

REPORT TO EXECUTIVE

Date of Meeting: 12 January 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Portfolio Holder for Culture and Communities

Title: General Buller Statue Review

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To seek approval for the recommendation listed in the report.

2. Recommendations:

That Executive supports and Council approve the following recommendations;

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

3. Reasons for the recommendation:

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

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

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

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

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

5. Section 151 Officer comments:

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

6. What are the legal aspects?

- 6.1 The Equality Act 2010 public sector equality duty comprises a general duty supported by specific duties. The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

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

7. Monitoring Officer's comments:

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

8. Report details:

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

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

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

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

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

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

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

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

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

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

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

11. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

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

13. Are there any other options?

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

Cllr Amal Ghusain, Portfolio Holder Culture and Communities

Director Jon-Paul Hedge

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

Background papers used in compiling this report: -

Equality Impact Assessment

Task and Finish Group member position statements

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