic Climate Change Group, so it has good coverage covering Energy, Transport and Buildings (commercial & residential).

Community

9.20 Engagement with community groups, volunteers and residents from across the city will be important for reducing city wide carbon emissions, they play an important role in reducing carbon emissions at grass roots level. Discussions are ongoing with the Portfolio Holder for Communities & Homelessness in how we can empower and bring community groups and volunteers together to continue the good work already undertaken, but to also map gaps across the city.

9.21 Representative(s) from the Community Group will sit on the Strategic Climate Change Group to ensure that work is joined up and complementary and to avoid any duplication.

9.22 Work and activity undertaken by this group will meet every four months with minutes for the meeting being reported to Exeter City Council's Strategic Scrutiny, alongside our corporate net zero update.

Devon Climate Emergency

9.23 The work of the Devon Climate Emergency is evolving, from developing the Devon Carbon Plan and the Adaptation Plan, to implementation of actions. Representatives from the City Council's Net Zero team attend meetings, with a focus on our own corporate carbon emissions updating on activity such as the roll out food waste across the city, retrofit of our social housing stock and the installation of solar across our estate. This will now include city wide carbon reducing projects.

9.24 Going forward, attendance from the City Council will continue and will include both corporate and city-wide carbon emissions.

a) Response Group: <https://devonclimateemergency.org.uk/governance/devon-climate-emergency-response-group/>

a. This group is made up of senior officers from mainly public sector organisations from across Devon and provides strategic coordination in response to the Devon Climate Emergency. The Response Group is supported by three sub-groups, as listed below. Monthly meetings are attended by the Service Lead for Net Zero & Business and the Director for Net Zero Exeter & City Management, as and when diaries allow.

b) Tactical Group - <https://devonclimateemergency.org.uk/governance/devon-climate-emergency-tactical-group/>

a. Members of the group provide advice and practical support to the Response Group in relation to carbon reduction measures for their own organisation and place based. Meetings have been held ad-hoc and will evolve now that the Devon Carbon Plan is completed to deliver actions from the Devon Carbon Plan. Monthly meetings are attended by Net Zero Project Manager, with support from the Sustainability Officer.

c) Climate Impacts Group - <https://devonclimateemergency.org.uk/governance/climate-impacts-group/>

a. The group have been reviewing current levels of community preparedness to a warmer world and are preparing a Devon, Cornwall and Isles of Scilly Adaptation Plan. Monthly meetings are attended by the Service Lead for Net Zero & Business

d) Net Zero Task Force - <https://devonclimateemergency.org.uk/governance/net-zero-task-force/>

a. Led by experts in topics relevant to carbon reduction, the Net Zero Task Force have developed the Devon Carbon Plan, which sets Devon on the path to becoming net-zero carbon by 2050. For this, they convened a Citizens Assembly to seek the views of the public, to collectively discuss and review ideas on reaching net-zero in Devon. No representation from Exeter City Council.

Exeter City Council

9.25 The Service Lead for Net Zero & Business will report into Strategic Scrutiny every 6 months, the same time as the report on City Council carbon emissions is reported – first report to be September 2024. The report will include updates on city wide carbon reduction activity, co-ordinated by the Climate Change Strategic Group, the Community Climate Change Group, Devon Climate Emergency and the Transport Working Group. If a decision is required on a project or funding package, a report will be taken to Executive for a decision.

9.26 The Transport Working Group is chaired by the PH for the Climate & Ecological Crisis, attended by members from across the City Council. New Terms of Reference are being developed to ensure we use utilise our own levers to support a positive change across the city, including planning, City Council Green Travel Plan, influencing Devon County Council as the Transport & Highway Authority, lobby public transport providers and government and to apply for relevant funding where appropriate.

9.27 Once the Programme Manager City Wide Net Zero has been recruited, there are a number of actions that need to take place, which include commissioning SWEEG to update the City Wide Green House Gas report to enable a review of the Net Zero Exeter 2030 Plan and an action plan to be developed to address areas that have high carbon emissions.

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

10.1 Introducing a Programme Manager for City Wide net zero will contribute the Council's strategic priority of a Net Zero Carbon City, in coordinating and facilitating city wide net zero.

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

11.1 Without Government and private investment, there is a significant risk that a Net Zero Exeter will not be achieved by 2030. This is compounded by the Government's national Net Zero commitment of 2050, twenty years later than the City Council target. Working in partnership towards delivery of the Net Zero Exeter 2030 plan will help to reduce this risk.

11.2 The City Council cannot achieve City Wide Net Zero alone, there will be the absolute need and requirement to engage and work collaboratively with a wide range of city partners, most notably Devon County Council. Both organisations need to have a set ambition for Exeter in reducing city wide carbon emissions.

11.3 The draft Exeter Plan is a lever the City Council has to reduce City Wide Carbon emissions; The Exeter Plan needs to be ambitious in reducing City Wide Carbon Emissions.

12. Equality Act 2010 (The Act)

12.1 The report is for information only. Once City Wide Net Zero projects and funding opportunities have been identified, an EQIA will be completed for each project and funding opportunity.

13. Carbon Footprint (Environmental) Implications:

13.1 The coordination and facilitation of city wide net zero activity, will assist in the delivery of the City Council's Strategic Priority of a 'Net Zero Carbon City' in reducing city wide carbon emissions.

13.2 Detailed information on activity and their impact on city wide carbon emissions will be available once the Net Zero Exeter 2030 Plan and the city-wide greenhouse gas report have both been reviewed and updated.

14. Are there any other options?

14.1 Alternative options of City-Wide Nero Zero include:

- Commission an alternative organisation or company to coordinate and facilitate city wide net zero; or
- Do nothing.

14.2 It is felt the City Council leading on City Wide Net Zero is more appropriate, as the voice of place-based net zero.

Director: Net Zero Exeter & City Management, David Bartram

Author: Service Lead Net Zero & Business

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

Background papers used in compiling this report: -

Executive: Net Zero Exeter update, 3 October 2023

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

EXETER CITY COUNCIL

Job Description

JOB TITLE	: Senior Officer – Programme Manager – City Wide Net Zero
GRADE	: M
POST NO	:
DIRECTORATE	: Net Zero Exeter & City Management
UNIT	: Net Zero & Business
REPORTS TO	: Service Lead - Net Zero & Business
RESPONSIBLE FOR	: N/A

LIASION WITH :SMB, Portfolio Holder For Climate & Ecological Crisis, City Council officers, Devon Climate Emergency, Liveable Exeter Place Board, Exeter Connects, neighbouring Local Authorities, relevant business networks across the city, public organisations, Central Government Departments, Industry Groups, Consultants and Contractors

PURPOSE OF JOB

To lead and manage the delivery of the Net Zero Exeter 2030 Net Zero Plan, to reduce carbon emissions across the city. Provide specialist, technical support and advice to the Liveable Exeter Place Board, Exeter Connects and Exeter City Council on changes required to achieve Net Zero by 2030.

MAIN ACTIVITIES

1. Lead on implementing and delivering the Net Zero Exeter 2030 Plan. .
2. Unite and work with the business community across Exeter through the Liveable Exeter Place Board to provide a clear and joined up vision to deliver and integrate the Exeter Net Zero 2030 Plan .
3. Work with City Development on delivering net zero through the new Exeter Local Plan, ensuring sustainability and net zero is integrated into the planning regime.
4. Lead and project manage funding bids and initiatives to deliver decarbonisation across Exeter.

5. Unite and work with Exeter Connects and community groups from across Exeter to enable a clear and joined up approach to deliver the Exeter Net Zero 2030 Plan.
6. Work with the Service Lead Net Zero to deliver Net Zero across the City.
7. Deliver a Net Zero city dashboard and monitoring system, to track progress on reducing city carbon emissions.
8. Attend Devon Climate Emergency meetings to participate in collaborative projects to reduce city carbon emissions..
9. Work with other local authorities, public organisation and agencies to share initiatives where practical, to collaborate on joint carbon reduction projects.
10. Provide regular updates SMB, Transport Working Group and Strategic Scrutiny Committee on the delivery and progress of the Exeter Net Zero 2030 Plan, forecasting carbon emission reductions against agreed targets.
11. Provide expert input into wider City Council policy direction, operational changes and how they may impact upon city wide net zero and how they present risks and opportunities for the City Council.
12. Lead on clean growth for Exeter, working in partnership with the University of Exeter, Exeter College and other major organisations located in the city.
13. Develop relationships with the commercial partners and the financial sector to attract investment into carbon reducing projects for Exeter.
14. To carry out any other duties as required by the City Council from time to time which are commensurate with the character and status of the post.

DATE LAST UPDATED: 5 December 2023

Person Specification

JOB TITLE : Senior Officer - Programme Manager – City Wide Net Zero

GRADE : M

POST NO :

SERVICE : Net Zero Exeter & City Management

UNIT : Net Zero & Business

Qualifications & Knowledge

Criteria	Essential/ Desirable (E/D)	Method of Assessment
Hold a degree in climate or environmental science or other relevant discipline; or 5 years' experience	E	A, C
Knowledge and experience in writing, implementing and embedding policies and strategies linked to carbon reduction for the medium to long term	E	A, I
Knowledge of national legislation and policy in delivering net zero and low carbon technologies	E	A, I
Knowledge of regional and national funding / grants and an understanding of the structure and how to access Government grants / funding	E	A, I
Knowledge of central government and local authority planning policies and procedures	E	A, I
Knowledge and experience of delivering change management	D	A, I
Member of relevant Professional Organisation	D	A, C

Special Requirements & Skills

Criteria	Essential/ Desirable (E/D)	Method of Assessment
Experience of working with, managing, and getting the best out of multiple partners and project participants	E	A, I
Previous experience of delivering low carbon projects within the public sector	E	A, I
Significant experience of change management and using project management principles to deliver high level programmes of work within clearly defined timeframes/deadlines	D	A
Experience of managing teams and competing priorities	E	A

Criteria	Essential/ Desirable (E/D)	Method of Assessment
Excellent negotiating skills, conflict management and interpersonal skills	E	A
Excellent analytical skills, with the ability to interpret and impart complex information to solve the City Council's net zero challenges	E	A, I
Experience of working with members at a senior level to deliver and improve services	D	A, I
Experience in writing detailed management reports	E	A, I
Excellent oral and written communication skills, with the ability to communicate effectively and persuasively with a wide range of people on complex and sensitive information	E	A, I
Good level of IT literacy including: <ul style="list-style-type: none"> o database management and data interpretation o MS Office packages 	E	A, I
Proven track record of delivering strategies, without the need for daily access to management	E	A, I
Experience of applying for and managing grant funding bids and tender preparation, including procurement processes with associated legal conditions and auditing procedures	E	A, I
Previous experience of delivering and managing multiple projects of high value and associated financial management and capital budget monitoring	E	A, I

Other

Criteria	Essential/ Desirable (E/D)	Method of Assessment
Politically aware and able to converse with elected members	D	A, I
Creative and innovation skills to bring about change	E	A, I
Ability to maintain complex relationships under pressure	E	A, I
Ability to switch between tasks with accuracy and attention to detail to deliver against competing priorities	E	A, I
Flexible and 'can do' attitude and approach to work	E	A, I
Self-motivated and excellent time management skills	E	A
Team working and motivational skills	E	A, I
Ability to prioritise projects in a busy and a changing environment with conflicting demands from numerous service areas	E	A, I
Ability to work from home or remotely	D	A

CATEGORY: A: Application, **C:** Certificates, **T:** Testing, **I:** Interview, **R:** References.

COMPLETED BY : Victoria Hatfield
DATE : 5 December 2023

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director Finance

Title: 2024/25 Budget Strategy and Medium Term Financial Plan

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To provide a strategic overview of the budgetary position for the 2024/25 financial year and beyond including an indication of the likely level of available resources and the known demand for resources and the proposals to ensure that a balanced budget is achieved.

2. Recommendations:

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

3. Reasons for the recommendation:

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

4. What are the resource implications including non financial resources

4.1 The Council has a medium-term financial plan that contains proposals to ensure it can set a balanced budget next year. In line with the planned use of reserves, proposals for reductions / additional income total £1.253 million in order to balance the budget.

4.2 Across the four years of the medium-term financial plan, further proposals have been identified totalling £1.472 million, which will still leave a further £4.150 million to be identified over the following three years. Owing to the uncertainty over funding in the next few years, the timing of the reductions may change.

5. Section 151 Officer comments:

5.1 Whilst the settlement has still to be announced at the time of writing this report, the published Local Government Finance Policy has indicated a similar increase to last year's settlement.

5.2 The challenges faced by the Council remain significant over the medium term. To ensure that the Council is on a firm financial footing in the future a mix of additional income, cost reductions and prioritisation is required. In addition to the reductions required, there is a need to ensure sufficient funding is available to maintain our extensive property portfolio.

5.3 The Government have re-affirmed that the reform of Local Government Finance will not occur during this Parliament but remain committed to it. The timing is uncertain, and the impact has been removed from the MTFP.

5.4 The medium term financial plan and the reductions profile is based on bringing our reserves down to the minimum recommended level. Therefore, financial discipline is vital to maintain our financial position and ensure that Council is not required to make in year reductions. Council will need to be ready to act quickly to ensure that minimum levels of reserves are maintained in the case of any unexpected pressures.

6. What are the legal aspects?

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

- (a) it must calculate its budget requirement in accordance with Section 31A of the Act;
- (b) it must calculate the City Council element of the Council Tax - first for Band D and then for all bands - in accordance with Sections 31B and 34 to 36 of the Act;
- (c) it must set the overall Council Tax for each band in accordance with Section 30.

7. Monitoring Officer's comments:

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

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

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

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

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

When deciding, councillors are reminded of their obligation to act reasonably and in accordance with the principles set down in the *Wednesbury case (Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1948])*. This means that councillors are required to consider and take into account all relevant considerations and ignore any

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

The meaning of fiduciary duty is more difficult to define but can be summarised as a duty to conduct administration in a business-like manner with reasonable care, skill and caution and with due regard to the council's rate payers. When discharging their fiduciary duty, 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 taxpayers on the one hand and the community interest and adequate and efficient services on the other hand; and
- d) Acting in good faith with a view to complying with statutory duties and exercising its statutory powers for the benefit of the community.

Restriction on voting

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

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

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

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

8. Report details:

8.1 Local Government Provisional Finance Settlement 2024-25

8.1.1 1 year Settlement

In terms of the settlement, whilst the figures announced were for one year only. The underlying principle is that each Council will receive at least the minimum increase and again Exeter has received a Funding Guarantee Grant totalling £1.173 million to ensure we reach the minimum increase allowed. In addition, the Services Grant has also been included and Exeter has been awarded £0.026 million.

8.1.2 New Homes Bonus

The payment provided this year is for one year only and gives an award of approximately £0.485 million for 2024/25.

8.2 Business Rates

8.2.1 The Government have confirmed that the implementation of the Business Rates retention reform and the review of the formula that underpins it will not take place in this Parliament, and it has therefore been removed from the medium term financial plan. This is positive news for Exeter as we benefit from being significantly above our baseline needs. The review is now not expected to be implemented until 2026/27 at the earliest, although given the complexity involved there is a strong chance that this will be moved further back.

8.3 Council Tax

8.3.1 The referendum threshold has remained this year at the higher of a less than 3% or £5 increase for District Councils. This is in line with the medium term financial plan. As a result, Exeter's budget strategy for next year assumes that council tax will increase by 2.99%, which, along with the estimated surplus on the collection fund of £127,014 and increase in the taxbase will raise an extra £384,393.

8.4 Other Budgetary Assumptions

8.4.1 An overall allowance of £0.735m has been set aside for inflation. The inflationary increases allowed in the budget are:

Pay Award	4.0%
Pay – Increments	0.5%
Electricity	0.0%
Gas	(50.0%)
Oil	2.5%
Water	0.0%
Insurance	10.0% - 20.0%
Rates	2.5%
Motor Fuel	3.0%
General Inflation	0.0%
Income (excluding Car Parks)	5.0%

8.4.2 General inflation has again been held at zero; however, where there are contracts in place, inflation at around RPI has been added. Pay has been increased to 4% although there is a risk that this again may be lower than the actual amount agreed.

8.4.3 Interest is based on the existing loans that have been taken out and the amounts available for investment. Future borrowing requirements are based on rates of around 3.5% and the Council will seek to internally finance borrowing until rates stabilise from the present highs of around 5.4%.

8.5 Likely Revenue Resources 2022/23 to 2026/27

8.5.1 The main resources are set out below. The reduction in 2025/26 is uncertain and reflects the fact that the Business Rates Pool is not confirmed after this year. This would add around a further £500,000 in income.

	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000
RSG*	1,572	1,799	1,761	1,796	1,832
Council Tax	6,785	7,170	7,326	7,620	7,926
Business Rates	8,480	8,791	7,909	7,951	8,046
Resources	16,837	17,760	16,996	17,368	17,804
Increase/(decrease)		923	(764)	372	436
Annual % change		5.4%	(4.3%)	2.2%	2.5%

* Including other Government grant where applicable

8.6 Additional Spending Pressures

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

	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000
Additional Pressures	561	1,808	171	210	85

8.7 Revenue Savings and Other Budgetary Reductions

8.7.1 The updated Medium Term Financial Plan (MTFP) is set out in Appendix 2. The MTFP has a funding gap of £6.9 million of which proposals of £2.7 million have been identified. This leaves a further £4.25 million to be identified if Members agree the proposals in place. The proposals identified for 2024-25 will ensure a balanced budget can be presented.

The reductions / additional income proposals identified are set out below: -

	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000
Savings proposals identified	(5,508)*	(1,253)	(1,085)	(387)	0
Further savings required			(2,800)	(1,000)	(450)

8.8 General Fund Capital Programme

8.8.1 Attached at Appendix 3 is the proposed general fund capital programme for the next three years. As Members are aware, the higher interest rates mean that any further borrowing would require additional reductions, which on top of those set out above, risks the Council having insufficient funds to run its Services. The additional requests for IT investment have therefore been included as they are essential, but as with the recent MRF report, the report will seek delegated authority to only proceed when sufficient capital resources are available to cover the costs.

8.9 Risk Assessment

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

- The level of Central Government support over the medium term. There will be a General Election, most likely before the next Financial Settlement;
- The Governments review of the future funding formula for Local Government, including a business rates rest, coupled with the potential loss of New Homes Bonus, would leave a significant gap in funding over the Medium Term Financial Plan. There is a risk that this would add up to a further £3 million gap in funding; and
- The Council is reliant on a strong economy for much of its funding. Business Rates Growth, Car Park income and Commercial Property income provide support, not just for our discretionary services, but increasingly support our statutory services and corporate costs. Changes in work patterns are already impacting car park income and contributing to the financial challenges.

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

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

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

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

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

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

11. Equality Act 2010 (The Act)

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 sets out the MTFP for the whole Council.

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 Not applicable.

Director Finance, Dave Hodgson

Author: Director Finance, Dave Hodgson

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

Background papers used in compiling this report:-

None

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

This page is intentionally left blank

	2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's
<u>Unavoidable or Already Committed from Previous Years</u>				
Fleet maintenance	60			
Living Wage	25	25	25	25
Housing Benefit Admin grant reduction	60	60	60	60
Pension Revaluation	36	36		
External valuations			(90)	
Business Rates revaluation	45	50	215	
	226	171	210	85
<u>New Revenue Bids - Recurring</u>				
Rectify Trade Waste income	400			
Rectify Car Park Income	700			
Reduction in HB overpayments	200			
Sundry Debt team	80			
Loss of ECL income	112			
Internal Audit	8			
Strata	200			
	1,700	0	0	0
<u>New Revenue Bids - Non Recurring</u>				
Local Plan	(85)			
ECTA Grant	(15)			
Anti social behaviour Officer (2 years)	(10)			
	(110)	0	0	0
TOTAL	1,816	171	210	85

This page is intentionally left blank

MEDIUM TERM REVENUE PLAN (2021/22 - 2026/27)

APPENDIX 2

	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	
Resources						
Revenue Support Grant	1,572	1,799	1,761	1,796	1,832	
Business Rates Income (assumed by Government)	8,480	8,791	7,909	7,951	8,046	
CIL income	850	793	793	793	793	
New Homes Bonus	672	486	87	87	87	
Council Tax	6,785	7,170	7,326	7,620	7,926	
Likely resources	18,359	19,039	17,876	18,248	18,684	
Expenditure						
Service expenditure						
Committee expenditure	21,130	17,816	17,529	14,706	14,143	
Net Interest	749	1,406	1,503	1,583	1,613	
Repayment of debt	2,466	2,531	2,631	2,735	2,554	
Additional repayment of debt	(800)	(700)	0	0	0	
	23,545	21,053	21,663	19,024	18,310	
Other funding						
Contribution to/ (from) earmarked reserves	(4,184)	601	604	617	796	
Contribution to/ (from) balances - Other	(1,002)	(1,362)	(506)	(6)	28	
	(5,186)	(761)	98	611	824	
Further reductions required		0	(2,800)	(1,000)	(450)	(4,250)
Potential reductions identified		(1,253)	(1,085)	(387)	0	(2,725)
Total Net Budget	18,359	19,039	17,876	18,248	18,684	
						(6,975)
Opening General Fund Balance	6,151	5,149	3,787	3,281	3,275	
Closing General Fund Balance	5,149	3,787	3,281	3,275	3,303	
Balance as a percentage of budget	28.0%	19.9%	18.4%	17.9%	17.7%	

This page is intentionally left blank

GENERAL FUND - CAPITAL PROGRAMME 2024/25 AND FUTURE YEARS							
SCHEMES	NEW BID	2024/25	2025/26	2026/27	Future Years	Financed by	What the scheme is trying to achieve
		£	£	£	£		
Chief Executive & Growth Director							
Annual Contribution to Strata		53,910	53,910	53,910	53,910	All Capital Receipts	
Financial Management		258,920					
ECC Civic Centre HFX Door Access Replacement		100,000					
Contact Centre Telephony		17,970					
Core telephony		17,970					
EUC model staff		14,370					
EUC model equipment (replacement laptops)		242,310					
Booking		17,970					
Sharepoint resource		21,560					
Chatbot		17,970					
PSTN		10,780					
Print & post review		7,190					
IT Replacement Programme		50,000	50,000	50,000	50,000		
TOTAL		830,920	103,910	103,910	103,910		
Net Zero Exeter and City Management							
Parks Infrastructure		105,210				Borrowing	To ensure public safety in parks and open spaces. Works include resurfacing parking areas and repairs to steps, railings and gates.
Cemeteries & Churchyards infrastructure improvements		134,790				Borrowing	
Parks Anti-Intrusion Measures		4,900				Borrowing	
Ash Die Back Tree Replacement		201,700				Borrowing	Tree Removal & Replacement
Northbrook Wild Arboretum		78,350				CIL	
Play Areas		225,000	200,000			CIL / S106	Supply & Installation of new play equipment at multiple play areas across the city to replace old, end of life equipment. Cost includes 2 potential full redesigns where all equipment is old and the site could provide better play value and more accessible play in areas of multiple indices of deprivation (Lakeside Avenue & Chestnut Avenue)
Outdoor Leisure Facilities - Newcourt		121,270				CIL / S106	To provide facilities at Newcourt
Heavitree Paddling Pools		410,000				Borrowing £350k CIL £60k	

SCHEMES	NEW BID	2024/25	2025/26	2026/27	Future Years	Financed by	What the scheme is trying to achieve
		£	£	£	£		

APPENDIX 3

GENERAL FUND - CAPITAL PROGRAMME 2024/25 AND FUTURE YEARS							
SCHEMES	NEW BID	2024/25	2025/26	2026/27	Future Years	Financed by	What the scheme is trying to achieve
		£	£	£	£		
Pinhoe Playing Field Upgrades		14,550				CIL / S106	
Bowling Green Marshes Coastal Defence Scheme		420,000				Grant	To repair the coastal defences to retain the level of protection to the freshwater marshes. The scheme is entirely funded by the Environment Agency.
Cricklepit Bridge		113,750				Grant	Full Repair (specification dependent upon PI Report findings) & redecoration. Last full paint coat was 15 years ago and is due for renewal
Trews Weir refurb		500,000	2,975,000			Grant £925k / borrowing £2,550k	Stabilise and refurbish damaged weir
District Street Lighting		746,140				Borrowing £277k / RCCO £469k	Complete stock replacement of aging lighting columns to drop-down type and to LED lamps over 5 year programme.
Piazza Terracina		157,500				Borrowing	Repaving and landscaping Terracina, with new service points to improve suitability for events. Could include spaces for street food and pop-up stalls similar to Guildhall. Potential income from stalls and events which would help to offset some of the costs
Exeter Quay Cellars cliff face		385,000				Borrowing	Undertake full geotechnical investigations to determine the continuity of materials along cliff & determine the seasonal variation of the water table, plus monitoring further movement. Likely that each archway may need to be provided with rock anchors and water proof lining.
ECC Bridge repair programme		600,000				Borrowing	Due to number of required repairs identified in Principal Inspections, create new project for all bridge repairs
Farm Hill Retaining Walls (23 no.)		796,040				Borrowing	Stabilising works and other remedial actions (specification dependent upon PI Report findings)
Riverside Walls at Quay			50,000			Borrowing	Underpinning or sheet piling existing Quay walls. Potential opportunity to deliver alongside Trews Weir
Bonhay Rd/Andlaw House Footpath		130,000				Borrowing	Remedial works to replace existing gabion baskets or shore up existing gabion baskets - plus resurfacing of path with tarmac
St James' Weir & Ducks Marsh Meadow banks		75,000				Borrowing	Following the collapse of St James Weir, works are required to protect Council owned public open space from erosion and further loss. This cost is a likely maximum as other contributions will be sought.
Landfill Gas Extraction Systems @ Clifton Hill & Mincinglake Valley Park (Public Realm & Environmental Health)		230,000				Borrowing	Significant upgrade or replacement of all three extraction systems.
Mincinglake Valley Park Reed Beds & Pipe Inlet		150,000				Borrowing	Re-lining of the lagoon to minimise leaks, coupled with design and construction of new debris screens to minimise blockage risks.
Bromhams Farm Playing Fields		223,530				Grant	
Countess Wear retaining wall rebuild		100,000				Borrowing	
Canal basin bridge refurbishment		50,000				Borrowing	
Enhance the MRF						Borrowing	

SCHEMES	NEW BID	2024/25	2025/26	2026/27	Future Years	Financed by	What the scheme is trying to achieve
		£	£	£	£		

APPENDIX 3

GENERAL FUND - CAPITAL PROGRAMME 2024/25 AND FUTURE YEARS

SCHEMES	NEW BID	2024/25	2025/26	2026/27	Future Years	Financed by	What the scheme is trying to achieve
		£	£	£	£		

Fleet Replacement Programme						Capital Receipts	To be determined
Disabled Facility Grants		800,000	800,000	800,000	800,000	Grant	To meet the legal duty to pay grants to enable disabled people to remain in their homes.
Riverside & RAMM Decarbonisation Projects		6,041,820				Grant £5,142k / borrowing £900k	
Shared Prosperity Fund		178,550				Grant	
Capitalised Staff Costs - Engineering / Property		150,000	150,000	150,000	150,000	Borrowing	To provide for the cost of certain Council employees, which will be directly involved in the construction or acquisition of assets and qualify as capital expenditure, including engineers and surveyors.
TOTAL		13,143,100	4,175,000	950,000	950,000		

Communications, Culture and Leisure Facilities

Leisure Equipment replacement Programme		100,000	100,000	100,000	100,000	Capital Receipts	To ensure there is a pot available to replace equipment that is damaged or at the end of its useful life
TOTAL		100,000	100,000	100,000	100,000		

Finance

Guildhall MSCP			883,400			Borrowing	Condition survey highest priorities
John Lewis MSCP		424,400				Borrowing	
Princesshay 2 MSCP		424,400				Borrowing	
Backlog Maintenance		64,790				Borrowing	
Commercial Properties - capital improvements to enable ongoing income (compliance with EPC legislation)		40,000	50,000			Borrowing	
TOTAL		953,590	933,400	0	0		

GENERAL FUND SERVICES TOTAL		15,027,610	5,312,310	1,153,910	1,153,910		
------------------------------------	--	-------------------	------------------	------------------	------------------	--	--

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

Report of: Director Finance

Title: Council Taxbase and NNDR 1 2024/25

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 To set the 2024/25 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012.

