

EXECUTIVE

Date: Tuesday 24 June 2014

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 Sarah Selway, Democratic Services Manager (Committees) on 01392 265275.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Edwards (Chair), Denham, Fullam, Hannaford, Leadbetter, Owen, Pearson and Sutton

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 sign the minutes of the meeting held on 18 March and 1 April 2014.

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of item 12 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 of Part I, Schedule 12A of the Act.

5 **Exeter City Council's Local Council Tax Support Scheme for 2015/16**

To consider the report of the Assistant Director Customer Access.

(Pages 5 - 24)

6 **Resourcing Enforcement Services**

To consider the report of the Assistant Director Public Realm.

(Pages 25 - 30)

Scrutiny Committee – Community considered the report at its meeting on 17 June 2014 and its comments will be reported.

7 **Environmental Health and Licensing Statutory Services Plan - 2015/16**

To consider the report of the Assistant Director Environment.

(Pages 31 - 116)

Scrutiny Committee – Community considered the report at its meeting on 17 June 2014 and its comments will be reported.

8 **Additional Licensing for certain types of Houses in Multiple Occupation (HMOs) throughout Exeter**

To consider the report of the Assistant Director Environment.

(Pages 117 - 120)

Scrutiny Committee – Community considered the report at its meeting on 17 June 2014 and its comments will be reported.

9 **Flooding in Topsham - Response and Recovery**

To consider the report of the Assistant Director Public Realm.

(Pages 121 - 124)

10 **SW Exeter Development Brief**

To consider the report of the Assistant Director City Development.

(Pages 125 - 170)

11 Appointment to Outside Bodies

To consider the report of the Corporate Manager Democratic and Civic Support.

(Pages
171 - 176)

Part II: Item suggested for discussion with the press and public excluded

No representations have been received in respect of the following items in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

12 Expenditure Property Acquisition

To consider the report of the Assistant Director Housing.

(Pages
177 - 184)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 15 July 2014** at 5.30 pm in the Civic Centre.

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

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

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REPORT TO EXECUTIVE**Date of Meeting: 24.06.2014****Report of: Assistant Director Customer Access****REPORT TO COUNCIL****29.07.2014****Title: Exeter City Council's Local Council Tax Support Scheme for 2015/16****Is this a Key Decision? Yes****Is this an Executive or Council Function? - Council****1. What is the report about?**

1.1 This report is presented to seek members' views on the local Council Tax Support (CTS) Scheme for working age residents for 2015/16. The local CTS scheme started in April 2013 and members are required to agree the Scheme rules annually.

1.2 Both the 2013/14 and 2014/15 local CTS working age Schemes agreed by members follow a CTS means-test calculation based on the pre April 2013 national Council Tax Benefit¹ regulations with the following components:

- Means test on 80% Council Tax liability
- Capital maximum of £6k
- Removal of Alternative Maximum Council Tax Support (known as second adult rebate)
- Provision of an Exceptional Hardship Fund

2. Recommendations:

2.1 That Executive recommends to Council the continuation of the current 2014/15 CTS scheme for working age customers for 2015/2016.

3. Reasons for the recommendation:

3.1 Early indications from the Devon Benefit Officer's Group (DBOG), that have been meeting since February 2012, to define and implement the localised CTS schemes across Devon, shows that virtually all Devon local authorities are not seeking to change their CTS schemes until 2016/17. The reluctance to change the 2015/16 CTS schemes across Devon seems to arise from a need to further analyse scheme impacts on current parameters and a disinclination for local authorities to change their Scheme in isolation. Devon County Council representatives attend the DBOG meetings and have indicated their agreement in principle to CTS schemes remaining unchanged. This constitutes consultation with the preceptors as key scheme discussions are reported and minuted at these meetings and also copied to both the Fire & Police authorities for comment. Any decisions made by individual authorities outside this agreement will require separate consultation.

3.2 Continuation of the current CTS scheme will allow for further analysis within the 'Help Me With my Financial/Housing Problem' System by developing tax payer profiling, payment propensity and the further development of pro-active collection initiatives within the 'One View of Debt' System.

