

EXECUTIVE

Tuesday 20 May 2025

Present:

Councillor Bialyk (Chair)

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

Also present:

Councillor Darling

Councillor Miller-Boam

Councillor Haigh (as an opposition group Leader);

Councillor Hughes (as an opposition group Leader);

Councillor Holland (as an opposition group Leader);

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

Councillor Moore (as an opposition group Leader);

Also present:

Chief Executive, Strategic Director for Corporate Resources, Strategic Director of Operations, Strategic Director for People and Communities, Head of Service - Environment and Waste, Head of Service - HR, Workforce Planning and Organisational Development and Democratic Services Manager

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CHAIRS ANNOUNCEMENTS

The Leader welcomed Councillor Patrick to the Executive as the Portfolio Holder for City Development.

The Leader also welcomed Councillor Darling as the new Member Champion for Culture and City Centre and Councillor Miller-Boam as the Member Champion for Community Safety & Engagement.

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MINUTES

The minutes of the meeting held on 1 April 2025, 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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QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

41

REQUEST FOR A VARIATION OF HACKNEY CARRIAGE FARES

The Executive received the report on a request from the Chair of Exeter St Davids Hackney Carriage Association, to increase the Hackney Carriage Fare Tariff and determine whether to proceed to public consultation based on the proposed tariff table included with the report.

Particular reference was made to:-

- the variation of Hackney carriage charges was the only licensing matter requiring Executive approval, under primary legislation and required periodic review;
- the proposed public consultation was double the minimum requirement of the Local Government Miscellaneous Provisions Act to allow full public input;
- the fare-setting formula used was a nationally recognised system, originally devised by Guildford Borough Council. Local figures had been input into the formula; and
- detailed information and a comparison of current and proposed fares was outlined in Appendix B of the report.

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

- there had been a seven-year period where there had been no Hackney fare increases until more recently;
- the current proposal was considered to be a fair and necessary adjustment, especially for the area;
- Appendix B was praised for its clarity, and highlighted that although certain tariffs appeared large, they were offset by increased distance units, meaning passengers travelled further for the same cost;
- issues for Hackney drivers included longer waiting times and short fares, which had impacted on drivers' earnings;
- the inclusion of a luggage cost was supported as being fair, given the additional service provided by drivers;
- the legal basis for the four-week consultation period was questioned, and whether it should be extended to six weeks to align with the Council's consultation charter;
- there was an emphasis on including disability and age-related groups in the consultation due to medium negative risk identified in Equality Impact Assessment;
- the service provided by Hackney Carriage drivers was considered to be excellent and the proposed increase was welcomed;
- the proposed fare figures were based on actual local costs;
- Exeter's Hackney fleet was approximately 50% wheelchair accessible, reflecting strong local control and commitment to accessibility; and
- the quality and presentation of Exeter taxis were praised, notably their reliability and being compliant with Euro 6 or better environmental standards.

An opposition group leader supported the recommendation and noted that the proposed fares would place Exeter in the top quartile nationally. He also highlighted that the proposals had been benchmarked against other authorities and noted the reduction in fuel costs which had also supported making savings.

In response to questions raised, the Head of Service - Environment and Waste advised that:-

- after the first mile, a flat rate was applied. The calculation combined the first mile and running mile, with an example being the two-mile fare being £7.60;
- the consultation period was set by Section 65 of the Local Government (Miscellaneous Provisions) Act 1976; and
- extending the consultation period to six weeks would be difficult to meet the Executive meeting deadlines for August, however, it was within the gift of the Executive to amend the recommendation.

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

- (1) the proposals be put out to public consultation to run from 27 May 2025 until 8 July 2025 (6 weeks); and
- (3) where there are representations made, that the matter be brought back to Executive on 23 September 2025 for determination.

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

RESOLVED that the Executive approves that:

- (1) the proposals be put out to public consultation to run from 27 May 2025 until 8 July 2025 (6 weeks);
- (2) a public notice containing the proposed variation table be published in one local newspaper during the consultation period; and
- (3) where there are representations made, that the matter be brought back to Executive on 23 September 2025 for determination.