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

2. Recommendations:

2.1 In accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2024/25 shall be 39,045.

2.2 That the Collection Fund Surplus of £1,572,067 and the increase in the Collection Rate to 97.5% be approved.

2.3 That the section 151 Officer is delegated responsibility to approve the Council's NNDR1 return by 31 January 2024.

3. Reasons for the recommendation:

3.1 To ensure that the Council meets its statutory deadline for notifying Precepting Authorities and the Government by 31 January 2024.

4. What are the resource implications including non financial resources

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

5. Section 151 Officer comments:

5.1 Approval of the report is a statutory requirement in respect of the Taxbase. There is an increase of 798 Band D equivalent properties compared to the 2023/24 Taxbase. The increase of 1.56% is above the anticipated forecast.

6. What are the legal aspects?

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

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

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

7. Monitoring Officer's comments:

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

7.2 In these circumstances, any such members shall at the meeting and as soon practicable after its commencement disclose the fact that Section 106 applies to them and shall not vote on any question concerning the matter. It should be noted that such members are not debarred from speaking on these matters.

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

8. Report details:

8.1 BACKGROUND

8.1.1 In accordance with the requirements of the Local Government Finance Act, 1992, Exeter City Council as a billing authority will be issuing Council Tax bills to occupiers of property in March 2024, effective from 1 April.

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

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

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

8.1.4 The calculation of the Taxbase includes the impact of the Council Tax Support Scheme, which significantly reduces the Council's income from Council Tax.

8.2 COUNCIL TAX BASE FOR 2024/25

8.2.1 The Council Tax Base for Exeter is set out in table 8.1 and in Appendix A. It is estimated that the equivalent number of Band D properties (Gross taxbase) for 2024/25 (including the reduction in dwellings owing to the Council Tax Support Scheme) will be 40,046 an increase of 616 over 2023/24.

8.2.2 As the number of properties subject to Local Council Tax Support Scheme has reduced and the Council is consistently seeing a surplus on its Collection Fund, it is proposed to increase the Collection Rate to 97.5% up 0.5% from the previous year. This will release funds more quickly to the Council and the precepting authorities.

8.2.3 This estimated collection rate of 97.5% for the year is applied to the Gross Taxbase, which results in a net Council Tax base of 39,045, an increase of 798 over the 2023/24 figure of 38,247.

Table 8.1 – Taxbase 2024/25

Taxbase	2024/25 Gross Taxbase	2024/25 Net Taxbase (97%)
Taxbase to be used in calculating the council tax for 2021/22	40,046	39,045

8.2.4 The Collection Fund Surplus to be declared is £1,572,067 and will be split as follows:

	2023-24 TAX	2024-25 SHARE
EXETER CITY COUNCIL	£175.13	£127,013.68
DEVON FIRE & RESCUE SERVICE	£96.79	£70,197.31
DEVON COUNTY COUNCIL	£1,634.13	£1,185,158.84
DEVON AND CORNWALL POLICE	£261.56	£189,697.36
	£2,167.61	£1,572,067

8.3 BUSINESS RATES RETENTION

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

8.3.2 MHCLG have stated that, in their view, the decision to approve the NNDR1 can be delegated to the section 151 Officer and this report seeks approval for such delegation as

the figures have not yet been calculated (The Council requires an annual software update in order to calculate the NNDR1 form).

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

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

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

10.1 Not applicable.

11. Equality Act 2010 (The Act)

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

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

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

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

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because the report determines the taxbase for the whole City.

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

Not applicable.

Director Finance, Dave Hodgson

Author: Director Finance, Dave Hodgson

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

Background papers used in compiling this report:-

None

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

This page is intentionally left blank

EXETER CITY COUNCIL
2024/25 TAX BASE

	BAND	TOTAL	A relief	A	B	C	D	E	F	G	H
LINE 1	No. OF CHARGEABLE DWELLINGS	53,089	22	9,636	14,436	13,267	8,518	4,152	2,060	965	33
LINE 2	No. OF DISCOUNTS	-9,595	-11	-3,502	-3,030	-1,786	-797	-293	-124	-49	-3
LINE 3	No OF ADDITIONS (TECHNICAL CHANGES)	62	0	22	17	14	5	0	1	2	1
LINE 4	WHOLE No. EQUIVALENT CHARGEABLE DWELLINGS	43,556	11	6,156	11,423	11,495	7,726	3,859	1,937	918	31
LINE 5	FRACTION TO APPLY TO ARRIVE AT BAND D EQUIVALENTS		5/9 ths	6/9 ths	7/9 ths	8/9 ths	1	11/9 ths	13/9 ths	15/9 ths	18/9 ths
LINE 6	BAND D EQUIVALENTS (PER CTB1)	40,046	6	4,104	8,885	10,218	7,726	4,717	2,798	1,530	62
	TOTAL BAND D EQUIVALENTS	40,046									
LINE 7	COLLECTION RATE	97.50%									
LINE 8	EXETER CITY COUNCIL TAX BASE	39,045									

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

Report of: Director Finance

Title: Housing Rents and Service Charges 2024-25

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

This report sets out the proposed changes to council dwelling rents, garage rents and service charges with effect from 1 April 2024.

2. Recommendations:

That Executive approves that:

- (1) Rents of Council dwellings are increased by 7.7% from 1 April 2024;
- (2) Garage rents are increased by 7.7% from 1 April 2024; and
- (3) Service Charges are increased by 7.7% from 1 April 2024

3. Reasons for the recommendation:

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

The policy on rents for social housing came into effect from 1 April 2020. The CPI figure for September 2023 was 6.7%, so under this policy the Council is permitted to apply a rent increase of 7.7% for 2024/25.

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

There is an appreciation of the costs of living crisis on tenants of ECC. However, in addition to this we need to consider:

- Tenants benefited from 1% rent cuts per year between 2016/17 and 2019/20, which resulted in the HRA losing £7.9m over the 4 year period, so our base-line rents are already lower than previously anticipated over a 30 year business plan.
- A lower than permitted increase would place a financial constraint on the HRA and result in a lower base-line position for future year rents.
- For the 2023/24 rent increase the government capped rent increases at 7% where the actual CPI + 1% would have resulted in an increase of 11.1%. This resulted in a

reduction in rental income of approximately £2.5m over 3 years whilst the costs of materials and labour continued to increase at inflationary levels.

- Tenants on low income will have their rents met by Housing Benefit (HB full or partial) or Universal Credit (UC), so it will save the Government money as opposed to the tenant (23% full HB, 12% partial HB and 20% in receipt of UC).
- Costs of services and labour are increasing above inflation and a reduced rent increase would lead to a reduction of service delivery.

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

The proposed changes in housing rents, garage rents and service charges are reflected in the proposed 2024/25 estimates for the Housing Revenue Account (HRA).

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

5. Section 151 Officer comments:

The report contains details of the Government rent policy. Whilst the increase is significant and well above the amount in the medium term financial plan, it remains lower than the level of cost pressures faced by the HRA. This will offer an uplift in the resources available to the HRA to offset some of those pressures and it is a legal requirement to have regard to Government policy. Council will note the changes in other charges, which have been set following the same principle. Council should also note that rent arrears are continuing to rise for the reasons set out in the report.

Members are reminded that the funds generated from rents are only used to support the tenants of those properties and to maintain and enhance their homes. Any reduction in the amount proposed would therefore have a negative impact on the amount available to maintain those homes.

6. What are the legal aspects?

The government has issued a policy statement on rents for social housing which was effective from 1 April 2020 and has since been updated. The policy requires the Regulator of Social Housing to have regard to the policy statement when setting its rent standard for registered providers of social housing. The term 'registered providers' includes both private registered providers of social housing (including housing associations) and local authorities. Subject to a number of limited exemptions, the government policy applies to 'low cost rental' accommodation. This is defined in section 69 Housing and Regeneration Act 2008.

Accommodation is low cost rental accommodation if:-

- a) it is made available for rent;
- b) the rent is below the market rate, and
- c) the accommodation is made available in accordance with rules designed to ensure that it is made available to people whose needs are not adequately served by the commercial housing market.

The policy sets a formula for the calculation of rents for properties let at a 'social rent' with the aim of ensuring that similar rents are charged for similar social rent properties. The policy also limits the maximum annual charges in social rent and affordable rent levels. From April 2016, the Welfare Reform and Work Act 2016 required social landlords to reduce their rents by 1% each year for four years (this was known as the 'social rent reduction')

The changes introduced by the policy from April 2020 onwards reflect the government's intention to set what it describes as a 'long term rent deal for both local authority landlords and housing associations. The policy permits annual rent increases on both social rent and affordable rent properties as set out in this report.

7. Monitoring Officer's comments:

The monitoring officer supports the recommendations and has nothing further to add to the legal aspects set out in paragraph 6 above.

8. Report details:

8.1 Rent Setting Background

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

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

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

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

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

8.2 Social Rent Increases for 2024/25

In accordance with the social rent policy which came into effect from 1 April 2020, rents will be increased by CPI + 1% (CPI is the official method of calculating inflation in the UK). For 2024/25 this will result in an average increase of £6.65 per week, over 52 weeks, per property.

Rents are collected over 48 weeks, resulting in an average increase of £7.20 per collection week for 2024/25.

On a typical 2 bedroom flat the weekly rent for 2024/25 will be £92.98 (over 52 weeks). For comparative purposes, the average weekly rents for a 2 bedroom property in Exeter during 2023/24 are:

- £99.30 per week with a housing association; and
- £182.19 per week rented in the private sector.

8.3 Rent arrears impact

From 3rd April to 30th October 2023 the rent arrears have increased from 2.32% (£548,055) to 3.04% (£719,545). We should see an expected reduction in the overall arrears figure over the Christmas rent free period, and likewise at the end of the current financial year. We will work with tenants giving them the opportunity to ensure their rent accounts do not fall into arrears, offering support and advice.

Factors that will have an impact on rent collection for next financial year are likely to include;

- Universal Credit

Starting January 2024, and over a 12-month period, customers who are in receipt of Tax Credits will start to be migrated to UC. This means we will cease to receive direct HB payments for those who are still in receipt of it while on Tax Credits. It should be remembered that HB payments are a reliable source of income so long as the customer remains entitled. UC payments are made directly to the customer and in some instances with the current pressures on household incomes the rent element is not always used to pay rent. It is possible under certain criteria to apply for direct payments from the Department of Works and Pensions (DWP). Previous evidence suggests that a significant number of those migrating will fall behind with their rent. The Housing Rent Team will work with tenants at an early stage to ensure they understand the importance of paying rent and financial planning. Claiming UC is time sensitive and failure to do so at the correct time will leave the tenant without an income as claims will not be backdated.

- Cost of Living / Energy

The increases in the cost of living and energy bills may have a direct effect on a tenant's ability to pay rent. We will work with tenants to see if we can support them with projects such as the retrofit programme which reduces energy bills.

- Collection Officers

The rents team has moved back to Tenancy Services, a move that will provide efficiencies as the team integrate with the lettings and housing officers. However, there will be a period of transition during which processes and policies will be reviewed.

In light of the pressure on arrears, the proposed budget for rental income in 2024/25 has estimated similar levels of arrears in 2023/24 and assumes no improvement from the current year position.

New guidance was issued by DLUHC in November 2020 that set out arrangements for local authorities to apply to the Secretary of State for agreement to depart from the Government Rent Policy, if it would cause the authority 'unavoidable and serious financial difficulty'.

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

- the local authority's Housing Revenue Account (HRA) is at risk of a deficit in either the current or subsequent financial year;

- complying with the requirements set out in the Rent Standard would jeopardise the local authority's ability to meet legal requirements/ obligations, including ensuring the health and safety of its residents; and
- all possible steps have been taken to avoid the need for an application to the Secretary of State, including reviewing services and commitments and taking action to minimise costs and curtailing non-essential commitments.

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

8.4 Affordable Rents for Newly Built Council Housing

Affordable rent allows local authorities to set rents at levels that are typically higher than social rents, at up to 80% of local market rent inclusive of service charges. The intention behind this is to maximise returns and generate capacity for further investment in new affordable housing, allowing more people in housing need to have access to a good quality home at sub-market rent. Affordable rent is charged on new properties built to Passivhaus standard, with the expectation that tenants would benefit from lower fuel bills.

For Exeter, this includes properties the Council has built at Knights Place, Rowan House, Silverberry Close, Barberry Close, Reed Walk and Chester Long Court, Antony Road, Bovemoors and Thornpark Rise. Affordable rents may also be increased by 7.7% in line with social rent rises.

8.5 Garage Rent Increase

Rentals of non-dwellings, such as garages, are outside the scope of the Government's social rent policy. However annual increases to garage rents are generally kept in-line with rises in social rents.

Under self-financing local authorities are encouraged to review the rents of non-dwellings in order to ensure associated costs are fully recovered. Allowing for inflationary rises for employee costs and for general repair costs, a rise in line with rent charges is considered appropriate.

A 7.7% increase in garage rents and parking spaces is therefore proposed, in line with the permitted rises in social and affordable rents at CPI + 1%.

8.6 Service Charge Increase

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

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

It is proposed that service charges are increased by 7.7%, in line with rent rises.

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

The Housing Revenue Account contributes to the strategic priorities of 'Housing and building great neighbourhoods and communities' and 'Leading a well-run council', as set out in the Corporate Plan 2022-2026.

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

The main risk to council dwelling rents relates to the cost-of-living crisis and its impact on tenants' ability to pay.

The level of rent arrears is kept under review by the Housing Rents Team.

A provision has been made in 2024/25 for a similar arrears level to 2023/24. This assumes no recovery from current level of arrears during the next financial year.

11. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

From 1 April 2020, social landlords may not increase rents by more than CPI + 1% in any year. This limit is a ceiling and landlords are able to apply a lower increase. However, any

rent increases at less than 7.7% would have a significant impact on the HRA's financial position and resources available to invest in its stock.

Director Finance, David Hodgson

Author: Claire Hodgson, Finance Manager – Corporate

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

Background papers used in compiling this report:-

None

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

This page is intentionally left blank

Equality Impact Assessment: *Housing Rents and Service Charges 2024-25*

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 10 th January 2023	Housing Rents and Service Charges 2024-25	That Executive recommend that Council approves:	See below

		<ul style="list-style-type: none"> • Rents of Council dwellings are increased by 7.7% from 1 April 2024 • Garage rents are increased by 7.7% from 1 April 2024 • Service Charges are increased by 7.7%, from 1 April 2024 	
--	--	--	--

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	Reason
--	-----------------------------	-----------------	--------

		Low Impact	
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral		<p>Increasing rent and service charges by the amounts specified will have a neutral effect on protected groups.</p> <p>In October 2017, the Government announced its intention to set a long term rent policy in respect of annual rent increases on both social rent and affordable rent properties of up to CPI plus 1% from 2020, for a period of 5 years. The policy on rents for social housing came into effect from 1 April 2020.</p> <p>The CPI figure for September 2023 was 6.7%, so under this policy the Council is permitted to apply a rent increase of 7.7% for 2024/25.</p> <p>Rents of garages and service charges fall outside the scope of the Government's rent policy. Authorities are expected to set reasonable and transparent charges which reflect the service being provided to tenants.</p> <p>There is an appreciation of the costs of living crisis on tenants of ECC. However, in addition to this we need to consider that tenants benefited from 1% rent cuts per year between 2016/17 and 2019/20, which resulted in the HRA losing £7.9m over the 4 year period, so our base-line rents are already lower than previously anticipated over a 30 year business plan.</p> <p>A lower than permitted increase would place a financial constraint on the HRA and result in a lower base-line position for future year rents.</p> <p>In 2023/24 rent increase the government capped rent increases at 7% where the actual CPI + 1% would have resulted in an increase of 11.1%. This resulted in reduction in rental income of approximately £2.5m over 3 years whilst the costs of materials and labour continued to increase at inflationary levels.</p>

			<p>Tenants on low income will have their rents met by Housing Benefit (HB full or partial) or Universal Credit (UC), so it will save the Government money as opposed to the tenant (23% full HB, 12% partial HB and 20% in receipt of UC).</p> <p>Officers continue to work to assist households in financial difficulty where possible, including the administering of Government funds to support those households in need.</p>
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Neutral		See box 1 above
Sex/Gender	Neutral		See box 1 above
Gender reassignment	Neutral		See box 1 above
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		See box 1 above
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		See box 1 above
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Neutral		See box 1 above

Pregnancy and maternity including new and breast feeding mothers	Neutral		See box 1 above
Marriage and civil partnership status	Neutral		See box1 above
<u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u>			

Officer: Sarah Hemming
Date: 5th December 2023

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director Finance

Title: Approval of Devon Districts Procurement Strategy (DDPS)

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report seeks approval for the Council to adopt the proposed Procurement Strategy.

2. Recommendations:

2.1 It is recommended that the Executive Committee recommends that Council approves the themes and outcomes set out in the Devon Districts Procurement Strategy 2023-2027.

3. Reasons for the recommendation:

3.1 The strategy will continue to underpin the corporate approach to Procurement which has been embedded over the last five years.

3.2 It will also strengthen collaboration opportunities available to the Council through this joint approach to procurement at a strategic level.

4. What are the resource implications including non financial resources

4.1 The strategy largely sets out work that is already being undertaken as part of routine operational arrangements. There are no specific resource implications.

5. Section 151 Officer comments:

5.1 Adopting a consistent strategy across most of the Devon Districts will support closer working and enhance the opportunities for collaborative procurement.

6. What are the legal aspects?

6.1 All procurement activity must be compliant with the Public Contracts Regulations 2015 and the Council's own Procurement and Contract Procedures.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer has nothing further to add beyond the legal aspects set out in paragraph 6 above.

8. Report details:

8.1 The Devon District Procurement Authorities (DDPA) of Exeter City Council, North Devon District Council, South Hams District Council, Teignbridge District Council, Torrington District Council and West Devon Borough Council have worked collaboratively to draft this fourth iteration of a joint DDPS.

8.2 In June 2021 the Cabinet Office published a Procurement Policy Note regarding the National Procurement Policy Statement (NPPS) which required contracting authorities to have regard for national strategic priorities for public procurement.

8.3 The policy instructed councils to consider the national priorities alongside any additional local priorities in their procurement activities.

8.4 In 2022 the Local Government Association (LGA) published a refresh of the National Procurement Strategy for Local Government in England (NPS) which takes into account both the NPPS and the pivotal role that Procurement can play in maximising opportunities through supply chains and managing the challenges faced by the sector and our communities.

8.5 Councils have assessed their own priorities against those of the NPS and resolved that the DDPS will align with the identified themes of the NPS 2022

9. Themes

9.1 The three key themes contained within the DDPS are:

- Showing leadership
- Behaving commercially
- Achieving community benefits

9.2 Each Council will develop an action plan, which will break down each of the headings into actions and outcomes to be achieved in the period 2023-2025 based on their priority setting for the Council.

9.3 Each council is responsible for identifying, implementing and monitoring their own outcomes. Progress against the action plan will be reviewed biannually by the DDPA. It is the intention that as new actions and outcomes are identified, they will be added to the action plan as part of the review.

10. DDPS 2019-2022

10.1 Key outcomes which were the result of the previous DDPS 2019-2022 are as follows:

- SMB agreement of Council-wide contract management training roll out;
- KPIs now considered for all tenders and included where applicable;
- All tenders include a minimum 5% weighting on Social Value;
- All tenders include a minimum 5% weighting on Sustainability;

- Ongoing support of local supplier engagement event;
- All new tender activity is signed off at appropriate level; and
- Pre-procurement engagement used more widely prior to tendering

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

11.1 This DDPS supports the achievement of all the council’s corporate objectives 2022-2026 through the delivery of contracts which support them and more specifically within the following pillars:

- Good governance
- Value for money services

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

Risk Description	Mitigating Actions	What is required
Insufficient resource to deliver the outcomes set out within the strategy	The Service Lead Procurement & Commercial will manage resources to ensure an optimum delivery of operational and strategic outcomes.	Support from SMB and Members and understanding of the need to balance priorities and that some things will have to wait. Sharing of templates and approaches across the districts will mean that the same work is not being duplicated by all.
Purchasing Departments continue to avoid compliance with procurement and contract management guidance provided in strategy roll out	Training will be provided in the roll out of Contract Management model toolkit. All relevant Officers to be trained to ensure their understanding of the importance of compliance	An appropriate training package. Support from SMB and OMB in encouraging relevant staff to attend training.

13. Equality Act 2010 (The Act)

13.1 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.

13.2 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.

13.3 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.

13.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because the public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this decision relates to improving internal processes, we do not believe that it will have an impact on our equality duty.

14. Carbon Footprint (Environmental) Implications:

14.1 The council provides and purchases a wide range of services for the people of Exeter. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Exeter's outstanding natural environment. Whilst this is a strategic update and will have minimal environmental impacts, a key strand within 'Creating Social Value' is 'Tackling climate change and reducing waste', something which will be further embedded through the forthcoming action plan.

15. Are there any other options?

15.1 Exeter City Council could develop their own individual Procurement Strategy; however, it is felt that not only would this lead to more work for all Procurement teams involved but would also fail to support and enhance the benefits of collaboration and shared working across the County.

Director Finance, David Hodgson

Author: Chanelle Busby, Service Lead – Commercial & Procurement

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

Background papers used in compiling this report:-

Appendix A – Devon Districts Procurement Strategy 2023-2027

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



DEVON DISTRICTS PROCUREMENT STRATEGY



South Hams
District Council



Exeter
City Council



West Devon
Borough
Council



2023 - 2027

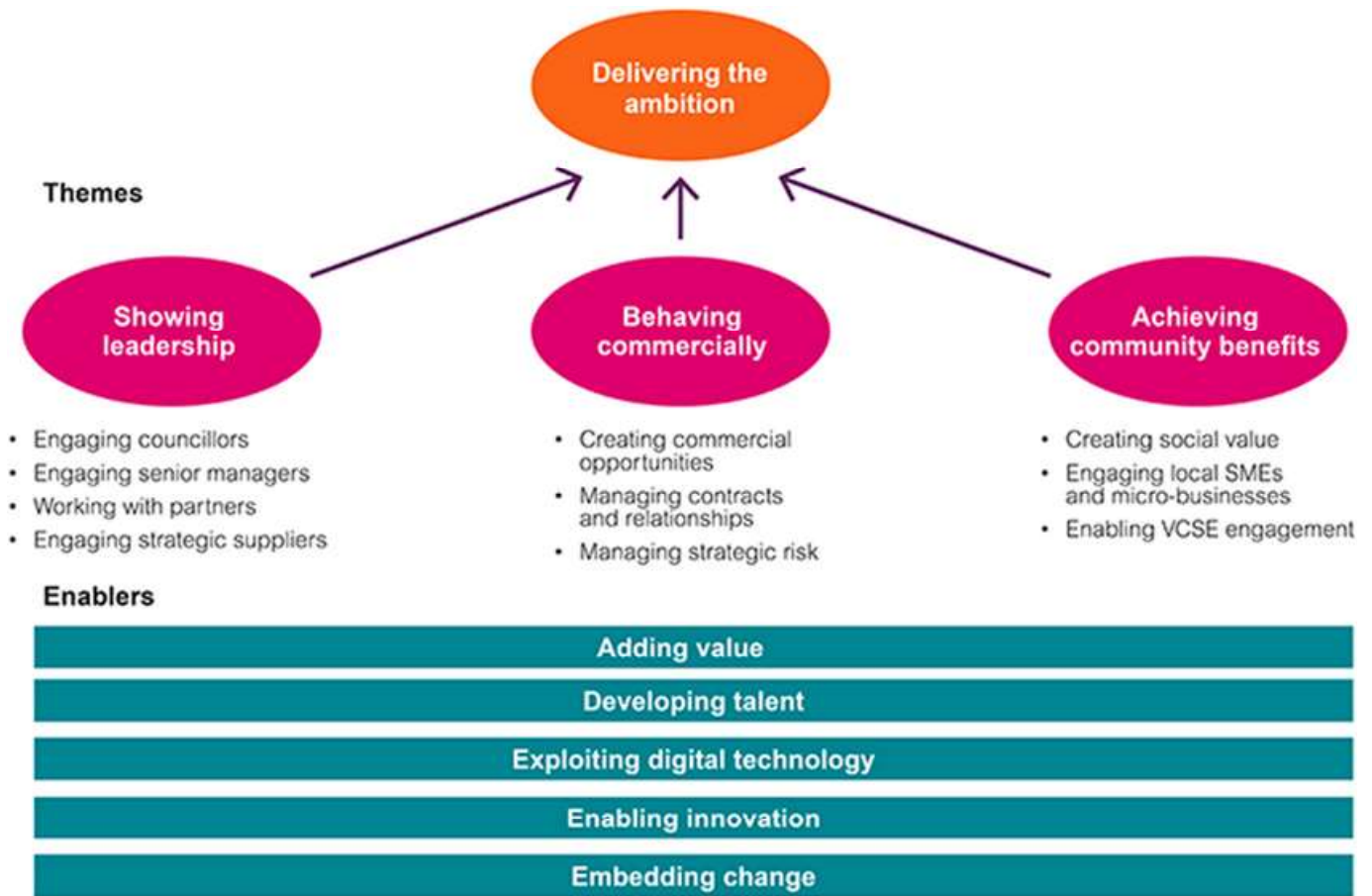
INTRODUCTION

This document will outline our objectives and actions procuring goods, services and works during the 4-year period and has been developed based on consideration of the National Procurement Strategy (NPS) 2022 key themes. We will identify key strategic areas and enablers from the NPS which will align with the context of our local and regional priorities. The National Procurement Strategy for Local Government in England 2022 focuses on three themes which councils have identified as the sector's priorities:

- **showing leadership**
- **behaving commercially**
- **achieving community benefits**

This strategy is released at a time of both challenges and opportunities. Local government face a number of challenges including inflation, supply chain shortages, war and climate change. Opportunities include the New Procurement Act 2023 and the National Procurement Policy Statement.





A toolkit has been developed to support delivery of the National Procurement Strategy (NPS) for Local Government in England. Its purpose is to help councils to set objectives in relation to the maturity levels in each of the key areas of the strategy and to assess their own progress against those objectives.