¹ The Council Tax Benefit Regulations 2006 (S.I 2006/215)

3.4 The table below shows the 2014/15 business case agreed by the preceptors to fund proactive collection initiatives

Collection Fund 2014-15 Estimated Costs	Cases	Total Cost	Per Authority	Ratio	Cost	Gain
Initial Letter + Prepaid envelope 100% (CTR Estimated claims) @ £2 per case	5,145	£10,290	Devon County Council	75.20%	£25,587	£286,186
Reminder follow up + selected telephone contact 40% @ £3 per case	2,058	£6,174	Exeter City Council	8.75%	£2,976	£33,285
Final follow up + selected visits 10% @ £5 per case	515	£2,573	D & C Police	10.97%	£3,734	£41,764
Debt Management (1 staff 1/2 day 5 days per week) *		£15,000	D & S Fire	5.08%	£1,728	£19,327
Total		£34,025		100%	£34,025	£380,563

* Additional staff required for final follow up prior to obtaining summons

3.3 Further revision of the CTS Scheme, reducing or removing entitlement to CTS, may need to include transitional protection² for groups or individuals affected by the change and may have adverse equality impacts. Any transitional protection agreed will need to be calculated into the overall CTS expenditure.

3.4 If the CTS working age Scheme changes, ECC will need to consult on the proposed changes with the residents of Exeter, stakeholders and the major precepting authorities. Public consultation will need to take place for a period of up to 12 weeks³ at an estimated cost of £20,000 plus additional costs of communication both in the consultation period and for the final agreed Scheme.

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

4.1 The CTS administration and payments system will need to change alongside any changes to the CTS scheme. The system upgrade and costs will depend on the changes made to the calculation criteria within the CTS scheme, at present Academy supports the system for both Housing Benefit & Council Tax Support schemes nationally, this will directly influence the availability of unique scheme changes. Different CTS parameter changes may or may not be supported by the software provider, this fact will have a direct impact on the shape and cost of the scheme.

4.2 ECC's current CTS scheme follows roughly the same means-test principles that are applied to the calculation of Housing Benefit. As the CTS scheme criteria changes these two benefits may further separate in administration and calculation, requiring more time per case where the customer has a joint Housing Benefit and Council Tax Support claim. The assessor resource within the System has dropped by 5.7 FTE in the last 18 months; the added administrative resource implication of a CTS scheme change could have a direct impact on prompt assessment and payment performance for our customers and the forecast CTS budget if backlogs occur.

² Local Government Finance Act 1992 (as amended) Sch. 1A (5)

³ DCLG Localising Support for Council Tax Statement of Intent, May 2012 HM Government Consultation Principles: Guidance, November 2013

- 4.3 The CTS scheme is currently open-ended, this means that an increase in our CTS caseload for both working age or pension age claims will directly impact the cost of the scheme and could rise above the estimated annual budget. The reasons for an unexpected increase in our caseload could come from economic impact such as a large local employer closing down, other factors that cause an upturn in unemployment for Exeter residents or factors that could lead to an increase in migration of low income households into Exeter.
- 4.4 It is anticipated, but yet unconfirmed, that the Department for Communities and Local Government (DCLG) will impose some national criteria to all working age local CTS schemes surrounding treatment of income for households with children to further address child poverty issues. A review of local CTS schemes by the DCLG is likely to take place in 2015; it may be prudent to timetable any CTS scheme changes in line with this review if possible to ensure cohesion with national requirements.
- 4.5 Reducing the scheme spend will directly impact the working age caseload, this group will be required to pay more towards their Council Tax liability, this could have an adverse effect on Council Tax collection rates.

5. Section 151 Officer comments: -

- 5.1 The Council's Medium Term Financial Plan does not set out a requirement for the Council Tax Support Scheme to be amended in 2015/16. Therefore there is no pressing financial requirement to amend the scheme at the present time. Given that the Grant provided to the City Council now forms part of the Council's general grant settlement from Government, there may be a benefit to working with the other Devon authorities next year on an amended scheme for 2016/17.

6. What are the legal aspects?

As already identified in the body of this report, if members were minded to change the Scheme, we are required to consult the public on the proposed changes. The Council would also need to undertake any Equality Impact Assessment of any proposed changes to the Scheme following members' consideration.

7. Monitoring Officer's comments:

8. Report details:

- 8.1 The current 2013/14 CTS Scheme ran at a total cost of £6,693,973⁴. The current 2014/15 CTS Scheme total running cost is £6,668,779⁵. This includes CTS paid to both pension age and working age customers. The current caseload is subject to change and this makes actual budget forecasts difficult. The caseload since April 2013 has dropped as illustrated in the table below at paragraph 8.2. The forecast cost to ECC for the current scheme to be carried to 2015/16 is £6,842,725.

