

EXECUTIVE

Date: Tuesday 5 November 2024

Time: 5.30 pm

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

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

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Manager on 01392 265477.

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

Membership -

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

Agenda

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

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 1 October 2024.

(Pages 3 -
18)

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 Act 1972 - 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 **Housing Residents' Vulnerabilities Policy**

To consider the report of the Strategic Director for People and Communities. (Pages 19 - 40)

7 **Housing Domestic Abuse Policy**

To consider the report of the Strategic Director for People and Communities. (Pages 41 - 66)

8 **Exeter City Council Housing Services Anti-Social Behaviour (ASB) Strategy and Policy**

To consider the report of the Strategic Director for People and Communities. (Pages 67 - 94)

9 **Community Grants Programme 2025/26**

To consider the report of the Strategic Director for People and Communities. (Pages 95 - 108)

10 **The Final Report of the Devon Housing Commission**

To consider the report of the Strategic Director for Place. (Pages 109 - 114)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 3 December 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.

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

EXECUTIVE

Tuesday 1 October 2024

Present:

Councillor Bialyk (Chair)

Councillors Wright, Allcock, Asvachin, Foale, Vizard, Williams, R and Wood

Councillor Moore (as an opposition group Leader); and

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

Apologies:

Councillor Jobson (as an opposition group Leader).

Also present:

Strategic Director for Place, Strategic Director for Corporate Resources, Interim Director – Environment, Waste and Operations (CC), Interim Director – Environment, Waste and Operations (SL), Net Zero Project Manager, Head of Service - Legal and Democratic Services & Acting Monitoring Officer and Democratic Services Manager

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MINUTES

The minutes of the meeting held on 3 September 2024, were taken as read, approved and signed by the Chair as a correct record.

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DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

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CHAIRS ANNOUNCEMENTS

Submitted Questions from Councillor Jobson (as an opposition Leader)

Apologies were received from Councillor Jobson, who had submitted a number of questions prior to the meeting which had been responded to outside of the meeting. A copy of the questions and responses are appended to the minutes.

Mary Arches Car Park

The Leader provided an update on the Mary Arches Car Park, advising that the Council had marketed the Mary Arches car park for sale during the year. Delegated power had been granted to the Strategic Director in consultation with him regarding the disposal. The Leader having committed to report back on progress, advised:-

- there had been strong interest with 14 bids received from 11 different bidders;
- the Council had signed the heads of terms with the successful party for a sale, subject to planning;
- although unable to provide details in the current process stage, the proposed scheme was in-line with the requirements set by Council when the sale was approved;
- once successfully concluded, it would also address the write off approved by Council last year, as a consequence of the reduction in Exeter City Living; and
- thanks were made to all the officers involved in concluding this matter successfully.

Devon Devolution Deal

The Leader advised Members on the Devon Devolution which had been presented and noted by Council. He advised that that the two principal authorities were currently working with the Government to agree the timeline for the Statutory Instrument (SI) to be laid in Parliament. Devon and Torbay's Monitoring Officer's had agreed the main body of the statutory instrument with government's solicitors and had drafted a large amount of the constitution with the exception of the skills element which would be worked through with the DfE.

The next steps of the process were:-

- the Ministry of Housing, Communities and Local Government (MHCLG) had invited comments on the draft regulations;
- the Minister would write to Cabinet colleagues to say that they are minded to proceed to seek Parliamentary approval for the Combined County Authority (CCA), which would take about a fortnight;
- the Secretary of State would write to Devon County Council and Torbay Council Leaders with a draft of the SI;
- the final draft of SI would then go to Parliamentary lawyers for comments on the drafting before it and an explanatory memorandum was laid in Parliament;
- there was 6-8 sitting weeks during which there was a 15-minute debate by the Joint Committee on Statutory Instruments (JCSI) which would take evidence from MHCLG. JCSI did not consider the merits of the SI but was responsible for ensuring that a Minister's powers were being carried out in accordance with the provisions of the enabling Act;
- the SI would also be considered by the House of Lords Committee, which met weekly to consider the policy implications of SI; and
- the motion to approve in the House of Commons would be put forthwith (i.e. without debate) on the floor of the House and the Minister would sign the SI and the CCA comes into being.

Devon County Council and Torbay Council would await the final timeline but were working towards November. As this impacted Exeter as a Council, a full paper for consideration would be presented to Council in due course once matters had been concluded.

Interim Directors – Environment, Waste and Operations

The Leader congratulated Simon Lane and Cat Chambers on their recent appointments as Interim Directors for Environment, Waste and Operations.

98

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Mr F submitted the following question, related to Minute No. 99:-

- East Wonford Hill, Fore St Heavitree, Pinhoe & Honiton Rd, Livery Dole, all experienced Year on Year increases in NO². We know why, does Council agree with the HATOC decision, supported by 4 ECC councillors that suspending the LTN trial was best for the health of the residents of these streets.

The Portfolio Holder for City Management in responding advised that concentrations of NO² had in fact reduced at these five sites, as was the case with all sites in Exeter since 2019, which was shown in the graphs included within the report. The

report being presented concluded, that it had not been possible to identify any impact from the LTN trial in the 2023 either positive or negative.

Mr F made asked a supplementary question:-

- The air quality issue was year on year and not just from 2019. People living in Heavitree believe that since the suspension of the LCN there had been a reduction in traffic and congestion on East Wonford Hill, and therefore NO² emissions may have reduced. As there was now real-time data, why did residents have to wait another year to find out and would the Council consider sharing this potential good news sooner?

The Portfolio Holder for City Management and the Interim Director for Environment, Waste and Operations responded that Exeter had two fixed air quality monitoring stations which were calibrated and approved by DEFRA located on Queen Street and Alphington Road.

The Council currently didn't have real time data due to the use nitro-converter tubes and monitoring data is sent off to accredited labs to be analysed, before being reported back.

A member of the public, Mr M submitted the following question, related to Minute No. 9:-

- Once again NO₂ year on year measured for East Wonford Hill has exceeded 40mg, the exceedance objective, increasing again last year perhaps due to increased traffic forced onto it by the failed LTN trial. When and what action would Exeter City Council take to reduce it and protect the residents of Heavitree?

The Portfolio Holder for City Management in responding stated that the measured level of NO² at East Wonford Hill was 0.1 micro gram per meter cubed higher in 2023 than 2022, which was a 0.2% increase, and likely to be statistically insignificant. This could also be compared to a fall of 35% since 2019 or a 43% reduction since 2012, which were when the levels were the highest measures at this location.

The measures which the Council and other key partners continue to take to improve air quality were clearly set out in the action plan contained in the report being presented at the meeting.

Mr M on putting a supplementary question, asked that given that the Air Quality Act had been in place in Exeter for a number of years, East Watford Hill had fallen below 40, which had only happened once in ten years, following Covid. The action plan didn't seem to be working, so what could be done to help the people in Heavitree?

The Portfolio Holder for City Management advised that the action plan was in place, but another years' worth of data was needed. The 2024 data would not be available until July 2025 for analysis. In the meantime, the current air quality action plan management area, still included East Watford Hill.

The Executive received the statutory Annual Status report that had been submitted to the Department of Environment, Food and Rural Affairs (DEFRA) and contained

monitoring data from 2023, a summary of air quality improvement actions taken and future plans.

Particular reference was made to the proposal which had been issued to DEFRA to review the air quality management area. DEFRA had requested the Council wait another 12 months to receive the 2024 data before making a decision. This was mainly concerned with discounting the 2020 data which was deemed unreliable due to the Covid lockdown.

The Leader advised that Councillor Haigh had submitted a question under Standing Order No. 44 but was unable to be in attendance. A response had been provided outside of the meeting and would be appended to the minutes.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

During the discussion, Executive Members raised the following points and questions:-

- like many places, there was still a way to go with the work to improve air quality, however, Exeter was one of the better areas for air quality in the country;
- monitoring devices were placed in the areas with the most pollution so the NO² can be picked up with Devon County Council, but was not representative of air quality across the whole city;
- air quality issues could be raised with Devon County Council as part of issues with buses and running a municipal bus service, to reduce the volume of cars;
- Exeter was below the legal objective for air quality in all but one location in 2023;
- continuing with current arrangements was important. The current air quality action plan covered the period of 2019-2024 and required 2024 data to make an evaluation on its success; and
- in developing a new plan based on evidence up to 2024, work can be done with partners to define a new air quality plan to address areas with higher levels.

In response to questions and points raised by Members and opposition group leaders, the Interim Director – Environment, Waste and Operations (SL) advised that:-

- Exeter City Council was the lead authority for measuring and collecting air quality data and coordinate with other organisations for developing an air quality action plan.
- Air quality had no boundaries and was impacted by a number of factors including industrial, traffic, domestic and atmospheric issues.
- The enquiries raised by Councillor Moore in regard to the Air Quality Action Plan, its actions and reducing air pollution would be considered and responded to outside of the meeting.

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

RECOMMENDED that Council:-

(1) note the statutory annual status report; and

(2) agree that an update be made to the Executive should the DEFRA clarification on the City Council timetable for future actions be different than that outlined in this report.

100

REVIEW OF CORPORATE RISK REGISTER

The Executive received the report on the Council's risk management progress and the revised Corporate Risk Register which was linked to the Council's Strategic Priorities. The register had received a significant update, following the new management team structure and risks had moved between Strategic Directors, and updated accordingly in consultation with the relevant Portfolio Holder.

The Audit and Governance Committee had considered and reviewed the risk register at its meeting held on 25th September 2024 and the following suggestions had been raised at that meeting:-

- the concern on the actions for progressing the design & delivery of a Corporate Customer and Digital Strategy were only internally facing and didn't focus on external factors;
- enquiries on whether anti-fraud in the planning process was covered in the register; and
- concern that the city wall was considered to be an important asset which should be separated out to provide more information and better understanding of the risk.

The Leader advised that the suggestions of the Audit and Governance Committee would be considered by the Portfolio Holders and Strategic Directors for inclusion on the register.

During the discussion, an Executive Members enquired on the process for receiving feedback from Audit and Governance, notably in relation to the timing of the meetings. Going forward could the meeting calendars be looked at to allow time for the suggestions to be included with the report.

In response to the question raised, the Strategic Director for Corporate Resources advised that there was a review of Corporate Governance being undertaken and timetabling of meetings was being addressed. Currently the timetable of committee meetings ran to April 2025 and the timetable of meetings could be changed after this time. Currently there would be too big a gap between meetings if the Executive received the report at the following meeting.

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

RESOLVED that the Council's Corporate Risk Register and, Corporate Risk Register summary be approved.

101

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2024/25 – QUARTER 1

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2024/25 financial year after three months. The Council was projecting a reasonable underspend in the budget, however there were some areas of concern in the budget.

Particular reference was made to:-

- there were cost challenges around housing needs and homelessness, but this was also a national challenge;
- central government had increased planning fees significantly last year and an appropriate amount had been allocated to the budget. The projected income was, however, £250,000 lower than budgeted for but was being closely monitored;
- the Commercial Property Portfolio had a number of vacancies which projected a significant under-recovery of income compared to normal years; and
- the report sought a number of supplementary budgets for Council approval with just under £50,000 being funded from general fund balances, with the others being self-financed or taken from earmarked reserves.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

During the discussion, an Executive Members enquired on the underspend and whether there was an estimated budget figure available should the vacancies be filled?

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- There were some service areas impacted by vacancies, which weren't supported by agency staff and had an impact on the work of the service.
- The grants suggested had not been confirmed and not been taken account of, but if confirmed would have a positive impact.
- Homelessness and housing was an area needed to be consistently looked at for ways to deliver the service in a more cost-effective way.
- Car parks was on target, following the level of carpark income level being reduced. It currently stood at £6,000 on a £9 million income line.
- The commercial property line of £400,000, was challenging and not been projected, due to vacant premises, and work was underway to promote the building to get businesses in.
- There were a lot of underspends reported and vacancy and costs for posts was not known, but the team could look to find out what these would be.

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

RECOMMENDED that Council notes and approves (where applicable):

- (1) the General Fund forecast financial position for the 2024 financial year;
- (2) the supplementary budgets and budget transfers as detailed in paragraph 8.11 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at June 2024;
- (4) the creditors payments performance; and
- (5) the update to the One Exeter programme.

The Executive received the report which provided the current position of the Council's revised annual Capital Programme and advised Members of the

anticipated level of deferred expenditure into future years. The report further sought approval to amend the annual capital programme to reflect the reported variations.

Particular reference was made to:-

- the Capital Programme for next year had increased to £31.8 million, of which £7.5 million was uncertain in regard to the timing;
- £24.2 million was expected to be delivered in the next financial year, with a number of deferrals, which were outlined in the report;
- money had been set aside for the Guildhall Shopping Centre, to fit out new properties when leases ended and new businesses going in often contributed to this which was recovered through the rent. The timings of this were uncertain and only £300,000 was needed this financial year, which was financed from income from the Guildhall Shopping Centre;
- the Green Space Depot site relied on suitable premises becoming available for bidding and the Estates team were working to locate appropriate site for the depot; and
- there were two requests for further funding detailed in the report.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- Council had granted approval for a specific budget for the Guildhall Shopping Centre to enable enhancements as required, with financing of that, delegated to the Strategic Director for Corporate Resources in consultation with the Leader based on affordability. The Guildhall Shopping Centre income was limited in what it could be spent on, namely on enhancing the property, and regeneration projects around the city.
- In regard to the Civic Centre roof, Phase 3 of the Civic Centre had a flat roof that had been leaking and was occupied by Devon County Council's Children's Centre, requiring work be undertaken to ensure child safety. Should the Council decide to move the work undertaken on the roof has ensured it was safe and secure for anyone wishing to purchase the Civic Centre.
- The RAMM had a separate budget for roof replacement, which was financed by separate grant with a contribution from Exeter City Council to ensure the galleries remained operational.
- The control of the £19 million was dependent on project managers, who may need to make deferrals in the capital programme for various reasons.

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

RECOMMENDED that Council approve:-

- (1) the overall financial position for the 2024/25 Annual Capital Programme; and
- (2) the further funding requests to the Council's Annual Capital Programme for 2024/25.

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2024/25 financial year after three months. The report further outlined budgetary over/under-spends and highlighted areas of risk, where certain budgets had identified as being vulnerable to factors beyond the control of the Council, resulting in potential budget deviations.

Particular reference was made to:-

- there was continued challenge with the repairs and maintenance budget, which had a projected overspend of £1.187 million, the reasons of which were set out in the report;
- work was being undertaken with the Head of Service for repairs and maintenance to look at either increasing the budget or to bring the repairs and maintenance budget back in line with the set budget set; and
- the request to vire £95,000 in the report meant it was currently held in the capital budget and would be transferred back to revenue account.

Cllr Mitchell enquired on the repairs and maintenance programme and whether an indication could be made between the balance of planned maintenance and urgent repairs?

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that he would speak with the relevant Head of Service in response to Councillor Mitchell's enquiry.

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

RECOMMENDED that Council approve:-

- (1) the HRA forecast financial position for 2024/25 financial year; and
- (2) the request to vire £95,000 Estate Management approval from the Capital Programme to an annual revenue budget of circa £24,000 for four years.

104

APPROVED PROJECTS OPTIONS REPORT

The Executive received the report which sought Member direction for prioritising available funding for one of the two previously approved schemes for either the Laings scheme and phases B and C at Vaughan Road. Council had previously approved for funding for both projects to be delegated to the Section 151 Officer and relevant Director in consultation with the Portfolio Holder and Leader, as it was not able to borrow prudentially at that time. Funding was now available to progress one of the schemes.

The Leader moved the first recommendation option for the funding of the project to complete and deliver the remaining 7 properties outstanding in relation to the Laings scheme. Councillor Wright seconded the recommendation option.

Councillor Moore as opposition group leader enquired if the managed budget included the purchase of the additional land in this account?

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

During the discussion, Executive Members raised the following points and questions:-

- it was good news the Council was now able to deliver this overdue project;
- it was highlighted that this was only prioritising one project over another, now that funding was available;
- the other project would be progressed once more funding became available;
- finishing the Laings project would provide enhancement to the area and allow residents to move back; and
- the Council was going to complete the project which had taken a number of years to complete and welcomed future funding for the Vaughan Road projects in due course.

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

RESOLVED that the Executive agreed to prioritise and fund the project to complete and deliver the remaining seven outstanding properties in relation to the Laings scheme.

105

HOUSEHOLD SUPPORT FUND SCHEME 6

The Executive received the report which Members approval to grant delegated authority to Strategic Director for Corporate Resources in consultation with the Leader and the Portfolio Holder for Housing, Homelessness Prevention & Customer Services for a scheme to disburse funding from the sixth Household Support Fund.