Our main objectives are:

- Engaging councillors
- Engaging senior managers
- Creating commercial opportunities
- Managing contracts
- Creating social value
- Local, SME & VCSE engagement
- A digital world

There are 5 levels of maturity each providing guidance and criteria assessment against each level: -

Minimum → Developing → Mature → Leader → Innovator

The strategy was written with the post COVID-19 pandemic in mind, along with the future changes of the national procurement regulations which will be implemented in 2024.

We are hoping that, along with the release of the new regulations from Central Government we will make procurement a great service across all authorities.

Rosanna Wilson

Corporate Procurement Officer for Teignbridge, South Hams and West Devon

procurement@teignbridge.gov.uk

Chanelle Busby

Service Lead Commercial and Procurement for Exeter City Council

eccprocurement@exeter.gov.uk

Sarah Hambleton

Procurement Officer for North Devon District Council

supplyingndc@northdevon.gov.uk

Luan Stapley

Procurement Officer for Torrington District Council

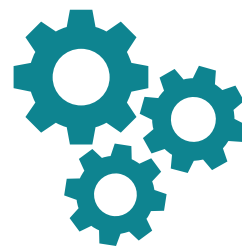
procurement@torridge.gov.uk



ENGAGING COUNCILLORS

Councillors set the council vision and strategic priorities and must be satisfied that the procurement and commercial arrangements for their delivery are robust. Councillors make key decisions, particularly in major projects, and maintain oversight of the performance of key contracts, agreeing corrective action where necessary. Councillor engagement needs to be supported through training, good procurement and commercial advice and reporting arrangements.

Why it is important: When councillors are fully engaged with procurement and commercial matters, the quality of decision-making is better and oversight and accountability are improved. Councillor engagement leads to better project delivery and better outcomes for the local community.



ENGAGING SENIOR MANAGERS

Key decision-makers value and benefit from procurement and commercial advice including at the early stages of major projects. This is a two-way process requiring action by senior managers on the one hand and by procurement and commercial advisors on the other.

Why it is important: Good procurement and commercial advice (wherever possible, provided in-house or shared between councils) can have a decisive impact on the outcome of a project, particularly one involving innovation. It is important that senior managers engage with procurement and commercial issues from the earliest stages of the project.



CREATING COMMERCIAL OPPORTUNITIES

There are many ways in which commercial opportunities can be created through the strategic management of the commercial cycle and the services and assets delivered through the contracts it creates. For example, renting out a piece of land for a business or advertising opportunities. Moreover, there are opportunities within contracts whereby we can generate income from our suppliers.

Why it is important: As grants from central government are reduced, organisations are required to look at other means of reducing funding deficits. Commercial opportunities can be created in many ways, from conventional means such as increasing returns on assets to the way the council engages with its development partners and third-party contractors.



MANAGING CONTRACTS

Contract and relationship management is the process by which all contracts and variations are managed effectively to control costs, secure the quality and timeliness of agreed outcomes and performance levels and minimise the occurrence of risks.

Why it is important: Poor contractor performance or commercial failure can seriously damage a council's reputation and its ability to deliver effective services and support to local communities.



CREATING SOCIAL VALUE

Social value is about improving economic, social and environmental wellbeing from public sector contracts over and above the delivery of the services directly required and at no extra cost to The Councils.

The National Social Value priorities are:

- Creating new businesses, new jobs and new skills.
- Tackling climate change and reducing waste.
- Improving supplier diversity, innovation and resilience.

Why it is important: Experience from procurements let by councils that have fully integrated social value requirements has shown that a minimum of +5 per cent to +20 per cent social value (according to sector) can be obtained on contract value by way of direct community benefits.



LOCAL, SME AND VCSE ENGAGEMENT

Spending locally is a dominant objective of this strategy. It is important that we keep the money within our districts as much as possible, especially in a post-pandemic economy. Small medium enterprises and micro-businesses (SMEs) and Voluntary, Community and Social Enterprises (VCSEs)

The Government definition of an SME is any business with up to 250 employees and a turnover of up to €50m. Micro businesses are those with 1 – 9 employees.

Why it is important: SMEs play a major role in creating jobs and generating income for those on low incomes, they help foster economic growth, social stability, are a source of innovation and contribute to the development of a dynamic private sector.

VCSEs refers to organisations that include small local community and voluntary groups, registered charities, trusts and cooperatives. They are independent from government can play a critical role in health and social care.



A DIGITAL WORLD

Rapid use of data is critical for understanding how to manage procurements and contracts. Increasing data and transparency data is available, along with artificial intelligence, and making good use of this will be key to managing the pressures on The Councils.



HOW WILL WE GET THERE?

The Councils will use the NPS toolkit to assess our current performance and monitor progress over the life of the Strategy.

Engaging Councillors

- Exploring better ways of informing Councillors about procurement and commercial activities and encouraging feedback from them on decisions.
- Procurement training and/or briefings for Councillors as required.

Engaging Senior Managers

- Senior managers informed of procurements prior to tender
- Monitoring feedback received about the procurement service
- Encourage early engagement with procurement team when looking to run a procurement processes such as soft market testing

Creating commercial opportunities

- When a new requirement is sought, look for commercial opportunities or gaps in the market
- Contract management meetings that include revenue generating discussions

Managing Contracts

- Contract management training for all key staff
- Post contract review meetings
- Categorisation of Contracts by level of risk and strategic importance to the Council
- Ensure high level category Contracts are implemented with a contractually enforceable method of measuring performance throughout the Contract.
- Support services to develop contractual arrangements that facilitate effective contractual relations



Creating Social Value

- Considering opportunities in line with the Social Value Act 2012
- Establish Social Value considerations that are proportionate with the size, scope and nature of procurement activity
- Ensure that social value is integrated into procurement processes and procedures
- All Procurement activity will take into account Council policies and commitment around carbon reduction and sustainability

Local, SME & VCSE Engagement

- Ensure wherever possible we create opportunities for small to medium enterprises and the voluntary/community sector
- Ensure we are easy to do business with and take a proportionate approach at all times
- Support local economic development across our procurement engagement and delivery

A Digital World

- Increase efficiency through use of better devices, hardware and software solutions
- Where possible, consider the use of cloud-based software
- Supporting digital transformation throughout services, reduce waste, automate, digitalise, transform, streamline and innovate



This page is intentionally left blank

Equality Impact Assessment: Procurement Strategy

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 09/01/2024	Procurement Strategy	Approval of strategy at Appendix A	N/A

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).	N/A	N/A	
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.	N/A	N/A	
Sex/Gender	N/A	N/A	
Gender reassignment	N/A	N/A	
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	N/A	N/A	
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	N/A	N/A	
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).	N/A	N/A	

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

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

Officer: Chanelle Busby

Date: 01/12/2023

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

Report of: Director Corporate Services

Title: Update Briefing on the Governance Review Working Group

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

This report provides Members with an overview update on the work completed by the Governance Review Working Group, setting out an overview of the board's work, its original purpose and why it is considered that its work is complete.

2. Recommendations:

2.1 That the Executive note the content of the report and to note that the actions from the last meeting of the Governance Review Board, as detailed in 8.4 of the report, are being taken forward; and

2.2 Thanks be given to the Governance Review Working Group for their contribution.

3. Reasons for the recommendation:

To provide clarity to Members of the original purpose of the Governance Review Working Group and the reason why meetings are no longer proceeding.

4. What are the resource implications including non financial resources

None.

5. Section 151 Officer comments:

There are no financial implications for Council to consider.

6. What are the legal aspects?

None.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 On 11th June 2019 a report was presented to the Executive Committee with a proposal to set up a small cross party Working Group at the request of the Leader to review the Council's constitution so that it remained fit for purpose and to bring a report

back to the Executive in October 2019. The working group was tasked to look into the following:

1. To review the size and membership of the Executive, and to consider: -
 - Whether the “Exeter Convention” to have representatives from the opposition groups sitting on the Executive should continue;
 - Whether individual members of the Executive should be given delegated powers to determine certain non-Key Decision and non-operational matters (rather than the make decisions collectively at executive meetings) as has been the custom and
 - The frequency of Executive meetings;
2. To review the continuing appropriateness of the current committee structure including:
 - The number of Scrutiny Committees, their terms of reference and their responsibilities;
 - Whether it is appropriate to continue with the pre scrutiny system devised locally; and
 - The size and frequency of Scrutiny meetings, together with their Chairmanship.
3. To review and amend the various articles of the constitution as a consequence of the above as appropriate;
4. To review the scheme of Delegations to Officers as a consequence of the above above as appropriate;
5. To review the Council’s representation on Outside Bodies bearing in mind the Council’s agreed priorities and limited resources; and
6. To ask the Independent Remuneration Panel to consider the impact of any changes made as a consequence of the above on the Council’s approved Scheme of Members Allowances.

A report was brought back to Executive on 8th October 2019 setting out the recommendations of the cross-party Working Group and was approved by Council 15th October 2019. A link to the report is as follows:-

<http://committees.exeter.gov.uk/documents/s71399/Report%20-%20Review%20of%20Constitution.pdf>

8.2 Why the Governance Working group continued once it has fulfilled its purpose

At the Executive Committee in October 2019, it was agreed that the new arrangements would be reviewed in September 2020. However due to the Covid lockdown period, the Group did not reconvene until September 2021 to review the arrangements. Some amendments were put forward as part of the review and taken as a report to Executive Committee and Council in October 2021.

The Governance Review Board met again in August, November and December 2022, to review the arrangements again. However, the scope of the group’s work was expanded - there was mission creep that led to additional items being considered beyond the scope of the original remit (as described in paragraph 8.1 above).

8.3 Why the meetings were concluded

A report had been prepared for Executive in April 2023 and was reviewed at the pre-Executive briefing meeting. At that meeting, it was observed by the Leader and officers that the remit of the group seemed to have expanded from its original purpose and some of the functions duplicated the role of the Audit & Governance Committee, leading to confusion around governance.

It was agreed that the work of the Governance Review Board had concluded and therefore no further meetings were required. The role of the Audit and Governance Committee would continue to monitor the Council's constitution having regard to any report of the Council's Monitoring Officer, as the statutory officer responsible for maintaining the constitution.

8.4 Discussion with group leaders

The Leader of the Council and the Chief Executive having discussed these issues at a meeting with other political Group Leaders, suggested that the recommendations of the report be picked up through the appropriate channels and/or referred to an existing committee as outlined below.

- The formation of a Strategic Scrutiny subcommittee, to review and monitor the work related to the climate emergency and ecological crisis. A proposal for a Climate Change Sub Committee was agreed in Principle at the meeting of the Strategic Scrutiny Committee in September 2023, subject to a meeting with relevant Members and Officer to discuss the way forward. This meeting has now taken place and an agreed way forward has been reached.
- Any amendments to the constitution suggested will be considered by the Monitoring Officer as the responsible Officer.
- Tabling of questions as requested by the group is now in operation.
- A review of the outside bodies on the work they have undertaken, number of meetings and relevance for retaining Councillor Membership was agreed at Council in July 2023. Letters were sent to all outside bodies requesting details of their work to ensure they remain appropriate for maintaining Councillor Membership and a report will follow.

A Members Briefing by the Director Corporate Services has also been suggested by the Chief Executive on the role and responsibilities of a Councillor who has been appointed to an outside body.

- The Lord Mayor's handbook would be reviewed by the Mayoralty team in regard to inviting representatives from other religious faith groups to Council meetings, as well as undertaking the Chaplaincy role to the Lord Mayor, whilst being respectful to the Lord Mayor's faith. A process has also been put in place for terminology used for requesting Members who are able to, to stand when requested to do so. Prayers will be taken prior to the formal commencement of the meeting. Other equalities issues relating to the Guildhall will be addressed by the Mayoralty team accordingly.
- A review of meeting commencement times with other authorities would be looked at, if relevant as part of any future review of the constitution if considered necessary.

- All Members would be sent an Annual Survey relating to their experience of being a Councillor, which would be considered by the Strategic Management Board (SMB).

8.5 All minutes of the Governance Review Working Group are available to Members on the internal intranet to view.

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

The Audit and Governance Committee will continue to monitor the Council's constitution and have regard to any report of the Monitoring Officer, as the statutory officer responsible for maintaining the constitution, to ensure a well-run Council.

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

None.

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 only

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

None, the Governance Review Working Group was not a formally constituted meeting and has completed its initial purpose. Governance matters will remain with the relevant committees and officers.

Director Corporate Services, Baan Al-Khafaji

Author: Mark Devin, Democratic Services Manager

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

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

Report of: Director Corporate Services

Title: Members' Training

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 This report provides an update on the progress of work on the Members' training programme and shows the Members' attendance for the various training sessions, which have been held since September 2023 to present (Appendix A).

1.2 Appendix B of the report identifies the Councillor Feedback statistics to date on training or briefing sessions attended.

1.3 Appendix C of the report shows the various tour and shadowing opportunities made available to Members during the period.

1.4 Appendix D highlights the current number of training opportunities available on the SSS online training platform and number of completion certificates received.

2. Recommendations:

2.1 It is recommended that the Executive Committee note the report.

3. Reasons for the recommendation:

3.1 To ensure that the current induction and training programme for Members remains fit for purpose and appropriate;

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

4.1. Democratic services support the training programme and therefore some of their time is committed to delivering/supporting the sessions. In addition, some sessions are paid for from the allocated Member Training budget.

5. Section 151 Officer comments:

5.1 There are no financial implications for the Council to consider.

6. What are the legal aspects?

6.1 The Council is obliged to ensure that Members receive adequate training to allow them to undertake their duties. This is particularly pertinent for those members who sit on the administrative committees such as Planning and Licensing.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer is pleased that the training provided is valued - the responses show good levels of satisfaction. The officers working together with the councillor training steering group, will endeavour to continue to strive to improve the quality and range of training offered.

8. Report details:

8.1 The report sets out an overview of Members' attendance at training events, additional training completed, and feedback received since the earlier report.

The Councillor Development Steering Group asked that a regular report be presented to the Executive outlining attendance for the training sessions held, feedback received, and other training undertaken.

8.2 Appendix A of this report provides a breakdown of attendance at the various training sessions held since September 2023. 13 training sessions have been delivered since the last report, with an average attendance rate of 52%. This is a 3% increase in attendance on the earlier report.

Appendix A also highlights the attendance of Members to various committee specific training. Members are reminded of the importance in notifying Democratic Services to once they have viewed the training recordings, if they were unable to attend the live session, so that their attendance can be recorded accordingly.

8.3 Appendix B details a summary of the feedback forms for the various training sessions held during the period. The feedback form is issued to all Members after each session to capture Members' views on any training or briefing sessions they attend. It also enables Members to notify Democratic Services to state that they have viewed the training, should they be unable to attend.

During this period, the volume of feedback was 19 responses, and showed that on average 45% of the responses received were very satisfied and 32% were satisfied with the training provided during this period. Members are continued to be encouraged to provide feedback on the sessions they attended.

8.4 Appendix C shows the various tour and shadowing opportunities made available to Members during the period. Seven sessions were arranged with 82% of the expected Members being in attendance.

8.5 Appendix D highlights the number of completed certificates submitted on the SSS training platform. The figures show that 41% of Members have completed the GDPR training which is a 5% increase since the previous report and highlighted that additional training courses had been undertaken on the platform.

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

Ensuring that Members are appropriately trained and briefed means that they have an understanding of the issues affecting the Council, which in turn enables them to take informed decisions.

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

10.1 Ensuring that Members are appropriately trained and briefed means that they have an understanding of the issues affecting the Council, which in turn enables them to take informed decisions.

10.2 If inappropriate training was given, or if appropriate Members did not attend the sessions, challenges could be made to any decisions taken, which would not only jeopardise the Council's reputation, but could also lead to potential claims for compensation and review of the decisions taken.

11. Equality Act 2010 (The Act)

11.1 In preparing this report, it is accepted that people learn things in diverse ways, and that some delivery methods are not best suited to all.

11.2 A detailed review of the training programme and briefing sessions, including the delivery methods, have helped identify gaps in this provision and also how best any training difficulties can be overcome.

11.3 There has been a focus on ensuring that training on disability awareness, as well as diversity and equality requirements, form an integral part of any revised training programme.

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 No direct carbon/environmental impacts arising from the recommendation.

13. Are there any other options?

None.

Director Corporate Services, Baan Al-Khafaji

Author: Mark Devin, Democratic Services Manager.

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

This page is intentionally left blank

2023

Description	Date	Total Cllr Attend	Total % Attend	Absent	Abesent %	Live Attend	Post Attend	Committee	No of Committee Attend	% Committee Attend
Briefing - Devolution Update	06/09/23	18	46%	21	54%	18	0			
Effective Scrutiny Training Session for Members	07/09/23	17	44%	22	56%	17	0			
Briefing: Planning Committee - Exeter Design Quality Partnership & Placemaking Charter	14/09/23	9	23%	30	77%	9	0	Planning	7	50%
Briefing: Rough Sleeping	20/09/23	16	41%	23	59%	16	0			
Briefing: Police Neighbourhood Meeting	04/10/23	20	51%	19	49%	20	0			
Briefing: Street Cleansing	09/10/23	14	36%	25	64%	14	0			
Briefing: Dignity at Work	23/10/23	15	38%	24	62%	15	0			
Training: GDPR	30/10/23	21	54%	18	46%	21	0			
Briefing: Public & Green Spaces	01/11/23	17	44%	22	56%	17	0			
Briefing: Housing Delivery Challenges	02/11/23	18	46%	21	54%	18	0			
Training: Meeting Procedures and Rules of Debate	09/11/23	21	54%	18	46%	21	0			
Training: Carbon Literacy Training Part 1	15/11/23	6	100%	0	0%	6	0			
Training: Carbon Literacy Training Part 2	22/11/23	6	100%	0	0%	6	0			

Page 111

No Cllrs **39**
 Licensing **14**
 Planning **14**
 Audit & Governance **12**

Community Grants	6	
Highest Attendance	21	54%
Average Attendance	15	52%
Lowest Attendance	6	15%

Highest Absence	30	77%
Average Absence	19	48%
Lowest Absence	0	0%

Highest Attended Live	21	54%
Average Attended Live	15	39%
Lowest Attended Live	6	15%

Highest Attended Post Session	0	0%
Average Post Session	0	0%
Lowest Attend Post Session	0	0%

2022	Total Responses	Very Satisfied	Satisfied	Dissatisfied	No Response	Not applicable
Overall impression of the briefing / training	19	8	8	0	3	0
Facilitator's ability and competence	19	11	5	0	3	0
Facilitator's rapport with the delegates	19	9	7	0	3	0
Accurate course description versus content delivered on the briefing / training	19	10	6	0	3	0
Relevance to your personal learning needs	19	10	6	0	3	0
Effectiveness of the learning methods	19	9	7	0	3	0
Quality and appearance of course materials	19	7	9	0	3	0
Quality of facilities	19	7	9	0	3	0
Notice / contact prior to the course	19	11	5	0	3	0
Joining instructions and content information	19	12	4	0	3	0
Adequacy of support for special needs	19	1	1	0	3	14
AVERAGE:	19	9	6	0	3	1
AVERAGE %:		45%	32%	0%	16%	7%

This page is intentionally left blank

This page is intentionally left blank

2023

Sept report

Description	Completed	Total Members	%
Introduction to Safeguarding Thematics	14	39	36%
GDPR	16	39	41%
County Lines	8	39	21%
Equality Diversity & Inclusion in the Workplace	7	39	18%
County Lines Refresher	2	39	5%
Child Protection	2	39	5%
Prevent Duty Refresher	2	39	5%
Mysogyny and INCEL subculture	2	39	5%
Domestic Abuse Awareness	1	39	3%
Safeguarding Training - Serious Violence & Knife Crime	1	39	3%
Risk Assessment			

11

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director City Development

Title: Tenancy Policy and Strategy review

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

The report summarises the revised Tenancy Strategy and Policy following a review and consultation. It is proposed that the revised Tenancy Strategy and Policy 2023-2027 be adopted and implemented. A copy of the Strategy and Policy documents are appended.

2. Recommendations:

That Executive recommends that Council approves the adoption of the new Tenancy Strategy and Tenancy Policy for the period 2023-2027.

3. Reasons for the recommendation:

The council is required to provide a Tenancy Strategy which contains provisions on expectations for all social landlords who operate in Exeter in areas such as types of tenancies and length of fixed term tenancies if used.

As Exeter City Council is a social landlord with its own housing stock, we are required to have a Tenancy Policy. In this policy, we detail how Exeter City Council will take into account the Tenancy Strategy and issue tenancies.

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

With the requirement to review fixed term tenancies being removed from Housing Officers functions this will reduce a small proportion of their workload. This has been more than compensated by the regulatory expectations about compliance and understanding our tenants better and tailoring our services to ensure we deliver fair and equitable services.

5. Section 151 Officer comments:

There are no additional financial implications for Council to consider.

6. What are the legal aspects?

Part 7 Chapter 2 of the Localism Act 2011 requires local housing authorities to prepare and publish a tenancy strategy and sets out in detail the requirements. Section 150 of the Act sets out in detail the matters to which registered providers of social housing for its district are to have regard in formulating specified policies as set out in section 150. These matters are set out in the report

Local housing authorities must have regard to its tenancy strategy in exercising its housing management functions and must keep the policy under review.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring officer

8. Report details:

8.1 Although many social landlords who operate in Exeter work across several local authorities it is expected that they will have due regard to the Tenancy Strategy.

The Localism Act of 2011 requires every local authority to publish a Tenancy Strategy, which contains provisions on expectations for all social landlords in the area in relation to:

- The types of tenancies that will be granted
- The length of fixed term tenancies where these are granted
- The circumstances under which a particular type of tenancy will be granted
- The process for reviewing tenancies at the end of the fixed term and the circumstances under which a tenancy may or may not be renewed either in the same property or in a different property
- All social landlords are required to set out the way in which a tenant or prospective tenant may seek a review of:
 - The length of the fixed term
 - The type of tenancy offered
 - A decision not to grant another tenancy upon the expiry of the fixed term

The draft Tenancy Strategy is appended to this report.

8.2 Exeter City Council expects all social landlords with homes in Exeter to set out and publish a Tenancy Policy.

As Exeter City Council is also social landlord with its own housing stock, we are required to have a Tenancy Policy. In the policy we detail how Exeter City Council will address the issues outlined in the accompanying Tenancy Strategy.

This policy will be reviewed every three years; however, we may carry out a review earlier if there are legislative, regulatory or other strategic changes which would have a material impact on any element of this policy.

8.3 Exeter City Council has taken the decision to revert to offering secure lifetime tenancies in all circumstances for its own social housing stock. Where a tenancy is offered to a new social housing tenant or a person who has previously held a social

housing tenancy but with a break in tenure, the secure tenancy will be preceded by a 12-month introductory tenancy plus a potential extension of 6 months.

All existing fixed-term tenancies will be transitioned to secure lifetime tenancies following the successful completion of the introductory tenancy.

As well as addressing issues regarding tenancy and tenure type, this Tenancy Policy also sets out how Exeter City Council deals with applications for succession following the change in law brought about by the Localism Act 2011.

8.4 Since 2015 we have offered a 5 or 2 year fixed term tenancy (with an introductory period). No one is offered a less secure tenancy. The tenancy would not be renewed if there are serious breaches of the tenancy agreement, or the property is significantly under or over crowded.

Over 1000 fixed term tenancies have been issued since the previous tenancy policy was introduced. Of these 60% have been renewed at the original property, 38% have been extended (2 years) whilst alternative properties are located and 2% were terminated at the point of review.

8.5 Consultation has taken place with both tenants and stakeholders. There were 418 responses received from the consultation of which 81% were supportive of lifetime tenancies. 33% of social landlords operating in Exeter retain the option to issue a fixed term tenancy.

8.6 At the time of the original decision to introduce fixed term tenancies it was expected that the introduction of fixed term tenancies would free up more social housing as people's circumstances changed. With only 2% properties being freed up over 7 years this was not the outcome anticipated.

8.7 It could be argued that by offering tenants lifetime tenancies they will more inclined to engage within the community and neighbourhoods than if on a 5 year tenancy. This accords with the following priorities:

Corporate Plan Priorities include

"Housing and building great neighbourhoods and communities"

Exeter Live Better

"Exeter thrives on community spirit"

Wellbeing Exeter

"Community life and social connections are vital to all our health and wellbeing"

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

9.1 The delivery of this strategy will contribute to the Council's Corporate Plan, in particular the strategic priority of "housing and building great neighbourhoods".

9.2 The delivery of the objectives within this strategy accord with the principles of being a well-run council as set out in the Corporate Plan. For example value for money services and well managed assets.

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

10.1 There are reputational risks in not having an up to date Tenancy Policy and Strategy. With the introduction of more stringent regulation any inspection of the housing service would expect to review our policies and strategies to ensure they are fit for purpose.

11. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

A decision could be made to continue with fixed term tenancies however for the reasons set out in this report this is not considered a viable option.

Director City Development, Ian Collinson

Author: 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

This page is intentionally left blank



Exeter
City Council



Council Housing
& Development Services

Exeter City Council Housing Services

Tenancy Policy 2023 – 2027

1 Introduction

- 1.1 As Exeter City Council is a social landlord with its own housing stock, we are required to have a Tenancy Policy. In this policy, we will detail how Exeter City Council will address the issues outlined in the accompanying Tenancy Strategy.
- 1.2 This policy will be reviewed every three years; however, we may carry out a review earlier if there are legislative, regulatory or other strategic changes which would have a material impact on any element of this policy.
- 1.3 Exeter City Council has taken the decision to revert to offering secure lifetime tenancies in all circumstances for its own social housing stock. Where a tenancy is offered to a new social housing tenant or a person who has previously held a social housing tenancy but with a break in tenure, the secure tenancy will be preceded by a 12-month introductory tenancy plus a potential extension of 6 months.
- 1.4 All existing fixed-term tenancies will be transitioned to secure lifetime tenancies following the successful completion of the introductory tenancy.
- 1.5 As well as addressing issues regarding tenancy and tenure type, this Tenancy Policy also sets out how Exeter City Council deals with applications for succession following the change in law brought about by the Localism Act 2011.

2 Policy statement

- 2.1 We will offer 12-month introductory tenancies (with the ability to extend for a further 6 months) to all new social housing tenants of Exeter City Council.
- 2.2 We will transition all tenancies to secure, lifetime tenancies where the introductory or fixed term tenancy has been conducted successfully. A review will not take place, the tenancies will automatically revert.
- 2.3 We will grant secure, lifetime tenancies to existing social housing tenants who are transferring or moving from another organisation that offers fixed-term tenancies.
- 2.4 We will no longer be offering fixed-term tenancies to tenants of Exeter City Council.
- 2.5 No one will be offered a tenancy that is any less secure than that which they already hold.
- 2.6 In line with regulatory requirements, social landlords are required to set out the ways in which a tenant or prospective tenant may seek a review of the length of the fixed term, the type of tenancy offered or a decision not to grant another tenancy upon the expiry of the fixed term. This is not applicable to Exeter City Council due to the fact that we will no longer offer fixed term tenancies.
- 2.7 There are no rights for tenants to ask for a formal review of an introductory tenancy. However, where a tenant believes that Exeter City Council has

incorrectly awarded an introductory tenancy, this should be raised through the formal complaints process, the details of which can be found on our website. These complaints should be raised within 14 days of signing the Tenancy Agreement, and requests will only be considered where an introductory tenancy has been granted in contravention of this policy.