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REVIEW OF EQUALITY, DIVERSITY AND INCLUSION POLICY

The Executive received the report which sought approval for the adoption of the revised Equality, Diversity and Inclusion (EDI) Policy, which had been updated to reflect organisational changes and feedback following the EDI Mini Peer Review undertaken in 2024.

The Leader highlighted a recently circulated email regarding the recent Supreme Court judgment, clarifying its implications for the policy.

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

- the report highlighted that each Councillor had a personal responsibility to comply with the policy under the Equality Act 2010 and the Public Sector Equality Duty;
- the EQIA showed the Council workforce data showed a 50:50 male female gender split across the Council.
- was there variation between different departments of the council?
- it was noted that the People Management system 'iTrent' was not currently set up to allow for non-binary input from users, and it was asked whether there been any staff feedback on this issue?
- thanks were made to the Chief Executive and officers for report and the work that had been undertaken;
- the review and update of the EDI policy was welcomed and was progressing positively to be accessible for all; and
- whether there was any work being undertaken to support women in the workplace with pre-menopausal or menopausal symptoms?

The Leader highlighted the positive speeches of both the outgoing Lord Mayor and Deputy Lord Mayor at the Annual Council meeting, which reflected the city's positive attitude towards EDI.

Opposition group leaders raised the following points and questions:

- what arrangements would be made for Councillor EDI training, and would that training be compulsory?
- the public support expressed by Members at the Annual Council was welcomed and was appreciated by the non-binary community; and
- with the EQIA was it possible to reconsider the specific impact assessment for gender reassignment in the light of the Supreme Court judgment.

In response to questions raised, the Strategic Director for People and Communities advised that:-

- further details on the 50:50 split could be provided at a departmental level and the main variations in the male female ratio could be seen in front line services where more manual workforces operated;
- as part of the EDI review work, a new EDI training programme had been agreed for implementation this year and within the HR Improvement Plan recruitment strategy was being reviewed and this work would be informed by the information provided by staff on their protected characteristics to help the Council to become more reflective of the community;
- through the HR Improvement Plan the Council was engaging with the 'iTrent' system provider to explore options for more inclusive data collection on protected characteristics;
- no specific feedback had been received from staff regarding the inability to select non-binary options, partly because the system currently did not ask;
- the Council was always open to alternative methods for staff to indicate non-binary identity if system changes were not possible;
- HR had run two successful staff campaigns to encourage sharing of personal information regarding sharing information on protected characteristics, and this was reinforced by the Chief Executive, in the new video introducing the EDI training and had been welcomed by staff;
- EDI training includes learning modules for Members who will be strongly encouraged to undertake, advice from Democratic Services would be sought to identify the most accessible delivery methods;
- the request to update the impact assessment on the EQIA for those undergoing gender reassignment could be revised if agreed by the Chair and be re-issued to Members (Revised EQIA appended to minutes); and
- there was a Menopause Policy and a staff support group.

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

RECOMMENDED that Council approve the adoption of the revised Equality, Diversity and Inclusion Policy.

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DISPOSAL REPORT SEEKING AUTHORITY TO DISPOSE OF THE FORMER CLIFTON HILL LEISURE CENTRE.

The Executive received the report which sought approval for the disposal of the Former Clifton Hill Leisure Centre site to the highest bidder for the delivery of a 100% Affordable Rent Extra Care housing scheme for older people, following receipt of tenders.

Particular reference was made to:-

- Exeter City Council had originally sold the site to Exeter City Living (ECL) for £2.4 million which was considered at that time, to be a significant undervalue compared to the independent market value for best consideration purposes;
- Secretary of State approval had been granted for the sale, enabling the Council to buy back the site back from ECL for approximately £3.03 million;
- the site had since been gone out to tender, and had received a number of bids, in which the highest bid recommended for approval was £3.375 million. Another higher bid submitted was received, but was withdrawn;
- the bid would deliver a 72-unit affordable rent extra care scheme on the site and an independent valuation had been undertaken for best consideration purposes;
- the current sale was deemed to be an undervalue of £425,000;
- due to changes in procurement rules and new subsidy controls, the subsidy control report included in the agenda would be sent to the Government for formal registration as an undervalued sale; and
- a letter of support had been received from Devon County Council for the development of an additional extra care facility in the city.