- 8.2 The table below shows the drop in the CTS caseload since August 2012:

	Total caseload	Working Age caseload	Pension Age caseload	CTS expenditure forecast
August 2012	9922	5709	4213	£7,067,596

⁴ Caseload figures at 01.04.2014

⁵ Caseload figures at 09.06.2014

(pre CTS modelling)				
April 2013	9520	-	-	£7,067,596
January 2014	9092	5130	3962	£6,685,888
April 2014	9063	5144	3919	£6,693,973

- 8.3 If the current caseload reduction continues CTS expenditure will fall, however outside influences (as discussed at paragraph 4.3 above) could influence ECC's CTS expenditure if more working age residents need help to meet their Council Tax liability & qualify for CTS under our current scheme criteria.
- 8.4 The table below shows an example of projected CTS expenditure for 2015/16 if the scheme remains unchanged. This projection is based on a 2% Council Tax increase with an inflation increase and uprating of applicable amounts and non-dependant deductions in the current scheme:

2015-16 Charge Estimate	ECC	DCC	Fire	Police	Total
2014-15 Band D	£132.42	£1,138.59	£76.89	£166.16	£1,514.06
2015-16 Increase	2.00%	2.00%	2.00%	2.00%	2.00%
2015-16 Band D Charge	£135.0684	£1,161.3618	£78.4278	£169.4832	£1,544.34
2015-16 Ratio	8.75%	75.20%	5.08%	10.97%	100%
2015-16 CTS	£598,466	£5,145,805	£347,501	£750,952	£6,842,725

- 8.5 Analysis of the Council Tax collection rate for 2013/14 shows that the introduction of the CTS scheme has not affected collection rates as first estimated. The estimated loss on collection before April 2013 was 1.02% (£578,836). The final additional loss on collection was 0.82% (£466,970). In addition to the introduction of the CTS scheme, the loss on collection could also be attributed to other external factors such as the technical Council Tax changes from April 2013 to empty/unoccupied/unfurnished category properties, empty/uninhabitable/major works category properties and collection activity.
- 8.6 The table below illustrates the current expenditure of the CTS scheme in context against all Council Tax discounts and exemptions for the 2013/14 year:

Council Tax Net Collectable Debit For 2013/14		£51,244,733	
Discount/Exemption type	2013/14 Cost	Effect on individual liability	ECC discretion to change
Single Occupier Discount	£5,947,587.66	25% discount	No discretion to change
Former Exemption A Uninhabitable/major repair	£55,890.67	50% charge for up to 12 months from 01.04.2013	Discretion to alter % charge over the 12 month period up to a maximum of 100%
Former Exemption C Empty & unfurnished	£240,595.95	100% discount applied for 2 months from 01.04.2013	Discretion to alter the period of reduction to nil
Second Homes	£70,892.51 (additional revenue raised £6,203.09 to ECC (8.75%))	100% charge from 01.04.2013	Discretion to increase to a maximum 100%

4

			charge
Empty Homes Premium	£36,845.80 (additional revenue raised) £3,224.00 to ECC (8.75%)	150% premium charge over 2 years empty from 01.04.2013	Discretion to increase to a maximum 150% charge
Council Tax Support – Working age	£3,393,175	Variable CTS award based on means test	Discretion to alter scheme for full year period – full consultation needed with precepting authorities and the public
Council Tax Support - Pension age	£3,300,798	Variable CTS award based on means test	No discretion to change – prescribed national regulations
All other Council Tax discounts and exemptions	£6,506,080.05	Various % discount or full exemption	No discretion to change

- 8.7 Further options for the 2015/16 CTS scheme that Members may wish to consider are:
- i) The introduction of a minimum income floor for working age self employed CTS claims after an initial 12 months trading. This follows the Universal Credit regulation⁶ intention. Our local scheme intention would be to introduce a minimum number of hours multiplied by the national minimum wage with robust criteria and protections for the vulnerable. This will affect most current self employed claims including single, couples, lone parents and households with disability and/or caring responsibilities. The projected savings to the CTS scheme budget with this change could be between c.£180,000 to c.£200,000. The total saving to ECC could be between c.£15,750 to c.£17,492 when our 8.75% share of Council Tax collection is taken. A full equality impact assessment can be completed for members if they wish to pursue this option.
- 8.8 ii) Changes to the working age CTS scheme by way of adapting the current means test to simplify both the child personal allowance, disability premiums and to modify the excess income taper for earned and non-earned incomes. Reducing the applicable amount will generally reduce the eligibility to CTS and modification of the current excess income taper can give a more generous CTS entitlement to customers with earned income. This change will affect all current working age CTS claims including single, couples, lone parents and households with disability and/or caring responsibilities, this includes current 'passported' claims. There is a potential for wide ranging CTS budget savings depending on the reduction figure needed set against the multipliers used. A budget reduction figure will be preferable to focus the modelling options and a full equality impact assessment can be completed if members wish to pursue this option.
- 8.9 Other CTS budget reduction options that could be explored are:
Introduce a Council Tax band restriction. This will yield limited budget savings estimated between c.£5,000 to c.£164,000 (ECCs share being between c.£437 to c.£14,350).
- 8.10 Reduce the current working age capital limit below £6k. This will produce limited CTS budget reduction within the current caseload.