- 2.8 We will provide information to tenants regarding requirements for review hearings if an introductory tenancy is to be extended or ended no less than three months before the end of the 12-month period.
- 2.9 We will, in line with legislation and your tenancy agreement, offer the following options in relation to succession of a tenancy:
- For tenancies that commenced prior to 1st April 2012, we will offer succession to a partner or spouse, or succession to a family member living with the tenant for the preceding 12 months. Family members are those as defined by the Housing Act 1985, section 113.
 - For tenancies that commenced after 1st April 2012, we will offer succession only to a partner or spouse, in line with legislation
- 2.10 We will support to provide alternative accommodation subject to Devon Home Choice qualifying criteria to a full-time live-in carer (who does not qualify as a family member) and who gave up social housing accommodation to provide care for the deceased tenant for a minimum of 12 months prior to death, and where no alternative or economically realistic housing option exists. There is no right of succession to a carer employed by the deceased tenant.
- 2.11 Successors to a tenancy, irrespective of the tenancy start date, may be required to move to accommodation that meets their household needs.
- 2.12 Survivorship of a tenancy by joint tenants applies in all tenure types. Joint tenants have the right of survivorship following the death of a joint tenant. There is no residency criteria for survivorship to take place, therefore, a non-resident joint tenant will survive the tenancy and remain a tenant. There is no right of succession once a tenancy has been survived.

3 Assignment

- 3.1 Assignment is the transfer of a tenancy during the life of the tenant. The person transferring the tenancy is the 'assignor' and the tenancy is transferred to the 'assignee'
- 3.2 The assignment means the assignee becomes the tenant of Exeter City Council under the same tenancy agreement.
- 3.3 Requests for assignments will be considered in line with the Housing Act 1985 s91(3) which sets out when a secure tenancy can be assigned. The three circumstances are:

- Assignment by way of Mutual Exchange.
- Assignment following an order of the Court made in certain Matrimonial, Civil Partnership or Children Act Proceedings.
- Assignment to a potential successor to the tenancy.

4 Direct Matches

- 4.1 All allocations will be made through a choice-based lettings scheme- Devon Home Choice. This operates independently of the Council.
- 4.2 In exceptional circumstances the City Council has the discretion to allocate our own stock outside of the Devon Home Choice (DCH) Policy.

5. Review

- 5.1 In conjunction with this policy staff will be provided with an operational procedure on the granting of tenancies going forward.
- 5.2 This Policy has been written in line with good practice and current relevant legislation. Unless there any changes to such legislation beforehand, the Policy will be reviewed every three years.



Exeter City Council Housing Services

Tenancy Strategy 2023 – 2027

1. Introduction

There have been many changes in the national housing landscape since Exeter City Council last published its previous Tenancy Strategy. In 2012, there was a drive from the Government to ensure that social housing tenants would not benefit from greater tenancy security than tenants in the private rented sector, introducing the use of discretionary fixed term tenancies for social housing landlords.

In 2016, the Government introduced the Housing and Planning Act 2016 with the intention of phasing out the award of lifetime tenancies, but landlords would still be able to offer tenancies lasting up to the 19th birthday of the youngest occupant.

These provisions were not implemented, and the events at Grenfell Tower in 2017 changed the national housing landscape and the Government approach to policy. In the social housing green paper 'A New Deal for Social Housing' the Government explained that they would not implement compulsory fixed term tenancies, while in the private sector, there have been policy decisions taken to extend the length of tenancies offered by landlords, and the removal of 'no fault' evictions.

The Secure Tenancies (Victims of Domestic Abuse) Act 2018 recognised that where a secure (lifetime) tenant was offered a new tenancy when moving due to domestic abuse, they should retain their existing security of tenure and not be offered a fixed-term tenancy.

2. Strategic overview

Exeter City Council recognises that it may have limited influence over decisions made by other social landlords within Exeter, many of whom will operate across multiple local authority areas. The changes in housing policy have meant some landlords have removed the use of fixed term tenancies, returning to issuing lifetime tenancies in the process. Exeter City Council expects social landlords within Exeter to have due regard to this strategy, so that tenants and applicants in the city understand the types of tenancy available.

The Localism Act of 2011 requires every local authority to publish a Tenancy Strategy, which contains provisions on expectations for all social landlords in the area in relation to:

- The types of tenancies that will be granted
- The length of fixed term tenancies where these are granted
- The circumstances under which a particular type of tenancy will be granted
- The process for reviewing tenancies at the end of the fixed term and the circumstances under which a tenancy may or may not be renewed either in the same property or in a different property
- All social landlords are required to set out the way in which a tenant or prospective tenant may seek a review of:

- The length of the fixed term
- The type of tenancy offered
- A decision not to grant another tenancy upon the expiry of the fixed term

3. Strategy Statement

Exeter City Council expects all social housing providers to produce and publish a Tenancy Policy, which addresses all of the items listed above in section 2. Exeter City Council sets out our strategy below relating to those items, and expects social landlords operating within Exeter to have due regard to these strategic objectives.

3.1 What types of tenancy will be granted?

The Council expects that social landlords will offer either fixed term tenancies or lifetime tenancies (secure or assured) and that these tenancies may be preceded by an introductory or probationary 12 month tenancy.

3.2 If fixed term tenancies are offered, how long will they last?

Exeter City Council does not support the granting of fixed term tenancies for less than five years. Exeter City Council would expect that fixed term tenancies, where granted, would be for a minimum period of five years or longer, or up to the 19th birthday of the youngest occupant.

3.3 Under what circumstances will a particular tenancy be granted?

Where social landlords offer introductory or probationary tenancies, it should be offered to all new social housing tenants.

Existing social housing tenants should not lose their security of tenure, or other tenancy rights following a move to a different social housing tenancy where there has been no break in tenancy.

Social landlords may wish to offer a fixed term tenancy to existing or new tenants moving to a new build affordable rent property.

Social landlords may wish to offer a mix of fixed term and lifetime tenancies depending on various circumstances, for example:

- Offering lifetime tenancies to people over pensionable age, or those with physical or mental disabilities
- Fixed term tenancies to tenants moving to certain types or size of home

3.4 What process will be used to review tenancies at the end of the fixed term?

Social landlords must have a clear policy for reviewing a tenancy prior to the end of the fixed term. This should include details of any financial limits relating to arrears that would prevent the award of a further tenancy, and how a landlord will decide if a property continues to meet the needs of the household.

The tenancy review should be an opportunity for both the landlord and the tenant to consider whether the property still best meets the tenant's needs and how it might meet the tenant's future housing aspirations.

Where the review is carried out with a tenant who may be vulnerable, we expect social landlords to take all reasonable steps to ensure that the tenant can fully participate in the review hearing.

We would expect the review to take place at least nine months before the tenancy is due to end to allow the tenant time to find suitable, alternative accommodation if the tenancy is not renewed and alternative accommodation will not be provided.

3.5 Under what circumstances will a tenancy not be renewed either in the same property or a different property?

Given that Exeter City Council has a strategic responsibility to prevent homelessness where possible, and to ensure that realistic housing options are available to those in housing need, it would be damaging for landlords not to renew tenancies unless they have carried out a thorough review, including offering appropriate advice and guidance to find alternative accommodation.

Under the Localism Act 2011, it is the responsibility of the landlord to provide such advice. However, Exeter City Council can provide support to all applicants for social or affordable housing, including options within the private rented sector.

As Exeter City Council retains the statutory responsibility to provide housing for homeless households in priority need, we want to ensure that a robust approach is taken to the provision of advice and assistance where a tenancy is not renewed, and we would ask all landlords in Exeter to:

- Notify the Council when a tenancy is not to be renewed, and the agreed alternative housing arrangements
- If the landlord is not making use of the Council's advice and assistance service (which is our preferred option) provide details of the advice and assistance given

All social landlords are required to set out the way in which a tenant or prospective tenant may seek a review of:

- The length of the fixed term
- The type of tenancy offered
- A decision not to grant another tenancy on the expiry of the fixed term

The Council expects social landlords to ensure their Tenancy Policies contain the following information:

- How and whom review requests should be made, including timescales for making the request
- How any review panel will be made up and implemented
- Provision of timescales for administering the review

Tenancy Policies should be widely publicised and accessible for tenants and prospective tenants.

3.6 The Tenancy Standard

The Regulatory Framework for social housing in England sets out the specific standards that Registered Providers (RP's) must meet. The Tenancy Standard requires RP's to let their homes in a transparent and efficient way and to take account of the housing needs of tenants and potential tenants. They must demonstrate how their tenants:

- Make the best use of available housing
- Are compatible with the purpose of the housing
- Contribute to local authorities strategic housing functions and sustainable communities

RP's are also expected to co-operate with local authorities strategic housing functions and their duty to meet identified local housing need. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements.

The standards in the Regulatory Framework are currently under review, with a refreshed set of obligations to be launched on the 1st April 2024. Once these are launched, we will refresh this strategy and our own Tenancy Policy to ensure ongoing compliance with the new Regulatory Framework.

As Exeter City Council owns and manages its own social housing, we will produce our own Tenancy Policy which will adhere to the principles in this strategy.

This page is intentionally left blank

Equality Impact Assessment: Tenancy Policy

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

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

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

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

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 th January 2024	Tenancy Policy	To agree the updated policy	

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral	Low	All races and ethnic groups are treated equitably
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Neutral	Low	This policy is designed to provide more security of tenure for all our tenants
Sex/Gender	Neutral	Low	All genders are treated equitably
Gender reassignment	Neutral	Low	There are no adverse effects for this group
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral	Low	There is no mention of any religion in this policy
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral	Low	Treatment is equitable
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older	Neutral	Low	Tenancies are not normally granted to people under the age of 18 unless in exceptional circumstances with a guarantor.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).			
Pregnancy and maternity including new and breast feeding mothers	Neutral	Low	There is no aspect of this policy that particularly effects those who are pregnant
Marriage and civil partnership status	Neutral	Low	This policy is for all tenants, whether married, single or in a civil partnership

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

Officer: Sarah Hemming

Date: 02.11.2023

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director City Development

Title: Council Housing Strategy 2023 - 2027

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

The report summarises the contents of the proposed Council Housing Strategy 2023-2027 and the context in which it has been developed. A copy of the full strategy document is appended.

2. Recommendations:

That Executive note and Council approves the new Council Housing Strategy as summarised in this report.

3. Reasons for the recommendation:

The new Council Housing Strategy provides a high-level overview of the City Council's priorities for the future for its Council Housing Service whilst acknowledging other forms of housing tenure within the City and any impacts on the Council Housing Service.

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

There are no resource implications in the production of this strategy.

5. Section 151 Officer comments:

The adoption of the strategy does not commit the Council to providing additional financial resources.

6. What are the legal aspects?

There is no statutory requirement for the Council to adopt a housing strategy. However, it is regarded as good practice. The purpose of a housing strategy is to set out objectives, targets and policies as to how the Council intends to manage and deliver its strategic housing role and provides an overarching policy framework concerning delivery of the Council's housing functions.

7. Monitoring Officer's comments:

This report raises no issues of concern for the Monitoring Officer.

8. Report details:

8.1 The Council Housing Strategy sets out the Council's vision and plans for its Council Housing Service over the next 5 years. It provides a guide to the work of the Council and our partners on housing matters.

There are many issues facing the Council and our residents including significant new legislation and guidance that has been and will continue to be forthcoming, we will be required to address all the requirements to make sure that we provide the best service we can to our tenants.

8.2 There are 5 key objectives set out in the strategy. These are:

- Enhancing Resident Experience;
- Providing the Right Homes in the Right Places;
- Providing Value for Money Services;
- Supporting our residents;
- Ensuring the Safety of our Homes and Residents.

For each priority we have set out where we are currently, where we want to be, how we will get there and how will we know we have got there. If the strategy is adopted the required actions will be added to the Housing Service Improvement Plan.

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

9.1 The delivery of this strategy will contribute to the Council's Corporate Plan, in particular the strategic priority of "housing and building great neighbourhoods".

9.2 The delivery of the objectives within this strategy accord with the principles of being a well-run council as set out in the Corporate Plan. For example, value for money services and well managed assets.

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

10.1 Council housing represents approximately 10% of the city's homes with a need for more affordable housing. The risks are greater by not having a strategy with clear objectives in place.

10.2 With the introduction of more stringent regulation in the affordable housing sector there is a risk by not having a strategy agreed which sets out the next 5 years for the service ensuring we are regulation ready and fit for purpose.

11. Equality Act 2010 (The Act)

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

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;

- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

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

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

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

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

13.1 No

Director City Development, Ian Collinson

Author: 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

This page is intentionally left blank



Exeter City Council Housing Services

Council Housing Strategy 2023 - 2027

Table of Contents

Foreword..... 3

National Policy Context 5

Local Context..... 7

 How we are performing-some key statistics from 2022/23:..... 9

Priority 1: Enhancing Resident Experience 9

Priority 2: Providing the Right Homes in the Right Places 13

Priority 3: Providing Value for Money Services 16

Priority 4: Supporting our residents..... 18

Priority 5: Ensuring the Safety of our Homes and Residents 21

Conclusion..... 24

This is a controlled document whilst viewed at 22/12/23. Once downloaded or printed it becomes an uncontrolled copy. Please check the S:drive to ensure you are using the latest version.

Version:	Created By:	Approved By:	Effective Date:	Review Date:
1			01.04.2024	2027

Foreword

Exeter City Council owns and manages 4,800 rented homes and just over 1,000 leasehold properties. We are proud that we are a stock-retaining authority that looks after its tenants and leaseholders and provides an excellent level of service. We believe we are forward thinking, with an ambitious new homes programme building to the highest standards and we ensure that our existing properties are retrofitted to future-proof our tenants against rising heating costs and maintained in a timely manner. It has been recognised that our staff take pride in the delivery of services. Indeed in a recent Peer Review of the service the Local Government Association (LGA) said ‘there is a strong moral imperative to ‘do the right thing’, not just because it’s a statutory service, but because providing the best possible service is the cornerstone of the Council’.

Social housing providers across the country are now part of an increased regulatory regime, and Exeter City Council’s Housing Service is no exception. The Social Housing (Regulation) Act 2023 follows on from the 2020 Social Housing White Paper and will introduce a wide-ranging consumer regulation regime. We are well prepared for this increased scrutiny and have put in place policies, procedures and practices that will ensure compliance with these requirements.

The Housing Ombudsman issued a new code of practice in March 2022. This Complaint Handling Code has been fully adopted by Exeter City Council’s Housing Service.

The safety of our tenants has always been at the core of our provision of housing. The Housing Services function includes a Compliance Team which have and will continue to, ensure that our tenants live in homes that are safe and well maintained.

Anti-Social Behaviour on our estates is an issue that is high in our priorities and we continue to look at ways of improving how we play our part in tackling it. Our Housing Officers follow a detailed procedure to ensure that both victims and perpetrators are treated fairly and that action, when it is needed is taken swiftly.

Increasingly, especially after COVID-19 ‘lockdowns’ people became more aware of their immediate neighbourhood. Our Resident Involvement Team continues to work with communities to improve the areas in which they live. Following the introduction of our new Resident involvement Strategy our staff have improved the methods and scope by which our tenants can engage with us to help shape and ultimately improve our service.

In Exeter, as well as the rest of the country we face a series of complex challenges not least a shortage of social rented housing. We have been forward-thinking in this regard and have already built 205 new homes, with a further 91 in the pipeline. All these homes have been constructed to the highest standards of energy efficiency, something we pledge to continue to do. These homes will be built on existing HRA owned sites.

We in Housing Services are contributing to the strategic priorities set out in the Corporate Plan 2022-26 [Corporate Plan 2022-2026 - Exeter City Council](#) . We are building housing,

great neighbourhoods and communities. Our staff provide customer focused services and we manage our housing assets well.

We have five key objectives of this strategy:

Priority 1: Enhancing Resident Experience

Priority 2: Providing the Right Homes in the Right Places

Priority 3: Providing Value for Money Services

Priority 4: Supporting our residents

Priority 5: Ensuring the Safety of our Homes and Residents

All these will take our Housing Services forward over the next five years, continuing to improve our provision so that we can tackle both high profile national issues and the issues that matter to residents in Exeter.

Cllr Barbara Denning

Portfolio Holder for Council Housing Development and Support Services

National Policy Context

The Government's Social Housing White Paper '[The Charter for Social Housing residents](#)' launched in November 2020 set out seven key commitments that residents in social housing can expect from their landlords. These have been incorporated into the Social Housing (Regulation) Act 2023.

- 1. To be safe in your home** – the Government will work with industry and landlords to ensure every home is safe and secure
- 2. To know how your landlord is performing** – including on repairs, complaints and safety and how it spends its money, so you can hold it to account
- 3. To have your complaints dealt with promptly and fairly** – with access to a strong Ombudsman, who will give you swift and fair redress when needed
- 4. To be treated with respect** - backed by a strong consumer regulator and improved consumer standards for tenants
- 5. To have your voice heard by your landlord** – through regular meetings, scrutiny panels or being on its board. The Government will provide help, if you want it, to give you the tools to ensure your landlord listens
- 6. To have a good quality home and neighbourhood to live in** – with your landlord keeping your home in good repair
- 7. To be supported to take your first step to ownership** – so it is a ladder to other opportunities, should your circumstances allow.

The key overarching themes within the Act are building safety, resident voice, and accountability. To ensure compliance, a number of measures have been passed into law, while the role of the Regulator for Social Housing and the Housing Ombudsman has also been reviewed and strengthened.

The Regulator of Social Housing (RSH) sets the standards that landlords have to meet to promote a well governed sector and deliver a high standard and quality of service and homes. The RSH will start to move from a reactive form of regulation, to a proactive one which will see even closer working between landlords and the regulator.

There are four consumer standards: Home, Tenant Involvement & Empowerment, Neighbourhood and Community and Tenancy. In July 2023, the RSH published its updated [Consumer Regulation Review 2022-2023](#) with the following key lessons for providers:

- 1.** Landlords must maintain a tight grip on the quality of the homes they manage
- 2.** Local authorities must act now to ensure compliance with the consumer standards
- 3.** Effective tenant engagement is fundamental to meeting the requirements of the consumer standards
- 4.** Meeting statutory health and safety requirements, including landlord gas safety requirements, is non-negotiable

The Housing Ombudsman has recently expanded its scope, underlined with the publication of its [Complaints Handling Code](#) in July 2020. The code streamlined the complaints process, enabling assessment against the code to ensure ongoing compliance. For landlords, any cases which are judged to show severe maladministration will be published by the Ombudsman.

The Building Safety Act 2022 gained Royal Assent in April 2022 and is the result of many years of work following the Grenfell Tower tragedy and the Hackitt Review which followed. The [Building Safety Act 2022](#) will bring further secondary legislation, but the key areas of focus for landlords were:

1. The creation of a Building Safety Regulatory role, as part of the Health and Safety Executive (HSE), as well as a National Regulator of Construction and a New Homes Ombudsman
2. Specific provisions for high rise (18m in height or more) buildings, including the role of 'Responsible Persons'
3. Amendments to the Regulatory Reform (Fire Safety) Order 2005 where the responsibility for historic remedial works now sits with the developers or landlords as opposed to tenants or leaseholders
4. An establishment of three 'gateways' which must be achieved before a building can be occupied – Planning, Pre-construction, and Post-inspection

The Renters Reform Bill looks to improve conditions and rights for tenants in both the private rented sector and the social housing sector. [This bill](#) will extend the Decent Homes Standard into the private rented sector, ban Section 21 'no fault' evictions, empower and strengthen the ability of private landlords to take back their property if there are rent arrears or ASB, and establish a new Private Renters Ombudsman. The bill further emphasises the principles of transparency, scrutiny and regulation from the White Paper for residents of social housing.

The Levelling Up and Regeneration Bill begins to develop the framework to deliver against the targets and principles contained within the [Levelling Up White Paper](#). There are four key elements contained within the bill:

1. **Providing a legal basis for the setting and reporting against the levelling up missions** – placing emphasis on the government to report on the progress and achievement against the missions outlined in the Levelling Up White Paper with clear metrics to measure success
2. **Devolving powers to all areas in England that want them, providing more control over budgets, transport and skills** – ensuring that all parts of the country, not just major cities, can benefit from bespoke devolution deals which will empower local leaders to meet the needs of their communities
3. **Empowering local leaders to regenerate towns and cities and restore local pride in places** – enabling regeneration and releasing land, it also empowers local authorities

to double Council Tax on any home left empty for longer than a year, with the aim of bringing more empty properties back into use.

- 4. Improving the planning process** – giving communities control over what is built, where it is built and what it looks like, delivering an incentive to welcome development in their local areas

The National Planning Policy Framework sets out the governments planning policies for housing. It was first established in 2012, with the [latest revision in 2021](#). The 2021 revision places a greater emphasis on ‘beautiful’ housing, empowering local authorities to reject low quality scheme proposals. Local authorities have also been mandated to develop their own local design codes, while there is an increased emphasis on biodiversity and access to nature.

The Homelessness Reduction Act 2017 placed new duties on local authorities to work with homeless families to prevent or relieve homelessness before a homeless duty is accepted, this was in addition to the existing statutory duty outlined in the Housing Act 1996. In addition to this, the Rough Sleeping Strategy 2018 set a target to halve rough sleeping by 2022, and to end it by 2025.

Finally, the cost of living crisis is sure to impact households in Exeter, and across the whole country over the short to medium term of this strategy. Inflation is currently at 10.1% (May 2022) putting increased pressure on the cost of goods, while wages are not keeping pace in real terms. The energy price cap has seen growth unlike anything seen before and the Government consulted on proposals to cap rent increases for the financial year 2023/24. Exeter city Council decided to cap its rents at 7% as against the 12%+ increase that could have been levied. With all this combined, it is certain to be a challenging economic climate for both the Council and our residents alike.

Local Context

The Council Housing Strategy for 2023 – 2027 forms part of a wider strategic approach at Exeter City Council. The ambitions outlined in this strategy directly support the five priorities of the Corporate Plan:

- Prosperous local economy
- Healthy and active city
- Housing and building great neighbourhoods and communities
- Net zero carbon city
- Thriving culture and heritage

Alongside the Council Housing Strategy, there are several other supporting documents which will help us to achieve our aims. These include:

- Exeter City Council Asset Management Strategy
- Exeter City Council Housing Revenue Account (HRA) Business Plan
- Exeter City Council Homelessness Strategy
- Exeter City Council Private Sector Strategy
- Exeter City Council Tenancy Strategy
- Exeter Local Housing Needs Assessment. [Evidence base for existing adopted Local Plan - Local Housing Needs Assessment \(LHNA\) - Exeter City Council](#)
- Exeter City Council’s Emerging Exeter Plan (2020-2040)
- Exeter City Council’s Core Strategy (2006-2012)

Exeter City Council owns and manages 4,800 homes, which is made up of the following:

Property type	Bedroom size	Specialist	Numbers of homes/properties
House	1	0	3
	2	0	527
	3	0	1,353
	4	0	83
	5	0	7
Flat	1	376	1,324
	2	125	906
	3	0	8
Bungalow	1	56	138
	2	45	103
	3	0	10
Maisonette	1	2	2
	2	1	109
	3	0	85
Bedsit	N/A	25	142

**Specialist includes supported housing, housing for older people, sheltered housing.*

The Exeter Local Housing Needs Assessment identifies that there is a need to provide 627 new homes each year to 2040 in order to meet the need and demand in Exeter. This is based on the Government’s ‘standard method’ for determining housing need. This figure will change during the lifetime of this strategy as it is based on a formula related to The Office for National Statistics (ONS) population data.

There are 2,160 households on the waiting list and 128 in Council temporary accommodation. There are also over 600 formerly homeless households in supported temporary accommodation in the city who require more permanent re-housing. We will be looking to work closely with our partners to deliver these much-needed homes over the life of this strategy.

The average cost of a property in Exeter has been identified in the table below:

Property size- Bedrooms	Average rent (private – median)	Average rent (social)	Average rent (affordable)	Open market ownership
1	£148.34	£74.95	£106.91	£150.85
2	£183.98	£85.69	£126.31	£183.84
3	£217.33	£94.79	£145.31	£254.05
4 +	£498.60	£114.72	£160.83	£337.98

**Figures are weekly costs taken from the Local Housing Needs Assessment*

How we are performing-some key statistics from 2022/23:

- We have carried out 15,718 repairs to our properties
- 91% of these were completed at the first visit
- By April 2023 we had completed retrofit works to 650 properties
- Since 2021 we have delivered 75 new affordable homes
- We have re-housed 638 households people under the statutory duty
- Rent arrears were 2.4% as at March 2023
- We had resolved 121 ASB cases resolved
- Number of complaints handled and closed: 127
- Overall satisfaction with repairs: 80.1% for General Needs and Older Persons' Housing & 64.6% Leaseholders
- 83 % of our General Needs and Older Persons' tenants were satisfied with neighbourhood as a place to live (71.9% Leaseholders)
- Overall satisfaction with our service: 81.8% General Needs & Older Persons' Housing, 54.7% for Leaseholders
- Average re-let time: 43 days

Note: Throughout this document we refer to 'residents' to mean both Council Housing tenants and leaseholders, the latter living in formerly Council owned properties.

Priority 1: Enhancing Resident Experience

Service expectations are continually changing and evolving, and this has been further accelerated by experiences during the Covid-19 pandemic. With the increased emphasis on resident engagement, voice and empowerment from both the Government and the RSH, it is essential that we begin to look at our service from our tenants' and leaseholders' perspective to enhance their experience with us.

The Social Housing (Regulation) Act 2023 clearly outlines an expectation that residents will be more closely involved with service design and delivery, and we need to ensure that we have the right systems, processes and procedures in place to facilitate this.

We want our tenants and leaseholders to feel pride in the homes and neighbourhoods that they live in and know that they are empowered and listened to by us as their landlord.

Where are we now?

Our Resident Involvement Team is made up of a Strategic Lead and two Housing Community Initiatives Officers, together they work together to offer a wide range of activities and events to encourage participation in shaping our service and to capture the 'tenant voice'.

There are 7 priorities outlined in more detail in the Council's Resident Involvement Strategy 2021-2025:

1. Promotion and support for more resident involvement, providing a range of opportunities to become involved including the encouragement of residents' groups to promote a sense of community and local pride.
2. Use customer insight to improve our services, embedding resident involvement in business planning and shaping services. Have tenant representation on the Council Housing and Development Advisory Board (established in 2020). To enable tenants and leaseholders to have direct influence over housing strategy, policy, standards, and performance targets and that they are involved in performance monitoring and management.
3. Setting up projects that will help local communities, understand in their priorities, help them develop solutions and the capacity to address issues, linking community engagement to the Council's wider priorities and help communities to access the Exeter Grants Programme
4. Support for individual residents by offering training/capacity building, mentoring where needed. Arranging training and development for staff across the housing service on the skills needed to promote resident involvement.
5. Improving the ways we communicate with tenants and leaseholders, in the way they choose using their views to inform the direction of their services. Creating a method of feedback, providing evidence of the benefits of engagement. Encouraging the greater use of new technologies to increase access to information and to allow feedback and ideas to be shared in a digital/virtual way. Promotion of opportunities for tenant and leaseholder involvement, using a variety of media channels.
6. Promotion of fairness and equality, to encourage involvement from all residents irrespective of their personal characteristics, recognising that some people and groups find it difficult to have their voices heard and work to find the hidden voices. Tailoring opportunities for involvement to meet different needs/expectations.