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

- although the report refers to an undervalue, the Council had foregone £425,000 in potential receipts by not permitting student accommodation, demonstrating the Council's commitment to delivering 100% affordable rent, extra care housing and prioritising community needs and a balanced use of the site;
- the letter of support from Devon County Council highlighting the need for extra care schemes was welcomed;
- the preferred buyer was acknowledged for their sustainable building practices, including the use of air source heat pumps and solar PV;
- the approach maintained a balance of maintaining both green spaces and delivering homes;
- there was interest in further community engagement, particularly with residents around Portland Street, regarding the development and planning application process;
- the development would help free up NHS beds, as evidenced by the success of the similar Edwards Court facility;
- the location was in a scenic area adjacent to Belmont Park, and would be a highly desirable living area for future residents; and
- the development would reduce pressure on other facilities and support independent living for residents.

The Leader advised that following an enquiry received that day, that recommendation 2.2 of the report sought delegated authority to the Head of Commercial Assets in consultation with the Strategic Director of Corporate Resources and himself, and that the final terms would be considered appropriately, notably the safety aspects. He further advised that he would notify ward Councillors and the Executive of the outcome of any further discussions with the developer.

Opposition group leaders raised the following points and questions:

- the Leader was thanked for his time in responding to the enquiry and confirming how they would proceed, notably in addressing active travel and bike storage;
- was the sale and receipts money going to be used to address the debt or be used to move projects forward?

- could it be confirmed that recommendation 2.3 of the report is a Council decision?
- the recommendation and the site future use was welcomed; and
- clarification was sought on figures outlined in the report and sequence of events with the selling and buying of the land.

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

- the Council would include opportunities for community engagement in negotiations with the developer, and would be working to develop a programme for ongoing engagement;
- there was an outstanding debt associated with the site of £3.037 million and would be paid off from the capital receipt and monies from the sale of Mary Arches and the majority of the Mary Arches capital receipt, once received, would be available for future capital projects;
- the Council could not leave any outstanding debt once an asset is disposed of;
- the capital receipts from this sale and the Mary Arches sale together would more than cover the outstanding debt related to Exeter City Living (ECL); and
- the outstanding debt was not limited to just Clifton Hill but to other projects and when the Council previously sold the site to ECL, the best consideration value was over £7 million, necessitating that Secretary of State approval was needed due to significant undervalue.

The Leader advised that previous safety concerns, particularly from the police, would be revisited in discussions with the developer and highlighted that the Council could achieve a higher sale price by breaking the Council's promise not to build student accommodation. He confirmed this was not an option being pursued and that the Council was committed to maintaining community trust and honouring prior commitments.

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

RESOLVED that the Executive agree:

(1) the sale of the Former Clifton Hill Leisure Centre site to Preferred Homes Limited for £3.375 million at an undervalue of £425,000, conditional upon planning approval being granted for the delivery of 100% Affordable Rent Extra Care housing scheme for older people; and

(2) that the Head of Commercial Assets, in consultation with the Strategic Director of Corporate Resources (s.151 officer) and the Leader, be granted delegated authority to approve the final terms of the sale.

RECOMMENDED that Council approve a budget for £50,000, funded by anticipated capital receipts to cover disposal costs (including external agency and legal fees) associated with this sale.

(The meeting commenced at 5.30 pm and closed at 6.25 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 10 June 2025

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Equality Impact Assessment: *Equality, Diversity and Inclusion Policy review February 2025*

Updated May 2025

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:
SMB 15 April	Equality, Diversity and Inclusion Policy review February 2025	Adoption and implementation of the revised policy	All protected characteristics are impacted.