Funding was provided by the Department for Work and Pensions (DWP) to Devon County Council (DCC), however guidance or confirmed funding allocations had not been provided and delegated authority was requested to action the funding once guidance was provided.

Particular reference was made to:-

- the funding support commenced as of the day of this meeting and any delay in bringing the report to a forthcoming meeting cycle would severely cut into the allotted support time;
- the DWP guidance had since been released since the report was published, and remained broadly unchanged, from scheme 5, as were plans from Devon County Council;
- scheme 6 had an increased emphasis on pensioners; and
- the Council was on track to run the preferred scheme in line with the other districts and the Council was waiting for a confirmed funding agreement from Devon County Council, to draft the proposed policy.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

During the discussion, Executive Members raised the following points and questions:-

- the funding scheme and work to prepare it was welcomed; and
- it was important there was strong communication for pensioners in particular to be made aware of the funding and to come forward to claim;

In response to questions and points raised by Members and opposition group leaders, the Leader and the Strategic Director for Corporate Resources advised that:-

- Trend data for the previous schemes, for those that have applied or not could be made available to highlight the needs of residents.
- There would be a strong communications drive to encourage as many residents as possible to come forward, particularly pensioners.

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

RECOMMENDED that Council grant delegated authority to the Strategic Director for Corporate Resources in consultation with the Leader and the Portfolio Holder for Housing, Homelessness Prevention & Customer Services to agree the scheme for disbursing funding from the sixth Household Support Fund.

106

PUBLIC SECTOR DECARBONISATION SCHEME 3B PROJECT – RAMM & RIVERSIDE LEISURE CENTRE

The Executive received the report which summarised the outcome of the work undertaken to date in exploring the implementation of decarbonisation measures at Royal Albert Memorial Museum (RAMM) and the Riverside Leisure Centre. This was funded by the Public Sector Decarbonisation Scheme 3b grant from central government. The report also requested that due to challenges at both sites and the immovable grant funding spend deadline, that the project presented too much risk to the council to proceed.

Particular reference was made to:-

- the sites had the highest carbon emissions across the Council's corporate estate;
- the grant had commenced in March 2023 for a two-year period, with the first year focussed on feasibility and design to explore heat decarbonisation measures;
- the outcome of the first years' work had identified significant challenges in delivering within the time frame, budget and quality parameters required at both sites. These challenges could not be overcome and sufficient progress was made in the remainder of this financial year to meet requirements of the grant;
- the project ultimately presented a large risk, exposing the Council to unacceptable levels of uncertainty and financial risk;
- the money spent to date had not been wasted and both sites remained a high priority and the Council had extensive feasibility and technical design information which could be built on; and
- the Council was in a strong position for future grant funding and further Public Sector Decarbonisation Scheme applications, with an expected funding announcement in late autumn.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised a number of points and questions, which were responded to by the Leader, further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

The Leader spoke on this item and in responding to questions and questions raised, made the following points:-

- this was a resolved matter for the Executive approve;
- the total costs incurred to date by the Council were £638,643.93 and the total grant money paid was £465,701.55, which left an outstanding balance of £172,942.38 which would be paid to the Council on 16 October 2024 leaving zero cost to the Council;
- officers had been managing the project to try and complete the work on time but it was not possible and Executive Members had not been contacted by contractors;
- he was satisfied with the information provided from Officers on this matter and that the project couldn't be completed on time;
- the Riverside work was 11 weeks late from the original deadline for the submission and there was a lack of detail provided to the Council including contractual conditions and risk allocation;
- the proposed recommendations would prevent the Council from inheriting a large cost;
- no Council money had been spent, other than what had been retained from the government grant and the allocated £871,000 had not been spent and remained in the budget; and
- thanks were given to the officers for their hard work and due diligence during this process particularly in addressing difficulties and protecting the RAMM which was a key asset.

During the discussion, Executive Members raised the following points and questions:-

- thanks were made to the officers, particularly the Net Zero Project Manager for their due diligence and work undertaken for the report;
- the process had been a complex and challenging task and although it wasn't the outcome that was hoped for it was the right decision. The work undertaken, however, had been valuable, particularly the feasibility study;
- no money had been wasted on the project and had been done in an appropriate way and there would be further opportunities ahead as Net Zero work continued;
- it was important to recognise that this was a Government scheme and had a range of challenges and conditions outside of the Councils control;
- the Council would continue to work to reduce carbon emissions and would always take the management of its finances seriously to ensure projects were delivered appropriately;
- work on feasibility was undertaken carefully and a number of decision points were reached before it was decided it was no longer feasible. The work undertaken would help for the next project;
- despite the coverage of the item, the report showcased appropriate risk assessment and management to prevent a significant financial risk to the Council;
- knowing the background detail of the work carried out, highlighted why the project could not proceed further; and
- it was important for all Members to avoid advocacy for contractors in matters like this and to be mindful when approached by a contractor going forward.

The Leader summing up the debate, advised that he didn't want a debate with opposition leaders, but there were mechanisms available to them including a conversation with him.

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

RESOLVED that the Executive approve:-

- (1) for the PSDS 3b project (RAMM & Riverside) not proceed any further, following consideration of the outcomes of the Year 1 exploration, design, and pricing stages; and
- (2) for Officers to allocate time to progress matters in preparation for future funding opportunities to secure monies required to decarbonise both sites.

107

ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2023 - 2024

The Executive received the report on the Annual Infrastructure Funding Statement for 2023 - 2024 which provided retrospective information relating to funding secured, received, committed, and spent from the Community Infrastructure Levy (CIL) and Section 106 monies in that year. The report also provided an Infrastructure List which identified a number of projects which could benefit from Community Infrastructure Funding and did not provide any financial commitments to projects set out in the Statement.

Particular reference was made to:-

- the Council had a responsibility to publish its infrastructure statements annually; and
- both CIL and the Section 106 were delivered through the planning process and funding from these sources was linked to new housing developments and was a major contributor to the medium-term financial plan;

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by a Senior Officer, as detailed further in this minute.

In response to questions raised, the Strategic Director for Place advised that:-

- The report provided high level details and it was not necessary to set out detailed levels for different wards for the neighbourhood portion of CIL.
- There was a lot of information sitting under the reported headline figures, which was collated by officers and used on a regular basis.
- Many of the reported projects were city-wide projects, rather than broken down by individual wards. The Council was only required to produce a high-level statement and information accordingly.

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

RESOLVED that the content of the Annual Infrastructure Statement for 2023 – 2024 was noted by the Executive prior to its publication.

108

RAMM BUSINESS PLAN FOR ARTS COUNCIL ENGLAND NATIONAL PORTFOLIO ORGANISATION EXTENSION YEAR 2026-27

Councillor Wright left the room for duration of this item.

The Executive received the report on the Royal Albert Memorial Museum & Art Gallery (RAMM) business plan, following an extension from Arts Council England (ACE) for its funding period for National Portfolio Organisations (NPOs) by one year. The RAMM was an NPO and therefore was entitled by the ACE to apply for a one-year funding extension period up to 31 March 2027. Particular reference was made to the funding application, which if successful would result in an additional income of £619,000.

The Portfolio Holder for Arts, Culture & Tourism advised that the exact amount of additional income would be £618,363 and that the Council would not be spending any of its own money and applying for the extension would generate this income for the RAMM.

The Leader moved the recommendations, which was seconded by Councillor Foale, voted upon, and CARRIED unanimously.

RECOMMENDED that Council:-

- (1) endorse the Royal Albert Memorial Museum & Art Gallery (RAMM) Business Plan;
- (2) grant delegated authority to the Strategic Director for Place, in consultation with the Portfolio Holder for Arts, Culture & Tourism, to apply to Arts Council England for the additional year's funding (2026-27); and
- (3) authorise the Council to enter into the 2026-27 funding agreement with Arts Council England, should the application for funding be successful.

109 **FOOD LAW AND HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2024 - 2025**

Councillor Wright was absent from the room for duration of this item.

The Executive received the report which sought approval to adopt the statutory Food Law and Health and Safety Service Plan 2024-25, which set out the Council's regulatory function in respect of food safety and health and safety over the forthcoming year.

Particular reference was made to:-

- 99% of food businesses were broadly compliant with the food hygiene law and Exeter now had more food businesses in the city than in its history;
- when food sampling, the team was specifically looking for issues, and having a 90% satisfactory rating for food samples was a positive reflection of the high standard of food businesses; and
- an excellent amount of work was undertaken by officers as detailed in the report, to address health and safety priorities.

Cllr Mitchell as opposition group leaders spoke on the item and enquired on the home delivery service and whether there was any relating to food prepared on-site and for when it was delivered to a home?

In response to the question raised, the Interim Director – Environment, Waste and Operations (SL) advised that businesses had a responsibility to ensure that they were providing food at a suitable temperature and critical control points were measured. Supermarkets had specialised delivery vans for refrigeration and had responsibility, but the Council did investigate issues as required.

The Leader moved the recommendations, which was seconded by Councillor Williams, voted upon, and CARRIED.

RESOLVED that the Food Law and Health and Safety Service Plan 2024-25 be supported by the Executive.

RECOMMENDED that Council:-

(1) approve the Food Law and Health and Safety Service Plan 2024/25; and
(2) grant authority to the Head of Environment and Waste to change the plan in the light of national guidance and/or to meet operational needs.

110

TREE AND WOODLAND MAINTENANCE AND INSPECTIONS CONTRACT

Councillors Foale and Wright were absent from the room for duration of this item.

The Executive received the report which outlined the requirements for a new Tree Maintenance and Inspections Contract after the expiry date of the current contract on 1 April 2025, to support the ongoing delivery councils tree management in respect of industry best practice, duty requirements, and the Council's Corporate plan 2022-2026.

Particular reference was made to the risks in the sourcing strategy had been mitigated by existing legal contract procedures and the contract was fully funded. The appraisals outlined in report were the only viable options in accordance with legal requirements.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

In response to questions raised, the Interim Director – Environment, Waste and Operations (CC) advised that:-

- The cost associated with contractors for self-delivery would vary each year, based on the assessment process.
- For a single source supplier, the Council would be able to potentially reduce costs annually, however, with an in-sourced supply, this wasn't possible.
- The forecast for annual expenditure was likely to be higher in regard to ceiling costs.
- Exeter city centre had a large quantity of trees, and the strategy for delivery and maintenance had a higher priority for quality of provision. Partner organisations prioritised cost over quality of service as their needs differed, and there was no opportunity therefore, for partnership working at the current time.
- The Ash Die Back budget shown in the capital budget hadn't contributed to overall costs. The contract was expected to this address Ash Die Back, but the budget may not last the lifespan of the contract, and therefore hadn't been included.

The Leader moved the recommendations, which was seconded by Councillor Williams, voted upon, and CARRIED.

RECOMMENDED that Council:-

(1) Authorises Council officers to proceed with the procurement process to appoint a contractor to provide a new tree maintenance and inspection service in

accordance with the proposals set out in the report, using an open tender process for the procurement of a single supplier; and
(2) grant delegated authority to the Interim Director Community Services in consultation with the Strategic Director for Corporate Resources to confirm the award and appoint a contract following the procurement process.

111

HONORARY ALDERMEN – MR RICHARD BRANSTON

Councillors Foale and Wright returned to the room for this item.

The Executive received the proposal to confer the title of Honorary Alderman of the City of Exeter to Mr Richard Branston in recognition of his eminent services to the Council.

Members noted that the term of office for Mr Branston amounted to 24 years consecutively and therefore met the necessary length of service criteria and that Mr Branston was a diligent caseworker who had worked very hard for the benefit of his ward residents.

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

RECOMMENDED that in accordance with Section 249 of the Local Government Act 1972, the Right Worshipful the Lord Mayor be requested to convene an Extraordinary meeting of the Council, on the rising of the Ordinary meeting of the Council on 15 October 2024, to consider conferring the title of Honorary Alderman of the City of Exeter on Mr Richard Branston.

(The meeting commenced at 5.30 pm and closed at 7.51 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 15 October 2024.

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REPORT TO EXECUTIVE

Date of Meeting: 5 November 2024

REPORT TO COUNCIL

Date of Meeting: 17 December 2024

Report of: Strategic Director People and Communities

Title: Housing Residents' Vulnerabilities Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The report summarises the new Housing Residents' Vulnerability Policy. It is proposed that the revised Policy 2024-2027 be adopted and implemented. A copy of the Policy document is appended.

2. Recommendations:

2.1 That Executive recommends that Council approve the adoption of the new Housing Residents' Vulnerability Policy.

3. Reasons for the recommendation:

3.1 According to the English Housing Survey 2021-22, the social rented sector contains a larger proportion of vulnerable groups than private rented and owner-occupied sectors. We as a responsible landlord must be able to recognise vulnerability amongst our tenants and leaseholders and ensure that we make reasonable adjustments to the services we provide to take these vulnerabilities into account

3.2 The Regulator of Social Housing under the Neighbourhood and Community Standard (of the new Consumer Standards) states the requirement that social landlords '*Registered providers must treat tenants and prospective tenants with fairness and respect.*'²

This is our proposed policy to ensure compliance.

4. What are the resource implications including non financial resources

4.1 Although we don't have an exact figure as this is ever-changing, we can say that we have an increasing number of people who would class themselves as vulnerable living as tenants in our homes. Our Housing Officers will help and support these vulnerable tenants to sustain their tenancies as part of their day-to-day work, calling on additional specialist support where required.

5. Section 151 Officer comments:

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

6. What are the legal aspects?

6.1 The policy reflects the requirements of two key pieces of legislation, the Equality Act 2010, and the Care Act 2014.

6.2 Section 149 of the Equality Act 2010 imposes the 'public sector equality duty' on public authorities when exercising 'public functions. The authority must have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the 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.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.3 In order to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not requires a public authority to, inter alia, remove or minimise disadvantages, take steps to meet the needs of persons who share a relevant protected characteristic compared to those who do not, and to 'encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.'6.3Any protected characteristic will be taken into account in assessing vulnerability and appropriate action.

6.4 Section 1 of the Care Act 2014 promotes individual well-being by setting out general responsibilities of local authorities to promote individual well-being, including 'personal dignity; physical and mental health and emotional well-being; protection from abuse and neglect; control by the individual over day-to-day life; participation in work, education, training or recreation; social and economic well-being; domestic, family and personal relationships; suitability of living accommodation and the individual's contribution to society.

6.5 The general responsibilities to promote the protection of individuals from abuse and neglect is a key statutory requirement imposed on local authorities. In practice, this is achieved by developing and assessing the effectiveness of its local safeguarding arrangements in order to aim to protect, for example, adults in the care system at risk of abuse or neglect. When a local authority exercises its functions under the Act, there are a number of assumptions, including '...that the individual is best placed to judge' their own well-being; their views, wishes, feelings and beliefs, and the importance of prioritising care and support requirements '...having regard to all the individual's circumstances'

6.6 The Council's policy seeks to incorporate the requirements of these key pieces of legislation and to reflect the findings of the Housing Ombudsman's report 'Spotlight on Attitudes, respect, and rights.

7. Monitoring Officer's comments:

7.1 Members will note the purpose of the policy is to focus on the Council's vulnerable tenants and their needs and requirements in accordance with the recommendations of the Housing Ombudsman service set out in the report details below.

8. Report details:

8.1 In January 2024 the Housing Ombudsman published a report entitled 'Spotlight on attitudes, respect, and rights – relationship of equals'.¹

8.2 In summary the report recognised the challenging and complex environment that social landlords now must work within, including: the cost-of-living crisis, increase in mental health difficulties and housing shortages. The Ombudsman stressed the need for landlords to create human-centric policies, adapt to meet the needs of all their residents and ensure the most vulnerable residents are not left behind.

8.3 The report centred on what it means to be vulnerable in social housing today, but also how landlords can respond effectively and how to do so without stigma or marginalisation.

8.4 It goes on to say 'Landlords must also transform their vulnerable persons policy from a passive document to an embedded practice. This means continuously stress testing it against the 3Rs – recognise, respond, and record vulnerabilities.'

8.5 This Residents' Vulnerability Policy has been drawn up to meet the requirements set out by the Housing Ombudsman and to co-ordinate our housing services to ensure that we address the issues of varying types of vulnerability amongst our tenants and leaseholders.

8.6 The policy seeks to define vulnerability as 'Residents who have a particular characteristic and/or experience an exceptional life event and are currently unable to cope with managing their tenancy without additional support.

The term 'vulnerable' could apply to any of these groups:

- Those with an underlying characteristic such as those people who are over 75 but recognising that people in these groups may not always require additional support just because of the characteristic.
- Those people who lack the ability to act, engage or cope.
- People who have experienced an exceptional life event.
- Those who are financially unstable

8.7 The documents were reported to the Council Housing and Development Advisory Board (CHADAB) in September 2024.

8.8 The policy has been taken to the Tenants' Voice Group and their comments and suggestions have been considered when finalising this document.