7. Measuring our performance better, to look at outcomes, developing methods to measure social value. Enabling residents to monitor the progress of this Strategy through regular consultation. Evaluation of the changes brought about through resident involvement and publicising these with staff, tenants, leaseholders, communities and stakeholder organisations.

Currently there are a number of ways that our residents-both tenants and leaseholders can engage with us. We have a well-established 'Tenants' Voice' group who meet regularly to discuss and contribute to new policies and service standards. A similar group 'Leaseholders' Voice' also exists to consult with leaseholders as they have a slightly different relationship with us.

We have a new Complaints and Performance group who will scrutinise the key performance indicators produced by the housing services team and will act to help people resolve their complaints with us. We also have online consultation groups who offer their assistance in virtual ways.

The team set-up and organise many events and activities in the community such as drop-ins or housing surgeries, social events, both large and small and are helping to reduce social isolation amongst our older tenants by arranging interesting activities.

The team work alongside colleagues who undertake planned works for example to ensure that our tenants and leaseholders are consulted and informed about improvements to be made to their homes.

The work of the Resident Involvement team will expand as demand increases and they will ensure that the requirements as laid down in the Social Housing (Regulation) Act 2023 are met.

Where do we want to be?

We want our tenants and leaseholders to have a great experience every time they interact with us. We are pragmatic and realise that we won't always get everything right, but when things do go wrong, we will make it easy for our residents to tell us, and make things right in the most efficient way possible.

We want to see this reflected in our customer satisfaction results, but also in the culture of how we work at Exeter. We should have our residents at the forefront of our thinking in everything that we do, and making sure that we deliver our services in this way will enable and enhance resident experience.

How will we get there?

We will work collaboratively with our residents to ensure that the opportunities for co-design are maximised. We value the voice of our residents in how our services are delivered and performing and will embrace resident input to design and deliver a service that is fit for purposed now and in the future.

We will do this by:

- Carrying out a compliance assessment against each area in the RSH regulatory framework (consumer standards) to evidence how we meet the standards expected of a provider of social housing
- Carrying out a customer journey mapping project to fully understand how our residents experience our services, and where the opportunities are for improvements.
- Delivering a programme of customer service training to all colleagues within housing services, to embed a new cultural approach as well as our revised service standards
- Consider carrying out research to understand best practice for customer service.
- Reviewing our service standards (developed in 2022) in partnership with our residents, fully reflecting what they expect from us when they engage with us.
- Reviewing our Resident Involvement Strategy (2021-2025) with our residents to develop a new strategic approach
- Undertaking the Tenant Satisfaction Measures Perception Surveys as prescribed by the RSH and analysing these results.

How will we know when we have got there?

We have set the following targets and deliverables which will help us to assess when we have successfully delivered on this strategic objective:

- The launch of co-designed service standards, developed with our Tenants' Voice group, complete with measurable indicators that will become part of our Key Performance Indicators
- Services that have been reviewed and redesigned with the resident experience in mind. This will take time to do, but will be delivered over the life of the strategy
- All staff within housing services have received customer service training, accurately reflecting the resident first approach that will flow from this strategy
- We will use the following metrics to report on the achievement of this strategic objective:

Measure	Performance 2021/22	Target 2027
Overall satisfaction	81.9%	85%
Exeter gives residents the opportunity to make their views known	55.4%	80%
Complaints responded to within timescales	89%	90%

Priority 2: Providing the Right Homes in the Right Places

There is an ambition for the Council Housing & Development Services Team to build 500 new homes for social and affordable rent on Council owned land in the City. Work has already commenced on 56 homes. There are constraints and challenges on how many we can afford to build due to the increasing costs of construction and borrowing, but this target remains. Financial viability will continue to be assessed against current market conditions. These homes will be built to a very high standard, providing warm secure homes for our tenants for many years to come.

We will aim to build most of our new Council homes on previously developed land (known as brownfield land), in line with the City Council's Liveable Exeter initiative. This is so we can protect our valuable green spaces which we know are important to local people. On Council owned housing schemes, the City Council will look to provide for a range of affordable housing needs, including social rent, where this is viable.

We will remain aligned to the [Exeter Vision 2040 - Exeter City Council](#) and will continue to have a balanced approach between our development aspirations and the ongoing maintenance and capital investment to our existing stock.

We know that there is a high level of demand for affordable housing, and a drive to make these new homes more energy efficient and desirable. The Local Housing Needs Assessment identifies that there are 627 new homes a year required in Exeter in order to meet demand, and we will work with our partners to deliver against this target. This translates to a total of 12,540 additional homes required over 20 years from 2020 to 2040 in Exeter. There has been a specific need identified for homes for older people, and single occupancy homes in Exeter.

When looking at affordability in Exeter, the Local Housing Needs Assessment has highlighted that households who are in receipt of Universal Credit would be unable to meet the lower and median quartile rents in the private sector, further highlighting the need to develop more affordable housing in the city to meet need in line with affordability.

It is equally as important that these homes are delivered in the right areas too, building homes and neighbourhoods that are fit for the future and meet the needs and expectations of residents in Exeter.

Our Homelessness Strategy is intrinsically linked to this strategic priority. In 2021/22 we had an average of 3,131 households who were on our waiting list for housing, with a rolling average of 121 households in temporary accommodation and 193 identified as rough sleeping in Exeter. We are fully committed to delivering against the government Rough Sleeping Strategy to eradicate rough sleeping by 2025, while we understand the financial pressures that are brought by utilising temporary accommodation solutions for homeless households, the majority of which will be housed within private sector accommodation.

There were 537 empty homes in Exeter at the end of 21/22, and we will work to bring these properties back into use to help increase the supply and provision of suitable housing for those households that need them the most.

Where are we now?

Exeter City Council has 4,800 homes that it owns, and we provide responsive, planned and cyclical works to these homes to keep them in good and safe condition. In the last five years, we have delivered new homes in Exeter through our partnership with other organisations with 523 being new affordable homes. We have recently received the outcomes of the Local Housing Needs Assessment, which enables us to accurately predict the need for new homes in Exeter, and we will be working closely with developers to deliver against these targets for the residents of Exeter.

Policy CP7 of the Exeter Core Strategy requires developments of 10 or more homes to include 35% affordable homes subject to viability. We will be looking to include a similar replacement policy in the emerging Exeter Plan, with the percentage based on affordable housing and development viability.

Where do we want to be?

We want to make sure that we are building and enabling the development of the homes and neighbourhoods that our residents need. We aim to deliver on the target of 627 new homes each year and will ensure that we utilise our powers under Section 106 agreements to deliver desirable neighbourhoods which go further than just bricks and mortar.

We want to reduce our re-let times to ensure that available homes are fit for occupation as soon as is practicably possible. This will also help us to maximise our rental income and further strengthens our ability to do more with a strong Housing Revenue Account (HRA). Alongside this, we also want to continue our 'whole-property' retrofit programme and

deliver energy efficiency benefits to all tenants – on completed properties, tenants are currently benefitting from reduced electric and gas costs of between 40% and 60%.

How will we get there?

We will work closely with our partner agencies, Registered Providers and other departments within the council to deliver the homes that are needed within Exeter over the life of this strategy through our development and enabling function. We are in a unique position where we provide services to those who need homes the most, and yet are not able to provide the number of homes needed without the assistance of other partner organisations such as Housing Associations. A collaborative and productive relationship is required for us to meet this demand moving forward.

We will maintain a comprehensive Asset Management Strategy, alongside a Private Sector Strategy which will give us clarity over the areas that we need to focus on in the coming years. We will utilise the data that we hold to make sure that the decisions that we take are based on evidence and fact, enabling targeted provision for the needs of our communities now and into the future.

We will work to bring empty homes back into use across the city, providing an additional source of supply to meet demand, and strengthen our links with private landlords to further grow our availability to help those households that need it the most.

How will we know when we have got there?

We have set the following targets and deliverables which will help us to assess when we have successfully delivered on this strategic objective:

- The delivery of 627 new homes per year in Exeter, in line with the findings from the Local Housing Needs Assessment
- The delivery of our planned maintenance programme to keep our existing stock modern and safe
- The development of a new Asset Management Strategy, which will set out our ambitions and financial position to develop and maintain homes in Exeter including completion of the full retrofit of properties
- The establishment of new resident groups to work closely with us on all aspects of development and upkeep, including elements of our planned investment programme
- We will incentivise and proactively target bringing empty properties in Exeter back into use.
- We will use the following metrics to report on the achievement of this strategic objective:

Measure	Performance 2022/23	Target 2027
Number of new homes built	544 (20/21 figure)	3,135 (627 per year x 5)
Number of new affordable homes built to date	101	500 by 2030
Number of households on the waiting list	2,200 (Devon Home Choice figure)	N/A
Percentage of our planned investment programme successfully delivered	90% - £10.3m of a budget of £11.5m	100%
Retrofit Programme - Number of properties completed	650	4700 (by 2038)
Satisfaction with works carried out as part of our planned investment programme	80% (May 2023)	90%
Re-let times	43 days	30

Priority 3: Providing Value for Money Services

Where are we now?

In an increasingly challenging economic climate, we strive to provide services that deliver value for money for our residents. From the provision of our responsive and planned maintenance service to the upkeep of our estates and improvements to our leasehold properties, we consistently seek to strike the right balance between cost and quality for our residents.

The provision of most of these services is funded through the Housing Revenue Account (HRA) which is a ring-fenced account purely to fund the delivery of housing related services. The Exeter Housing Revenue Account Business Plan details our financial planning for future years to 2042, and the amounts that we will invest in the maintenance and upkeep of our existing homes as well as the provision of other services.

We want to ensure that the rent and other income that our residents pay to us is spent in an effective and efficient way and will ensure that we are financially prudent in how we procure goods and services to residents.

Additional factors can also affect our financial position, such as the number of our homes that are empty in Exeter and the time it takes us to let our vacant properties. We will work to ensure that our re-let times meet challenging targets and bring empty properties back into use.

Where do we want to be?

We want to maintain a healthy Housing Revenue Account (HRA) to enable us to deliver more services for our residents, maximising our income from rent and service charges. This in turn will allow us to procure and deliver more for your money that you pay to us, delivering better services for our residents.

We want to be proactive in the management of our existing contracts, reviewing the performance with suppliers and contractors on a regular basis to ensure that we are delivering real value for money in our current service provision.

How will we get there?

We will:

- Carry out a review of our existing contracts and supply chain to ensure that the money invested in these services is delivering value for money for our residents
- Move our income collection service to a preventative and proactive model, working with our residents to sustain their tenancies and maximise the income into the Housing Revenue Account (HRA)
- Continue to publish our financial performance yearly to be accountable, open and transparent as part of our annual report
- Benchmark our financial performance against other similar landlords to ensure we are performing in line with the rest of the sector, and act where we might be an outlier
- Consult with our involved residents to ensure that our money is being spent on the things that matter to the residents of Exeter
- Look at the potential of technology to help with the management of rent arrears (predictive analytics, opportunities to pay rents in different ways).

How will we know when we have got there?

We have set the following targets and deliverables which will help us to assess when we have successfully delivered on this strategic objective:

- Top quartile financial performance achieved and reflected in benchmarking
- Achieving a target of 2% or below for rent arrears in our homes

- A decrease in residents being evicted for rent arrears as a result of a preventative model of rent management
- High performing contracts and supplier relationships built on resident facing metrics
- We will use the following metrics to report on the achievement of this strategic objective:

Measure	Performance 2022/23	Target 2027
Rent arrears (%)	2.40% as of March 2023 Housemark average 2.80%	2%
Total spend vs budget (for Housing Revenue Account [HRA], capital budgets and general fund)	Revenue - 84% Capital – 90%	100%
Repairs cost per property	£741	£433
Number of repairs per property	3.3	N/A
Repairs completed at first visit	91% (March 2023)	95%
Satisfaction with the repairs service	94% (March 2023)	96%
Satisfaction that rent provides value for money	84.1% (GN & OP only)	90%

Priority 4: Supporting our residents

Where are we now?

We know that our residents will need more support from us now and in the coming years. With the current cost of living, higher than normal rent increases, inflationary pressures and numbers of affordable homes that are insufficient to meet demand means that we must work harder than ever to support our residents living in our homes.

In 2021/22 we successfully sustained 282 tenancies, preventing evictions through conversations with our residents and agreeing repayment plans for arrears. This is something that we will look to make a cornerstone of our approach in supporting residents.

We continue to see significant demand for affordable housing in Exeter. While we are working to provide homes for all of those who need them, there is a shortfall between the level of need and demand. In 2021/22 we accepted a statutory homelessness prevention

duty for 423 households, with 76 of those housed within Exeter City Council homes in (55 in 22/23) and a further 85 in accommodation provided by our partner housing associations (70 in 22/23), the remainder were accommodated in the private rented sector.

There were 193 people rough sleeping in Exeter in 2021/22, and this is an area where we recognise the need to focus support for residents in partnership with other organisations in Exeter.

Where do we want to be?

We want to work with our residents and partners to provide as much support to our residents as is needed. We want to utilise our data, knowledge, relationships and insight to move our income management to a proactive model, engaging with residents before they fall into arrears.

We will aim towards ending rough sleeping in Exeter by 2025 in line with the Government's Rough Sleeping Strategy, and we want to utilise the findings from the Local Housing Needs Assessment to ensure that we are delivering the numbers of homes identified as being required to meet local need.

We want our residents to be able to engage with us, knowing that we are there to support them with whatever difficulties they may face, and that even where we cannot provide direct support, we can utilise our extensive network of partners to signpost or refer to in order to help.

We want to maximise the supply of good quality, affordable housing in order to meet demand. To enable us to do this, we need to work closely with private landlords and other housing providers in Exeter.

How will we get there?

We will develop partnerships with agencies throughout Exeter to ensure we can provide support to our residents when they need it. Through the analysis of our resident voice through complaints, contact and involved groups, we will be able to proactively understand where our residents need our support the most, and we will track this on a regular basis to enable us to respond and react accordingly.

We want to ensure that there are no rough sleepers in Exeter by 2025, and we will develop a toolkit of interventions with our partners to achieve this, focusing not only on the provision of homes but also tackling the root causes and complexities that lead to rough sleeping in a holistic way. This will help to sustain those who will transition from rough sleeping into settled accommodation.

The provision of money advice and support will become ever more important, and we need to make sure that our staff have the knowledge and skills to be able to provide this level of support. We are pragmatic in our view that we cannot be specialists in every field, and we will look to partner with agencies who can provide advice and support in areas such as energy, mental health and broader money advice. We refer to many organisations from supported housing providers to support agencies, CAB, Homemaker, Children’s Social Care, Fearless, Together Drug and Alcohol for example.

The importance of using our data to provide targeted and proactive support cannot be underestimated, and we will carry out assessment to see how we can improve our insight and analytical capabilities. We will also review the information provided on our website and revisit our wider digital offer, so that we are available to support our residents when they need us, and they can communicate with us in a wide variety of ways.

Our Planning Team and their adopted strategies-such as the Exeter’s Core Strategy and the emerging Exeter Plan provide help in delivering affordable homes.

How will we know when we have got there?

We have set the following targets and deliverables which will help us to assess when we have successfully delivered on this strategic objective:

- The establishment of a network of support agencies and a process for referral and engagement, both within Exeter but also nationally where the expertise is required
- No rough sleeping in Exeter by 2025
- The commission and completion of a data audit and data maturity assessment
- The review of our digital offer for residents, looking at the options for multi-channel contact across the council
- The review of information held and provided through our website so that residents can access information when they need it
- A reduction in the number of evictions as a result of rent arrears, through the provision of a pro-active, people centred approach to income management.
- We will use the following metrics to report on the achievement of this strategic objective:

Measure	Performance 2022/23	Target 2027
Number of evictions as a result of rent arrears	2	0
Numbers of individuals/households identified as rough sleeping	193	0

Measure	Performance 2022/23	Target 2027
How satisfied or dissatisfied are you that Exeter City Council is easy to deal with	62.95% (all tenures)	90%

Priority 5: Ensuring the Safety of our Homes and Residents

Where are we now?

A key priority for us is to ensure that our tenants and leaseholders are safe in our homes. We do this in a variety of ways, from the electrical and gas safety checks that we carry out, the management of anti-social behaviour (ASB) on our estates, to the maintenance and upkeep of our properties through our responsive and planned maintenance service.

In 2022/23 we carried out:

- More than 15,700 responsive repairs jobs
- More than 4,500 gas safety checks
- Just over 1,200 domestic electrical safety checks
- Over 1,000 Health and Safety inspections, including asbestos, legionella and lifts
- More than 500 Fire Risk Assessments

There has been an increased emphasis on building safety within the social housing sector following the tragic events at Grenfell Tower, the Hackitt Review that followed and the Government White Paper now the Social Housing (Regulation) Act 2023 all deal with this. There is now a clear and consistent standard that landlords have to meet around building safety which is significantly more comprehensive than it was previously, and we have more work to do to continue to ensure our residents are kept safe.

Where do we want to be?

We want to take a zero-risk approach to any health and safety matters relating to our homes and residents. We will ensure that we are completing all health and safety checks within the mandatory timescales to protect our residents, and will work closely with our involved residents to deliver on this aspect.

We want to investigate how new technology can also help us to move towards a more proactive approach to safety in our homes. In-home devices can now let landlords know when

an element (such as a boiler, or a smoke alarm) is about to fail, which removes risk even further than the current approach.

We want to play our part in making our environment more sustainable, looking at energy efficiency options and maximising our green spaces on our estates. We will develop an Environmental Sustainability Strategy for the whole council which will look at our homes and estates, identifying areas where we can start to deliver improvements in our approach to the environment.

It is important for us to be compliant with both legislation and the regulatory standards, and we will commission a review to look at how we comply with the new Building Safety Act as well as the Home Standard within the regulatory standards. We will carry this out in partnership with our residents to make sure that the resident voice is heard in this important area.

A tiny minority of tenants make it extremely difficult for us to carry out safety inspections in their homes. This impacts not just their own wellbeing but also the safety of their neighbours. It also adds to costs and takes away resources which would be better used to improve our service. We will work closely with our tenants and our Legal team to create strategies which ensure we gain access when we need to so that we are always compliant and all our residents live in (and next to) safe properties.

We take all reports of anti-social behaviour (ASB) on our estates seriously, and we will work with our residents, the Police, and other organisations, to tackle and eradicate ASB as quickly and successfully as possible. To make sure that our service is in line with best practice, we will carry out a review and benchmark our performance in this area to allow us to continually improve.

We take all accidents seriously, we work closely with our residents and when appropriate/necessary we collaborate with other organisations and contractors. When things do go wrong, we actively, impartially and thoroughly investigate the event. We do this to make sure that the same event does not happen again. To date, this action has further significantly increased safety with homes and has enable us to put in place improved practices to help keep everyone safe.

How will we get there?

We will review and enhance the data that we hold on our homes to ensure that we remain fully compliant in all aspects of health and safety and are protecting our residents. By reviewing our performance in this area, we will be able to understand where there are opportunities for improvement, and we will introduce a 'Safety First' culture for both our colleagues and residents which will ensure that this area is at the forefront of how we operate.

We will develop strategic approaches to environmental sustainability, health and safety and ASB which will give us a clear direction on the evolution and improvement in these areas. We want to be in the top quartile performance for tackling ASB, while our no risk approach means that we will have none of our key health and safety inspections out of date (e.g. gas, electrical safety and fire risk assessments).

Key to us achieving in this area will be the partnerships that we develop with our residents, suppliers and partner agencies. We will work to develop processes and networks that will provide a seamless multi-agency approach to each of these areas.

How will we know when we have got there?

We have set the following targets and deliverables which will help us to assess when we have successfully delivered on this strategic objective:

- Exploration of the potential of new technology in relation to Building Safety
- Achieving top quartile performance in relation to ASB
- All relevant colleagues will have undertaken mandatory health and safety training to help build a ‘Safety First’ culture including asbestos awareness for all staff
- We have a package of 15 mandatory health & safety courses that all staff must undertake including COSHH awareness, legionella awareness, DSE awareness, lone working, manual handling, electrical safety awareness & risk assessment training
- Review completed on our compliance with legislation and regulation, with an action plan produced
- We will use the following metrics to report on the achievement of this strategic objective:

Measure	Performance 2022/23	Target 2027
Percentage of homes with a valid gas safety certificate	99.73%	100%
Percentage of homes in receipt of an electrical safety check (where required)	95.85%	100%
Percentage of fire risk assessments completed (where required)	100%	100%
Numbers of relevant housing staff completed mandatory health & safety training	39%	100%
How satisfied or dissatisfied are you that Exeter City Council provides a home that is safe and secure	79.8% satisfied neither 9.8%, dissatisfied 10.4%	95%

Conclusion

We believe that this strategy offers the best and most appropriate priorities for the tenants of Exeter City Council by setting out how we are going to take our services forward over the next four years. By enhancing the resident experience, making it easier to contact us and ensuring that our tenants can play a part in shaping our services; providing new homes of the right type where they are needed; ensuring that the monies we receive in rents is spent wisely in the most cost-effective manner; supporting our residents in their homes and making sure that our homes are safe for our tenants to live in will all contribute to improving our vision so that we can respond to national issues and the issues that matter to residents in Exeter.

Equality Impact Assessment: Council Housing Strategy 2023 - 2027

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

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

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

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

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 th January 2024 Council 20 February 2024	Council Housing Strategy	To agree the updated strategy	

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral	Low	This group of people are not adversely affected by this strategy
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Neutral	Low	Providing the right homes in the right places includes ensuring that we provide more homes for those people with disabilities.
Sex/Gender	Neutral	Low	Legislation governs all aspects of housing services provision in respect of protected characteristics such as sex/gender.
Gender reassignment	Neutral	Low	As above
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral	Low	As above
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral	Low	As above
Age (children and young people aged 0-24; adults aged 25-50; younger	Positive	Medium	The Council Housing Strategy looks to the future where the impact of its proposals will affect those who have yet to require housing

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
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).			as separate households. It sets out how our priorities of supporting people of all ages in our homes, or yet to become tenants.
Pregnancy and maternity including new and breast feeding mothers	Neutral	Low	As above
Marriage and civil partnership status	Neutral	Low	As above as this is a protected characteristic

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

-

Officer: Sarah Hemming

Date: 24.10.23

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director for Net Zero and City Management

Title: Review of Safeguarding Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To seek approval for the adoption of the revised Safeguarding Policy.

2. Recommendations:

That Executive recommends and Council approves the revised Safeguarding Policy.

3. Reasons for the recommendation:

3.1 The safeguarding policy has been updated to ensure it reflects best practice in safeguarding and the recent updates to legislation and statutory guidance.

4. What are the resource implications including non financial resources

4.1 The report is an update on the policy. Resources are required to fund training and awareness raising programmes to ensure all staff understand their responsibilities and what to do to manage enquiries and referrals, and Disclosure and Barring Service checks for key staff. These have been found within existing budgets.

5. Section 151 Officer comments:

5.1 There are no additional financial implications arising out of the report.

6. What are the legal aspects?

6.1 The Children Act 2004 and specifically Section 11 of the Act places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

6.2 Section 6 of the Care Act 2014 requires County Councils and their relevant partners including district councils, to co-operate with each other when exercising their respective

functions where they are relevant to the care and support. This co-operation can be both at a strategic level and in relation to individual cases.

6.3 There is also other relevant legislation which applies to the issue of safeguarding under which the council has specific duties. Members will note that this legislation is listed in the policy document.

7. Monitoring Officer's comments:

The Monitoring Officer is supportive of the recommendations set out in this report.

8. Report details:

8.1 The city council has had a safeguarding policy in place since 2006 which has been subject to review and minor amendments. It was last reviewed in 2020.

8.2 The following amendments to the policy have been made to bring the document up to date:

- Updates throughout to reflect internal organisational changes as well as those to external partners.
- Paragraph 5.4 - Ensuring there is a secure central record relating to safeguarding referrals. This was originally flagged as a requirement by audit but has been removed because in practice it requires duplication of effort for teams that have their own databases. We are confident that there is excellent record keeping in services as demonstrated when we have asked for management reports for Domestic Homicide Reviews. Should Strategic Management Board require a report on the number and nature of cases this could be easily obtained as and when required.
- Paragraph 6.9, bullet point 4 - Listening to and taking account of the wishes and feelings of children and adults that [officers] work with, both in individual decisions and the development of service. This statement in relation to children is included in the government's statutory guidance, 'Working Together to safeguard children' (2018) and was raised as an issue to address in the Council's policy during the Section 11 Safeguarding Audit carried out by Devon Safeguarding Children Board in August 2022 in accordance with the Children Act 2004. As this policy covers both children and adults, the policy needs to refer specifically to both children and adults.
- Paragraph 6.9, bullet point 6 - Ensure the Council officers take account of the Section 11 Duty in the Children Act 2004 to make arrangements to ensure that the Council's functions are discharged with regard to the need to safeguard and promote the welfare of children in all decision making.
- Section 7 – This section which deals with events on council land now makes reference to the Council's Protocol on Dealing with Extremist Speakers and Events. Such a protocol is a requirement of the Prevent Duty under the Counter Terrorism Act 2015.
- Section 9 – A new section setting out the organisation's Corporate Parenting responsibility under the Children and Social Work Act 2017 in relation to certain children and young people.
- Section 10 – A new section setting out how the organisation will deal with any requests for work experience by young people and adults with care and support needs as well as employment of staff under 18 years of age.

- Section 11 – A new section setting out how the organisation will respond to requests for information from the Local Authority Designated Officer.
- Section 12 – A new section as well as information throughout the document, setting out the policy on how safeguarding training will be delivered to elected members, staff, contractors and volunteers. A matrix is also included at Appendix B of the Policy, which shows the current programme of safeguarding training.

8.3 The policy is subject to ongoing annual review in order to respond to changes in legislation and best practice.

8.4 Members will note that the Government is consulting on changes to its statutory guidance 'Working Together to safeguard children' which was last updated in July 2022. The updates to this document primarily relate to children's social care practices however there is an update on multiagency working which sets out key principles for all organisations involved in safeguarding children. The principles relate to strategic leaders, senior and middle managers and staff involved in direct practice. The multi-agency practice principles for strategic leaders are set out below to give a flavour of the requirements:

- **Collaborate:** Leaders develop a shared vision for how their services work together to deliver shared goals;
- **Learn:** Leaders use evidence from direct practice in their area so that they know and can evaluate what is and isn't working well for children and families;
- **Resource:** Leaders are ambitious about protecting children in their area and jointly prioritise and share resources accordingly;
- **Include:** Leaders create an inclusive culture where diversity is understood, and multi-agency and multi-disciplinary working is celebrated;
- **Mutual challenge:** Leaders hold each other and their teams to account and are held to account by their teams for the quality of the partnership-working and there are no significant updates for second tier authorities.