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Positive	High	<p>The policy sets out the Council's commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.</p> <p>Current iTrent HR data shows that of those staff who have provided information 25% are from a Black, Asian or minority ethnic background. The 2021 census, 9.7% of Exeter residents are from Black, Asian and minority ethnic communities. The council is in the process of developing minimum standards for collecting data on our customers and staff to understand how many people within protected characteristics would be impacted by our policies and functions.</p>
	Positive	High	<p>Following the death of George Floyd and the Black Lives Matter protests in 2020, and in response to a recommendation from the Council's review of the General Buller Statue, the Senior Management Board and Executive Members have developed an Anti-Racism Statement which is included in the policy at (see Appendix A). This sets out specific commitments in relation to this protected characteristic.</p> <p>There is no hierarchy of rights in the Equality Act 2010 or this policy, however occasionally actions to support one protected characteristic may inadvertently discriminate against people sharing another protected</p>

	Negative	Low	characteristic. Where this occurs each case will be looked at with reference to case law and best practice to ensure that the action is proportionate and necessary to achieve a legitimate aim e.g. protection against discrimination.
	Negative	Low	Staff for whom English is an additional language may need additional support to access the policy and be made aware of the protections it affords. The Translation and Interpretation Policy and guidance will address this.
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. This can include mental health issues, learning disabilities, sensory impairments and neurodiversity.	Positive	High	<p>The policy sets out the Council's commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.</p> <p>The council is in the process of developing minimum standards for collecting data on our customers and staff to understand how many people within protected characteristics would be impacted by our policies and functions. Current ITrent HR data shows only 3.8% of staff declared a disability. This is likely to be an element of under reporting within this figure as 2021 census shows 18.2% of people in Exeter declared a disability.</p>
	Negative	Low	<p>There is no hierarchy of rights in the Equality Act 2010 or this policy, however occasionally actions to support one protected characteristic may inadvertently discriminate against people sharing another protected characteristic. Where this occurs each case will be looked at with reference to case law and best practice to ensure that the action is proportionate and necessary to achieve a legitimate aim e.g. protection against discrimination.</p>

	Negative	Low	<p>However the Equality Act gives employers and organisations a responsibility to make 'reasonable adjustments' for people with disabilities.</p>
	Negative	Low	<p>People on long term sick leave may be unaware of the policy. Line Managers have the responsibility to ensure all returning employees from long term leave are properly informed about the council's policy changes and updates upon their return to work. This is outlined in the Sickness Management policy.</p> <p>Some staff may need additional support to access the policy due to a disability such as sensory impairment or dyslexia. The Translation and Interpretation Policy and guidance will address this.</p>
Sex/Gender	Positive	High	<p>The policy sets out the Council's commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.</p> <p>Current iTrent HR Metrics show that the sex of staff is evenly split 50:50 male and female though this changes when looking at service level. It should be noted that ITrent does not allow for non-binary answers.</p> <p>The 2021 census shows Exeter residents are 51% female and 49% male.</p>
Gender reassignment	Positive	High	<p>The policy sets out the Council's commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.</p> <p>In the 2021 census 0.6% of people identified as having a different gender to the sex on their birth certificate, trans or non-binary.</p>
	Negative	High	<p>Following the Supreme Court Ruling in April that the definition of sex in the Equality Act 2010 refers to biological sex only, the Equality and Human Rights Commission is consulting on a revised statutory Code of Practice. This is likely to have an impact on how the Council provides</p>

	Negative	Low	<p>some services and facilities, in particular toilets and changing facilities, for trans people.</p> <p>The Council will explore the impact of the Code once it has been agreed and respond accordingly.</p> <p>Anyone under treatment which keeps them away from work for a long period may be unaware of the policy. Line Managers have the responsibility to ensure all returning employees from long term leave are properly informed about the council's policy changes and updates upon their return to work. This is outlined in the Sickness Management policy.</p>
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Positive	High	<p>The policy sets out the Council's commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.</p> <p>The 2021 census shows the following information on how Exeter residents identify their religious beliefs:</p> <ul style="list-style-type: none"> • 48.5% No religion • 40% Christian • 0.5% Buddhist • 0.5% Hindu • 0.2% Jewish • 2.2% Muslim • 0.1% Sikh • 0.7% other religion • 7.4% not answered
	Positive	High	<p>The policy also includes a statement setting out the Council's support for the International Holocaust Remembrance Alliance working definition of Antisemitism which will have positive impact on Jewish customers and staff.</p>