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

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"

9.1 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.

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

10.1 There are reputational risks in not having an up-to-date Vulnerabilities Policy; with the introduction of more stringent regulation any inspection of the housing service by the Regulator of Social Housing would include a review of our policies and strategies to ensure they are fit for purpose.

10.2 The Social Housing Regulator's Neighbourhood and Community Standard requires registered providers 'to take action to deliver fair and equitable outcomes for tenants and, where relevant, prospective tenants. 2

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 There are no alternatives to the adoption of this policy as it is one of the 'required outcomes' within the Neighbourhood and Community Standard (part of the Regulator of Social Housing's Consumer Standards which came into force on 1st April 2024)²

Strategic Director People and Communities, Jo Yelland

Author: Lawrence Blake

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

Background papers used in compiling this report: -

1. [Spotlight on: Attitudes, respect, and rights – relationship of equals \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)
2. [Annex 3: Consumer standards 1 April 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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Exeter City Council Housing Services

Residents' Vulnerability Policy 2024 – 2029

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1. Introduction & Purpose

- 1.1. This policy sets out Exeter City Council Housing Services (ECC) commitment to assist customers and residents to ensure that they can access our services. Where tenants are recognised as being vulnerable, we will provide assistance or signpost for more specialist support to ensure that everyone receives the assistance they need to maintain their tenancy.
- 1.2. We want to ensure that we are consistent in our approach by providing staff and residents with information to help identify and respond effectively to residents' needs.
- 1.3. The policy focuses on residents who may be vulnerable but have the capacity to make their own decisions. Where a resident is assessed as lacking the capacity to make decisions we will work with their appointed representative.
- 1.4. This policy sets out Exeter Housing Services (ECC) commitment to assist tenants and potential tenants (hereafter referred to as residents) in accessing our services. Where tenants are recognised as being vulnerable, we will provide assistance or signpost for more specialist support to ensure that everyone receives the assistance they need to maintain their tenancy.
- 1.5. We want to ensure that we are consistent in our approach by providing staff and residents with information to help identify and respond effectively to residents' needs.

2. Policy Objectives

2.1 As a responsible social landlord, our overall objective is to ensure that our vulnerable residents receive the services and assistance that they require to sustain their tenancy.

2.2 To achieve this, we aim to:

- Record resident contact information in respect of vulnerabilities identified on our housing data system
- Take account of vulnerabilities known in the provision of services and decisions in respect of the delivery of reactive and planned repairs, decants, adaptations, home improvements, tenancy management and enforcement
- Assist vulnerable residents to access services and signpost to additional support where this is required
- Make safeguarding referrals or raise a cause for concern where appropriate
- Refer to other support or statutory services where relevant.

3. Legal duties and statutory requirements

3.1 We have a legal duty under the Equality Act 2010 to “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it” but as a social landlord we recognise that many other residents can be vulnerable for reasons other than the characteristics protected under the equalities legislation. This policy sets out how we define vulnerability and how we respond to those people’s needs.

3.2 The Care Act (2014) puts adult safeguarding on a legal footing. Under The Care Act, an adult at risk is someone over 18 years old who:

- has care and support needs
- is experiencing, or is at risk of, abuse or neglect
- as a result of their care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

3.3 The Care Act (2014) sets out the statutory requirement for local authorities, health, police and other agencies to both develop and assess the effectiveness of their local safeguarding arrangements. It sets out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect. This is founded on the six key principles:

- I. *Empowerment* – people being supported and encouraged to make their own decisions and give informed consent
- II. *Prevention* – it is better to take action before harm occurs
- III. *Proportionality* – the least intrusive response appropriate to the risk presented
- IV. *Protection* – support and representation for those in greatest need
- V. *Partnership* – local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and
- VI. *Accountability* – accountability and transparency in delivering safeguarding

3.4 The Regulator of Social Housing’s Consumer Standards states that ‘In relation to the housing and landlord services they provide, registered providers must take action to deliver fair and equitable outcomes for tenants and, where relevant, prospective tenants.’ ¹

3.5 In addition, ‘Registered providers must use relevant information and data to:

- a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and
- b) assess whether their housing and landlord services deliver fair and equitable outcomes for tenants’

3.6 The statutory Housing Ombudsman Complaint Handling code 2024 states that ‘Landlords must make reasonable adjustments for residents where appropriate

under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.¹²

4. Protected characteristics

4.1 Under the Equality Act 2010 we are considered as providing a public function and must have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- b) Advance equality of opportunity between persons who share relevant protected characteristics 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 The protected characteristics in relation to services are: age, disability, gender re-assignment, race, religion or belief, sex and sexual orientation.

4.3 Whilst we do not define people with protected characteristics as 'vulnerable' we will give due consideration to any known protected characteristic in deciding enforcement action to avoid inadvertent discrimination.

4.4 We will consider an individual's protected characteristics in our decisions in respect of tenancy management particularly where possession or enforcement is considered. Our pre-action protocol will consider:

- If the resident's behaviour, action, or lack of action is related to their disability or vulnerability.
- If their behaviour puts others at risk
- If alternative sanctions or options could resolve the tenancy breach
- If action is proportionate and justifiable

5. Definition of Vulnerability

5.1 The Government's meaning of vulnerability is defined as someone in need of special care, support, or protection because of age, disability, risk of abuse or neglect.

5.2 We will define 'vulnerable' in relation to the provision of our housing management services as:

Residents who have a particular characteristic and/or experience an exceptional life event and are currently unable to cope with managing their tenancy without additional support.

5.3 Our definition reflects our understanding that ‘vulnerability’ can be a changeable state influenced by multiple factors and experiences such as age, disability, bereavement, mental health etc. The more common characteristics, events and factors that we may take into consideration when considering a resident’s state of vulnerability are included below.

5.4 Some of the factors will be constant and others can be life events that do not represent a permanent state. The interaction of the different factors will determine how vulnerable a person is along with any additional assistance that they may require.

5.5 The Housing Ombudsman Service in its report ‘Spotlight on attitudes, respect and rights – relationship of equals’³ defines vulnerability (in relation to complaints which is the Housing Ombudsman’s main focus) as:

‘A dynamic state which arises from a combination of a resident’s personal circumstances, characteristics and their housing complaint. Vulnerability may be exacerbated when a social landlord or the Housing Ombudsman Service does not act with appropriate levels of care when dealing with a resident’s complaint... if effective reasonable adjustments have been put in place, the vulnerability may be reduced.’

6. Assessment of Vulnerability

6.1 We will consider the following factors when determining vulnerability. It does not cover the whole spectrum but provides a framework for consideration.

Questions that may help to ascertain vulnerability:

- “Do you/anyone living in your household have any vulnerability that we need to be aware of?”
- “Does your current situation impact adversely on your health / the health of anyone in your household?”
- “Does your current situation impact adversely on you or anyone in your household’s ability to manage day to day living?”

1. *Underlying characteristic*

(people in these groups may not always require additional support just because of the characteristic)

- Older people (particularly those aged over 75)
- Disabled people or families with a disabled child
- Care leavers under the age of 25

- Lone parents (under 21)
- People who are living with a terminal illness

2. Ability to act, engage or cope.

(people may lack ability because of having one or more of these factors)

- Learning disability
- Mental illness
- Neurodiverity/Autism Spectrum disorder
- Permanently impaired mobility or frailness
- Chronic, debilitating health condition
- Addiction / serious substance or alcohol abuse
- Low level of literacy
- Low or no English language
- Age related condition that impacts on independent living

3. Exceptional life event

(people may not have factor 1 or 2 but may have recently experienced an exceptional trauma or event so may be vulnerable at this point in time) for example:

- Recently moved from Supported accommodation
- Bereavement following close family member.
- Victim of crime, abuse, harassment, or domestic abuse
- Recently discharged from hospital or other institutional care
- Pregnancy or recently given birth
- Ex-service personnel returned from an area of conflict
- Refugee or Asylum seeker
- Experiencing exceptional hardship

4. Financial Instability

(this may be only a temporary situation)

- Erratic and/or low income
- Reliance on state benefits which may change, Universal Credit for example
- Over indebtedness, which may include rent/council tax arrears.

7. Identifying Vulnerability

7.1 A resident's vulnerability may be identified by:

- The resident or their representative contacting us for additional support
- Any member of ECC staff who is in contact with the resident
- A referral from an external agency/organisation.

7.2 Our staff will receive training to recognise potential signs of vulnerability such as:

- Being the perpetrator of antisocial behaviour due to mental health issues
- Being the victim of anti-social behaviour, harassment, domestic abuse or crime
- Repeated failure to respond to correspondence or home visits.
- Hoarding, self-neglect or other behaviour which results in a person's home or garden becoming neglected or damaged.
- Failing to maintain the conditions of tenancy such as regular rent payments.

8. Recording Vulnerability

8.1 We will record on the customer record within our housing management system (OPENHousing) any known vulnerability, any communication or access needs and if anyone other than the tenant is authorised to speak to us on the resident's behalf. This helps staff to have advance knowledge of any additional factors to consider when delivering services.

8.2 Safeguarding concerns will be raised in line with our Safeguarding Policy which sets out how we ensure that the relevant Social Care Services are notified when we have a concern.

9. Reasonable Adjustment

9.1 While we do not define groups of people as 'vulnerable' by default e.g., 'the old' or 'disabled,' we will consider how we deliver our service taking into consideration vulnerable residents' needs, and circumstances, to help them to live well and sustain their tenancy.

9.2 Each of our service areas will consider any variation or adjustment that might be required and is appropriate in the circumstance for a vulnerable resident.

This will vary by service, but some examples are:

- Allowing longer for a resident to answer the door
- Arranging a joint visit with a support worker/representative

- When ordering a repair, if a member of the household is vulnerable and a delay will be detrimental to health the repair may be brought forward from its scheduled target date (but should be booked as scheduled with a note to indicate the vulnerability)
- If damp and mould are reported and a member of the household is vulnerable the remedial process should be escalated accordingly
- Visit in person to explain matters or explain the content of a letter by telephone call
- Provide or refer for additional support, a perpetrator of anti-social behaviour prior to enforcement
- Make an application for a civil remedy or injunction rather than evict a vulnerable person.
- Provide welfare benefits and money advice rather than enforcement for a vulnerable person in rent arrears
- Make provision to make good following repairs where a vulnerable person is not likely to be able to do this
- Engage and arrange translation services if required.

10. Communication preferences

10.1 When new tenants sign up for a tenancy, they will be asked about communication preferences and to provide a secondary contact in case of emergency.

10.2 Residents can ask that correspondence is sent to someone who has 'delegated authority' to act on their behalf.

10.3 We will expect that residents or their representatives will update any communication preference if it changes.

10.4 The way that we communicate with tenants who are vulnerable should be considered to ensure that it will be understood and is relevant.

10.5 If English is not a tenant's first language, we will make reasonable adjustments by arranging translation of written documents, or interpretation services if needed.

11. Residents lacking capacity

11.1 In line with the Mental Capacity Act 2005 we will liaise with those who have legal authority to act on behalf of our residents who lack capacity. That might be a representative who has /or is:

- Lasting power of attorney (LPA)
- Deputyship Order from the Court of Protection
- Litigation friend appointed in court proceedings.
- Appointee appointed by the Department of Work and pensions (DWP) to manage a person's benefits.
- Independent Mental Capacity Advocate

12. Implementation of the policy

12.1 This policy follows guidance and references from the Housing Ombudsman report "On the record: Spotlight on Knowledge and Information Management" and its recommendations.

12.2 We have a number of key actions to complete which will support this policy:

- To review how we hold and report on details of a customer's vulnerability and provide staff access to information which is relevant to them
- Increase the level and quality of data that we hold and capture
- Embed our approach by delivering training to our staff so that we can respond in a positive way to vulnerable residents' needs
- Ensure each policy review captures how it can accommodate vulnerable residents
- Explore the potential for reporting on 'priority resident' status so that we can easily make contact and respond to them. For example, in extreme weather conditions or as part of our business continuity planning process.

13. References

Legal duties and statutory requirements:

Equality Act 2010: Guidance - GOV.UK (www.gov.uk)

Regulator of Social Housing Consumer Standard Tenant Involvement and Empowerment Standard - GOV.UK (www.gov.uk)

The Housing Ombudsman's Complaint Handling Code (housingombudsman.org.uk)

The Care Act 2014

Residents lacking capacity:

Mental Capacity Act: making decisions - GOV.UK (www.gov.uk)

Related documents:

Knowledge & Information Management-report-v2-100523.pdf (housing-ombudsman.org.uk)

ECC Housing Strategy

ECC Tenancy Policy

ECC Housing Domestic Abuse Policy (to be ratified November 2024)

ECC Housing Anti-Social Behaviour Policy (to be ratified November 2024)

ECC Safeguarding Policy

ECC Equality, Diversity & Inclusivity Policy

Footnotes:

1. <https://www.gov.uk/government/consultations/consultation-on-the-consumer-standards/annex-3-consumer-standards>
2. [Complaint Handling Code 2024 | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](#)
3. [Spotlight on: Attitudes, respect and rights – relationship of equals \(housing-ombudsman.org.uk\)](#)

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Equality Impact Assessment: Residents' Vulnerability 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 5 th November 2024	Residents' Vulnerability Policy	To agree the updated policy	This policy is specifically designed to detail services for those people with a vulnerability; defined as someone in need of special care, support, or protection because of age, disability, risk of abuse or neglect

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 policy but where there may be language barriers if English is not the person’s first language, there are mechanisms in place to provide translation services if needed. The policy specifically mentions how refugees and asylum may be vulnerable due to past experiences.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive	Low	Legislation governs all aspects of housing services provision in respect of protected characteristics such as those tenants with a disability. This policy recognises that those with a disability could be vulnerable, we will consider any variation or adjustment that might be required and is appropriate in the circumstance for a vulnerable resident. The policy recognises the broad nature of disability including mental health and that this can fluctuate over time.
Sex/Gender	Neutral	Low	Legislation governs all aspects of housing services provision in respect of protected characteristics.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
			We understand that whilst the policy doesn't discriminate, there is a recognition that some genders could be affected differently depending on the vulnerability.
Gender reassignment	Neutral	Low	People who are undergoing gender reassignment may experience mental health issues due to societal influences or family issues.
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	It is recognised that there may be a higher rate of mental health issues for particularly young people in LGBTQ+ community due to societal or family issues.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive	Low	Whilst the policy does not define groups of people as 'vulnerable' by default e.g., 'the elderly' or 'disabled', we will consider how we deliver our service taking into consideration vulnerable residents' needs, and circumstances, to help them to live well and sustain their tenancy.
Pregnancy and maternity including new and breast-feeding mothers	Neutral	Low	As above as this is a protected characteristic
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: 07.10.24

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REPORT TO EXECUTIVE

Date of Meeting: 5 November 2024

REPORT TO COUNCIL

Date of Meeting: 17 December 2024

Report of: Strategic Director People and Communities

Title: Housing Domestic Abuse Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The report summarises the new Housing Domestic Abuse Policy. It is proposed that the revised Policy 2024-2027 be adopted and implemented. A copy of the Policy document is appended.

2. Recommendations:

2.1 That Executive recommends that Council approve the adoption of the new Housing Domestic Abuse Policy for the period.

3. Reasons for the recommendation:

3.1 The Council is required by the Regulator of Social Housing to provide a housing specific Domestic Abuse Policy which contains details of how reports of domestic abuse will be handled in relation to tenants of Exeter City Council.

4. What are the resource implications including non financial resources

4.1 It is difficult to predict how many of our tenants are experiencing domestic abuse at any one time. We acknowledge that not all of them will turn to us for assistance, but this policy is designed to ensure that everyone who does has an agreed level of service to be followed by our officers. The Housing Officers, often the first point of contact will, as they have been already, undertake this role as part of their day-to-day duties.

5. Section 151 Officer comments:

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

6. What are the legal aspects?

6.1 Local housing authorities have specific legal obligations to have in place a domestic abuse policy. The Domestic Abuse Act 2021 requires local authorities to assess the need to accommodation-based support for victims of domestic abuse in its area, prepare and

publish a strategy for the provisions of such support, and to monitor and evaluate the effectiveness of the strategy.

6.2 Section 1(1) of the Domestic Abuse Act 2021 defines domestic abuse as follows:

‘Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

- a) A and B are each aged 16 or over and are personally connected to each other; and
- b) the behaviour is abusive.

6.3 Section 2 of the Act defines the term ‘personally connected’.

6.4 Section 1(3) of the Act goes on to define behaviours as ‘abusive’ if it consists of any of the following:

- a) physical or sexual abuse;
- b) violent or threatening behaviour;
- c) controlling or coercive behaviour;
- d) economic abuse; and
- e) psychological, emotional, or other abuse.