8.5 Members are asked to endorse the revised policy.

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

9.1 In promoting safeguarding and protecting the wellbeing of children, young people and adults with care and support needs the safeguarding policy meets contributes directly to three strands of the Corporate Plan:

- Lead a well-run council;
- Building great neighbourhoods; and
- Supporting active and healthy lifestyles.

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

10.1 Failure to meet the requirements of the legislation could lead to children and adults at risk coming to significant harm. This could result in legal challenge to the Council.

10.2 The Strategic Management Board provides governance to the policy and resulting actions.

10.3 The council safeguarding officers work closely with both Torbay and Devon Safeguarding Adults Partnership, Devon Safeguarding Children Partnership, Safer Devon Partnership and other district councils. This ensures best practice and that the council is kept up to date with any issues.

11. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

No.

Director for Net Zero and City Management, David Bartram

Author: Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity

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

Background papers used in compiling this report:-

- The Care Act 2014
- The Children Act 2004

- The Children and Social Work Act 2017.
- The Counter Terrorism Act 2015.
- The Modern Slavery Act 2015.
- The Anti-Social Behavior, Crime and Policing Act 2014.
- The Serious Crime Act 2015.
- The Domestic Abuse Act 2021.
- The Police, Crime, Sentencing and Courts Act (Serious Violence Duty).
- The Devon Adolescent Safety Framework.
- Devon County Council procedures for managing allegations against staff.
- The Statutory Taxi and Private Hire Vehicle Standards.

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

This page is intentionally left blank



Safeguarding Policy

This policy should be read with the Exeter City Council guides for managers and employees

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

Policy development and Version details

V4 August 2023

Author	Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity
Owner	David Bartram, Director
Review dates	June 2026
Status for FOI	Open
Protected marking status	Unclassified
EQIA conducted	June 2023

1. Introduction

- 1.1 Exeter City Council believes that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The council is committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in point 3.1 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.
- 1.2 We aim to act as an exemplar of safeguarding practice providing strong leadership and improving safeguarding standards through having a robust safeguarding policy and monitoring system.

2. Aims of the Policy

2.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs are protected and respected.
- Promote best practice in how employees, elected members and associated workers interact with children, young people and adults with care and support needs while providing Council services.
- Develop clear guidance and procedures for those employees, elected members and associated workers and ensure through training and support that they are aware of these and able to implement them.
- Provide a framework for developing partnerships with appropriate external bodies e.g. Devon Safeguarding Children Partnership and Torbay and Devon Safeguarding Adults Partnership, to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs.

3. Scope of the Policy

3.1 The policy is in respect of Exeter City Council's responsibility towards:

- Children and young people, legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Care leavers up to the age of 25. The primary function for providing services specifically for care leavers in Exeter rests with Devon County Council. However Exeter City Council recognises its role in providing services that care leavers may access in particular its homelessness and homeless prevention services.
- Adults with care and support needs are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
 - has needs for care and support (whether or not the local authority is meeting any of those needs) **and**;
 - is experiencing, or at risk of, abuse or neglect; **and**
 - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

- The employees of the council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
 - The employees and elected members of the council who, while not required to act in a position of trust, may come into contact with members of these groups on a regular basis during the course of their work.
 - Employees and elected members involved in decision making with regard to licensing.
 - Volunteers and other workers involved in the provision of council services or who are granted licences by the council, but not employed by the council, including workers in organisations with whom the council has contracts for the delivery of services.
- 3.2 It covers all the functions and services of the council, its elected members, staff, partners and contractors.
- 3.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. However it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.
- 3.4 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.
- 3.5 The policy does not cover safeguarding of council staff, elected members, contractors or volunteers which is dealt with separately under the Health and Safety Policy and associated procedures.

4. Legal Framework

- 4.1 This policy is based on Exeter City Council's responsibilities under:
- 4.1.1 The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: [Care Act 2014 \(legislation.gov.uk\)](http://www.legislation.gov.uk)
- 4.1.2 The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- 4.1.3 The Children and Social Work Act 2017 sets out how all local authorities should approach their Corporate Parenting responsibilities for looked after children and care leavers. For district councils this includes Housing, Leisure and Recreation and Local Taxation Collection as set out in the [statutory guidance](#).
- 4.1.4 The Counter Terrorism Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>

- 4.1.5 The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- 4.1.6 The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- 4.1.7 The Serious Crime Act 2015 particularly Part 5 (see Appendix A)
- 4.1.8 The Domestic Abuse Act 2021 Part 1 Sec 3 provides that children who witness domestic abuse are now counted as victims in their own right.
- 4.1.9 Serious Violence Duty within the Police, Crime, Sentencing and Courts Act 2022. The statutory guidance requires specified authorities (including district councils) to focus on youth violence when setting their definition of serious violence. It also encourages a focus on domestic abuse and sexual offences.
- 4.1.10 The Devon Adolescent Safety Framework provides a route to protect young people from extra familial violence such as exploitation and sits alongside the usual statutory child protection procedure that deal with intra familial abuse. <https://www.dcfp.org.uk/training-and-resources/policies-and-procedures/adolescent-safety-framework-safer-me/>
- 4.1.11 Devon County Council procedures for managing allegations against staff and Local Authority Designated Officer (LADO) role [Managing allegations against adults working with children \(for professionals\) – Education and Families \(devon.gov.uk\)](https://www.devon.gov.uk/education-and-families/managing-allegations-against-adults-working-with-children-for-professionals)
- 4.1.12 The Statutory Taxi and Private Hire Vehicle Standards <https://www.gov.uk/government/news/new-standards-to-improve-safety-for-taxi-and-private-hire-vehicle-passengers>

5. Supporting structures, policies and procedures

- 5.1 The Strategic Management Board has oversight of safeguarding practice within the council and responsibility to drive forward improvements. The Group meets fortnightly however a specific safeguarding agenda is presented to the Board four times a year.
- 5.2 The Director for Net Zero and City Management has been appointed Strategic Safeguarding Lead
- 5.3 In addition the council has appointed a Corporate Safeguarding Lead responsible for co-ordinating the implementation of the policy and providing a single point of contact for the safeguarding boards.
- 5.4 The Corporate Safeguarding Lead has responsibility for:
- Providing advice and guidance
 - acting as multi agency partner on the Local Safeguarding Children Board and Local Adult Safeguarding Board
 - advocating the importance of safeguarding across the organisation
 - ensuring all safeguarding policies, procedures and guidelines are promoted
- 5.5 In addition the Corporate Safeguarding Lead chairs a Safeguarding Representatives Group made up of a number of staff across different services of the council. This group will have an operational overview of safeguarding issues in service areas, together with actions that could be taken.

- 5.6 In the absence of the Corporate Safeguarding Lead the Environmental Health and Community Safety Manager will deputise for the corporate lead.
- 5.7 Safeguarding Representatives have responsibility for:
- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
 - Making a decision about how to proceed and whether to make a formal referral. If there is disagreement on the appropriate course of action to take then the safeguarding lead has the final decision. Where staff are dissatisfied with the decision of the safeguarding lead, they should report their concerns to their line manager in the first instance and can still make a referral if they have strong concerns.
 - Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording.
 - Working with colleagues to improve practice across the organisation.
 - In the event of an incident or query, should a safeguarding lead not be available, staff should go straight to relevant Devon County Council service. They can be supported by a senior manager but details of any incident must not be shared unless absolutely necessary.
 - Attending appropriate courses and updating of safeguarding legislation.
 - Providing additional input on the development of safeguarding training based on knowledge of emerging issues within services.
- 5.8 Any staff who have a safeguarding concern should in the first instance discuss the matter with any one of the Safeguarding Representatives who will make a decision whether or not to refer the matter to the appropriate external organisation. A suite of supporting procedural documents is made available to all staff on the council's intranet site.
- 5.9 The Community Safety Partnership, Safer Exeter (of which Exeter City Council is a statutory partner), also deals with some safeguarding issues on a city wide basis such as Domestic & Sexual Violence and Abuse, Modern Slavery, Child Exploitation and Preventing Violent Extremism. Both the Strategic and Corporate Safeguarding Leads sit on the Partnership so are able to ensure that strong links are maintained between the two policy areas.
- 5.10 This policy should also be used in conjunction with the following:
- Disciplinary Procedure
 - Grievance Procedure
 - Whistle Blowing Policy
 - IT Acceptable Use Policy
 - Equality and Diversity Policy
 - Complaints & Feedback Procedure
 - Health & Safety at Work guidance
 - Modern Slavery Transparency Statement
 - Taxi and Private Hire Policy

6. Responsibilities

- 6.1 Responsibility for the implementation of this policy lies at all levels of the council.

6.2 Members

6.3 Elected members are collectively responsible for ensuring that the council has a policy, which adequately provides protection for children and adults with care and support needs in receipt of its services and for the regular review of this policy in the light of changes to legislation or regulation.

6.4 Each Exeter City Councillor has the personal responsibility to comply with the policy.

6.5 Elected Members should report any concerns to the Strategic or Corporate Safeguarding Leads.

6.6 Members of the Licensing Committee have responsibility for ensuring that those taxi and private hire vehicle drivers to whom they grant licences are fit and proper people to hold such licences.

6.7 The Councillor Development Steering Group will provide information on the training needs of elected members and preferred methods of learning

6.8 Officers

6.9 All employees and particularly those working with children and adults with care and support needs are responsible for:

- Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and adults with care and support needs.
- Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Listening to and taking account of the wishes and feelings of children and adults that they work with, both in individual decisions and the development of service
- Reporting to a Safeguarding Representative, any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from other staff, from carers, parents or those in place of a parent or between members of the group.
- Ensure they take account of the Section 11 Duty in the Children Act 2004 to make arrangements to ensure that the Council's functions are discharged with regard to the need to safeguard and promote the welfare of children in all decision making.

6.10 The Chief Executive has overall responsibility for the organisation's safeguarding arrangements.

6.11 Strategic Management Board is required to ensure good governance of the organisation and has responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.

6.12 Members of Strategic Management Board are also responsible for:

- Implementation of this policy and ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
- Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.

- Identifying, commissioning and monitoring the Council's safeguarding training needs and attainment of the required training standards.

6.13 Tier 3 Service Leads are responsible for:

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensuring that those people appointed by them to the district council, whose normal duties fall into the definition of Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
- Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the council's Human Resources team if the incident involves a member of staff.
- Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
- Ensuring that external contractors delivering council services and licensees are aware of the council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
- Ensuring that carers and/or parents of the children and adults with care and support needs are aware that, in providing services, council employees are not normally acting in place of a parent, except in relation to events for unaccompanied children who have been formally registered.
- Ensuring the carers and/or parents of the children and adults with care and support needs who are in direct receipt of council services ¹ are made aware that services will be delivered in line with this policy.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Devon County Council, Safeguarding Board or the Police, and to council's Human Resources team where employees, volunteers and contractors are involved and to the Monitoring Officer where elected members are involved.
- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

6.14 Human Resources are responsible for:

- Working with senior managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required.

¹ For example: this would include arranging accommodation for a vulnerable adult or holding an event for children at the museum. It would not include arranging accommodation for a family with children where the contract is with the parents/carers.

- Developing robust Safer Recruitment policy and practises and ensuring that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.
- Supporting senior managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups.

6.15 Volunteers and other workers are responsible for:

- Working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

6.16 Contractors, suppliers, consultants and licensees are responsible for:

- Working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

6.17 A requirement to comply with safeguarding legislation will be included in all contracts and service level/delivery agreements. Failure to comply may lead to the termination of contracts. Organisations doing business with us are welcome to adopt our safeguarding policy for their own use.

7. Events and land hire

7.1 Any organisation who has lease agreements or regularly hire out or lease council facilities or open spaces, should have appropriate safeguarding procedures in place. They should ensure any volunteer or employee that has unsupervised contact with children, young people or adults with care and support needs undertakes a DBS check. They will also be required to demonstrate that they have read the Council's Protocol on Dealing with Extremist Speakers and Events (see Appendix B) and will be encouraged to utilise the Council's [Event Checklist Risk Assessment](#).

7.2 Any safeguarding concerns on council land should be reported to a Safeguarding Representative. (Not negating a need to call Police in a safeguarding emergency) Safeguarding Representatives are able to provide further advice and support to groups or organisations.

7.3 Details of these requirements are set out in the Exeter City Council Events Hire Policy.

8. Grant applications

8.1 Safeguarding policies and procedures are required from all grant funded organisations. Satisfactory DBS checks for employees and volunteers may also be requested of any organisation or group, working with children, young people and adults with care and support needs who seek funding from the council.

- 8.2 As a minimum, an organisation will be expected to have a policy statement or procedure relating to safeguarding. Commissioned, contracted or grant funded organisations with minimal contact with children, young people and vulnerable adults may wish to adopt the councils Safeguarding Policy and procedures if deemed suitable.

9. Corporate Parenting

- 9.1 Section 1 of the Children and Social Work Act 2017 applies a set of Corporate Parenting principles to any council “whenever they exercise a function in relation to looked-after children or care leavers”. For a district council the primary impact of this is in relation to the duty to accommodate, council tax support, access to leisure and employment skills development.
- 9.2 The corporate parenting principles set out seven principles that local authorities must have regard to when exercising their functions in relation to looked after children and young people, as follows:
- to act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people
 - to encourage those children and young people to express their views, wishes and feelings
 - to take into account the views, wishes and feelings of those children and young people
 - to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners
 - to promote high aspirations, and seek to secure the best outcomes, for those children and young people
 - for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
 - to prepare those children and young people for adulthood and independent living
- 9.3 The lead officer for Corporate Parenting is the Strategic Safeguarding Lead and the lead member is the Portfolio Holder for Corporate and Democratic Services and Environmental Health which includes Safeguarding.
- 9.4 Section 2 of the Children and Social Work Act 2017 requires each local authority to consult on and publish a local offer for its care leavers. The local offer should provide information about all the services and support that is available to care leavers from the local authority, including information about both their statutory entitlements as well as any discretionary support that a local authority chooses to provide.

10. Work experience placements and employees under 18 years of age

- 10.1 The following principles apply when setting up work experience placements for people under the age of 18 or adults with care and support needs:
- All placements can only be agreed between Human Resources and the school, college or other organisation supporting the individual
 - Line Managers must prepare, and Human Resources must approve, the requisite documentation before any placement can start
 - “Requisite documentation” includes relevant Risk Assessments, the agreed Work Programme and confirmation that there are appropriate numbers of enhanced DBS-checked employees available
 - “Appropriate numbers” must be adequate enough to ensure that an individual is not left unsupervised at **any** time. In order to provide adequate cover, this requires at least 2 DBS checked employees being available for the duration of the time the individual is on site
 - If the above cannot be met, then the request will be denied.

- 10.2 All paid and volunteering roles with the Council are risk assessed at recruitment stage. Any applications from people under the age of 18 will be assessed for safeguarding risks in line with the Council's recruitment and volunteering policies.
- 10.3 The minimum age for any work experience, volunteering or paid role with the council is 16 years of age.

11. The LADO process

- 11.1 The Local Authority Designated Officer (LADO) is a statutory role which sits within Devon County Council Children Services. The LADO is responsible for co-ordinating the response to concerns that an adult who works with children may have caused them or could cause them harm. The LADO also gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people. Included in this group are volunteers, agency staff and foster carers as well as people who are in a position of authority and have regular contact with children.
- 11.2 The LADO should be alerted to all cases in which it is alleged that a person who works with children has:
- behaved in a way that has harmed, or may have harmed, a child
 - possibly committed a criminal offence against children, or related to a child
 - behaved towards a child or children in a way that indicated they may pose a risk of harm to children.
 - behaved or may have behaved in a way that indicates that they may not be suitable to work with children.
- 11.3 Allegations of non-recent abuse should be referred in the same way as contemporary concerns.
- 11.4 If an Exeter City Council staff member or elected member becomes aware of a situation as outlined in 11.2 above they should immediately alert the Director with responsibility for Legal (Monitoring Officer), the Strategic Safeguarding Lead and either:
- the Service Lead for Human Resources where a member of staff is involved, or
 - the Service Lead for Environmental Health and Community Safety in cases which involve a licence issued by the authority,
- who then inform the LADO within 1 working day.
- 11.5 Having assessed the referral the LADO may arrange one or more Managing Allegations Meetings liaising with the police and other agencies as necessary. Attendance at a LADO Managing Allegations Meeting should be always be made by two officers together to ensure that if total confidentiality is required (e.g. to safeguard an ongoing police investigation) the weight of responsibility does not fall to one officer alone.

12. Safeguarding Training

- 12.1 At recruitment, the council assesses the skills, experience and previous training of the applicant in order to appoint the most suitable person for the job. Training needs are reviewed at the recruitment of new starters and then formally on an annual basis during appraisals.
- 12.2 Safeguarding training supports the protection and welfare of children, young people and adults with care and support needs. Training on safety issues related to children such as use of play equipment or provision of food at events, as well as safeguarding of council staff, elected

members, contractors or volunteers is dealt with separately under the Health and Safety Policy and associated procedures.

12.3 A matrix is included at Appendix B setting out the current plan for training across the organisation. This matrix is subject to regular review and updated by the Strategic Management Board in light of legislative changes or availability of appropriate training courses.

12.4 Induction Training

12.4.1 All employees and volunteers will be inducted in the contents of this Policy by the Service Lead or Team Leader with particular emphasis on their personal responsibilities.

12.4.2 All new elected members will be directed to this Policy as part of the Member's Handbook and their induction by the Democratic Services Team Leader Support.

12.4.3 All new employees, volunteers and elected members also receive a mandatory general safeguarding induction. This will either take the form of an Elearning course or will be delivered by the Service Lead or Team Leader. This training is required irrespective of whether the individual has undertaken recent similar training in another role, for example as a school governor or sports coach.

12.4.4 The course will cover:

- their legal duties, as set down in safeguarding legislation (refer to main Safeguarding Policy)
- how to recognise signs of abuse or neglect
- how to report concerns

12.5 Specific Responsibilities

12.5.1 Where an individual takes on specific safeguarding responsibilities, for example Safeguarding Representatives, they will receive relevant safeguarding training in these responsibilities.

12.5.2 Elected members and staff who are members of the Licensing Committee will undertake mandatory subject specific safeguarding training as a requirement of that role.

12.6 Refresher Training

12.6.1 All staff, volunteers and elected members will be required to undertake mandatory refresher training every three years.

12.7 Consultation and Communication

12.7.1 Exeter City Council consults with Employees and Trade Unions about the planning and organisation of safeguarding training through the Corporate Safeguarding Group and the Safeguarding Representatives Group (comprising Employee Representatives and Trade Union Representatives).

12.7.2 Any recommendations for new or revised safeguarding training are made to the Strategic Management Board through the Safeguarding Representatives Meeting or the Councillor Development Steering Group as appropriate.

12.8 Training Needs, Coordination of Training and Competency of Trainers

12.8.1 All safeguarding training is provided by competent instructors and takes place during working hours. The identification of general training needs is a line management function and follows a risk based approach. The table at Appendix C provides guidance on training that is:

- Mandatory for all members of staff,
- Essential for Specific Roles
- Desirable for Specific Roles

(Advice and information is available from the Corporate Safeguarding Lead.)

12.8.2 Day to day coordination of the staff training programme is carried out by the Human Resources Adviser Team Leader with the support of the Corporate Safeguarding Lead.

12.8.3 The effectiveness of training is evaluated by the use of end of course assessments and feedback forms for management review. Records of training, including the date, name of delegate, tutor details and contents of the course, are held by the Human Resources Adviser Team Leader and Democratic Services Team Leader.

12.8.4 For in-house taught courses the lesson plans, syllabus and course material are jointly held by the Human Resources Adviser Team Leader, Democratic Services Team Leader and the Corporate Safeguarding Lead.

12.8.5 Where Exeter City Council does not have the necessary in-house competence to undertake a specific task or specialist work, we will engage specialist contractors who have been assessed for their competence.

12.9 Exceptions to mandatory training and support for delegates

12.9.1 Some people may find the subject matter of safeguarding training triggers unwanted memories and emotions for them because of personal experiences or because of mental health issues. Where this is the case staff should work with their manager and/or the HR Adviser Team Leader to find an alternative method of ensuring they understand the basic principles of safeguarding and how to refer cases without going into the detail.

12.9.2 They are not expected to divulge details of their experience and it will be sufficient to declare that they find the subject matter “too upsetting”.

12.9.3 All staff, volunteers and elected members should be provided with the opportunity to discuss the learning from these courses with colleagues in a supportive environment by their Service Lead, Team Leader or Group Leader.

12.9.4 All courses will begin with a warning about the content and advice on organisations to contact if individuals feel they need support.

13. **Review**

13.1 This policy and the related guidance will be reviewed every three years or sooner if required by the Safeguarding Representatives Group and Strategic Management Board. This will include an on-going review of guidance, both nationally and locally, to ensure the Council meets requirements to safeguard children, young people and adults, and there are appropriate procedures and protocols in place.

13.2 The Council's scrutiny function will also have a role in scrutinising and challenging where appropriate the implementation of the Corporate Safeguarding Policy.

Serious Crime Act 2015

Part 5 Protection of children and others

Protection of children

- 66. Child cruelty offence
- 67. Sexual communication with a child
- 68. Child sexual exploitation
- 69. Possession of a paedophile manual

Female genital mutilation

- 70. Offence of female genital mutilation: extra-territorial acts
- 71. Anonymity for victims of female genital mutilation
- 72. Offence of failing to protect girl from risk of genital mutilation
- 73. Female genital mutilation protection orders
- 74. Duty to notify police of female genital mutilation
- 75. Guidance about female genital mutilation

Domestic Abuse

- 76. Controlling or coercive behavior in an intimate or family relationship
- 77. Guidance about investigation of offences under section 76

Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>

Protocol on Dealing with Extremist Speakers and Events

Since 2015, the Exeter City Council has had a statutory duty to “have due regard to the need to prevent people from being drawn into terrorism”. This includes ensuring that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.

Policy Statement

Exeter City Council will not permit its premises or land to be let:

- For events or functions attended by people whose presence may cause civil unrest or detrimental community tension;
- To an organisation or individual which has been banned by law.

The council also reserves the right to cancel any booking where it considers:

1. That such events may be contrary to the interest of the general public or contrary to any law or act of Parliament. Any bookings will also be subject to consideration from the police to ensure the safety of the community is assessed against the request for a premise or land hire.
2. The users of the premises / land may do something that may cause or pose a risk of loss, damage or significant expense to the council or harm the reputation of the Council.

Procedure

If the organisation or individual making the booking is not already known to the staff member processing the premises/land booking, then the staff member must:

1. Establish what the premises/land will be used for and what type of event the customer is wishing to hold.
2. Establish if the name given is linked to any community group or organisation
3. Request a copy of the programme details and names of any speakers.
4. Request all contact details (address, mobile, home and business contact number).
5. If the customer is not a local resident, establish why they are holding an event in this area.
6. Ask the customer if they have used any other premises/land in the country, if so contact the previous venue(s) to establish what the event was.

If the answers received raise concerns that the event may be controversial or extremist in nature then staff should alert the Prevent Lead (Policy Officer - Community Safety, Safeguarding and Equality & Diversity), Service Lead - Environmental Health and Community Safety and Environmental Health and Community Safety Managers, by email.

The relevant service Director in conjunction with the Premises or Operational Manager (with advice from the Chair of the Safety Advisory Group and Prevent Lead) will make the final decision on whether an event can go ahead.

This decision will be shared in advance of being communicated to the booking organisation with other known venue providers and the Council's communications team.

Training Needs Guidance Table (Including Refresher Training)

Programme / Course	Mandatory Essential Desirable	Employment Group	Numbers of delegates and cost
Induction and general awareness training			
Induction 1st Day – link to Safeguarding Policy	Mandatory (<i>Checklist with Manager</i>)	All staff, volunteers and elected members (<i>No refresher</i>) <i>All signposted to Safeguarding Policy and procedure documents</i>	No cost. Delivered by relevant manager who must have undertaken the mandatory training below.
Safeguarding Children and Adults In house E-Academy course	Mandatory (1 hour max)	All office staff, volunteers and elected members (January/February 2022 then refresher every three years (Jan/Feb 2025))	563 employees with email (approx.) 39 councillors Costed as part of contract with platform provider (Learning Nexus). This may not be appropriate for all staff with email. Some only have email on a phone and may be better placed to do a Toolbox Talk. Service Leads working with Safeguarding Reps will need to provide information on which staff should be included.
Tool-Box-Talks	Mandatory (30 minutes)	All manual staff without council email address (<i>Refresher every three years</i>): Waste: - Waste Operations Loaders / Drivers (all posts below Supervisor level) - MRF Operatives	No cost. Delivered by relevant manager or Safeguarding Rep where the service has one, using Exeter City Council slides and script: Note that manager and reps should have undertaken the training themselves before delivering it to others. Delivered by Waste Operations Manager

		<p>Leisure:</p> <ul style="list-style-type: none"> - Leisure Employees (all posts below Duty Manager level) <p>Public & Green Spaces:</p> <ul style="list-style-type: none"> - Public & Green Space Specialist Skills - Public & Green Space Mechanical Skills - Public & Green Space Operators <p>RAMM:</p> <ul style="list-style-type: none"> - RAMM Cleaners - Casual RAMM Assistants - Casual RAMM Retail Assistants <p>Facilities & Markets:</p> <ul style="list-style-type: none"> - Casual Car Boot Supervisors - Casual Central Controllers - Casual Bar – Corn Exchange - Casual Market Assistants - Casual Quay House - Casual Underground Passages 	<p>Delivered by Leisure Centre General and Duty Managers</p> <p>Delivered by Public & Green Spaces Charge Hands (already trainer trained)</p> <p>Delivered by RAMM Managers and Safeguarding Reps</p> <p>Delivered by Facilities and Markets Managers and Safeguarding Rep</p>
<p>Preventing Violent Extremism In house E-Academy course which will include Home Office video</p> <p>Tool-Box-Talks</p>	<p>Mandatory (1 hour max)</p> <p>Mandatory (30 minutes)</p>	<p>All office staff, volunteers and elected members (January/February 2022 then refresher every three years (Jan/Feb 2025))</p> <p>All manual staff (<i>Refresher every three years</i>). See <i>Safeguarding Children above</i>.</p>	<p>As above</p> <p>As above.</p>
<p>Safeguarding and Licensing Induction for Licensing Committee elected members and staff</p>	<p>Mandatory (2 hours)</p>	<p>All Licensing Committee elected members and staff (<i>Refresher year</i>)</p>	<p>Local provider has been identified at cost of £200 per session</p>

Role Specific and advanced level Training (<i>Training needs will be identified and organised by Service Leads following staff Performance and Development reviews</i>)			
Group 2 Responding to allegations and role of the LADO e-learning Devon County Council/Devon Safeguarding Children Board DEL course	Mandatory	Strategic Management Board including the Strategic Safeguarding Lead and Directors with responsibility for Licensing and Legal Corporate Safeguarding Lead Monitoring Officer Service Lead Legal and Deputy Monitoring Officer Service Lead Environmental Health (including Licensing) and Community Safety which includes Licensing and Deputy Service Lead Human Resources	£5 per Devon Safeguarding Children Partnership licence for approx. 15 staff = £75
Themed topics for front line staff to be updated			
Dealing with Domestic Abuse disclosures – Priority - following recent cases involving staff flagged by service reps to the Corporate Safeguarding Lead, it has been recognised that training on how to manage these situations is needed.	Mandatory	Four domestic abuse leads HR All managers	Use local service provider Fear Free – cost and length and format of course to be confirmed.
Dealing with sexual abuse disclosures and interviewing for witness statements	Essential	Four domestic abuse leads Environmental Health Licensing Team	Devon Rape Crisis £85 per delegate
Domestic Violence and Abuse (DVA)	Mandatory (approx. 1 hour)	Safeguarding Representatives Group and all customer facing staff who are either working with children, families and adults	Devon County Council Domestic Abuse ELearning Level 1 included in DeL license fee.