⁶ S.I. 2013/376

- 8.11 Lower the current 80% liability restriction on working age CTS eligibility. This change could give CTS budget savings of between £77,000 and £194,000. ECC's share would be £6,740 to £16,975, depending on the further percentage reduction agreed by members.
- 8.12 The introduction of residency criteria as implemented in other local authorities (Tendering, Basildon & Sandwell). This local working age scheme criteria is currently subject to challenge by judicial review⁷ under the Local Government Finance Act 1992 and anti-discrimination laws.

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

- 9.1 'Help me back to financial independence'- Point 133 'Improve the way we deal with visitors to our Customer Service Centre who have financial and housing problems so they receive timely and cost effective advice'. Recommendation to keep CTS scheme the same to support Exeter working age residents to manage finances without additional financial burdens for 2015/16 and taking pro-active steps to help customers manage payments to ECC & reduce their debts to encourage financial independence.
- 9.2 Any working age CTS scheme changes would be fully equality impact evaluated under the corporate vision above to inform members' decisions.

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

- 10.1 Legal challenge to the CTS scheme. The current 2014/15 CTS scheme carries a full equality impact assessment completed in October 2012 following the public consultation. The risk of legal challenge to the 2015/16 CTS scheme can be reduced by keeping the current CTS scheme rules.
- 10.2 Working age/child poverty issues. There could be potential financial impact on the working age residents of Exeter if the CTS scheme is changed to make further savings. Some working age residents are also subject to other financial welfare reforms introduced in April 2013. Further financial impact on working age Exeter residents may have an adverse impact on Council Tax collection rates. The risk of further financial impact to the working age residents of Exeter can be reduced by keeping the current CTS scheme rules
- 10.3 Changes to the CTS scheme for 2015/16 will need full public consultation, this will need to take place no later than 1 August 2014 to allow sufficient time for the consultation to run for a period of up to 12 weeks, results to be collated & reported to members for approval at an estimated cost of c.£20K. Consultation may yield strong public opinion that the scheme should not place any further financial burden on working age taxpayers; consultation costs may be lost against a scheme that stays the same. The risk of wasted consultation costs can be reduced by keeping the current CTS scheme rules
- 10.4 Further revision of the CTS scheme that reduces or removes entitlement to CTS may need to include transitional protection for some working age residents who are subject to financial impact. Any transitional protection will need to be agreed by members and calculated in the overall CTS budget. The risk of providing transitional protection and

⁷ (R(AA and others) v Sandwell Metropolitan Borough Council CO/633/2014)

increasing the 2015/16 CTS scheme costs can be reduced by keeping the current CTS scheme rules

10.5 Exeter City Council may be the only local authority in Devon to propose a change to the CTS scheme for 2015/16, this may have an adverse impact on reputation and publicity. Keeping the CTS scheme the same for 2015/16 will match the proposed actions of most other authorities in Devon known at present via DBOG. The risk of Exeter being the only local authority in Devon to change its scheme and potentially attracting adverse publicity can be reduced by keeping the current CTS scheme rules

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 2014/15 Vulnerability Statement attached at appendix 1

12. Are there any other options?

12.1 The option exists for members to change the current CTS scheme to make savings on the forecast 2015/16 CTS expenditure as suggested at section 8 above. Any change will require full financial modelling against agreed budget savings required and full equality impact assessment to take place by the end of July 2014. Consultation of Exeter residents, stakeholders and our major precepting authorities will need to take place during August & September 2014 to allow collation of consultation feedback & a report to members by November for full council to ratify the 2015/16 scheme by December 2014.