Such behaviour is defined as ‘abusive’ whether the behaviour consists of a single incident or a course of conduct.

6.5 The Regulator of Social Housing issued new requirements as part of the Neighbourhood and Community Standards that came into force on 1st April 2024.

6.6 These standards require social landlords to have in place a stand-alone Domestic Abuse Policy in respect of their tenants and leaseholders in order to fully comply with these standards. The key issue is that social landlords must have in place a policy for recognising and responding effectively to domestic abuse. The policies should consider how the social landlords:

6.6.1 raise awareness and understanding among relevant staff so they are able to recognise the signs of domestic abuse, particularly those linked to a tenant’s housing circumstances;

6.6.2 make tenants aware of appropriate support and advice available regarding domestic abuse, including from third party organisations;

6.6.3 offer tenants affected by domestic abuse referrals to specialist domestic abuse agencies;

6.6.4 provide staff supporting tenants experiencing domestic abuse with appropriate specialist training; and

6.6.5 offer appropriate staff members to support tenants experiencing domestic abuse.

6.7 The Council’s Housing service will be assessed against these standards when we are inspected by the Regulator of Social Housing.

6.8 A key issue is that the Housing authority works collaboratively with other agencies in order to promote the safety and well-being of its residents.

7. Monitoring Officer's comments:

7.1 Members will note the legal requirements imposed on local housing authorities to have in a place a stand-alone policy in order to address how it will respond to domestic abuse in respect of its tenants and leaseholders.

8. Report details:

8.1 The policy defines what we consider to be domestic abuse, what we will respond to and the timescales for doing so.

8.2 Domestic abuse can encompass, but is not limited to, the following types of abuse:

- Psychological.
- Physical.
- Sexual.
- Financial.
- Emotional.
- Discriminatory

8.3 Domestic abuse is a criminal offence and is also a breach of our tenancy agreements. It impacts on the safety of individuals, their households, and local communities. Domestic abuse often takes place in the home and so we have a role in identifying these issues, supporting the people affected and acting appropriately against perpetrators.

8.4 Concerns about, or reports of, domestic abuse may be reported to any member of our housing services team via any communication channel.

8.5 It is our aim to help people to tell us about the abuse quickly, safely, and confidentially, so that telling us doesn't put them at further risk. We will agree with people how future contact can be made safely.

8.6 We take a risk-based approach to managing any ongoing threat of domestic abuse, including considering the best options to prevent further abuse from happening. We will remain victim centred, taking all protected characteristics into account.

8.7 We will advise people in danger to contact the police and /or emergency services, or we will do this on their behalf.

8.8 We will work as part of a multi-agency partnership to prevent future abuse, including referrals to the local Multi-Agency Risk Assessment Conference (MARAC)

8.9 The policy documents were brought to our Tenants' Voice Group in September 2024. The group's suggestions have been evaluated and some changes have been incorporated into the policy.

8.10 The documents were reported to the Council Housing and Development Advisory Board (CHADAB) in September 2024. Suggestions made by the Board included the addition of environmental damage as ASB and adding in references to the Council's Homelessness and Rough Sleeping Prevention Strategy.

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

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"

9.1 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.

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

10.1 There are reputational risks in not having an up-to-date Domestic Abuse Policy; with the introduction of more stringent regulation any inspection of the housing service by the Regulator of Social Housing would include a review of our policies and strategies to ensure they are fit for purpose.

10.2 The Social Housing Regulator's Neighbourhood and Community Standard requires registered providers to work co-operatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice.

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 There are no alternatives to the adoption of this strategy and policy as they are one of the 'required outcomes' within the Neighbourhood and Community Standard (part of the Regulator of Social Housing's Consumer Standards which came into force on 1st April 2024):

'Must work co-operatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice.'

Social housing landlords must have a policy for how they recognise and effectively respond to cases of domestic abuse.

Landlords must co-operate with appropriate local authority departments to support the local authority in meeting its duty to develop a strategy and commission services for victims of domestic abuse and their children within safe accommodation.'

Strategic Director People and Communities, Jo Yelland

Author: Lawrence Blake

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

Background papers used in compiling this report:-

[Annex 3: Consumer standards 1 April 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118112/Annex_3_Consumer_standards_1_April_2024.pdf)

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Exeter City Council Housing Services

Domestic Abuse Policy 2024 – 2027

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1. Introduction

1.1. This Policy sets out how we as Exeter City Council Housing Services (ECC) will take steps to help and support our tenants, or those living with them, if they are experiencing or are threatened with any form of domestic abuse; this includes forced marriage.

1.2. It also sets out the action we will consider against perpetrators of domestic abuse, as well as providing advice and signposting for those perpetrators who wish to positively change their behaviour.

1.3. Domestic abuse happens in all communities, regardless of age, gender, disability, race, religion or belief, gender reassignment, sexual orientation, marriage or civil partnership, pregnancy, or maternity, and as a housing provider, we are well placed to recognise the signs of domestic abuse at an early stage. It is very important that all reports of domestic abuse are taken seriously and that the needs and support for the people impacted by domestic abuse are central to how we respond.

2. Policy Statement

2.1. We believe that our tenants and residents should not live in fear of abuse or violence from a partner, a former partner, or any other member of their household. Any person experiencing domestic abuse will be treated in a supportive, sympathetic, and non-judgemental way. The victim's disclosure alone will be sufficient for them to be given appropriate advice and assistance as a matter of priority by our housing team.

2.2. We will:

- a. Take appropriate action to reduce the risk of domestic abuse where we think it might happen.
- b. Ensure that people experiencing any form of domestic abuse can access appropriate services as early as possible and are given advice to allow them to make choices about what to do next, so that they are able to identify the options that best meet their particular circumstances.
- c. Aim to keep people experiencing domestic abuse safe by working proactively with them to assess the risk of further abuse.
- d. Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.
- e. Follow the Safeguarding Policy if we believe a child is at risk due to an abusive relationship.

- f. Follow the Safeguarding Policy if we believe a vulnerable adult is at risk due to an abusive relationship.
 - g. Liaise with Devon County Council (DCC) as the lead statutory agency and other relevant local bodies, including charities, to reduce the risk to the person experiencing abuse.
 - h. Support DCC in acting against perpetrators of abuse. This includes taking enforcement action against them where it is appropriate to do so, or signposting them to appropriate support agencies if they wish to positively change their behaviour and prevent domestic abuse recurring.
 - i. Support victims to employ the use of civil and criminal laws which can offer them protection and act as a preventative measure to avoid further abuse.
 - j. Not tolerate domestic abuse from our employees, and work with employees to provide support and guidance to them if they are experiencing domestic abuse
 - k. Be aware that according to statistics from the Office for National Statistics (2019) Domestic violence rates in BAME groups were higher than those in white communities
 - l. Provide translation services if needed for those whose first language is not English
 - m. Provide information in Braille, employ sign language interpreters or supply any other similar additional support services if these are needed by victims
- * Please refer to Domestic Abuse in the workplace Policy.

3. Policy Aims and Objectives

- 3.1. Promote the welfare of all victims of domestic abuse who come into contact with our Housing Services.
- 3.2. Provide safe places where victims of domestic abuse feel they can approach us, are encouraged to talk to us, and will be listened to, so that they can make informed choices about what to do next.
- 3.3. Provide service responses that are victim centred, encouraging those who are impacted by domestic abuse to make appropriate decisions based on their specific circumstances.
- 3.4. Provide appropriate guidance and training for our staff to ensure we support and protect victims of domestic abuse.

3.5. To work in partnership with other agencies and organisations to respond to cases of domestic abuse when they are reported to us.

3.6. To ensure that priority is always given to the immediate safety of people impacted by domestic abuse and their families.

3.7. To signpost perpetrators who are genuinely wishing to change their behaviour to appropriate support agencies.

3.8. To meet the needs and choices of people from all backgrounds and take into consideration age, gender, disability (including mental illness and neurodiversity), race, religion or belief, gender reassignment, sexual orientation, marriage or civil partnership, pregnancy, or maternity.

3.9. Ensure all sections of our community have equal access to our services.

3.10. Ensure our service is responsive and meets the needs of tenants and residents.

4. Background and Definitions

4.1. Domestic abuse is a criminal offence and is also a breach of our tenancy agreements. It impacts on the safety of individuals, their households, and local communities. Domestic abuse often takes place in the home and so we have a role in identifying these issues, supporting the people affected and acting appropriately against perpetrators.

4.2. The cross-government definition of domestic violence and abuse is:

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence, or abuse between those aged 16 or over who are or have been are, or have been, personally connected to each other (regardless of gender or sexuality)' (Domestic Abuse Act, 2021)

The Act goes on to define 'personally connected' and 'children as victims of domestic abuse' where they may be witnesses to such abuse.

5. Coercive and Controlling Behaviour

5.1. In 2014 the Government announced a new domestic abuse offence of coercive and controlling behaviour.

5.2. Controlling behaviour includes a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capabilities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

5.3. Coercive behaviour is an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

6. Definitions of Abuse

6.1. Domestic Abuse can encompass, but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional
- Discriminatory

6.2. The definition includes honour-based abuse, forced marriage and female genital mutilation.

The impact of domestic abuse can range from loss of esteem to loss of life.

6.3. **Physical Abuse** can include hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing, or shoving, cutting or stabbing, restraining, strangulation, choking.

6.4. **Sexual Abuse** can include rape and coerced sex, forcing a victim to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children.

6.5. **Financial Abuse** can include: controlling money and bank accounts; making a victim account for all their expenditure; running up debts in a victim's name; allowing no say on how monies are spent; refusing to allow them to study or work.

6.6. **Psychological and Emotional Violence and Abuse** examples include:

- Creating isolation e.g., not allowing them to see other people, preventing them from making their own friendships, not allowing them to go anywhere on their own, causing them to be depressed and then using this against them.
- Use of threats e.g., threats to kill their family, children, friends, pets; to throw them out and keep the children; to find them if they ever leave; to have them locked up; to tell everyone they are mad.

- Putting them down – humiliating and undermining them in front of others or in front of their children; telling them they are stupid, hopeless, unlovable, that no one would believe them, or that they are a bad parent.

6.7. **Discriminatory Abuse** (with reference to Forced Marriage) may manifest itself as any of the other categories of abuse, however what makes discriminatory abuse distinctive is it is motivated by oppressive and discriminatory attitudes towards a person's:

- Disability
- Physical appearance
- Learning disability
- Mental ill-health
- Sensory impairment
- Race
- Religion
- Gender/ gender identity
- Age
- Culture
- Sexual orientation
- Appearance

6.8. **Coercive and controlling behaviour** underpins domestic abuse and is explained as a range of purposeful behaviours including intimidation, isolation, emotional abuse, and manipulation.

These behaviours are often used as the primary mechanisms for achieving power and control in an abusive relationship and these behaviours reinforce the threat or reality of physical abuse.

6.9. **Family and Inter-generational Abuse**, Domestic abuse approaches have traditionally focused upon heterosexual partner abuse and more recently have been seen to address abuse in lesbian, gay, bisexual, and transgender relationships.

6.10. Family and inter-generational abuse differs from partner abuse, for example if the perpetrator is the victim's teenage or adult sibling, child, or grandchild.

6.11. Careful consideration is required when dealing with family and intergenerational abuse due to the complexities of family composition and safeguarding implications.

6.12. **Elder Abuse**, Research has found that domestic abuse is experienced by both women and men regardless of age, disability, and ethnic background.

6.13. Elder abuse can be even more detrimental to a victim's wellbeing due to problems with mobility, mental health, and social isolation.

6.14. Older people may have come to accept some aspects of domestic abuse as the 'norm' dependent upon their generation. For example, in the past the male of the relationship may have been the only one to work and was traditionally seen as the breadwinner and thus have control of their finances and limit their partners' access to money, we would now accept this as financial abuse.

6.15 Children are seen as victims of domestic abuse if they witness it within their household.

7. Wellbeing and the Care Act 2014

7.1. The Care Act 2014 specifies that freedom from abuse and neglect is a key part of a person's wellbeing. The guidance outlines that abuse takes many forms, and staff should not be constrained in their view of what constitutes abuse or neglect. It describes numerous types of abuse including:

- domestic violence
- psychological abuse
- financial and material abuse
- sexual abuse
- physical abuse

7.2. The Care Act guidance outlines specific aims to stop abuse and neglect, prevent harm and address what has caused the abuse.

8. Making the Link to Safeguarding

8.1. A significant number of adults who need safeguarding are often experiencing domestic abuse in some form. Despite the overlap between supporting those impacted by abuse and safeguarding adults the two have developed separate professional practices.

8.2. If domestic abuse is an isolated issue and there are no other safeguarding concerns, then support can be sought via forums such as MARAC (Multi Agency Risk Assessment Conference).

8.3. If there is more than one safeguarding issue present, such as domestic abuse in addition to physical or mental health disabilities then a referral should be made to Safeguarding Adults so that services can be coordinated to deal with the potentially complex issues.

8.4. However, we will always encourage staff to make a Safeguarding Adults referral even if it is just for information so that agencies are mindful of our concerns, as there may be other issues we are not aware of.

8.5. There is also strong, evidenced based links between domestic abuse and child abuse. Exposure to domestic abuse is always detrimental to children, although the impacts may vary. Children exposed to abuse at home may be affected by physical and/or emotional abuse, neglect and ongoing psychological damage

8.6. This means that in domestic abuse cases where children are present staff have a duty to involve Devon Safeguarding Children Partnership to ensure any children are adequately safeguarded.

9. Receiving Reports and Concerns of Domestic Abuse

9.1. Concerns about, or reports of, domestic abuse may be reported to any member of our housing services team. We will accept reports and disclosures of domestic abuse through any available communication channel. The member of staff receiving the report is responsible for ensuring the information is logged properly.

9.3. If a member of our staff suspects or witnesses domestic abuse taking place in our homes or neighbourhoods, they are required to refer it to the tenancy services team.

9.4. We will always accept the person's account at face value. We will help people to tell us about the abuse quickly, safely, and confidentially, so that telling us doesn't put them at further risk. We will agree with people how future contact can be made safely.

9.5 We will support staff or contractors working on our behalf who report incidences of domestic abuse if this is requested or deemed necessary.

10. Risk Management

10.1. We take a risk-based approach to managing any ongoing threat of domestic abuse. This includes working with the person to consider the best options available to prevent further abuse from happening. We will remain victim centred.

10.2. We will consider all protected characteristics that are presented by the person and members of their household when assessing the risk and action we can take.

10.3. If a person advises they are in imminent danger we will advise them to contact the police and /or emergency services, or we will do this on their behalf if they are unable to do so themselves.

10.4. Effective prevention of further domestic abuse often requires successful multi-agency partnership working e.g., with the police or social services. Where this is the case, we will risk assess the reported abuse and then work with specialist external agencies to find a solution for the person. This might include agreeing steps we will take to reduce the risk. If the risks are high, we will refer the concern to the local Multi-Agency Risk Assessment Conference (MARAC)

10.5. If the risks do not meet the MARAC threshold, we will provide advice to the person impacted by abuse on how they can access specialist support and assistance from both statutory and non-statutory agencies. If the victim is willing for referrals to be made, we will make appropriate referrals and liaise with those agencies regularly and stay in regular contact with them victim to ensure the risk to them is being managed appropriately.

10.6. We will promote the opportunity for the tenant to remain in their home where it is their choice, and it is safe for them to do so.

10.7. If a violent domestic incident is reported to us and the tenant wants to remain in their home, we will act to secure it. We will do this where an external agency hasn't already completed the work.

10.8. We will work with the person to determine whether security measures (such as lock changes) are required to reduce or remove the risk of harm whilst they remain at home.

10.9. We will aim to complete emergency work within 24 hours of it being reported. If we are unable to complete works within 24 hours, we may decide to temporarily move the person until the work is completed.

10.10. On a case-by-case basis, we will seek specialist advice on whether other security measures will be beneficial and/or feasible.

10.11. Where we agree with the person that rehousing is the best option, we will explore other housing opportunities and provide them with appropriate advice and support to access the our Housing Options service. We will use our risk assessment tool to monitor the risk throughout and after the move until we are satisfied, as far as we can be, that it has reduced to an acceptable level.

10.12. Where the tenancy is a joint tenancy and the perpetrator is a joint tenant, we will provide the victim with appropriate support so that they can access legal advice quickly about their joint tenancy. We will advise them of the National Centre for Domestic Violence which offers fast and free legal advice in matters relating to domestic abuse.

10.13 Action may be taken against the perpetrator in respect of their tenancy following legal advice.

11. Managing Domestic Abuse Cases.

11.1. If the victim is a tenant, joint tenant, or otherwise lives in one of our properties as their main home we will open a case on our system and a housing officer will make contact with the reporter as soon as possible - within 24 hours of the report being made.