	Desirable	<p>with care and support needs where they would be in a position to identify DVA or have it disclosed to them.</p> <ul style="list-style-type: none"> • Customer Services • Housing Needs • Housing Assets, Lettings and Leasehold • Benefits, Payments and Collections • Environmental Health, Private Sector Housing and Licensing <p>Elected members will be invited to undertake the training to build on knowledge from the mandatory courses.</p>	
Mental Capacity Act	Essential	All staff dealing with adults with care and support needs should be aware of how to assess for capacity when requiring decisions.	Free Mental Capacity Act training available online by Hounslow and Richmond Community Healthcare NHS Trust
Suicide Prevention	Essential	All front facing staff and others to be decided and rolled out by Service/Team Leads as needed.	Free suicide awareness training, https://www.zerosuicidealliance.com/training Link in with Suicide Prevention Partnership
<p>Mental Health (particular focus on anxiety and depression rather than psychosis or schizophrenia)</p> <ul style="list-style-type: none"> • What to look out for • Services available • How to respond 		<p>All Members of Safeguarding Representative Group</p> <p>Housing Needs</p> <p>Housing</p> <p>Customer Services</p> <p>Income Collection</p>	<p>DCHOP may be delivering a session for Housing Needs so this may be appropriate for other services.</p> <p>Connect 5 (Public Health) may also be appropriate.</p>
Self-Neglect			These are topics that have either been requested by managers or are emerging issues that need more in depth training for some front line staff. All are available as multi-agency
Substance misuse			
Safeguarding at events			
Safer recruitment			

Adverse Childhood Experience and Trauma Informed Practice			training via Devon County Council or free bite size training delivered by Devon Community Safety Partnerships.
Modern Slavery			

This page is intentionally left blank

Equality Impact Assessment: Review of Safeguarding Policy

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

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

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

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

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 January 2024 Council 20 February 2024	Corporate Safeguarding Policy Revised August 2023	Adoption and Implementation of the revised policy	Older people, young people, those with disabilities, people from ethnic minority backgrounds

--	--	--	--

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Positive	High	The Policy includes actions to protect people experiencing cultural issues such as forced marriage and Female Genital Mutilation which tend to affect young people from ethnic minority backgrounds disproportionately. The Policy covers Modern Slavery which can affect migrant workers.
	Negative	High	When using the Protocol On Dealing With Extremist Speakers and Events, if: <ol style="list-style-type: none"> 1. staff making decisions about whether to research an individual or organisation making a booking, and 2. staff making decisions about whether to accept a booking do not have clear criteria for doing so and are not fully aware that they may make biased decisions, there is a danger that individuals and organisations could be racially or religiously profiled. Training on Prevent, race and religion awareness and unconscious bias for staff involved in making both these decisions would help to mitigate this impact.

<p>Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.</p>	Positive	High	The policy has two key purposes, one of which is to demonstrate the Council's commitment to safeguarding from harm all adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.
	Negative	Medium	Staff with some mental health issues or who have experienced abuse themselves, may find the policy and associated training triggering. The policy states that where this is the case Managers and the HR Adviser Team Leader will need to find an alternative method of ensuring that the staff member understand the basic principles of safeguarding and how to refer cases without going into the detail. The Employee Assistance Programme is also available to staff which may help them work through some of these issues.
	Negative	Medium	If staff making decisions about whether to research an individual making a booking for an event do not have clear criteria for doing so and are not fully aware that they may make biased decisions, there is a danger that some individuals who have certain disabilities such as mental health or neurodevelopmental conditions may appear suspicious whereas their behaviour is simply a result of their condition. The process within the Protocol On Dealing With Extremist Speakers and Events along with disability awareness and Prevent training should help to mitigate this impact.
Sex/Gender	Positive	High	The policy covers domestic violence and abuse which has a disproportionate impact on women.
Gender reassignment			
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Negative	High	When using the Protocol On Dealing With Extremist Speakers and Events, if: <ol style="list-style-type: none"> 1. staff making decisions about whether to research an individual or organisation making a booking, and 2. staff making decisions about whether to accept a booking

			do not have clear criteria for doing so and are not fully aware that they may make biased decisions, there is a danger that individuals and organisations could be racially or religiously profiled. Training on Prevent, race and religion awareness and unconscious bias for staff involved in making both these decisions would help to mitigate this impact.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).			
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive	High	The purpose of the policy is to demonstrate the council's commitment to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the council, our partners and contractors.
Pregnancy and maternity including new and breast feeding mothers			
Marriage and civil partnership status			
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p> <ul style="list-style-type: none"> While the policy's intent is overwhelmingly positive, there could be situations where unconscious bias leads staff to make assumptions about who may need safeguarding. The development of training on Equality, Diversity and Inclusion and Unconscious Bias as well as Safeguarding will help to address this. 			

Officer: Melinda Pogue-Jackson
Date: 26 September 2023

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director Net Zero Exeter & City Management

Title: Review of Policy for Dealing with Unacceptable Customer Behaviour

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To seek approval for the adoption of the revised Policy for Dealing with Unacceptable Customer Behaviour.

2. Recommendations:

2.1 Executive recommends that Council approves the revised policy for Dealing with Unacceptable Customer Behaviour.

3. Reasons for the recommendation:

3.1 The Policy for Dealing with Unacceptable Customer Behaviour was last reviewed in August 2020 and should be reviewed every three years. In addition, some changes have been made to the associated guidance documents and it is necessary to ensure the policy reflects these current processes.

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

4.1 There are no resource implications other than officer time in dealing with cases.

5. Section 151 Officer comments:

5.1 There are no financial implications contained in the report.

6. What are the legal aspects?

6.2 The Council's policy for Dealing with Unacceptable Customer Behaviour has been reviewed and updated since the last review in August 2020. The purpose of the review is to ensure that the policy remains relevant and up to date, for example, by reflecting continued compliance with legislation including, for example, The Health and Safety at Work etc. Act 1974, Data Protection Act 2018, the Equality Act 2010 and safeguarding responsibilities under the Care Act 2014 and the Children Act 2004.

7. Monitoring Officer's comments:

The Monitoring Officer is supportive of the recommendations set out in this report.

8. Report details:

8.1 The Policy for Dealing with Unacceptable Customer Behaviour has been in place since 2014. It sets out the Council's procedure for protecting staff against abusive, aggressive and violent customer behaviour as well as behaviour that places unreasonable demands on Council staff. Examples of this include contacting several different members of staff at the same time on the same matter or inundating the Council with emails, telephone calls or copies of information that have already been submitted or that are irrelevant to the enquiry.

8.2 Related to this Policy is the Employee Protection Register procedure which sets out what measures staff can take to protect themselves and how the Council will support them, when dealing with abusive, aggressive, or violent customers.

8.3 The following changes have been made to bring the policy up to date:

- Paragraph 2.4.6 – The policy now includes reference to the Council's Social Media House Rules as it is recognised that social media is often used to criticise and abuse staff.
- Paragraph 2.4.8 – A statement is being developed to be heard when customers call the council reminding them of what behaviour the Council considers acceptable and directing them to a detailed statement on the website. A similar notice is being considered for email replies.
- Paragraph 2.4.11 – Reference to the policy on Body Worn Cameras is included to ensure both policies are in line with each other.
- Paragraph 2.4.13 -2.4.15 – These paragraphs set out how the Council will deal with situations where the customer perpetrating abuse towards staff is also a staff member or has another legally binding relationship with the council such as licenced taxi drivers or housing tenants. In all situations confidentiality must be balanced with the safety of staff. These situations will need to be dealt with on a case-by-case basis by a Director rather than the usual Tier 4 manager.
- Section 6 – This section previously detailed an appeals process. This has been removed as in practice it is more appropriate for customers who want to appeal their inclusion on the register to use the Corporate Complaints process.
- Paragraph 9.5 - Where unacceptable behaviour towards staff has been perpetrated by someone under the age of 18, the name of their parents or carers will be added to the Employee Protection Register (EPR) in place of the name of the child. While it is important that staff are protected, the Council also recognises the vulnerability of young people and the safeguarding issues that arise in relation to young people. The case can still be discussed at meetings of the Safety of Employees Review Group (SERG), although children who are involved in ASB or criminal behaviour are also dealt with through other specialist routes such as the Youth Anti-social Behaviour Action Team (ASBAT) meetings. The review period for these cases will be six months rather than the standard twelve months for adults.

- Section 10 – This section has been added to emphasise the need for support for staff who experience customer abuse and aggression which can lead to stress and anxiety if not properly addressed.

8.4 In addition to the policy and procedure documents a flowchart has been developed to provide a quick visual guide to the process for dealing with cases.

8.5 The policy is subject to ongoing annual review in order to respond to changes in legislation and best practice.

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

9.1 The decision will support the priority to lead a well-run council.

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

10.1 The main risk to the policy is that the procedures are not properly followed and leave the Council open to legal challenge. Communication of the procedures to all staff coupled with the oversight of the Safety of Employees Review Group should mitigate this risk.

11. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

13.1 The policies and procedures provide clarity for customers and staff about what is considered unacceptable behaviour and how the Council will deal with cases. Committee

could decide not to accept the updates, but this could leave the Council open to legal challenge.

Director Net Zero Exeter & City Management, David Bartram

Author: Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity

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

Background papers used in compiling this report:-

None

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

Policy for Dealing with Unacceptable Customer Behaviour

This policy should be read with the Exeter City Council guides for managers and employees

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

Policy development and Version details

V3 August 2023

Title	Policy for dealing with unacceptable customer behaviour
Author	Policy Officer – Community Safety, Safeguarding and Equality and Diversity
Owner	Director for Net Zero and City Management
Review dates	June 2023
Status for FOI	Open
Protected marking status	Unclassified
EQIA conducted	May 2023

1. Policy statement

- 1.1 Exeter City Council is committed to dealing with customers fairly and impartially and to providing a high quality service. As part of this service the Council does not normally limit the contact that customers¹ have with its officers.
- 1.2 Occasionally, the behaviour of some customers can make it very difficult for Council staff² and elected members to deal with their enquiry or concern. In a small number of cases the actions of some customers become unacceptable because they involve abuse of people or processes. When this happens we have to take appropriate steps to protect our staff. On other occasions we have to consider whether a customer's actions are having an impact on our ability to do our work and to provide a service to others.
- 1.3 People may act out of character in times of trouble or distress. We do not view behaviour as unacceptable just because a person is forceful or determined. However, we do consider actions that result in unreasonable demands on our workers to be unacceptable. It is these actions that we aim to manage under this policy.

2. Aggressive, abusive or violent behaviour

- 2.1 We define abusive or aggressive behaviour as any behaviour which produces damaging or hurtful effects, physically or emotionally on other people. This definition is not exhaustive but would include:
 - Physical assault with or without weapons or other instruments such as broken bottles or hypodermic needles, resulting in injury or not
 - Sexual assault
 - Violent behaviour resulting in damage to property
 - Verbal abuse including name calling, threats
 - Discriminatory abuse including racist or sexual abuse
 - Sexual disinhibition
 - Dangerous animals
 - Unsafe premises such as hoarding, presence of drug paraphernalia, bodily fluids, weapons
 - Trolling, cyberstalking or taking photos or filming without consent
 - Injury caused by pets, e.g. dogs
 - Threat of harm to property or family
 - Harassment during or outside of work including unreasonable repeated phone calls and emails to staff
 - Bullying, shouting or swearing
 - Accusatory behaviour such as unsubstantiated allegations
 - Threat or any of the above
- 2.2 We appreciate that customers' behaviour can be borne out of frustration with their own situation or the processes which must be followed in order for the Council to assist them. However, when this frustration escalates into aggression, abuse or bullying behaviour towards our officers, we consider that unacceptable. Any aggression, abuse or violent behaviour directed towards our officers will not be tolerated.

¹ A customer is any person who comes into contact or interacts with Council officers and operatives. This includes partner agencies where they are seen as 'customers'.

² Council staff includes employees, secondees, internships, volunteers, temporary staff and contractors

- 2.3 Aggressive or abusive behaviour includes language (whether verbal or written) or actions that may cause officers to feel afraid, threatened or abused and may include threats, personal verbal abuse, inflammatory statements, remarks of a racial or discriminatory nature, maliciously unsubstantiated allegations, derogatory remarks and use of obscenities.
- 2.4 How we will deal with this type of behaviour.
- 2.4.1 Immediate action can be taken by the employee in direct contact with the customer. All employees are trained to 'Step Away from Violence and Aggression' as per the related policy and guidance.
- 2.4.2 The threat or use of physical violence, verbal abuse, intimidation or harassment towards our officers is likely to result in the termination of all direct contact with the customer who may also be banned from Council premises. Such incidents may be reported to the police. This will always be the case if Council officers believe that a criminal offence has taken place.
- 2.4.3 Council officers may take reasonable steps to remove the customer from Council offices. The Council may also take legal action to prevent a customer from entering Council Offices, or contacting Council workers.
- 2.4.4 The Council may place a restriction on the way we communicate with the customer, for example, restricting face-to-face contact to within the Council buildings, requiring more than one officer to be present at any meeting, including meetings at statutory or partner agency offices, limiting contact to written formats only.
- 2.4.5 Where correspondence (either letter, fax or electronic including social media) that is abusive to officers or contains allegations that lack substantive evidence is received, we will inform the sender that we consider their communication offensive, unnecessary and unhelpful and ask them to stop using such language. We will ask that the sender edit their correspondence to remove any offensive text and resend it, otherwise it will not be responded to.
- 2.4.6 The Council's [Social Media House Rules](#) explain that we will remove, in whole or in part, posts that we feel are inappropriate or discriminatory against any individual or group and that we will block and/or report users on our social media channels who post messages at us which we believe are:
- Abusive or obscene
 - Deceptive or misleading
 - In violation of any intellectual property rights
 - In violation of any law or regulation
 - Spam (persistent negative and/or abusive posts in which the aim is to provoke a response)
- 2.4.7 Officers will end telephone calls if they consider the caller to be aggressive, abusive or offensive in line with the Council's Step Away Policy and Guidance. Our workers have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour then persists.
- 2.4.8 When customers contact the Council's main telephone line they will hear a statement reminding them of what behaviour we consider acceptable and directing them to a detailed statement on the website. A similar notice can also be added to email replies.
- 2.4.9 The Council may take any other reasonable steps not noted here to ensure the safety of its workers.
- 2.4.10 A record of the incident may need to be made on the Council's Accident/Incident reporting system and entered on the Employee Protection Register if the information about the incident needs to be shared with other services in order to protect staff. A record will also be made on the customer file.
- 2.4.11 Images from Body Worn Cameras may also be uploaded to these systems to assist staff in recognising the customer or to assist in investigations where appropriate.

- 2.4.12 A communication will be sent to all staff and elected members to alert them to the new entry on the Employee Protection Register.
- 2.4.13 Staff will also need to consider whether the aggressive, abusive or violent behaviour affects other relationships that the customer might have with the Council. For example if the customer is also a taxi or private hire vehicle licensed driver, their behaviour may be taken into account by the Licensing Committee as to whether they are a fit and proper person to hold such a licence.
- 2.4.14 Where the perpetrator of the behaviour is an Exeter City Council Tenant, having informed the police, Tenancy Services will investigate and take steps to manage the behaviour in line with the tenancy agreement and take enforcement action when appropriate.
- 2.4.15 A member of staff who is abusive or violent to another member of staff, whether this occurs within or outside the work environment will be dealt with under the Council's Disciplinary Policy. Where the incident has occurred as a result of a customer consideration will be given to the necessity to balance the safety of other staff with the confidential nature of a disciplinary process on a case by case basis. An extraordinary Safety of Employees Review group will be convened comprising of the Chair, representatives from the services involved, Legal, Human Resources and Unison. Housing and Environmental Health may be invited if other legal proceedings are being considered
- 2.4.16 If the incident does not warrant an entry on the Employee Protection Register, but a restriction has been made on the customer's contact with the Council, the Safety of Employees Review Group (SERG) will give the individual a risk rating and services will be advised accordingly.
- 2.4.17 Tier 4 managers will be responsible for writing to the individual being placed on the Employee Protection Register.

3. Behaviour that places unreasonable demands on our workers

- 3.1 Behaviour can become unreasonable when it starts to impact excessively on the work of our officers or when dealing with the matter takes up an excessive amount of officer time and in so doing, disadvantages other customers or service users.
- 3.2 Examples may include, but are not limited to:
- Refusing to specify the grounds of a complaint or enquiry, despite offers of assistance.
 - Repeatedly demanding responses within an unreasonable timescale.
 - Demanding responses from several officers on the same subject.
 - Making unjustified complaints about officers who are trying to deal with the issues, and seeking to have them replaced.
 - Insisting on seeing or speaking to a particular officer when that is not possible.
 - Refusing to deal with you and unreasonably wanting to 'jump the queue' and speak to a more senior officer.
 - Overtly or covertly recording meetings and conversations.
 - Submitting falsified documents from themselves or others.
 - Impersonating someone else or falsifying their identity.
 - Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns.
 - Making serial complaints about different matters, or continuing to raise the same or similar matters over and over again.
 - Repeatedly asking a question, when a satisfactory response has already been given.
 - Inundating the council with emails, telephone calls or copies of information that have already been submitted or that are irrelevant to the enquiry, request or complaint.
 - Making long telephone calls regarding matters that have already been discussed or that are irrelevant to the enquiry, request or complaint.
 - Pursuing parallel complaints on the same issue with a variety of organisations;

- Refusing to follow the Council or Ombudsman complaint procedures or continuing to correspond when these procedures have been exhausted.

3.3 How we will deal with this type of behaviour

3.4 We may:

- Limit contact to telephone calls from the customer at set times on set days.
- Restrict contact to a nominated Council officer who will deal with future calls or correspondence.
- See the customer by appointment only and possibly only with another officer in attendance.
- Restrict contact to written correspondence only.
- Refuse to deal with further correspondence and return any documents or advise the customer that further irrelevant documentation will be destroyed.
- Tell the customer that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.

3.5 If a customer presents themselves while under the influence of any substance such as alcohol or drugs which has a detrimental effect on their ability to undertake an interview with an officer then the officer can refuse or terminate the interview until such time that the customer is coherent.

3.6 The above are only examples of action we may take and we reserve the right to take any other action that we consider appropriate in the circumstances.

3.7 Where the correspondence relates to a complaint and we have told the customer that they may not have contact with us, we will continue to read any future correspondence. However we will not log, acknowledge or act on the correspondence unless it is submitting new evidence related to the complaint or making a normal request for a service outside of the complaint process.

4. How we make a decision about unacceptable behaviour

4.1 Any Council officer who directly experiences aggressive or abusive behaviour from a customer, has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and which is in line with this policy.

4.2 With the exception of such immediate decisions taken at the time of an incident, decisions on unacceptable behaviour and the Council's response are only taken after careful consideration of the circumstances by a Tier 4 Manager or Nominated Deputy and referral to SERG is made for 'risk rating' of the individual. This must be informed by evidence provided by the relevant officer, team or team leader.

4.3 The Tier 4 manager will take into consideration whether the unacceptable behaviour is related to one specific issue such as a complaint, or whether it is likely to represent the customer's overall behaviour towards the Council.

4.4 If there is a need for all staff in the Council to be made aware of the customer's behaviour then an entry will be made on the Employee Protection Register following the normal procedures.

5. How we inform people of our decision

5.1 When a decision has been made to restrict future contact, this will be communicated to the customer explaining why a decision has been made, the restricted contact arrangements and the length of time that these restrictions will be in place. This will be done whether the decision was made at the time of the incident or following consideration by a senior manager. The customer will also be told the process for appealing the decision. This ensures that the customer has a full record of the decision and the reasons behind it.

- 5.2 There are exceptions to this where it is felt that contacting the customer could put the worker at further risk. These are detailed in the Employee Protection Register Guidance.
- 5.3 The decision will be communicated in a way taking into account the customer's preferred method of communication. This may mean involving a third party or advocate to ensure the customer understands the decision that has been made. This will always be backed up with a written communication.

6. How we will handle an appeal to the Council's decision

- 6.1 Where a customer has been informed that their behaviour is unacceptable and advised of the action the Council is taking, they will be advised that the right of appeal should be made through the [Council's complaints procedure](#).
- 6.2 Where legal proceedings are being taken against the customer, arising from the behaviour in question, the right of appeal will be suspended until those proceedings are concluded.
- 6.3 If the customer is dissatisfied with the outcome of the appeal they may ask the Local Government Ombudsman or Housing Ombudsman (if the case relates to housing management) to investigate the case.

7. How we review a decision on unacceptable behaviour

- 7.1 All decisions to restrict contact will be reviewed at least annually by the Safety of Employees Review Group. We may not always communicate this decision to the customer to let them know the outcome of the review, even it is decided to lift the restriction, if we feel that doing so is likely to re-start a cycle of correspondence or unacceptable behaviour.

8. Freedom of Information

- 8.1 Complaints related to Freedom of Information (FOI) are dealt with through the Corporate Complaints Procedure up to and including Stage 2. If they continue after Stage 2, instead of being referred to the Local Government Ombudsman, FOI complaints are referred to the Information Commissioner's Office.
- 8.2 The FOI policy officer will need to be involved in any discussions with Tier 2 and Tier 3 Managers around contact restriction with FOI complainants.
- 8.3 For further information see Freedom of Information Process, Procedure and Guidance

9. Safeguarding and the Equality Act 2010

- 9.1 Some customers that the Council considers to be behaving unreasonably may be doing so because of underlying issues that impact on the customer's ability to communicate or cope with the stresses and strains of life or dealing with a large organisation, for example, mental health issues, disability, or drug or alcohol dependency.
- 9.2 The Council has a duty under the Equality Act 2010 to make reasonable adjustments to its practices and procedures where customers (or indeed Council staff) have one or more of the protected characteristics set out in the Equality Act 2010. The Council also takes note of the Public Sector Equality Duty imposed by the Equality Act 2010.
- 9.3 In reaching decisions under this Policy, the decision maker must always have regard to the above duties and will need to illustrate when making a decision, that this has been done, and in such a

way that shows in substance, and with due rigour, that it influenced the final decision reached. That holds true for the original decision and any decision made on appeal or by way of a review. All decision makers must make a written record of their decision, the reasons for reaching that decision, and the evidence upon which they relied.

- 9.4 Where officers have concerns about a customer and their vulnerability, this must be raised with a Tier 3 Manager in line with the Safeguarding Policy.
- 9.5 While it is important that staff are protected from future behaviour the council also recognises the vulnerability of children and young people and their need for safeguarding. If a case arises where the person who is aggressive, abusive or violent to Council staff or whose behaviour places unreasonable demands on Council staff, is under the age of 18, the case can still be discussed at SERG but children who are involved in anti-social or criminal behaviour are also dealt with through other specialist routes such as the Youth ASBAT meetings. In addition the case will be reviewed as minimum 6 months after the incident rather than the usual 12.

10. Support for staff

- 10.1 Where a member of staff has been the victim of, or the witness to, an incident in the workplace, managers will alert Service Leads who will bring these cases to the attention of the relevant Director. Service Leads will ensure that managers provide proper support to staff. Support will also be provided to staff who are required to have continued contact with an individual in cases where contact with the council cannot be stopped completely.
- 10.2 Staff may be referred to the Employee Assistance Programme or signposted to relevant external support agencies such as victim support.
- 10.3 Where Exeter City Council or another prosecuting authority (i.e. The Crown Prosecution Service) are conducting legal proceedings, Exeter City Council will endeavour to support the member of staff through the process as far as practicable.

11. Policy Review

- 11.1 This policy and guidance will be reviewed by members of the Safety of Employees Review Group (SERG) for onward review and authorisation by the Strategic Management Board every three years, or sooner should the risk profile of the organisation in respect of unacceptable behaviour change. The Corporate Risk Register will inform the organisational risk profile in respect of unacceptable behaviour monitoring as will Strategic Management Board and Health and Safety Reps Group.

This page is intentionally left blank

Equality Impact Assessment: *Review of Policy for Dealing with Unacceptable Customer Behaviour*

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

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

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

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

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 January 2024 Council 20 February 2024	Policy for Dealing with Unacceptable Customer Behaviour	That Executive supports and Council approves the revised Policy for Dealing with Unacceptable Customer Behaviour.	People with mental health or learning disabilities People from ethnic minority backgrounds Men Young people

--	--	--	--

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 impact	Medium impact	<p>Customers</p> <p>The policies and procedures will have a positive impact on people from minority cultural backgrounds for whom body language carries different meaning. The Step Away Guidance (para 2.2), which supports this policy, makes it clear that staff should be mindful of both their own and the customer's body language which may be interpreted to be aggressive when it is not.</p> <p>The documents can be translated into other formats and languages on request and interpreters will be used in meetings with the customer as needed.</p> <p>The Employee Protection Register does not record ethnic background so it is not possible to say how many Black, Asian and Minority Ethnic customers would be affected by the policies</p> <p>The Policy and supporting guidance provide clarity for customers on how cases will be dealt with.</p>

<p>Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.</p>	Positive impact	High impact	<p>Customers The Employee Protection Register does not record whether the customers have a disability however anecdotal evidence from the members of the Safety of Employees Review Group suggests that the majority have mental health issues or drug or alcohol dependency.</p> <p>The Unacceptable Customer Behaviour Policy section 9 states that officers must be mindful of the impact of disability, mental health and drug and alcohol dependency on behaviour and the Council's duties under the Equality Act 2010 and Safeguarding Policy. The Step Away Guidance (para 2.2) which supports this document makes it clear that staff should be mindful of both their own and the customer's body language which may be interpreted to be aggressive when it is not. Customers with disabilities including mental health and learning disabilities may have difficulty communicating and become frustrated which may be perceived as aggressive.</p> <p>The Policy and supporting guidance provide clarity for customers on how cases will be dealt with.</p> <p>Staff Staff who have mental health issues may experience an additional negative impact from the behaviour of abusive or aggressive customers. The intersectional impact for female staff with mental health issues who experience male customer abusive or aggressive behaviour should also be considered when providing support.</p>
<p>Sex/Gender</p>	Negative impact	Medium impact High impact	<p>Customers Of the 66 cases currently held on the Employee Protection Register, 82% of customers are identified as male. However this number still represents a tiny proportion of our customer base so will not impact on men as a large group affected by potential risk assessments and subsequent mitigating actions.</p>

	Positive impact Negative impact	High impact	<p>The Policy and supporting guidance provide clarity for customers on how cases will be dealt with.</p> <p>Staff The staff base in some of the services that submit cases to the EPR is predominantly female:</p> <p>Housing needs = 86% Customer Services = 84% Housing Customer Services = 80% Payments and Collection = 69%</p> <p>This means that there is an imbalance of female staff experiencing abuse and aggression by men. If those women have previously experienced male abuse in other areas of their lives this could be an additional stress. If they are also experiencing hormone imbalances or fluctuations due to menopause or menstrual cycle, the behaviour of male customers could also have an additional negative impact.</p>
	Positive impact	High impact	<p>The Policy and supporting guidance provide clarity for staff on how cases will be dealt with and what support is available.</p>
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)	Positive	High impact	<p>Customers The policy has been updated to recognise that occasionally young people under the age of 18 may behave in unacceptable way towards staff but that as children they are vulnerable and need to be dealt with in a different way that is mindful of existing procedures to protect and work with children.</p>

as overriding consideration should be given to needs).	Negative	High impact	<p>Staff Middle aged female staff who are experiencing hormone imbalances or fluctuations due to menopause, could experience additional stress from the unacceptable behaviour of male customers.</p> <p>The Policy and supporting guidance provide clarity for staff on how cases will be dealt with and what support is available.</p>
Pregnancy and maternity including new and breast feeding mothers	Positive	High impact	<p>Staff As stated in the section on sex/gender above, there is an imbalance in some teams of female staff experiencing male customer abuse and aggression. Women who are experiencing hormone fluctuations due to pregnancy could be more negatively impacted by this behaviour.</p> <p>The Policy and supporting guidance provide clarity for staff on how cases will be dealt with and what support is available.</p>
Marriage and civil partnership status			
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p> <ul style="list-style-type: none"> • 			

This page is intentionally left blank

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director Net Zero and City Management

Title: Review of Equality and Diversity Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To seek approval for the adoption of the revised Equality and Diversity Policy.