Assistant Director

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

Background papers used in compiling this report:-

Local Government Finance Act 1992 (as amended)

HM Government, Consultation Principles: Guidance, November 2013

Department for Communities and Local Government, Localising Support for Council Tax, Vulnerable people – key local authority duties, February 2014

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Council Tax Support Scheme

Vulnerability Statement

May 2014

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6. Equality Act 2010 (Protected characteristics including applicants defined as Chronically Sick and Disabled)
7. Child Poverty Act 2010 (Households with children)
8. Housing Act 1996 (Prevention of Homelessness)
9. Armed Forces Covenant
10. Work incentive
11. Council Tax Support Exceptional Hardship Fund

1. Introduction

With effect from 1 April 2013 Exeter City Council established a local Council Tax Support scheme replacing the national Council Tax Benefit statutory scheme for working age people (S.I 2006/215). The new scheme has adopted the core elements of the previous Council Tax Benefit statutory scheme, which was a proven and robust system of support that gave financial support to the most vulnerable.

The Government has been clear that in developing a local Council Tax Support scheme, vulnerable groups should be protected. Other than statutory protection for low income pensioners the Government has not prescribed other groups that local councils should support. Exeter City Council has tailored the scheme to take account of the legislation that protects vulnerable people.

2. Purpose of the vulnerability statement

This statement sets out Exeter City Council's approach to defining and assisting those deemed as vulnerable. In doing so it seeks to:

- Protect those who are state pension credit age
- Help those who are trying to help themselves
- Encourage and support people both into employment and those already in employment

3. Accessibility of the Council Tax Support Scheme

In order to ensure that all customers have equal access to Council Tax Support, Exeter City Council is committed to ensuring that information is available through different communication channels and in a range of formats designed to engage all vulnerable and hard to reach customers within our community.

In doing this, we will ensure that:

- We aim to make all information about our Council Tax Support scheme available in alternative formats and languages.
- Claim forms for Council Tax Support will be available on line or by visiting our offices.
- Customers can contact us by telephone or email, or have face-to-face contact at our offices or by requesting a visit to their home.

- Additional information about our Council Tax Support scheme will be available on our website and will be publicised in additional media.
- We will work closely with community and voluntary groups and other agencies who support our customers to ensure they can access the Council Tax Support they are entitled to.

4. Statutory framework and other considerations

In developing this policy Exeter City Council has taken account of the following legislation:

- Local Government Finance Act 1992 (as amended) (protection for low income pensioners)
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended) (protection for low income pensioners)
- Equality Act 2010 (public sector equality duty)
- Child Poverty Act 2010 (duty to mitigate the effects of child poverty)
- Housing Act 1996 (duty to prevent homelessness)

It also takes account of:

- Work incentive principles set out in the Welfare Reform Act 2012
- Armed Forces Covenant 2011
- Department for Communities and Local Government (DCLG), Localising Support for Council Tax, Vulnerable people – key local authority duties. February 2014

5. Local Government Finance Act 1992 & The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 – State Pension Credit Age Applicants

5.1 Definition

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 prescribes the classes of pensioners entitled to a reduction under the statutory scheme.

5.2 Eligibility under The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- Applicants in receipt of guaranteed pension credit or who have income below their applicable amount will receive full council tax support subject to relevant non-dependent deductions (Class A)
- Those applicants who have income in excess of their applicable amount will have 20% of the excess income deducted from their

maximum support and will also be subject to relevant non-dependent deductions (Class B).

- Someone who has attained the qualifying age for state pension credit and has at least one second adult living with them will qualify for Alternative Maximum Council Tax Reduction (Second Adult Rebate). A second adult is someone who is not the applicant's partner and not someone who pays rent on a commercial basis. Typically a second adult is an adult friend or relative who is on a low wage and/or other welfare benefits (Class C).
- Council Tax Support for state pension credit age applicants and Second Adult Rebate cannot be paid together; it will be the highest entitlement that will determine which support is paid.

6. Equality Act 2010 (Protected characteristics including applicants defined as Chronically Sick and Disabled)

6.1 Definition

As part of the Equality Act 2010 (section 149) the Council has paid due regard to the following in designing its Council Tax Support scheme:

- Eliminate unlawful discrimination (harassment, victimisation and any other prohibited conduct)
- Advance equality of opportunity between those people who share a relevant protected characteristic and people who do not share it
- Foster good relations between those who share a relevant protected characteristic and people who do not share it

The relevant protected characteristics, as defined by the equality duty, are:

- Age (including children and young people);
- Disability;
- Gender reassignment;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex;
- Sexual orientation.