11.2. If the victim does not live in one of our properties, we will provide appropriate advice to the victim on how they can report to Devon County Council or to the police or another specialist agency locally.

11.3. We will take all reported cases seriously and aim to gather as much information from the person impacted by domestic abuse sensitively so that we can discuss options that may be available to them and their family.

11.4. We will remain victim centred and respect the decisions of the victim and will not do anything unless we have full consent from them, unless there is an overriding safeguarding concern where staff will follow the Safeguarding Policy.

11.5. We will manage each case on a case-by-case basis.

11.6. We will stay in regular contact with the person impacted by abuse and support the lead agencies that will also be involved in the case.

11.7. We will keep accurate records of our involvement and actions in the case.

12. Working in Partnership

12.1. Where the relevant referral requirements are met, we will liaise with the local MARAC. This is coordinated by Devon County Council (or police). We will carry out any actions assigned to us by the MARAC. We will ensure we understand our role and the correct processes to follow.

12.2. We will actively participate in other relevant local partnerships where appropriate and we will work with specialist support agencies such as the National Centre for Domestic Violence and Victim Support. For example FearFree can arrange for an IDVA (Independent Domestic Violence Advisor) to be allocated.

Devon's domestic abuse helpline/FearFree 0345 155 1074

Devon Safeguarding Children Partnership (Devon SCP) 0345 155 1071

The ManKind Initiative 01823 334244

National Domestic Violence Helpline 0808 2000 247

National Centre for Domestic Violence (for legal advice) 0800 9702070

13. Support and Vulnerability

13.1. We will ensure that the victim is aware of all the local specialist support services that they can access. We may provide additional support to the victim where this is identified for example budgeting advice.

13.2. We will liaise with and work closely with the lead agencies that will be supporting the victim and their family.

13.3. We will make a child safeguarding referral when the need to protect a child/children is identified or the domestic abuse is having a negative impact on the child.

13.4. We will refer our concern to the police where we suspect that the nature of the domestic abuse means that modern slavery may be occurring. An example of modern slavery in relation to resident domestic abuse is financial exploitation. This may become modern slavery if the person is coerced or forced to hand over control of their money for the purpose of criminal exploitation.

13.5. If the person disengages from their agreed support plan with lead agencies, and we are aware that that places them or their family at greater risk, or the abuse is having a negative impact on the wider community, we will review what action to take to manage that risk and impact most effectively.

14. Action Against Perpetrators

14.1. We will consider the legal action or remedies (both civil and criminal) available to us and to our partners, to deal with perpetrators of domestic abuse.

14.2. We will determine, monitor, and seek to understand what action is being taken by the statutory agencies in this respect, to ensure that we are working together. In circumstances where it is appropriate to do so, we may signpost perpetrators to domestic abuse perpetrator programmes.

15. Staff Training

15.1. We will ensure that all our staff are aware of their potential role when they receive a report of a domestic abuse risk or concern, and what they must do.

15.2. We will provide clear guidance and training for all relevant staff on how to recognise the symptoms and signs of domestic abuse and how to report their concerns and to be able to provide basic advice and support to people. This includes how people can access help and support and how they can best report further domestic abuse.

16. Raising Awareness

16.1. As part of our commitment to deal with domestic abuse, we will provide information about domestic abuse on our notice boards and our website. We will ensure the information on our website is regularly reviewed.

16.2. We will provide publicity in other languages to raise awareness of domestic abuse where the need is identified.

17. Monitoring and Review

17.1. This Policy will be reviewed every 3 years or if there is a business case to change it, or there are regulation /legal changes . Appropriate guidance to staff will be delivered as a result of any changes.

17.2. We will record, monitor, and regularly review all cases of domestic abuse to ensure compliance with our policy and procedures.

17.3. We will gather feedback from people who report domestic abuse, using this information to improve our services in the future.

18. Data Protection and Confidentiality

18.1. We will comply with our obligations under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 when dealing with domestic abuse cases. This includes sharing information with statutory agencies, MARAC information sharing arrangements and MARAC operating protocols. We will handle information relating to MARAC in accordance with any relevant MARAC information sharing agreement.

18.2. We will share information where we are legally required to do so. All information-sharing decisions will be recorded, including the reasons for that decision.

18.3. We will report potentially criminal acts to the police.

19. Associated Policies and Documents

- ECC Housing Anti-Social Behaviour Policy and Strategy
- ECC Safeguarding Policy
- ECC Tenancy Policy
- Domestic Abuse in the Workplace Policy
- ECC Equality, Diversity and Inclusion Policy
- Data Protection Policy
- ECC Housing Vulnerabilities Policy
- ECC Housing Allocations Policy (currently under review)

20. Key Regulations and Legislation

- Family Law Act 1996
- Protection from Harassment Act 1997
- Equality Act 2010
- Anti-social Behaviour, Crime and Policing Act 2014
- Care Act 2014

- Domestic Violence Disclosure Scheme (DVDS) 2014 (also known as Clare's Law)
- Serious Crime Act 2015
- General Data Protection Regulation 2018
- Domestic Abuse Act 2021

21. National Policy Links

- HM Government Violence against Women and Girls Strategy and Action Plan July 2021
- ADASS Adult Safeguarding and Domestic Abuse - guide to support staff and managers
- HM Government Forced Marriage Guidance including info on Forced Marriages Unit (FMU)

22. Useful links

[Homepage - National Domestic Abuse Helpline \(nationaldahelpline.org.uk\)](https://nationaldahelpline.org.uk) 24 hour telephone line 0808 2000 247

<https://www.devon.gov.uk/adult-social-care/safeguarding/>

[The Devon Safeguarding Children Partnership \(Devon SCP\)](#)

[Domestic and Sexual Violence and Abuse - Safer Devon referrals and training \(morepositiveme.co.uk\)](#) J9 Exeter

[Home | ENOUGH](#) National Campaign

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Equality Impact Assessment: Housing Domestic Abuse 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 5 th November 2024	Housing Domestic Abuse Policy	To agree the updated policy	Race & Ethnicity, those with disabilities including mental illness, those who are married or in civil partnerships or other relationships.

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	Medium	<p>According to statistics from the Office for National Statistics (2019) Domestic violence rates in Black & Ethnic Minority groups were higher than those in white communities. The policy and subsequent training will address this information so that staff are made aware of this.</p> <p>There may be language barriers if English is not the victim’s first language, there are mechanisms in place to provide translation services if needed.</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	Low	<p>Legislation governs all aspects of housing services provision in respect of protected characteristics such as those tenants with a disability.</p> <p>People with a disability may be impacted to a greater degree if they experience domestic abuse as they may not be able to leave a relationship for example.</p> <p>Research has shown that people who are neurodiverse are more susceptible to suffer domestic abuse and are less likely to report it. The policy</p>

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
			We can provide information in Braille, employ sign language interpreters or supply any other similar additional support services if these are needed by victims.
Sex/Gender	Neutral	Low	Legislation governs all aspects of housing services provision in respect of protected characteristics. Domestic Abuse is a gendered crime, physical violence is more likely to affect women rather than men, but domestic abuse of men is also recognised, but this could be hidden.
Gender reassignment	Neutral	Low	As above
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral	Low	Domestic abuse does not appear in one religion more than another, but some forms of abuse such as forced marriage which are related to some aspects of culture of religion are recognised.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral	Low	Domestic abuse does occur in LGBTQ+ relationships and this is recognised in the policy.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive	Low	The policy states that we will follow the relevant Safeguarding Children policies if we believe a child is at risk due to an abusive relationship which will lead to support being provided. Elder abuse is covered in the policy. Domestic abuse in older relationships could be hidden or linked to dementia.
Pregnancy and maternity including new and breast-feeding mothers	Neutral	Low	Pregnancy can be a trigger for domestic abuse, this will be recognised by staff.
Marriage and civil partnership status	Neutral	Low	The policy is concerned with relationships and defines a 'connected person', we won't treat this group any differently.

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

Officer: Sarah Hemming

Date: 04.10.24

REPORT TO EXECUTIVE

Date of Meeting: 5 November 2024

REPORT TO COUNCIL

Date of Meeting: 17 December 2024

Report of: Strategic Director People and Communities

Title: Exeter City Council Housing Services Anti-Social Behaviour (ASB) Strategy and Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The report summarises the revised Housing Services Anti-Social Behaviour (ASB) Strategy and Policy following a review and consultation. It is proposed that the revised Strategy and Policy 2024-2027 be adopted and implemented. A copy of the Strategy and Policy documents are appended.

2. Recommendations:

2.1 That Executive recommends that Council approve the adoption of the new Housing Services Anti-Social Behaviour Strategy and Tenancy Policy.

3. Reasons for the recommendation:

3.1 The council is required by the Regulator of Social Housing to provide an Anti-Social Behaviour Strategy and Policy which contains details of how reports of anti-social behaviour will be handled in relation to tenants of Exeter City Council.

4. What are the resource implications including non financial resources

4.1 There are on average 80 to 90 "live" ASB cases being investigated or having appropriate action taken within Tenancy Services at any one time. 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 for by the regulatory expectations concerning compliance, understanding our tenants better and tailoring our offer to ensure the Council delivers fair and equitable services.

5. Section 151 Officer comments:

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

6. What are the legal aspects?

6.1 This strategy is required to comply with the Anti-Social Behaviour, Crime and Policing Act of 2014 which provided local authorities, social housing providers and partners with a new range of powers to tackle anti-social behaviour.

6.2 Section 2 of the Anti-Social Behaviour, Crime and Policing Act of 2014 defines anti-social behaviour (ASB) generally as:

- a) conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person;
- b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- c) conduct capable of causing housing-related nuisance or annoyance to any person.

6.3 Section 218A(8) of the Housing Act 1996 specifically defines anti-social behaviour as:

- a) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or
- b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.

6.3 Section 218A of the Housing Act 1996 requires local housing authorities to prepare a policy in relation to anti-social behaviour and procedures to deal with incidents of anti-social behaviour. It is intended that the policy fulfils the requirements of section 218A of the Act. The policy and procedures must be kept under review by the authority. Local housing authorities are also required to prepare a summary of its current policy and procedures. In preparing the policy the local housing authority must 'have regard' to guidance issued by the Secretary of State.

In addition, section 17 of the Crime and Disorder Act 1998 places a statutory duty on local authorities to tackle the City's crime and disorder priorities. For example, section 17 of the Act places a duty upon local authorities to exercise their functions '...with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent...crime and disorder...the misuse of drugs, alcohol and other substances...re-offending...and...serious violence in its area...'.

7. Monitoring Officer's comments:

7.1 Members will note the obligations imposed upon local authorities to have in place a policy and procedures setting out how, as a local housing authority, it will address anti-social behaviour.

8. Report details:

8.1 The policy defines what we consider to be anti-social behaviour, what we will respond to and the timescales for doing so.

8.2 It defines the categories of ASB (Category 1 & Category 2) and provides examples of each. The response time for Category 1-the most serious, is three working days, but if

there is behaviour that presents a risk of serious harm, such as hate crime, a same day response will be made.

8.3 For Category 2 in these cases the target time for first contact with victim or referrer is within five working days.

8.4 All reports of ASB will be treated seriously and dealt with professionally by assessing each situation and acting in accordance with our service standards. Any criminal activities reported to ECC Housing will be referred on to the police. All reports will be governed by the General Data Protection Regulations 2018.

8.5 We will fully investigate the complaint, and where required, refer cases between the different departments of ECC Housing and to other agencies.

8.6 We will address ASB firmly, fairly, proportionately, and holistically, prioritising responses to the most serious cases and taking any necessary early action to protect people and property, using the legal tools and powers available to us.

8.7 We will adjust our approach as necessary when a victim or a perpetrator is a vulnerable person, providing support where necessary. (A new Vulnerabilities Policy will follow on from this)

8.8 We will work with partner agencies to deliver an effective ASB service for our communities.

8.9 It is our intention to deliver a high-quality service by ensuring that our staff dealing with ASB are trained in all relevant legislation (including equality, diversity and inclusion, mental health, and safeguarding). We will also ensure that our staff comply with agreed policies and procedures and take feedback from service users on their satisfaction with the ASB service.

8.10 We will look to resolve the ASB using legal and other remedies and consider eviction would be a last resort after all other actions have been exhausted.

8.11 The draft Anti-Social Behaviour Policy and Strategy are appended to this report.

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”

8.12 In the spring of 2024, we undertook an online consultation compliant with the Council’s Consultations Charter on the draft strategy and policy which was widely publicised on the Council’s website and other social media outlets. We received a small number of responses (30) of which only 8 said that they were Exeter City Council tenants. There appeared to be some misunderstanding about the scope of both the strategy and

policy, despite it being clear in both, with some respondents referring to incidences of ASB in the City Centre and in 'public places.

8.13 We have considered the results of the survey and the feedback given and have adjusted the policy to reflect some of the suggestions put forward, for example we said that we would not investigate anonymous complaints, we have altered this so that we will do so, if sufficient evidence is brought to our attention.

8.14 An overwhelming majority of respondents (83%) said that we had set the right objectives. 80% agreed that our definitions of ASB were correct.

8.15 As only 60% of respondents agreed with our statement that '...eviction is the last resort...', we have adjusted the wording surrounding evictions to include this as an action that can and will be used after all other options have been exhausted.

8.16 We consider that the responses given in the consultation have been incorporated into the policy and strategy documents.

8.17 The policy and strategy documents were also reported to our Tenants' Voice Group in January 2024. The group made some changes which have been incorporated into the policy, for example we have added 'all people representing the Council' and changed the wording so that it also includes tenants who might be undertaking voluntary work on behalf of the Council and we also added 'use of aggressive animals as weapons' following the suggestion of this group.

8.18 The documents were reported to the Council Housing and Development Advisory Board (CHADAB) in February 2024. Suggestions made by the Board included the addition of environmental damage as ASB and adding in references to the Council's Homelessness and Rough Sleeping Prevention Strategy.

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 Anti-Social Behaviour Policy; with the introduction of more stringent regulation any inspection of the housing service by the Regulator of Social Housing would include a review of our policies and strategies to ensure they are fit for purpose.

10.2 The Social Housing Regulator's Neighbourhood and Community Standard requires registered providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes, and specifically to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own properties.

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?

There are no alternatives to the adoption of this strategy and policy as they are one of the 'required outcomes' within the Neighbourhood and Community Standard (part of the Regulator of Social Housing's Consumer Standards which came into force on 1st April 2024):

1.3 Anti-social behaviour and hate incidents.

1.3.1 Registered providers must work in partnership with appropriate local authority departments, the police, and other relevant organisations to deter and tackle anti-social behaviour (ASB) and hate incidents in the neighbourhoods where they provide social housing.

2.2 Anti-social behaviour and hate incidents.

2.2.1 Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.

2.2.2 Registered providers must clearly set out their approach for how they deter and tackle hate incidents in neighbourhoods where they provide social housing.

Strategic Director People and Communities, Jo Yelland

Author: Lawrence Blake

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

Background papers used in compiling this report: -

[Annex 3: Consumer standards 1 April 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/annex-3-consumer-standards-1-april-2024)

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Exeter
City Council



Council Housing
& Development Services

Exeter City Council Housing & Development Services

Anti-Social Behaviour (ASB) Strategy 2024 – 2027

Version:	Created By:	Approved By:	Effective Date:	Review Date:
1			17.12.2024	2027

Introduction

This strategy sets out our approach to preventing, tackling and resolving Anti-Social Behaviour (ASB) in our homes and communities. The strategy supports objective five of our Council Housing Strategy 'Ensuring the safety of our homes and residents' and is supplemented by a new ASB Policy which will guide our day-to-day delivery of the service.

ASB can be highly damaging to individuals, families and communities, and no one organisation can end ASB alone. Exeter City Council understands that for us to be able to reduce and eliminate ASB in the City, we need to work in partnership with our partner organisations such as the police, other housing organisations, commissioned services and our communities to prevent, reduce and enforce against ASB. This strategy looks at the following key areas to achieve this:

- Prevention
- Early intervention
- Victim support
- Governance, insight and analytics
- Staff, residents and partners

Definition

The Anti-Social Behaviour, Crime and Policing Act of 2014 defines ASB as:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing-related nuisance or annoyance to any person

The national and legal picture

This strategy complies with, and is guided by, the Anti-Social Behaviour, Crime and Policing Act of 2014. The act was introduced with the specific intention of putting victims of ASB at the heart of responses to ASB. The act stresses the importance of early access to information on how to apply for a case review and emphasises the importance of victim representation and independent perspectives as part of the review process.

An important development in the act was the introduction of the Community Remedy, where victims are given a say in out of court punishments. The act goes further to detail the tools and powers which are available to local agencies to respond to ASB, and the legal tests that must be met before each of the powers are used. The legal tests ensure that each response is proportionate.