	Negative	Low	The policy does not include any other such statements for other religions or ethnicities however this does not preclude them from being added in the future as the policy can be reviewed and updated at any time.																																							
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive	High	<p>The policy sets out the Council’s commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.</p> <p>In the 2021 census 86.2% of Exeter residents identified as straight/heterosexual and 5.3% as LGBTQ+. 8.5% did not answer.</p>																																							
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive	High	<p>The policy sets out the Council’s commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.</p> <p>2021 census data for Exeter residents:</p> <table><tr><th>geography</th><th colspan="2">Exeter</th></tr><tr><th>measures</th><th>value</th><th>percent</th></tr><tr><td>Age</td><td></td><td></td></tr><tr><td>Total</td><td>130,709</td><td>100.0</td></tr><tr><td>Aged 4 years and under</td><td>5,884</td><td>4.5</td></tr><tr><td>Aged 5 to 9 years</td><td>6,201</td><td>4.7</td></tr><tr><td>Aged 10 to 15 years</td><td>7,293</td><td>5.6</td></tr><tr><td>Aged 16 to 19 years</td><td>10,591</td><td>8.1</td></tr><tr><td>Aged 20 to 24 years</td><td>16,349</td><td>12.5</td></tr><tr><td>Aged 25 to 34 years</td><td>17,990</td><td>13.8</td></tr><tr><td>Aged 35 to 49 years</td><td>23,168</td><td>17.7</td></tr><tr><td>Aged 50 to 64 years</td><td>21,507</td><td>16.5</td></tr><tr><td>Aged 65 to 74 years</td><td>11,178</td><td>8.6</td></tr></table>	geography	Exeter		measures	value	percent	Age			Total	130,709	100.0	Aged 4 years and under	5,884	4.5	Aged 5 to 9 years	6,201	4.7	Aged 10 to 15 years	7,293	5.6	Aged 16 to 19 years	10,591	8.1	Aged 20 to 24 years	16,349	12.5	Aged 25 to 34 years	17,990	13.8	Aged 35 to 49 years	23,168	17.7	Aged 50 to 64 years	21,507	16.5	Aged 65 to 74 years	11,178	8.6
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			Aged 75 to 84 years	7,329	5.6																
			Aged 85 years and over	3,219	2.5																
			Current iTrent data shows the number of staff in age categories:																		
			<table><tr><th>Age</th><th>Number of employees</th></tr><tr><td><21</td><td>168</td></tr><tr><td>21-30</td><td>207</td></tr><tr><td>31-40</td><td>166</td></tr><tr><td>41-50</td><td>274</td></tr><tr><td>51-60</td><td>284</td></tr><tr><td>>60</td><td>155</td></tr><tr><td></td><td></td></tr></table>	Age	Number of employees	<21	168	21-30	207	31-40	166	41-50	274	51-60	284	>60	155				
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Pregnancy and maternity including new and breast feeding mothers	Positive	High	The policy sets out the Council’s commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.																		
	Negative	Low	Anyone who is away from work for a long period may be unaware of the policy. Line Managers have the responsibility to ensure all returning employees from long term leave are properly informed about the council’s policy changes and updates upon their return to work. This is outlined in the Pregnancy and Maternity Leave Policy.																		
Marriage and civil partnership status	Positive	High	The policy sets out the Council’s commitment in promoting equality and tackling social exclusion as a service provider, community leader and employer.																		
Actions identified that will mitigate any negative impacts and/or promote inclusion																					

- Ensure the policy can be made available in additional languages and formats and that managers ensure anyone with additional language needs is made aware of the policy and the protections it affords.
- Review the implications of the revised Equality and Human Rights Commission Code of Practice for how trans people, as well as men and women, access the Council services and facilities.

Officer: Melinda Pogue-Jackson

Date: 17 February 2025

Updated 21 May 2025