Marriage or civil partnership status (in respect of the requirement to have due regard to eliminate discrimination)

In developing the Council Tax Support scheme and this statement, Exeter City Council has undertaken an Equality Impact Assessment (EIA) and given due regard to its findings to ensure it does not lead to unlawful discrimination.

The following pieces of legislation set out the council position and responsibility for those who are disabled:

- Chronically Sick and Disabled Persons Act 1970
- Disabled Persons (Services, Consultation and Representation) Act 1986
- Disability Discrimination Act 1995
- Equality Act 2010

6.2 How this statement addresses the issues of disability

Exeter City Council's Council Tax Support Scheme maintains the key elements of the previous Council Tax Benefit statutory scheme, and as such provides protection in the overall calculation of support for disabled customers and family members.

Our Council Tax Support Scheme continues to disregard income received specifically relating to disability in the financial assessment as defined in the previous Council Tax Benefit statutory scheme. This means that all income received from defined disability income will not be included. The affect of this is that these customers retain more of their income before their Council Tax Support is reduced.

In addition to this, the calculation of support also includes all of the premiums which existed under the previous Council Tax Benefit statutory scheme:

- Disability Premium – awarded when a customer or their partner (if any) is disabled and receive either a qualifying disability benefit or meet defined disability criteria
- Enhanced Disability Premium – awarded where either the customer or their partner or a dependent child is in receipt of a qualifying disability benefit or component.
- Severe Disability Premium – awarded when both customer or their partner (if any) are both severely disabled and receive either a qualifying disability benefit or meet defined disability criteria
- Work related activity component – where this component is awarded to a customer or their partner's Employment and Support Allowance
- Support component – where this component is awarded to the customer or their partner's Employment and Support Allowance
- Disabled Child Premium – awarded for all children in the household who receive a qualifying disability benefit.

In all situations where a customer or their partner (if any) is classed as disabled under the scheme, then no non-dependant deductions are made where the customer or their partner is registered blind or where they are in receipt of the Care Component of Disability Living Allowance or the Daily Living Component of Personal Independence Payments.

7. Child Poverty Act 2010

7.1 Definition

The Child Poverty Act 2010 places the following duties on local authorities and their partners to:

- Co-operate to tackle child poverty in their area
- Prepare and publish a local child poverty needs assessment
- Prepare a joint local child poverty strategy
- Take child poverty into account when preparing or revising their Sustainable Communities Strategy

In partnership, Devon County Council and all the district councils, including Exeter City Council, have signed up to the Devon Strategic Partnership's Child Poverty Strategy. In developing the Council Tax Support scheme and this statement Exeter City Council has taken into account the Local Child Poverty Needs Assessment and the Child Poverty Strategy.

Furthermore, Exeter City Council has taken account of the Government's National Strategy for tackling child poverty: *Tackling the causes of disadvantage and transforming families' lives published in April 2011.* (<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208061>). The Council Tax Support scheme therefore supports the key measures within this strategy to strengthen families, encourage responsibility, promote work and guarantee fairness and provide support to the most vulnerable.

7.2 How this statement addresses the issue of child poverty

Exeter City Council's Council Tax Support Scheme maintains the key elements of the previous Council Tax Benefit statutory scheme, and as such provides protection in the overall calculation of support for families.

These allow for the following incomes to be disregarded in the financial assessment of Council Tax Support:

- All Child Benefit
- All Child Maintenance
- All other income payable to children
- Up to £175.00 per week for one child and £300.00 per week for two or more children towards childcare payments, for working families under defined criteria.

When assessing a claim for Council Tax Support a family's income will be compared to their applicable amount (living allowances). The applicable amount contains the following elements:

- Child personal allowance – an allowance for each dependant child in the applicant's household

- Family Premium – where there is at least one child in the household
- Disabled Child Premium – where a child is in receipt of any component of Disability Living Allowance or Personal Independence Payments or is registered blind or is treated as blind.
- Enhanced Disability Premium – where a child is in receipt of the highest rate of the care component of Disability Living Allowance or the Enhanced Daily Living Component of Personal Independence Payments.

Child care disregards

To support families who are working and those going into work, allowances are made from earnings in respect of eligible childcare costs when defined criteria (below) are met and the childcare is provided by a registered childcare provider or after school club.