In 2022, the Government published five ASB principles ¹, which further clarify and strengthen the guidance around the ASB, Crime and Policing Act. The five principles are:

- I. Victims should be encouraged to report Anti-Social Behaviour and expect to be taken seriously. They should have clear ways to report, have access to help and support to recover, and be given the opportunity to choose restorative approaches to tackling ASB
- II. Agencies will have clear and transparent processes to ensure that victims can report ASB concerns, can understand how the matter will be investigated and are kept well informed of progress once a report is made
- III. Agencies and practitioners will work across boundaries to identify, assess and tackle ASB and its underlying causes. Referral pathways should be clearly set out between services and published locally. This includes pathways for the ASB case review and health services
- IV. The public's ASB concerns should always be considered both nationally and locally in strategic needs assessments for community safety. Best practice should be shared through a network of ASB experts within each community safety partnership, each policing area and nationally
- V. Adults and children who exhibit ASB should have the opportunity to take responsibility for their behaviour and repair the harm caused by it. Agencies should deliver appropriate interventions, which may include criminal justice options, based on the seriousness, risks and vulnerabilities of the case.

In March 2023, the Government announced a new ASB Action Plan ², which brought in an immediate justice scheme, where perpetrators will be made to repair the damage that they have done as soon as 48 hours after their offence. The Action Plan brought in new powers for the police as well as a new reporting tool. Some of the key measures included:

- Increasing the punishment for those who graffiti, litter or fly tip with fines of up to £500 and £1000
- Giving landlords and housing associations more powers to evict unruly tenants due to persistent noise or being drunk and disorderly
- Tackling 'cuckooing' ³ or home invasion by engaging with stakeholders on the scope of a potential new offence
- An ASB taskforce with a sole focus of addressing ASB and restoring pride in place in communities
- An extra one million hours of youth services in areas with the highest rates of ASB to put people on the right track and prevent them from offending in the first place

1. <https://www.gov.uk/government/publications/anti-social-behaviour-principles/anti-social-behaviour-principles>
2. <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>
3. A tactic where a drug dealer (or network) takes over a vulnerable person's home to prepare, store or deal drugs. It is commonly associated with exploitation and violence.

Local context

	No of ASB cases per thousand properties Exeter City Council	No of ASB cases per thousand properties UK Average (source: Housemark)
2023/24	21.75	27.66
2022/23	35.68	38.25
2021/22	77.80	62.28

It should be noted that although the number of cases of ASB has declined over the past three years, the issues raised are becoming more complex and taking longer to resolve.

Housing Officers are the first point of contact for anybody reporting ASB and are responsible for investigating the complaint and maintaining regular contact with the complainant.

We work, and attend multi-agency meetings, with our partners to ensure that ASB is viewed holistically, and that each agency can bring their own specialisms to tackling it.

The Regulatory environment

The Regulator of Social Housing has launched a new regulatory framework the 'Consumer Standards'⁴ which was implemented on 1st April 2024. The key elements relating to ASB are contained within the Neighbourhood and Community Standard, primarily covered in the 'Safety of shared spaces' sub-section of the standard. However, there are elements of the other Consumer Standards which are relevant, such as complaints. Landlords are now expected to publish performance in relation to ASB as part of the new Tenant Satisfaction Measures (TSMs), in particular against NM01 – Anti-Social Behaviour cases relative to the size of the landlord.

The Local Co-operation section has the required and specific expectations set out which landlords (such as Exeter City Council) must comply with:

Required outcome: This means registered providers must co-operate with relevant partners to promote social, environmental and economic wellbeing in the areas where they provide social housing.

Specific expectations:

SE1: Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.

SE2: Registered providers must clearly set out their approach for how they tackle and deter hate incidents in neighbourhoods where they provide social housing.

4. <https://www.gov.uk/government/consultations/consultation-on-the-consumer-standards/annex-3-consumer-standards>

SE3: Registered providers must enable ASB to be reported easily and keep tenants informed about the progress of their case.

SE4: Registered providers must provide prompt and appropriate action in response to ASB, having regard to the full range of tools and legal powers available to them.

SE5: Registered providers must support tenants who are affected by ASB, including by signposting them to agencies who can give them appropriate support and assistance.

Further information

To inform our position in relation to ASB, we commissioned Housemark, an independent consultancy to carry out an assessment of our ASB service in 2022/23. The results of this assessment have been used to inform this strategy, with the recommendations being captured as part of our action plan.

Objective 1: Prevention of ASB

The prevention of ASB is a key strategic priority for Exeter City Council. However, it is not for one organisation or group to achieve solely, and prevention will only be achieved by working closely with our residents, staff and partner agencies.

By taking a proactive approach to our community investment activities, we can begin to build in preventative measures through an inclusive, inspiring and supportive environment on our estates and throughout the wider city. We need to make sure that we are visible and driving community engagement to prevent ASB from occurring in the first place, building strong, safe and sustainable communities in the process.

We will deliver this by:

- Developing a strategic approach to community cohesion and projects on our estates and within the wider City
- Delivering improved youth provision in partnership with other organisations, including open spaces and activities
- Increasing awareness of what ASB is
- Increasing awareness and understanding of what services are available to residents, and promoting these widely as a deterrent, whilst ensuring perpetrators understand the potential consequences of their behaviour
- Reinforcing and rewarding positive behaviour

- Strengthening our existing messaging on ASB that makes it clear it is a breach of tenancy and what the consequences might be
- Reviewing the robustness and effectiveness of partnership working arrangements, ensuring that there is an understanding of the impact and outcomes from partnership working, and where possible, entering into service level agreements
- Considering how diversionary activities could be used as a method of dealing with ASB. This is likely to involve developing new partnership arrangements and ensuring that the appropriate funding is available
- For new build estates and blocks the design of communal spaces in particular, will be considered to reduce the opportunity for ASB to take place.

Objective 2: Early intervention of ASB

Where our preventative approach does not work, we must ensure that we act at the earliest possible opportunity. In many cases, this can ensure that there are successful resolutions before the ASB has the chance to escalate, reducing the need to involve other agencies.

For us to deliver early interventions, it is fundamental that all parties feel empowered and supported to address the issues in an amicable and resolution focused way. It is also essential that where early intervention approaches fail, that all parties understand the implications of escalation, and that we stay true to our victim centred approach.

We will deliver this by:

- Designing and developing a fast response, customer focused early intervention process. This will be driven by speed and resolution as the two key elements
- Remove bureaucracy from the process to drive resolution and speed
- Ensure that the approach to early intervention is collaborative, and facilitated by Exeter City Council in a mediation role
- The development of easy-to-follow referral pathways across agencies to enable residents to access support as quickly and easily as possible. We will also look at the feasibility of introducing a specific email address and telephone number to report ASB
- Ensuring our multi-agency approach is highly developed and bought into to support early intervention, bringing essential services such as mental health support and the police into the process
- Ensuring that all data and intelligence is shared between agencies to identify patterns of behaviour and repeat offenders. This will help us to identify root causes and deliver a holistic response to support full resolution of not only the reported issue, but the underlying causes.

Objective 3: A victim centred approach to ASB

It is important for us to be aware that victims of ASB will have a range of needs when they report to us. This will be partly due to the ASB itself, but we are seeing an ever-increasing trend where they will have other needs also. Mental health, substance misuse, financial concerns and other health issues can increase the impact of the ASB on an individual, household, or community.

To ensure that our approach is fully focused on the victims of ASB, we need to ensure that we offer a fully holistic, joined up offer which is led by the victims immediate and longer-term needs.

We will deliver this by:

- Offering more support to victims while their cases are being investigated, ensuring that they are being listened to and regular updates are being provided on their case
- Building knowledge and understanding of the process, including what actions can and will be taken by Exeter City Council and other agencies
- Giving victims of ASB the opportunity to give feedback on the service they are receiving and how their case is being handled to drive service improvement and a better experience
- Ensuring that victims are given access to advocacy services and are given the option to choose restorative justice measures if they decide to do so
- Considering how service improvement plans can identify the cost associated with delivering specific ASB service improvements, linking to budget setting and ensuring that our service continues to focus on victims of ASB
- Reviewing the length of time that the acceptable behaviour contract is set to cover in line with good practice
- Providing regular contact for victims
- Undertaking transactional surveys following the closure of ASB cases

Objective 4: Enhancing our governance, insight and analytics for ASB

For us to deliver on our objectives within this strategy, it is essential that we enhance our own internal infrastructure. This objective focuses on our policies, procedures, data, insight and reporting which will improve our knowledge and understanding as well as driving a culture of customer focused service improvement.

This strategy will be the governing document for the ASB service in Exeter and will be supported by a new ASB Policy. This will help to deliver clarity and consistency through our service to our residents.

The Housemark review that was carried out delivered key recommendations around the volume and quality of information that we hold and use to inform our approach. We will develop a new performance reporting framework, as well as a multi-agency information sharing agreement which will support our preventative and early intervention objectives. There is also the new regulatory requirement to report on our ASB performance as part of the Tenant Satisfaction Measures from 2023 onwards, we have complied with this requirement.

We will deliver this by:

- Developing robust performance monitoring, management and reporting, including a review of the indicators and data needed to provide actionable insight and evidence-based decision making to deliver and improve the service
- Developing a more straightforward method of categorising ASB cases (high-level, medium-level, low-level) and provide examples of what types of ASB will fall within each and response times
- Utilising demographic data coupled with ASB data to understand if, where and how services need to be tailored
- Utilising Housemark benchmarking data that is already available to understand how Exeter City Council's ASB service compares to peer groups, and how our staffing and overhead costs perform against others
- Carrying out a full review on how we monitor and report on value for money in relation to ASB, including developing new indicators and coding of expenditure to ensure that the service is economical, efficient and effective. We will also develop a communications plan around the value for money of the service, and develop a specific ASB budget line to facilitate accurate tracking of costs
- Enhance data collection and use of data to evidence where a local lettings plan might be a useful tool in preventing or reducing ASB
- Develop a highly effective approach to building in the resident voice, including follow up phone calls after satisfaction surveys have been completed to ensure that our resident feedback is driving service improvement, using the newly formed Complaints & Performance Group and Council Housing & Development Advisory Board (CHADAB).

Objective 5: Developing our staff, residents and partnerships to tackle ASB

The success of our approach to ASB, and therefore this strategy, is dependent upon our staff and the strength of our multi-agency partnerships. As we have referenced earlier in the strategy, no one organisation can tackle and eradicate ASB in any area, and it is fundamental that there is clarity and consistency in our approach.

We need to ensure that our staff are fully trained, have clear direction and are empowered to tackle ASB in Exeter. Our partnerships need to have clearly defined roles, responsibilities and processes, and the importance of efficient information sharing protocols cannot be underestimated.

We will deliver this by:

- Developing a comprehensive process and procedure which will help to deliver clarity for all parties involved. As part of this work, we will draw up ASB service standards, which will set expectations on the process and timescales for residents and partners
- Reviewing all associated documentation (letters, action plans, tenants' handbook etc) to ensure that there is a clear and consistent message delivered, with a real focus on prevention and resolution
- Identifying the core skills and knowledge required to deliver an effective ASB service, and sourcing training that delivers this. As part of this exercise, it will be essential that training on safeguarding is recognised and included as core knowledge.
- Developing a comprehensive training offer for staff, residents and partners which will embed the Exeter City Council's ASB Policy and Procedure. This training will be delivered as a refresher session on a yearly/bi-yearly basis to ensure that best practice is kept current. We will also provide this training to our involved resident groups to enable them to provide a robust scrutiny and challenge function
- Reviewing our communication channels, including information held on our website. This will be carried out in partnership with our residents to ensure that staff and residents are comfortable with how to access information and use the functionality provided. As part of this review, we will also look at improving our use of social media and our resident newsletters to share examples of successful ASB interventions and to raise awareness of our approach
- In addition to this, we will review the accessibility of the service through interpretation services available, ensuring that there are no barriers to participation
- Ensuring that there are a range of ways in which residents can be involved and influence services, with the Resident Involvement Strategy providing the vehicle to do this via the Tenants' Voice Group. We will look to utilise the Tenants' Voice Group to define the satisfaction measures that residents are interested in and publicise this data

- Reviewing, developing and publishing a list of support services with who Exeter City Council will work, communicating this to staff and residents so they are all aware of the services available and how to access them
- Providing information, support and guidance on how Exeter City Council will support individuals who will have to attend court
- Ensuring that staff and residents know what Exeter City Councils values are and how they drive staff behaviour and service delivery
- Reviewing the team structure to reflect best practice, considering a specialist ASB team rather than the service being delivered as part of a generic housing management function
- Considering the effectiveness of a potential 'community post' which could be jointly funded across the partner agencies.



Exeter City Council Housing Services

Anti-Social Behaviour (ASB) Policy 2024 – 2027

Version:	Created By:	Approved By:	Effective Date:	Review Date:
1			17.12.24	2027

Introduction

- 1.1 This Anti-Social Behaviour Policy tells you what Exeter City Council Housing and Development Services (ECC Housing) defines as 'anti-social behaviour' (ASB) and sets out how ECC Housing responds to a report of anti-social behaviour and details the service quality ECC Housing will provide.
- 1.2 ECC Housing believes that no-one should tolerate anti-social behaviour. ECC Housing works in partnership with other agencies and will use appropriate tools and powers available to local authorities to address anti-social behaviour.
- 1.3 The policy sets out our approach to fulfilling our duties as defined by the Crime and Disorder Act 1998. The Act requires ECC Housing to work with the police and other agencies to reduce crime and disorder in Exeter. ECC Housing makes a significant contribution to dealing with anti-social behaviour of all kinds and undertakes both investigations and prevention activities.
- 1.4 Because ECC Housing has a duty to respond to ASB affecting the properties we manage, our landlord duties and powers complement the duties and powers we have to deal with anti-social behaviour by non-council tenants.
- 1.5 ECC Housing has a range of legal powers to deal with environmental anti-social behaviour such as noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities come from a number of legal instruments and local byelaws, but in particular from the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Anti-social behaviour, Crime and Policing Act 2014.
- 1.6 ECC Housing will not normally undertake case investigation for ASB cases within other social landlords and private landlord's properties. We may offer support and assistance in exceptional circumstances.
- 1.7 Exeter City Council's Safeguarding Policy sets out how we respond to a report of abuse or neglect to a child, young person, or adult with unmet care and support needs. It is common for safeguarding concerns to arise at the initial report stage or during an anti-social behaviour investigation. The requirements of the Safeguarding Policy take primacy over this policy.

Policy Statement

- 1.8 Exeter City Council considers anti-social behaviour to be:
 - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises

- Any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household
- Using or threatening to use Council property for unlawful purposes.

1.9 ECC Housing will not normally investigate the following behaviours under this policy:

- Children playing in a public place or a garden
- Neighbour complaints regarding boundary disputes and other property matters, for example, location of waste receptacles, cooking smells, smoking and untidy gardens
- Noise from vehicles on the highway carrying out their routine activities,
- Noise from emergency service vehicles, aircraft, helicopters or other motorised airborne vehicles and noise from demonstrations
- Reasonable living noise in domestic settings such as lawn mowing, household DIY, crying, loud talking, toilets flushing, sexualised noises, banging doors and noise from household appliances
- Cycling, skateboarding, or riding e-scooters on the pavement and reports of inconveniently or illegally parked vehicles
- Obstruction of the highway and pavements. These should be reported to the Highways Authority or to the police if there is an obstruction of the highway.
- Alcohol consumption in a public space that is not causing anti-social behaviour
- Sporadic noise from late night revellers moving through public spaces.
- Flying drones should be reported to the Civil Aviation Authority or the police
- People because they are homeless or rough sleeping in the City Centre for example, situations such as these will be looked after under the auspices of our Homelessness and rough sleeping prevention strategy.
(<https://exeter.gov.uk/media/x1nftpcz/homelessness-rough-sleeping-prevention-strategy-2023-2027-web.pdf>)

This list is not exhaustive

1.10 ECC Housing in relation to ASB is not an emergency response service. Incidents where there is an immediate risk of harm to person or property must be reported to the police or other appropriate emergency service. Incidents of a criminal nature must be reported to the police, for example, drug dealing. The police are the lead response and investigatory service for criminal offences. ECC Housing work closely with the police and will consider criminal behaviours when investigating an anti-social behaviour case, seeking clarification about criminality when necessary.

1.11 Anonymous complaints will be investigated only where sufficient detail and/or evidence is provided. It is important for us to be able to speak to a complainant about the behaviour about which they are concerned. We will not disclose a complainant's personal details to the alleged perpetrator of the behaviour. Where it is necessary to speak to the alleged perpetrator, the complainant will be advised prior to a contact.