2. Recommendations:

2.1 That Executive recommends that Council approves the adoption of the revised Equality and Diversity Policy.

3. Reasons for the recommendation:

3.1 The Equality and Diversity Policy has been reviewed and updated to ensure it reflects current good practice.

4. What are the resource implications including non financial resources

4.1 The report is an update on the policy. The policy will require a heightened awareness from staff in their day-to-day work to take account of equality considerations which may require additional time. There will also be a requirement for training and awareness raising programmes to ensure all staff understand their responsibilities

5. Section 151 Officer comments:

5.1 There are no financial implications contained in the report.

6. What are the legal aspects?

6.1 Section 149 of the Equality Act 2010 imposes the public sector equality duty. This is a legally binding duty which requires public authorities in the exercise of their functions to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer is supportive of the recommendations set out in this report.

8. Report details:

8.1 This policy was last reviewed in 2020. In this review the following key amendments to the policy have been made to bring the document up to date:

- Updates throughout to reflect internal organisational changes as well as those to external partners.
- The title of the policy has been extended from 'Equality and Diversity' to add 'Inclusion'. The term 'equality' relates to the Equality Act 2010. The term 'diversity' relates to an acknowledgment of the different life experiences and backgrounds of the Council's customers and staff. The term 'inclusion' also recognises the importance of enabling all staff and customers to have a voice that is listened to and to be able to fully participate in the work of the Council.
- The scope of the policy (paragraph 4.4) has been reduced to cover the nine protected characteristics under the Equality Act 2010 and references to class, caste, political or other opinion, national origin, and locality have been removed. This is because case law has shown that the Council must have due regard to the Public Sector Equality Duty in relation to any characteristics included in the policy as well as those included in the legislation. This means the Council needs to assess the impact of any decision on these characteristics and treat any case of discrimination in the same way as for the main nine protected characteristics. There are practical difficulties in doing this including consideration of the appropriateness for officers of the council to be considering the impact of decisions on a person's political opinion.
- Paragraph 4.8 sets out the Council's proposed adoption of the International Holocaust Remembrance Alliance working definition of Antisemitism.
- Paragraph 4.9 and Appendix A set out the Council's an Anti-Racism Statement.
- Paragraph 7.46 sets out a new process for dealing with complaints of discrimination from customers. These will be dealt with at a more senior level than other complaints in order to ensure we have a strategic overview of any issues raised.

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

9.1 In promoting equality and diversity the policy contributes directly to three strands of the Corporate Plan:

- Lead a well-run council;
- Building great neighbourhoods; and
- Supporting active and healthy lifestyles

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

10.1 Failure to meet duties under the Equality Act 2010 risk challenge from the public and community groups.

10.2 The Strategic Management Board provides governance to the policy and resulting actions.

11. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

None

Director Net Zero and City Management, David Bartram

Author: Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity

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

Background papers used in compiling this report:-

None

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



Equality, Diversity and Inclusion Policy

This policy should be read with the Exeter City Council Guides for Managers and Employees

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

Policy development and Version details

V4 August 2023

V2 July 2018

Author	Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity
Owner	David Bartram, Director for Net Zero and City Management
Review dates	September 2026
Status for FOI	Open
Protected marking status	Unclassified
EQIA conducted	August 2016. Reviewed September 2023

1. Introduction

- 1.1 Exeter City Council bases all of its work on the fundamental principles of the Universal Declaration of Human Rights 1948¹ and welcomes the diversity of the community living, working, visiting and learning in the city. As a service provider, community leader and employer the council is committed to being an exemplar in promoting equality and tackling social exclusion.
- 1.2 This document sets out our aims for the Council and what we need to do to achieve those aims. It provides an overarching direction for our work and other policies and activities will be developed and reviewed to ensure that we can achieve our aims.

2. Devon Joint Declaration for Equality

- 2.1 Exeter City Council is a signatory to the Devon Joint Declaration for Equality. This states that we will work to achieve:
 - a city where people achieve their own potential and a good quality of life.
 - a city where everyone can access our services, facilities or information.
 - a city where there is public involvement and influence over decision making, planning, policy and service delivery.
 - a city that is a strong, safe and inclusive community.
 - a city where people have trust and confidence to report incidents of abuse or discrimination.
 - a workforce, at all levels, that is supported and broadly reflects the diversity of the community.

3. How will we achieve this?

3.1 As a provider of services

- 3.2 We will continue listen to what our customers tell us about how to make our services easier to use and more accessible for everyone in Exeter. This will include:
 - enabling the communities we serve to engage with us to increase our understanding of their needs
 - making it easier for customers to find information about and access our services through our Digital Customer Service Strategy
 - looking at ways to make our buildings more accessible to customers

3.3 As an employer

- 3.4 We believe that having a workforce that reflects the diversity of the local population that feels it is treated equally and fairly and has the opportunity to grow and develop at work will help us to provide the best possible service to the people of Exeter. Our aim is to be an equal opportunities employer. To do this we need to:
 - analyse workforce data and look at ways in which the diversity of the workforce can be improved to reflect the diversity of the communities we serve.

¹ <http://www.un.org/en/universal-declaration-human-rights/>

- ensure all staff are paid equally for work of equal value
- ensure that staff are treated fairly and have equal opportunities at work regardless of their background or status
- ensure that all staff can work in an environment and culture free from harassment, bullying and discrimination
- ensure that all staff have the skills and understanding they need to meet the diverse needs of a diverse population
- listen to what staff tell us about their needs and adapt buildings and systems to ensure they are able to fulfil their potential

3.5 When helping to build successful communities:

3.6 The council has an important role to play in helping to build and support successful cohesive communities that have an active role in shaping their services and local neighbourhoods. To do this we will continue to:

- ensure policies developed by the council promote community cohesion and resilience.
- increase the engagement of people from diverse communities with the council's decision making process
- help communities to work with support services in the private and voluntary sector that can meet their diverse needs.

4. Scope of the policy

4.1 This policy is intended to reflect the impact of The Equality Act 2010 including the public sector equality duty which states that:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) **eliminate discrimination, harassment, victimisation and any other conduct that is prohibited** by or under this Act;

(b) **advance equality of opportunity** between persons who share a relevant protected characteristic and persons who do not share it;

(c) **foster good relations** between persons who share a relevant protected characteristic and persons who do not share it.

4.2 Due regard to the duty should occur when making decisions and in other day to day activities. The duty must be exercised in substance, with rigour, and with an open mind, and in such a way that it influences the final decision.

4.3 Case law states that a record of decision making is vital to demonstrate that thought has been given to the duty².

4.4 The duty applies to nine 'protected characteristics' as set out in the Equality Act 2010: age, disability, sex, gender reassignment, marriage and civil partnership (in relation to point a. at work), pregnancy and maternity, race, religion and belief, sexual orientation.

² <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 4.5 Everyone who uses services, facilities and information provided by the council should be treated in line with this policy. This includes customers, members of the public, partners, contractors, employees, volunteers, people on work placements and elected members.
- 4.6 The Equality Act 2010 is built on the principles of the Human Rights Act. The council supports the purpose and articles of the Act and specifically Article 14 which provides that 'the rights and freedoms set forth in (the Human Rights Act) shall be secured without discrimination on any ground'.
- 4.7 The Council supports the International Holocaust Remembrance Alliance working definition of Antisemitism: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." ([What is antisemitism? | IHRA \(holocaustremembrance.com\)](https://www.holocaustremembrance.com/what-is-antisemitism))
- 4.8 Following the death of George Floyd and the Black Lives Matter protests in 2020, and in response to a recommendation from the Council's review of the General Buller Statue, the Senior Management Board and Executive Members have developed an Anti-Racism Statement (see Appendix A).

5. Our supporting policies, structures and processes

- 5.1 The council has a number of supporting policies, structures and processes in place, in addition to this policy. These include:
- an Equality Impact Assessment toolkit to analyse the effects our decisions have on people
 - policies on recruitment and selection and learning and development opportunities for employees
 - policies and codes of conduct covering employee, member and customer behaviour
 - policy and procedures for reporting incidents of bullying, discrimination and hate incidents
 - communication standards including policies and guidance for translations, interpreting and alternative formats, and use of social media
 - disability access improvement plans for buildings
 - procurement/commissioning standards and clauses
 - supporting guidance and information, including information about community needs, views and profiles although we are aware that we need to make improvements in this area
 - a member and officers who have designated responsibility for leading on equality, diversity and inclusion, raising awareness and building capacity within the organisation
 - external consultation arrangements commissioned with voluntary and community sector organisations and a Consultation Charter to guide our work.
 - partnership meetings such as the Community Safety Partnership which provide governance to how we work with other agencies on issues we cannot tackle in isolation
 - the Equality Framework for Local Government will be used as a framework to improve or maintain standards and be accountable to the people it serves. However we are not only driven by legislation - our policy and work programmes are also in response to local needs.
 - In addition the Corporate Equality, Diversity and Inclusion Lead chairs an Equality Champions Group made up of a staff representing different services of the council. This group has an operational overview of equality, diversity and inclusion issues in service areas, together with actions that could be taken.

6. Responsibilities

6.1 Ultimate responsibility

The ultimate responsibility for the provision of equality, diversity and inclusion lies with the council. The Public Sector Equality Duty cannot be delegated. This means that the duty will always remain the responsibility of the organisation subject to the duty, in this case Exeter City Council. In practice, this may mean that the council will need to ask suppliers to take certain steps (such as monitoring service users), in order to enable the public authority to meet their continuing legal obligation to comply with the Public Sector Equality Duty.

6.2 Individual responsibility

6.3 Members

Each Exeter City Councillor has the personal responsibility to comply with the policy.

6.4 Officers

6.5 Strategic Management Board

The Chief Executive has been delegated overall responsibility for ensuring that this policy and the processes underpinning it are developed, implemented effectively, monitored and updated.

The Strategic Management Board is required to ensure good governance of the organisation and has overall responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.

The Director Net Zero and City Management has the strategic lead for equality, diversity and inclusion and the implementation of this policy.

Individual directors are responsible for checking that reports to committee include Equality Impact Assessments where necessary.

6.6 Tier 3 Managers are required to:

- manage equality, diversity and inclusion within their services
- ensure that equality, diversity and inclusion is clearly incorporated in to policy, design and delivery of services and functions, where relevant and that Equality Impact Assessments are carried out on decisions.
- ensure that all employees within their services are aware of the policy and have received training in the implementation of the policy
- ensure that all employees within their services who are involved in recruitment and selection have received training on equal opportunities

6.7 Employees, including volunteers and people on work placements, in general are required to:

- ensure they understand and comply with the letter and spirit of the policy
- actively participate in measures introduced by the council to promote equality, diversity and inclusion and ensure that there is no discrimination

- report to management any discriminatory practices or behaviours
- support the proper investigation of complaints.

Employees and others working on behalf of an employer can be held personally liable for acts of unlawful discrimination where an employer has taken all reasonable steps to prevent such an act.

6.8 Equality Champions are responsible for:

- Acting as a link between Services and the Strategic Management Group, informing services of new ideas and initiatives from the centre and acting as a driver to ensure they are implemented.
- Bringing equality issues and challenges experienced in their service to the group for consideration.
- Sharing ideas, information and good practice
- Promoting the equality and diversity agenda within their service and in all their work
- Progressing the annual Equality, Diversity and Inclusion Action Plan within their service area
- Helping to review and update Council policies in line with legislation
- Supporting their service colleagues in equality, diversity and inclusion work for example developing Equality Impact Assessments

6.9 Human Resources are required to:

- ensure that the council's recruitment, training and development and other working practices and procedures are non-discriminatory and promote equality of opportunity
- carry out corporate monitoring of employment policies and practices and publish results annually
- ensure that managers and members are aware of the content of the policy relating to employment matters and the legislative framework underpinning it

6.10 Trade Unions are encouraged to:

- work with management in monitoring equality, diversity and inclusion
- ensure that their elected officials are conversant with the council's policy and its application

6.11 Contractors, suppliers and consultants

A requirement to comply with equality legislation will be included in all contracts, service level/delivery agreements and licences. Failure to comply may lead to the termination of contracts. Organisations doing business with us are welcome to adopt our equality policy for their own use.

7. Actions to ensure the council meets its duties

7.1 Awareness raising with employees

7.2 The council will provide appropriate training to staff to help them to understand their rights and responsibilities and to increase awareness of the council's legal duties, obligations, practices and procedures.

7.3 The corporate induction processes will include an introduction to the council's policies on equality, diversity and inclusion and directorate induction should cover issues specific to that area of work.

7.4 Reasonable adjustments will be considered and where appropriate made to enable employees with a disability to take advantage of training opportunities and events.

7.5 Assessing the impact of policies and services

7.6 An EQIA should be carried out when a decision is being made, where it directly affects people and where it has the potential for different treatment, access, outcomes or levels of satisfaction. This would include:

- Recommending a decision to committee and delegated decisions
- Planning a consultation to help identify focused work on hard to hear groups
- Developing the business case for a project and throughout the project lifecycle
- Developing policies, strategies, tenders/contracts or plans.
- Deciding on alterations to a service, including the closure of a service and staffing restructures.
- Reviewing a service, policy or practice, including commissioned service even if an EQIA was carried out when the work was first developed.
- There is a concern about an existing policy or practice e.g. complaints, feedback or monitoring indicates disadvantage or gaps in service, economic disadvantage or damage to the environment. This can include concerns raised at a regional or national level.
- Operational and individual decisions.

The assessment should be used to aid development and produce recommendations for decision makers.

7.7 Assessing the impact on equality helps us to understand need by looking at the effect or possible effect our work may have on different groups of people. By anticipating the consequences of our work we can make sure that, as far as possible, any negative consequences are eliminated, minimised or counterbalanced by other measures, and opportunities for promoting equality are maximised. This also improves efficiency because we can identify where to target our resources most effectively.

7.8 All project leaders are responsible for incorporating equality into their projects or strategies starting at the very beginning of the project and maintain this focus so that it is a continuous process. An Equality Impact Assessment Toolkit is available on the Council's intranet to assist with this work. Any team or individual officer can use the this toolkit to help them assess the potential impact of their decision, regardless of whether it has been identified by the directorate as requiring an assessment. The complexity of the impact assessment will vary dependent on the nature of the issue being assessed.

7.9 We will work to increase the number of services that involve people from diverse communities in their equality impact assessments and service planning processes.

- 7.10 Where impact assessments relate to decisions being made at committee, a completed impact assessment will be submitted with relevant committee papers and are published on the council's website.
- 7.11 Community engagement
- 7.12 The council recognises the specialist role that the community and voluntary sector plays in tackling inequality through its strong roots in service user involvement, community engagement and social justice.
- 7.13 We will work with members of the public, diverse communities and community organisations to develop our priorities and challenge our equality performance.
- 7.14 We will ensure that all sections of the community have equal opportunity to successfully bid for council contracts and are informed about other opportunities such as asset transfer.
- 7.15 Accessible services and information
- 7.16 The council will consider the needs of potential and existing customers (whether internal or external) and take steps to make information as accessible and easy to read as possible. We will use plain English and follow good practice guidance on font size, contrast, typeface and use of the 'alternative format statement'.
- 7.17 Our Digital Customer Service Strategy is aimed at transforming our approach to serving our customers. The strategy sets out 10 clear goals designed to improve customer interaction, enhance service accessibility and promote organisational efficiency. This includes a plan to work with partners to address digital exclusion and inequalities so that everyone can benefit from digital opportunities
- 7.18 When publishing content on intranet and internet sites, we will follow web-accessibility legislation³ and where possible, provide information in a way that people can change the typeface and colours to suit their own needs.
- 7.19 We will provide translations, face to face or telephone interpreting, and alternative formats in line with good practice guidelines. In particular, we will provide information in a different format on request if someone is unable to access information they need in its original format (this can include providing information in large print, Easy Read words and symbols, Braille, audio, British Sign Language video and in other languages). The Council reserves the right to provide the most cost effective alternative which serves as a reasonable adjustment but does not compromise quality and professionalism.
- 7.20 The Council also has a legal duty to anticipate reasonable adjustments for disabled people and make information readily available in alternative formats where there is anticipated need.
- 7.21 When organising meetings or events we will ask if delegates have any specific requirements such as diet, access or communication support. Accessible venues will be used where possible and must be used if someone has this need. Reasonable adjustments must be made for disabled people (sometimes this can be achieved through an individual's Access to Work Funding). Officers may need to factor in the cost of supported transport.
- 7.22 Recruitment and selection

³ Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018

- 7.23 The council is committed to applying its equality policy at all stages of recruitment and selection. Short listing, interviewing and selection will always be carried out objectively and without regard to any of the protected characteristics outlined in this policy.
- 7.24 Where a service has identified underrepresentation of a particular group with protected characteristics, the advert may include a statement to encourage applicants from such a specified group(s).
- 7.25 All disabled applicants who meet the minimum requirements of the job as set out in the job description and employee specification will be guaranteed an interview. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his/her disability.
- 7.26 Learning and development
- 7.27 Development and training is essential to the achievement of the council's core values. Exeter City Council will treat its employees fairly and offer them the appropriate training and development, to not only help them do their current jobs but also help them develop further within their area of work.
- 7.28 Any training highlighted on an employee's Performance & Development Review Form will be included in the Service Learning & Development Plan.
- 7.29 Positive action may be taken in providing training and development to minority groups to ensure that members of the group have equal access to training and development and promotion opportunities.
- 7.30 Employees will not be denied access to training and development on any basis and in particular any reason associated with a protected characteristic.
- 7.31 Flexible working
- 7.32 The council believes that flexible working can increase employee motivation, promote work-life balance, reduce employee stress and improve performance and productivity and support equality.
- 7.33 All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by the council.
- 7.34 The council's flexible working arrangements may take account of religious requirements. Although there is no entitlement for a person to work particular days or hours because of religious commitments, any requests to do so will be considered positively and balanced with the needs of the service. Religious requirements for certain dress codes will also be considered positively and balanced with the requirements to wear a corporate uniform or Personal Protective Equipment.
- 7.35 Assisting employees who are disabled or who become disabled
- 7.36 The council will seek and consider advice with regard to reasonable adjustments to working arrangements, equipment, furniture etc to assist employees who are disabled or who, in the course of their employment, become disabled.
- 7.37 Employees who become disabled will be given opportunities to train within their present job to continue with that job or to re-train and be re-deployed to a job more suitable to their level of abilities.

7.38 Equality monitoring

7.39 The Council recognises that equality monitoring of service delivery is essential for effective planning of the services that it provides. Monitoring can tell us which groups are using services and how satisfied they are with them. This data, in conjunction with impact assessments can then be used to highlight possible inequalities, investigate their underlying causes and remove any unfairness or disadvantage.

7.40 The council will ensure that the impact of its employment policies and practices are also regularly monitored so that the success of the council's aims and objectives can be measured and continuous improvements made. A report on employment equality monitoring will be made to the Strategic Management Board and to Executive annually.

7.41 Data will be obtained from the Equal Opportunities Monitoring form included with the application form and will be retained on the ITrent System.

7.42 An Equality Monitoring Toolkit providing advice and guidance to staff is available on the intranet.

7.43 Responding to discrimination, bullying and harassment

7.44 Employees who feel that they are victims of discrimination should immediately draw the issue to the attention of their line manager who should, if possible, resolve the issue informally. If the issue cannot be resolved in this way a complaint should be made in accordance with the Council's Dignity at Work Policy.

7.45 The council's Dignity at Work Policy covers bullying and harassment of all kinds and across all protected characteristics. It makes it clear that the council believes all employees have the right to seek and hold employment without discrimination, harassment or bullying. It aims to create a working environment that is free from all harassment and intimidation.

7.46 Where customers believe they have been discriminated against they should be directed to the Council's complaints procedure. All complaints of discrimination will then be dealt with at a more senior level than other complaints as follows:

- Stage 1 Complaints - Where discrimination on the basis of any protected characteristic has been alleged in a complaint, rather than the lead for the service it relates to carrying out the investigation, it should be escalated to the director who should, in conjunction with Human Resources, nominate a different service lead to carry out the investigation.
- Stage 2 Complaints – These should be sent to the Chief Executive who will allocate a director to investigate. It may also be appropriate in some cases to call in a third party agency to carry out the investigation on our behalf.

7.47 Customers who are council housing tenants and have been victims of harassment will be supported by their neighbourhood officer. Council housing tenants who perpetrate harassment will be challenged and are at risk of sanctions and eviction. As a landlord the city council has a specific duty not to discriminate in regard to the allocation of accommodation or in regard to subjecting its tenants to detriment. Specific procedures have been developed to ensure compliance with this requirement.

7.48 Other customers will be offered advice and supported to report their complaint to the appropriate agency.

7.49 The council has signed up to the Zero Tolerance to Hate Crime pledge, led by Devon and Cornwall Police.

7.50 Identifying improvements

7.51 The council will produce an annual action plan to address gaps in work to achieve the vision. The actions contained in it will be specific, measurable, achievable, resourced and have timescales (SMART).

7.52 A report against this action plan will be made to the Strategic Management Board quarterly.

8. Access Statement

8.1 The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include actions such as the provision of communication in a different format (e.g. brail, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.

8.2 However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

9. Related Policies

9.1 Other policies and guidance which support this policy include:

- Dignity at Work
- Flexible Working Hours Scheme
- Family Friendly policies
- Grievance Procedure
- Complaints and Feedback Procedure
- Unacceptable Behaviour policy
- Safeguarding Policy and procedures
- Accessible, Inclusive Events planning guide
- The Statutory Taxi and Private Hire Vehicle Standards

Anti-Racism Statement

Exeter City Council has a zero tolerance approach to all forms of discrimination. As part of this all-embracing commitment to promoting equality, diversity and inclusion for all, we pledge to become an anti-racist council and to uphold this stance in everything that we do.

What does this mean?

Being an anti-racist organisation is more than being just 'non-racist', it means taking action and actively identifying and opposing racism. We will actively identify, discuss and challenge racism and the impact it has on our organisation, our people, our systems and the residents we serve. We cannot do this on our own so we will work in collaboration with committed and supportive organisations and individuals across the city, to amplify our collective efforts to drive out racism. We will take a leadership role in the city in tackling racism in all its forms.

We are committed to long-term action and visible change and we will:

1. Provide **clarity** on our organisations stance and values, we will have zero tolerance to racism and demonstrate this publicly in our external messages.
2. Develop a **systemic approach** which enables practical action. Lasting change needs a view across the whole organisation to identify and tackle the causes of race inequalities and discrimination at work.
3. Continue to **provide visible leadership** on racial inclusion and demonstrate a willingness to change and commit to sustained action.
4. Through our One Exeter change programme, we will **embed anti- racism** into our people management approach at every opportunity. Attracting and retaining a wider, more diverse talent pool is crucial to developing a workforce which reflects our community. Everyone who joins our organisation must feel welcome, supported and treated fairly and our policies should encourage respectful and positive attitudes to differences.
5. Provide **safe channels** for people to express their voices and share experiences. Learn from this valuable resource and use the information to actively shape our organisation for staff and those who use our services.
6. Ensure **consistent two way communication**. Senior leaders and people managers need to engage in ongoing, responsive, two way dialogue with staff to ensure that they feel listened to and valued.

We recognise that we are on a journey of understanding and learning and do not have all the answers just now but this is not just a statement of intent, it is a declaration of our single minded approach to proudly oppose racism in all its forms.

Exeter City Council Executive Members and Strategic Management Board
November 2023

Equality Impact Assessment: *Review of Equality and Diversity Policy review*

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

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

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

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

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 9 January 2024 Council 20 February 2024	Equality and Diversity Policy review September 2023	Adoption and implementation of the revised policy	All protected characteristics are impacted.

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Positive	High	<p>The policy sets out the Council’s commitment to be an exemplar in promoting equality and tackling social exclusion as a service provider, community leader and employer. This includes, but is not limited to, the following actions:</p> <ul style="list-style-type: none"> • ensure physical access to services • access to information about services and contact with the council • ensure the council work force reflects the community it serves • put in place policies and procedures for fair recruitment and selection and learning and development for staff • work through established partnerships such as the Community Safety Partnership to tackle city wide issues such as hate crime • Maintain a system of equality impact assessments to ensure all protected characteristics are considered in decision making
	Negative	Low	<p>There is no hierarchy of rights in the Equality Act 2010 or this policy, however occasionally actions to support one protected characteristic may inadvertently discriminate against people sharing another protected characteristic. Where this occurs each case will be looked at with reference to case law and best practice to ensure that the action is</p>

			proportionate and necessary to achieve a legitimate aim e.g. protection against discrimination.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive	High	As for Race and Ethnicity above. The Policy also includes a section 7.35 on assisting employees who become disabled during their employment and a reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Sex/Gender	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Gender reassignment	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive	High	As for Race and Ethnicity above.
	Negative	Low	As for Race and Ethnicity above.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.

living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Negative	Low	As for Race and Ethnicity above.
Pregnancy and maternity including new and breast feeding mothers	Positive	High	As for Race and Ethnicity above. The Policy also includes reference to the Flexible Working Policy at 7.31.
	Negative	Low	As for Race and Ethnicity above.
Marriage and civil partnership status	Positive	Medium	Maintain a system of equality impact assessments to ensure all protected characteristics are considered in decision making.
	Negative	Low	As for Race and Ethnicity above.
<u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u>			
<ul style="list-style-type: none"> • 			

Officer: Melinda Pogue-Jackson
Date: 27 September 2023