A weekly childcare disregard is applied under the following criteria:

Where a customer is a lone parent and works 16 or more hours each week

Where a couple both work 16 hours or more each week

Where one partner works 16 or more hours each week and the other partner is incapacitated, a hospital in-patient or is in prison.

8. Housing Act 1996 & Homelessness Act 2002

8.1 Definition

Under the Housing Act 1996 Exeter City Council has a duty to help homeless people defined as priority need and to prevent homelessness within vulnerable groups. Where people apply to Exeter City Council for assistance we will give careful consideration to the circumstances that have led to homelessness and make our decisions on accommodation provision accordingly. Under the Homelessness Act 2002 Exeter City Council has a duty to prevent homelessness and provide a homelessness advice service, further information on this can be found in Exeter's Homelessness Strategy 2008 & Homelessness Strategy Action Plan Update 2011 at <http://www.exeter.gov.uk/index.aspx?articleid=10040&detailid=3641>

8.2 How this statement addresses the issues within the Housing & Homelessness Acts

- Exeter City Council will ensure that any applicant who is supported under our Homelessness Strategy will also be supported to apply for Council Tax Support once they have secured accommodation
- Exeter City Council will ensure that any applicant at risk of homelessness will be assisted to apply for Council Tax Support where an appropriate liability to pay Council Tax exists. Measures will also be taken to ensure that the correct Council Tax Support has been awarded to minimise any Council Tax arrears that could contribute to financial vulnerability and homelessness.

9. Armed Forces Covenant 2011

9.1 Definition

In 2011 the Government launched the tri-service armed services covenant.

A Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement, at local level, the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces.

The aims of the Armed Forces Community Covenant is designed to:

- encourage local communities to support the Armed Forces community in their areas
- nurture public understanding and awareness amongst the public of issues affecting the Armed Forces community
- recognise and remember the sacrifices faced by the Armed Forces community
- encourage activities which help to integrate the Armed Forces community into local life
- to encourage the Armed Forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement

Exeter City Council has signed up to the Armed Forces Covenant and has considered this obligation within the Council Tax Support scheme.

9.2 How this statement meets the Armed Forces Covenant

- Exeter City Council will continue to disregard War Disablement Pension and War Widows Pension payments from the calculation of Council Tax Support under the provision of s.139 of the Social Security Administration Act 1992 as applied locally under the previous Council Tax Benefit statutory scheme.
- A higher earnings disregard (£20.00 per week) for an applicant or their partner who is an Armed Forces reservist

10. Work incentive

10.1 Definition

As part of the Council Tax Support scheme Exeter City Council supports incentives for applicants to return to work and gives support to those already working to increase the hours they work, wherever possible.

The Council Tax Support scheme reflects the following principles:

- People should get more overall income in work than out of work.

- People should get more overall income from working more and earning more.
- People should be confident that support will be provided whether they are in or out of work that it will be timely and correct and that claiming will not be a complicated and frustrating experience.

10.2 How this statement provides work incentives

Exeter City Council supports applicants back into work & to reach financial independence. The Council Tax Support scheme achieves this by supporting both customers in receipt of benefits or on a low income.

Support is reduced based upon a 20% withdrawal rate. This means that where a customer's income exceeds their applicable amount a deduction of 20p for every £1 will be made from Council Tax Support.

- When calculating weekly earned income a net figure is used, this is gross earnings less all Income Tax, National Insurance contributions (not voluntary contributions) and half of any pension contribution. In addition one of the following disregards is applied:
 - £5.00 of weekly earnings for single customers
 - £10.00 of weekly earnings for couples
 - £20.00 of weekly earnings for people who are disabled or long term sick, carers or part-time fire fighters, auxiliary coast guards, part-time life boat workers and members of the Territorial Army and other reserve forces
 - £25.00 of weekly earnings for lone parents
- Where the applicant or their partner is able to undertake work on or above a defined number of hours then an additional earnings disregard is applied;
- A childcare costs disregard of up to £175.00 for one child or up to £300.00 for two or more children is given where the applicant or their partner is working and meet specified criteria, please see childcare disregards above at 7.2.
- An additional four week extended payment of support is awarded when the customer moves into work and meets specified conditions. The extended payment gives support at the pre work entitlement to allow for the additional costs incurred when starting work.

11 Council Tax Support Exceptional Hardship Fund

Exeter City Council recognises that there may be exceptional circumstances where customers are unable to meet the shortfall between their Council Tax liability and the Council Tax Support they receive.