- 1.12 In order to investigate reports of anti-social behaviour we rely on evidence supplied by complainants and witnesses. We will not investigate cases where no evidence nor details of the case is provided.
- 1.13 Many incidents of anti-social behaviour can be resolved by the parties involved with no involvement by ECC Housing or other agencies. ECC Housing will encourage this course of action, whenever appropriate. In some circumstances mediation between both parties will be suggested; this could be through the Devon Mediation Service for example.
- 1.14 Anti-social behaviour cases are categorised to determine ECC Housing's response time as described below.

Category 1 ASB:

An immediate (same day) response may be necessary in some cases, we will respond within three working days, but will endeavour to contact the victim or referrer sooner.

The definition of Category 1 ASB is:

- Behaviour that presents a risk of serious harm to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity
- Any complaint where there have been previous incidents, and it appears to the case officer that a greater risk has developed or may be developing

Category 1 includes the following types of anti-social behaviour:

- Hate related incidents (hostility towards a person's race, sex or ethnicity, sexual orientation, disability, religion or belief, or transgender identity) Note: we will respond to hate related incidences within 24 hours
- Physical violence and threats of harm
- Child or adult safeguarding including cuckooing (see note below)
- Domestic abuse
- Kerb crawling and aggressive, predatory and intrusive sexual behaviour
- Serious harassment, intimidation and threatening behaviour
- Racist or offensive graffiti following a report
- Threats to Exeter City Council staff or people representing the Council including tenants when they are participating in activities or initiatives on behalf of the Council
- The use of aggressive animals as weapons
- Other forms of serious anti-social behaviour, which in ECC Housing's opinion, need priority.

Note: All ASB that is deemed to be criminal activity will be reported to the police such as cuckooing which is defined as: 'the act of exploiting another individual in order to use their home or premises for illegal activity'

Category 2 ASB

The target time for first contact with victim or referrer is within five working days

The definition of Category 2 ASB is:

- Behaviour that presents a risk to public health or nuisance.

Category 2 ASB includes:

- Noise disturbances due to unreasonable behaviour not excluded in section 5.
- Verbal abuse, written intimidation and harassment
- Allegations of sex working and sexual acts
- Other forms of serious anti-social behaviour, which in ECC Housing's opinion, need priority but do not warrant an urgent or immediate response
- Minor noise nuisance
- Untidy gardens or feeding wildlife that may harbour or attract vermin or present a public health risk
- Litter, incorrect refuse disposal from domestic and commercial properties, fly tipping and dog fouling
- Running a business without permission that impacts on the neighbourhood
- Nuisance from vehicles such as untaxed vehicles and car repairs
- Damage to the natural environment such as trees and planted areas.

1.15 Reports of ASB will be treated seriously and dealt with professionally. We will:

- Assess the ASB reported to us and act in accordance with our service standards
- Ensure that criminal activities reported to ECC Housing are referred on to the police
- Treat all reports as personal information under the General Data Protection Regulations 2018 and we will not disclose personal information unless required to for such purposes as a prosecution, a safeguarding concern, where it is in the public interest or with the persons consent
- Share information with other organisations for the prevention or detection of crime or disorder, in accordance with data protection laws and information sharing agreements
- Register each case, give it a unique reference number and named case officer
- Fully investigate the complaint, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses

- Refer cases between the different departments of the City Council including Environmental Health and to other agencies, as necessary
- Provide links to where our tenants can seek victim support-these will vary on a case-by-case basis
- Ensure cases are not open longer than is deemed necessary and inform the complainant, using their preferred method of correspondence
- Respond promptly to complaints about the service
- Explain our reasons should we choose to take no action, and suggest self-help or other alternative courses of action, including private legal proceedings.
- Maintain regular contact and updates to the reporting person and where appropriate provide an action plan

1.16 ASB will be addressed firmly, fairly, proportionately and holistically. We will:

- Prioritise responses to the most serious cases, based on the details of the case, taking any necessary early action to protect people and property
- Investigate the circumstances and seek to understand all the facts of any matter reported to us
- Seek always to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health
- Use the legal tools and powers available to us according to our professional judgment
- If legal action is not successful, we will continue to investigate any new reports of ASB in line with this policy
- Consider and adjust our approach as necessary when a victim or a perpetrator is a vulnerable person, providing support where necessary
- Support perpetrators to help them with behaviour change, referring them to the appropriate services for this
- With the consent of the people involved, refer suitable cases to mediation

1.17 We will work with our partners to deliver an effective ASB service for our communities. This will include participation in multi-agency partnerships with organisations such as registered providers (of social housing), private landlords, letting agents, the police and other Council services. We will provide support and advice to these organisations to enable them to confidently prevent and tackle ASB.

1.18 We will deliver a high-quality service by ensuring that our staff dealing with ASB are trained in all relevant legislation (including equality, diversity and inclusion, mental health and safeguarding). We will also ensure that our staff comply with agreed policies and procedures and take feedback from service users on their satisfaction with the ASB service. Mediation training will also be provided to staff.

1.19 We will ensure that all possible non-legal remedies have been tried and exhausted before considering possession. Non-Legal remedies might take the form of

Acceptable Behaviour Contracts (ABC's) Good Neighbour Agreements, referrals to specialist support services or mediation

- 1.20 We will always look to resolve the ASB using legal and other remedies and eviction (through the usual Court processes) is an action that can and will be used after all other options have been exhausted. Before we consider enforcement action, we carry out a case conference and Desktop Review to ensure that we have fully understood any Equality needs of the tenant and take account of any Reasonable Adjustments we should be making for them
- 1.21 If we are at the point where the behaviour has continued, but we are satisfied that the person does have the capacity to understand their actions, but chooses not to adhere to their tenancy, we can pursue a possession, but ask for a lesser judgement such as a Suspended Possession Order to give the tenant one last opportunity to engage with us and sustain their tenancy.

Relevant legislation

Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities, social housing providers and partners with a new range of powers to tackle anti-social behaviour. The Act introduced the Anti-Social Behaviour Case Review, commonly referred to as the Community Trigger, a mechanism for victims of anti-social behaviour to request a review of their case where there has been no effective action.

This document fulfils the requirements of section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) regarding the publication of the ASB procedures of a local authority landlord. This policy underpins Exeter City Council's statutory duty under the Crime and Disorder Act 1998, which places a legal duty to work in partnership to tackle the city's crime and disorder priorities. Section 17 of that Act states: "each authority needs to do all it reasonably can to prevent crime and disorder and to ensure services give due regard to crime and disorder."

https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023_Update_ASBSB_Statutory_Guidance_-_FINAL_1_.pdf

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Equality Impact Assessment: Anti-Social Behaviour Policy & 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 Committee Meeting on 5 November 2024. Full Council 17 th December 2024	Anti-Social Behaviour (ASB) Policy & Strategy 2024 – 2027	To agree the updated policy and strategy	Those people with disabilities including mental illness

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	Many of our tenants have disabilities, both visible and hidden, this strategy and policy covers all. Tenants who are experiencing mental health issues are more likely to experience ASB or to be the perpetrators of such behaviour. Anti-social behaviour: impacts on individuals and local communities - GOV.UK (www.gov.uk)
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 older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The	Neutral	Low	As above

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
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	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: 04.09.24

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REPORT TO EXECUTIVE

Date of Meeting: 5 November 2024

REPORT TO COUNCIL

Date of Meeting: 17 December 2024

Report of: Strategic Director People and Communities

Title: Community Grants Programme 2025/26

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report sets out proposals for the Community Grants Programme for 25/26 and funding of Wellbeing Exeter beyond March 2025 using the Neighbourhood portion of the Community Infrastructure Levy (NHCIL).

2. Recommendations:

That Executive recommend to Council to:

2.1 Note the update on the progress of the transition of Wellbeing Exeter and the Community Programme as requested by the Executive in September 2023.

2.2 Note the match funding for Wellbeing Exeter agreed with Sport England.

2.3 Allocate £340,000 and £371,000 from the NHCIL reserve to contribute to the funding of Wellbeing Exeter for financial years 2025/26 and 2026/27.

2.4 Allocate £72,000 of the ring-fenced Wellbeing Exeter reserve to contribute to funding Wellbeing Exeter for financial year 2026/27.

2.5 Delegate authority to the Portfolio Holder and the Strategic Director to adjust the funding downwards should anticipated receipts in the NHCIL reserve fail to materialise.

2.6 Delegate authority to the Portfolio Holder and the Strategic Director to consult with residents on the continued use of the Neighbourhood Portion of the CIL for funding Wellbeing Exeter and the Community Grants Programme beyond 2026/27.

3. Reasons for the recommendation:

3.1 Funding for the new model for Wellbeing Exeter and a revised Community Grants Programme was approved in January 2024. This report provides the update requested by the Executive on the progress of the transition of Wellbeing Exeter and the Community Grants Programme and brings forward recommendations for priorities and spending in 2025/26 and 2027/28.

4. What are the resource implications including non financial resources

4.1 To match commitments for continuation funding made by Sport England, £340,000 (at 2024/5 prices) would be required from the NHCIL reserve in 2025/26 and £371,000 (at 2024/5 prices) in 26/27 alongside £72,000 from the Wellbeing Exeter reserve (funding built up from underspends in previous years) to secure the next 2 years of funding for Wellbeing Exeter.

4.2 Sport England will continue to fund officer time to support the development of Wellbeing Exeter and manage the contract with the Lead Delivery Organisation along with project funding to continue its independent evaluation. There is also additional funding from Sport England to support enhanced services targeted at specific interest groups or communities through Wellbeing Exeter over the next 3 years.

4.3 Officer resources will continue to be needed to manage and monitor the Community Grants programme. These costs will be met through existing resources and a contribution to staff salaries for the administration of the Community Grants Programme from the NHCIL reserve.

4.4 Officer resources will continue to be needed to facilitate the Exeter Lottery, and these costs will be met through existing resources and income from the Lottery.

4.5 There will be a need to focus effort into securing longer term sustainable funding partners for Wellbeing Exeter from 2028 onwards given the tapering of the Sport England funding. Accommodation for this activity has been made within the contract for the Wellbeing Exeter Lead Delivery Partner.

5. Section 151 Officer comments:

5.1 The content of the report is noted. If approved, the funds will be added to the budget to be presented to Council in February along with the NHCIL income. This will not therefore have an impact on the Council Taxpayer. Finance will continue to work with Planning and Communities officers to monitor progress in receiving the funds to ensure any issues are highlighted early.

6. What are the legal aspects?

6.1 The recommendations on the future of the Community Grants Programme are in line with the Community Grants policy agreed in 2019. The recommendation to undertake formal consultation on the continued use of the NHCIL in 2024/25 is good practice.

6.2 The Community Infrastructure Levy (CIL) is a planning charge that local authorities can require of most types of new development (based on £s per square metre) in order to pay for the infrastructure needed to support development. Regulation 59A of the CIL Regulations envisages that a local authority should engage with communities where development has taken place (in this case the city of Exeter) and agree on spending priorities with regard to the neighbourhood portion of CIL. The amount of neighbourhood CIL equates to at least 15% of levy receipts for chargeable development in an area where there is no neighbourhood plan and 25% for chargeable development in an area where there is a neighbourhood plan.

6.3 The Exeter Community Grants Programme was agreed in July 2019. Where it includes the Neighbourhood portion of CIL, it must be spent in accordance with the statutory provisions set out in the CIL Regulations 2010 and the Planning Practice Guidance (PPG). The Neighbourhood portion of CIL must be spent in accordance with the statutory criteria set out in Regulation 59F and Paragraph 73 of the PPG.

6.4 Regulation 59F of the CIL Regulations states: "...the charging authority (i.e., Exeter City Council) may use the CIL...to support the development of the relevant area by funding-

- a) the provision, improvement, replacement, operation, or maintenance of infrastructure; or
- b) anything else that is concerned with addressing the demands that development places on an area."

6.5 Paragraph 73 of the PPG states: "...the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding."

7. Monitoring Officer's comments:

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

8. Report details:

8.1 In 2024 Council approved several recommendations on the future of the Community Grants Programme identified through an internal review. A summary of the recommendations and a progress report on the actions taken to implement them is set out in the table below.

1. A strategic needs assessment of community buildings should take place before any further investment is made in building projects.	£20,000 has been made available in the budget and the project is scheduled to take place in Q4 when new staff, following the senior leadership restructure are in place.
2. More stringent targeting should take place alongside proactive promotion of small community grants which could be more effective if linked into the work of Wellbeing Exeter's locality-based Community Builders.	New contract for Wellbeing Exeter awarded in July 2024. Community Builders continue to promote the Council City and Ward grants.
3. Allocating grants to addressing specific issues faced predominately in priority neighbourhoods such as digital exclusion, where there is strong evidence based on effective approaches that deliver measurable impacts.	£20,000 has been made available in the budget for Digital Inclusion Grants and the project is scheduled to take place in Q4 when staff, following the senior leadership restructure are in place.
4. Placing a cap on the amount of grant funding that can be awarded to any one organisation over a 3-year period and on the number of applications that can be made in any financial year.	Done

5. Continue grant award decisions to be made by members on the cross-party Grants Panel but to consider more proactive monitoring of the deployment of ward grants and reducing the annual allocation to better reflect average annual spend over the last 4 years: £3,000 per ward.	Ward grant allocation set at £39,000 for 24/25. Community groups can apply for wards grants to a maximum of £350, with up to £3000 available per ward. At September 3024 £18,292 ward grants have been awarded with a balance of £20,708 remaining to March 2025. PowerBi monitoring dashboards are in place. Portfolio holder given monthly updates on progress.
6. That more robust due diligence, including ensuring the receipt of impact evaluation be undertaken prior to the award any grant more than £5,000.	No grants more than £5,000 have been awarded.
7. A re-focus of grant giving on evidence-based approaches to make best use of the available funds.	A project to implement this recommendation, including further guidance to members on the grant panel is scheduled to take place in Q4 when new staff, following the senior leadership restructure are in place
8. Adopting a more explicit and positive approach to match funding.	A project to implement this recommendation, is scheduled to take place in Q4 when new staff, following the senior leadership restructure are in place
9. Switching from an open annual rolling grant programmes to a more structured approach opening the grant fund for limited periods 2 or 3 times a year.	The new City Grants Fund launched in July 2024 to support groups and organisations in the city deliver projects that meet Council priorities. The City Grants Fund is open in 3 phases, the first phase was assessed in September with a total of £15,750 awarded to 8 organisations.
10. When the Information, Advice and Advocacy Contract comes to an end in March 2024 it is not re-tendered.	Members decided to provide a one-off grant of £75,000 to Exeter CAB as a one-off transition grant for 2024/25.
11. As the long-term future of Wellbeing Exeter is also under consideration it makes sense for the Council to consider embedding key aspects of the Exeter Connect contract into Wellbeing Exeter's future role.	This activity is included in the specification for the Lead Delivery Organisation for Wellbeing Exeter awarded to CoLab Exeter in July 2024.

8.2 There were also several recommendations specifically for Wellbeing Exeter. A summary of the recommendations and a progress report on the actions taken to implement them is set out in the table below.

1. Continuing as Lead Commissioner for Wellbeing Exeter to ensure its strategic development continues to focus on achieving the Exeter 2040 Vision.	In place, with a new contact for Lead Delivery Organisation awarded in July 2024 with new partnership governance arrangements to be introduced in Q4.
2. Become a Core Funder under the new model providing resources to fund the Core Model within the targeted 20 priority neighbourhoods which will include:	£275,563 was allocated from the NHCIL as the Council's contribution to the Core Model.

Community Building; Community Connecting; Resettlement Connector; Community Physical Activity Organisers and Network Support	
3. Fund an Enhanced Model to develop Community Building within the St James and Pinhoe Wards which are the areas in the city dealing with significant development.	£125,940 was allocated from the NHCIL to fund an enhanced model for St James and Pinhoe Wards. Community Builders are now in place.
4. Use its Core and Enhanced Funder status to secure match funding from other strategic partners/investors.	£252,000 funding for Wellbeing Exeter Core Model 2024/25 was secured from Sport England. A further £669,500 has been secured for the Core Model of Wellbeing Exeter from Sport England for the 3-year period 25/26 to 27/28 with around a further £245,000 available for targeted Enhanced Models over the same period.
5. Utilise Wellbeing Exeter reserves to provide funding to support the transition from the old to the new model and to assist in the securing of new leadership and governance arrangements.	£150,000 of the Wellbeing Exeter reserve was utilised to support transition from the old to the new model.

8.3 Wellbeing Exeter is a consortium of delivery partners employing staff working in communities, without medium term funding commitments the programme is at risk due to staff recruitment and retention. Grant funding for Wellbeing Exeter has now been agreed with Sport England, through the renewed Place Partnership, up until 2028. The Council now needs to identify its own contribution to be able to draw down this funding and stabilise Wellbeing Exeter. The following proposal offers a way to provide certainty to enable the delivery partners to stabilise the programme and focus on delivering the intended outcomes.

8.4 Neighbourhood (NH) CIL, unlike other funding sources can only be spent once the money has been received. However, in the past, when CIL receipts were predictable and reserves provided a buffer, the Wellbeing Exeter contract was let on a 3-year rolling basis. In 2022, with a combination of, extensions to contracts for services funded at the time from NHCIL; one off grants; slowing down of CIL receipts during COVID and late payments, the NHCIL budget came under pressure and remedial action was taken to limit commitments to this funding.

8.5 Exeter City Council committed £275,563 of NHCIL funding to deliver the new Wellbeing Exeter core model in 2024/25. Funding of £252,000 has been secured from Sport England in 2024/25 to continue as a core partner. Following a successful tender process, CoLab were appointed as the Wellbeing Exeter contract holder and their overview of the programme began on 1st July 2024.

8.6 The initial contract award has been for 1 year with potential to extend for 5. This was agreed in good faith with an expectation that the Council would, as soon as confirmation of future funding from Sport England was secured, confirm its own funding contribution (on which the partner funding is predicated) and extend the contract for a further 2 years i.e. a 3-year term. This is important as a 1-year contract with uncertainty about the future

makes recruitment and retention of staff across the provider alliance problematic which in turn limits the delivery of the partnership and its future development potential. Delivery partners are at the stage now, that without the extension of the contract as anticipated they will soon be in the process of placing staff at risk of redundancy.

8.7 Officers in finance and City Development have confirmed that by end of this financial year they are confidently anticipating that the NHCIL will have an income of £901,487. The table in Figure 1 below sets out the anticipated NHCIL reserve for the Community Grants programme for 25/26. The proposed spending plan is based on continuing with Ward and City Grants, the Exeter Lottery and Wellbeing Exeter. It assumes the uncommitted funds (Digital Grant Fund; Evaluation and Community Building review) will be delivered in Q4 24/25.

8.8 There is also an additional unspent partner funding of £72,000 in a Wellbeing Exeter reserve that can be drawn on to support development or core funding.

8.9 The conservative estimate of the predicted NHCIL reserve for 2025/26 is £807,982 (including estimated income from Exeter Lottery of £21,000) with current spending commitments of £445,515 of which £340,305 is allocated for Wellbeing Exeter. The budget anticipates continuation of the Ward Grants and a City Grant Fund of £50,000 for 25/26. Assuming all CIL receipts come in as planned, this would allow for a carry forward budget of £362,461 for 2026/27 as shown in the table below.

	2024/25	2025/26	TOTAL
	£	£	£
Neighbourhood CIL Available			
Neighbourhood CIL brought forward	429,505	336,014	429,505
Actual Neighbourhood CIL Income	212,184		212,184
Forecast Neighbourhood CIL Income	259,798	471,982	731,780
Total Neighbourhood CIL Available	901,487	807,996	1,373,469
Commitments:			
Ward Grants	39,000	39,000	78,000
Community Buildings Review	20,000		20,000
Digital Grant Fund	20,000		20,000
City Grant Fund	50,000	50,000	50,000
Independent Evaluation of Programme	20,000		20,000
Exeter Community Lottery	5,000	5,000	10,000
Exeter Lottery Income	-21,000	-21,000	-42,000
Wellbeing Exeter	275,563	340,305	615,868
Wellbeing Exeter - Additional Allocation	125,940		125,940
Staff Costs	30,970	32,210	63,180
Total Commitments	565,473	445,515	960,988
Total Available Neighbourhood CIL Receipts	336,014	362,481	412,481

8.10 As Sport England funding begins to be tapped over the next 3 years, we are currently estimating a Council contribution for Wellbeing Exeter in 26/27 of £300,000 as shown in the table below.

Wellbeing Exeter Funding Strategy	yr 1 2025/26	yr2 2026/27	yr3 2027/28
* Wellbeing Exeter Core Funding Requirement	649,000	649,000	649,000
Sport England Core Funding	309,000	206,000	154,500
Wellbeing Exeter Reserve	0	72,000	0
ECC NH CIL	340,000	300,000	300,000
External Funding (to be secured)	0	71,000	195,000
Total	649,000	649,000	649,500
* 2024/25 Prices			

8.11 Based on the anticipated income, spend and partner funding the proposal going forward is to revert to building up a reserve to allow for multiple year commitments for Wellbeing Exeter to stabilise the programme and secure ensure partner funding. This will enable the Wellbeing Exeter contract to operate on a rolling 2-year contract.

8.12 To mitigate risk of over committing against the actual available funds income and expenditure will be kept under review in year and if necessary reduced contract value for Wellbeing Exeter for 26/27 and 27/28 to be negotiated should predicted CIL income does not materialise.

8.13 Formal public consultation on the use of the NHCIL was last conducted in 2019 and whilst internal reviews have been published, including in 2023. It is good practise to undertake formal public consultation to ensure the Council can consider views from resident and stakeholders in its priority setting and decision making. Therefore, consultation should be undertaken during 25/26 with a view to making recommendations for use of NHCIL beyond 27/28.

8.14 In the first 12 months of the Exeter Community Lottery:121 local good causes signed up. The top performing local causes are Sylvania Community Stores, Exeter Strollers Walking Football Club, SW Therapy Centre, Heavitree Bowls Club, Devon Family History Society all receiving more than £1000. In total £48,378 was raised for local good causes and the central fund.

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

9.1 Wellbeing Exeter and the Exeter Community Grants Programme contributes to the Exeter 2040 Vision aspirations of being a Healthy and Inclusive City and the most active City in the UK. The programmes also contribute to the Council’s strategic priorities of a “Healthy and Active City” and “Housing and Building Great Neighbourhoods.

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

10.1 The community grants programme and Wellbeing Exeter are both discretionary areas of spending for the Council. Both programmes are funded from the NH CIL reserve. There is a risk to the programme should anticipated receipts be late or remain unpaid. This means that budget planning must take place on an annual basis with regular reviews as the Council must have received the payments from developers before it can spend any of it. These proposals mitigate this risk as follows:

- The grants programme will be a periodic programme opening when funds allow and offering several application opportunities throughout the year.

- The overall programme leaves plans to leave income in the reserve to create a buffer against late payments and to make funding available in future years.
- The Wellbeing Exeter contract to be rolled forward for 2 years but contract levels kept under review so they can be aligned with any reductions in planned income. No other recurring commitments to be made from NHCIL.

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 There are no known direct negative carbon/environmental impacts arising from the recommendations. Within Wellbeing Exeter, Community Physical Activity Organisers support individuals and communities to be more physically active in everyday life: there are indications to show that this work is having a positive impact. However, it is too early to say to what extent this behaviour change is resulting in reduced carbon through walking and cycling replacing car usage.

13. Are there any other options?

13.1 No other options are being proposed in this report.

Strategic Director People and Communities, Jo Yelland.

Author: Strategic Director People and Communities, Jo Yelland.

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

Background papers used in compiling this report:-

Equalities Impact Assessment - Simon Clayton, Interim Head of Service Customer and Communities

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Equality Impact Assessment: Community Grants Programme 2025/26

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	Community Grants Programme 25/26	Allocate £340,000 and £371,000 from the NHCIL reserve to Wellbeing Exeter for 25/26 and 26/27 and £72,000 from the Wellbeing Exeter reserve for 2026/27. Delegate authority to adjust funding and consult residents on future use of the Neighbourhood Portion of the CIL.	All residents in Exeter impacted by the decision to be made, particularly those from most deprived LSOAs within the city

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant)	Positive	High	The proposals to extend funding of the Exeter Community Grants Programme into 25/26 and to continue Wellbeing Exeter funding to 27/28 allows for community development and social prescribing work to deepen in priority neighbourhoods and

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
workers; asylum seekers).			<p>those most affected by development. Continuing with ward and city grants allows for hyper local community groups to apply for seed funding for local activities. Priority will be given to those community organisations and groups that have a positive effect on community health and wellbeing and tackling health inequalities across the city.</p> <p>Examples include Wellbeing Exeter Community Connectors and the work to support asylum seekers, guests from Afghanistan and Ukraine.</p> <p><i>Discontinuing this funding will have a significant impact on people with protected characteristic particularly through the work of Wellbeing Exeter.</i></p>
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive	Medium	<p>As above</p> <p>Wellbeing Exeter community connectors and builders regularly work with people with long term health problems and those with disabilities. 35% of adults working with Wellbeing Exeter/Cranbrook in 2023 were supported by Community Connectors were unable to work due to sickness or disability.</p> <p><i>Discontinuing this funding will have a significant impact on people with protected characteristic particularly through the work of Wellbeing Exeter.</i></p>
Sex/Gender	Positive	Low	<p>As above</p> <p>Over half of adults referred into community connecting within Wellbeing Exeter are female.</p>
Gender reassignment	Positive	Low	<p>All Community groups are encouraged to apply for City Grants to support local activities. Wellbeing Exeter Community Builders work alongside residents on issues they identify as priorities in their neighbourhoods and communities.</p>
Religion and belief (includes no belief, some philosophical beliefs such as	Positive	Low	

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Buddhism and sects within religions).			
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive	Low	
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	Medium	
Pregnancy and maternity including new and breast-feeding mothers			
Marriage and civil partnership status			

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

- The Wellbeing Exeter case for support published in 2023 highlights the new core model, which prioritises communities with the poorest health incomes. These communities have a higher percentage of groups from protected characteristics than the mean average across the city.
- From 2024 Wellbeing Exeter work is more targeted towards communities with greatest needs: e.g. those with poorest health outcomes.

- The City Grants fund also prioritises allocating grants to addressing specific issues faced in priority neighbourhoods such as digital exclusion, where there is compelling evidence based on effective approaches that deliver measurable impacts.
- Priority is given to those organisations applying for community grants that address inequalities and promote inclusion of those residents and communities within protected characteristic groups

Officer: Stephen Clayton

Date: 22 October 2024

REPORT TO EXECUTIVE

Date of Meeting: 5 November 2024

REPORT TO COUNCIL

Date of Meeting: 17 December 2024

Report of: Strategic Director Place

Title: The Final Report of the Devon Housing Commission

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report presents Members with a report by the Devon Housing Commission that sets out key recommendations for addressing the housing challenges facing Devon. A full copy of the report entitled 'The Report of the Devon Housing Commission' can be found [here](#).

1.2 This report summarises the key recommendations outlined in the report and how the council could take forward some of these recommendations to address housing issues in the city.

2. Recommendations:

2.1 That Council notes the content of the Report of the Devon Housing Commission including its recommendations in the context of addressing housing challenges in Exeter.

3. Reasons for the recommendation:

3.1 To ensure that Members are kept informed of the significant housing challenges facing Exeter and Devon together with the work taking place to address these challenges.

4. What are the resource implications including non financial resources

4.1 This report is for information purposes. There are no resource implications including non-financial resources.

5. Section 151 Officer comments:

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

6. What are the legal aspects?

6.1 This report is for information purposes. There are no legal aspects.

7. Monitoring Officer's comments:

7.1 The purpose of this report is to consider the content and recommendations of the Devon Housing Commission report. It raises no issues for the Monitoring Officer.

8. Report details:

8.1 In May 2022, there was a declaration by the Local Authorities in Devon of a housing crisis. Team Devon (Leaders and Chief Executives of Devon County Council and District Authorities) decided to set up the Devon Housing Task Force. This is a member-led, cross-party group, looking at housing supply and demand challenges across the County. The Task Force in turn set up an independent Devon Housing Commission to investigate the issues further.

8.2 The [Devon Housing Commission](#) was hosted by the University of Exeter as part of the University's Civic University Agreement with Devon County Council. The University of Exeter provided secretarial support and data analysis and hosted an officer seconded from Homes England to support the work. The Devon Housing Commission was chaired by Lord Best, who has a substantial background in housing matters. The commissioners were drawn from a range of public and private sector partners.

8.3 The geographic areas covered by the report are the administrative regions of Devon County Council and Torbay Council as well as the eight Devon District Councils. The work was funded by the participating councils and the University of Exeter. Data on Plymouth City Council is not included in the report unless explicitly stated.

8.4 The Commission's purpose was to conduct an in-depth analysis of the various local housing markets and related socio-economic profiles, and model demographic change, to make the case for a step change in social and housing policy and pragmatic solutions to be delivered locally moving to the next decade.

8.5 The Commission undertook its work between May 2023 and June 2024. During this time six in-person meetings were held. The meetings were hosted by different Devon local authorities and explored issues raised by those local authorities as well as county-wide issues. In addition to these in-person meetings, online meetings were held throughout to explore issues in depth. Organisations and members of the public could submit evidence to the Commission. This was done through interviews with members of the Commission's research team, in writing and through an online call for evidence that was open to the public. Many people and organisations submitted evidence to the Commission, including 509 individual responses to the online call for evidence.

8.6 Exeter City Council submitted a response to the Commission's Call for Evidence, and this can be found at Appendix A. This response emphasised that providing the quantity, type and quality of homes that Exeter needs in the future will be achieved by building on brownfield land in the city and that the key to unlocking brownfield sites is by securing investment in infrastructure.

8.7 The submissions to the call for evidence have been used throughout the Commission's report. The report also draws upon the lived experience of Devon residents, data from a wide variety of national datasets as well as other published material.

The Commission's Final Report

8.8 The report was launched on 19th July 2024 and included a foreword from Lord Best. It is split into relevant chapters to set out the challenges faced across Devon and recommendations for how they can be addressed:

1. Lack of Affordable Housing.
2. Rural and Coastal Communities.
3. Cities and Coastal Towns.
4. Devon's Demography.
5. Supported Housing and Temporary Accommodation.
6. Healthy and Environmentally sustainable Housing.
7. Housing Need and Delivery.
8. Planning.
9. The role of the Combined County Authority.

8.9 The overarching recommendation of the Devon Housing Commission is:

"The Commission recommends that all local authorities in Devon, with the support of national government, give urgent attention to the need for additional affordable housing in the county. The shortages of secure, decent homes is leading to hardship for many households; rapidly rising expenditure on unsatisfactory Temporary Accommodation; the loss from Devon of young people, with consequences for public services and the economy; and extra challenges for hard-pressed care and health services."

8.10 The report then makes a series of recommendations to Devon's local authorities, the Devon and Torbay Combined County Authority, Homes England, Government and other bodies such as the Regulator of Social Housing.

Coverage of Exeter's housing issues and implications for future work

8.11 The Commission's Report identified a series of key recommendations which affect Devon and Exeter, and are intended to address the key housing challenges identified by the Commission, including:

- overall housing needs;
- the cost of housing, to buy and rent;
- a lack of affordable housing;
- the impact of an aging population;
- the evolving requirement for a range of accommodation types;
- the need for supported housing and temporary accommodation;
- the sustainability of housing;
- the poor quality of some of the housing stock;
- delivery challenges;
- planning issues and resourcing; and
- coordinating Local Plans to address shared challenges.

8.12 The report included two specific sections on Exeter and Student Accommodation in Exeter, and highlighted a series of specific issues facing the city, including:

- significant housing needs;
- considerable numbers on the waiting list for affordable housing;
- the complexities of brownfield development delivery;
- the need for robust planning policy framework and collaboration across Council boundaries;
- increases in homelessness; and
- issues associated with student accommodation and affordability.

8.13 The City Council has vital role in addressing these issues through the Exeter Plan and corporately across all services. Because Exeter has a tightly constrained geographic boundary, neighbouring Teignbridge, Mid-Devon and East Devon, there must also be a close relationship with surrounding districts. The recently developed strategy `Our Shared Coordinates` could act as strong foundation on which to build a collaborative approach. The Commission is highly supportive of collaboration in this way and hopes that any new devolution arrangements may help with a strategic approach in this area.

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

9.1 Addressing the housing crisis in Exeter and Devon contributes to the following corporate priorities and plans:

Priority	Contribution
Housing and building great neighbourhoods and communities	<ul style="list-style-type: none"> - Accommodate the housing requirements of Exeter. - Make efficient use of brownfield sites. - Deliver high quality development to support regeneration. - Maximise the delivery of affordable housing.
Prosperous Local Economy	<ul style="list-style-type: none"> - Boost the local economy and attract better paid jobs. - Support the ongoing vitality of the city centre.
Net Zero	<ul style="list-style-type: none"> - Minimise the need for travel. - Delivery of development which meets appropriate standards.

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

10.1 This report is for information purposes. No risks have been identified.

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

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct implications of the recommendation to note the work of the Devon Housing Commission. More indirectly, the development of housing will have an impact on the city's carbon footprint but this is mitigated through planning policy and building regulations through which the Council is proactively pursuing the net zero ambitions of the Council.

13. Are there any other options?

13.1 N/A

Strategic Director of Place, Ian Collinson

Author: Strategic Director of Place, Ian Collinson

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

Background papers used in compiling this report:-

None

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