Exeter City Council's Exceptional Hardship Fund Policy ensures that those who are most vulnerable and in greatest financial hardship can access additional financial assistance from the Exceptional Hardship Fund.

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REPORT TO EXETER CITY COUNCIL SCRUTINY COMMUNITY COMMITTEE AND EXECUTIVE

Date of Meetings: 17th and 24th JUNE 2014

Report of: ASSISTANT DIRECTOR PUBLIC REALM

Title: RESOURCING ENFORCEMENT SERVICES

Is this a Key Decision?

No

One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Executive

1 What is the report about?

- 1.1 To obtain Member approval to create an Enforcement Team for off street parking, illegal encampments, litter and dogs from existing staff resources.

2 Recommendations:

- 2.1 That an Enforcement Team of 5 FTEs is created from the current four Community Patrollers and the Environmental Enforcement resource to focus on statutory and business critical enforcement work.

3 Reasons for the recommendation:

- 3.1 To enable a cohesive approach to enforcement issues in order to help maintain the public realm environment and protect important revenue streams.

4 What are the resource implications including non financial resources.

- 4.1 There are no additional resourcing implications above a modest sum to provide enhanced training in conflict management for the team (£950) and a provision for personal protection equipment (£500)

5 Section 151 Officer comments:

No comment.

6 What are the legal aspects?

- 6.1 The Council has a statutory responsibility to collect stray dogs.

7 Monitoring Officer's comments:

8 Report details:

- 8.1 Recent budget savings have resulted in a reduction of enforcement capabilities for environmental issues from 12 to 7 full time equivalents (FTE).
- 8.2 The tables below summarise this reduction.

2012/13	Service Cost £	Staff	Main Duties
Community Patrol	288,490	7 FTE	Out of hours response, late night noise nuisance, abandoned vehicles, playground equipment checks
Environmental Enforcement	197,807	5 FTE	Litter enforcement, dog fouling, dogs off leads, pest control, trade refuse, commercial premises

2013/14	Service Cost £	Staff	Main Duties
Community Patrol	195,380*	4 FTE	Out of hours response, abandoned vehicles, playground equipment checks, dog fouling, dogs off leads
Environmental Enforcement (Street Scene)	27,519	1 FTE	Litter enforcement, dog fouling, dogs off leads,
Environmental Health and Waste Enforcement	102,038**	2 FTE	Pest control, trade refuse, commercial premises

Figures include *£17K and **£47K redundancy payments.

- 8.3 In addition, from April 2014, delivery of on-street Civil Parking Enforcement across the city transferred back to Devon County Council, after six years of delivery under an agency agreement by the City Council
- 8.4 This agreement provided for the on-street enforcement team to also cover the City Council's off street car parks and as a result the City Council was able to reduce the number of front-line parking staff during this period from 15 to 9. Over the years, more of the Devon County Council enforcement resource was directed to on-street enforcement but sufficient off-street enforcement presence remained to maintain the levels of off-street parking tariff compliance.
- 8.5 The table below shows the staff establishment and net income details.

Year	ECC Funded FTEs	DCC Funded FTEs	ECC Off Street PCNs	ECC Off Street PCN Income £	ECC Car Park Income £	DCC On Street PCN Income £
2013/14	9	15	1,840	47,777	5,621,113	761,130
2012/13	10	15	2,375	57,539	5,697,721	527,783
2011/12	12	15	3,145	65,868	4,976,584	489,823
2010/11	12	15	2,790	54,957	4,755,260	465,411
2009/10	15	15	2,884	62,571	4,772,299	541,043
2008/09	15	15	2,040	48,944	4,721,230	404,931

- 8.6 All nine City Council staff are required to maintain the three Pay on Foot car parks at Guildhall, Mary Arches Street and John Lewis. Although there is no requirement for enforcement at these sites because customers cannot leave without paying, Pay on Foot demands an extremely high level of staffing to maintain the equipment and troubleshooting customer problems for sixteen hours each day, seven days a week.
- 8.7 With the transfer of the on-street enforcement team back to Devon County Council in April 2014, we need to resource off-street pay & display car park compliance to deter non-payers and protect the 2014/15 budgeted parking fee income of £5,670,000 as a matter of urgency. Enforcement is a visual deterrent and a lack of active enforcement is likely to lead to an increase in those risking parking without paying. An additional £60,000 is expected to be raised from Penalty Charge Notices.
- 8.8 Arrangements have already been put in place for the existing Community Patrollers to undertake car park enforcement patrols on a targeted basis throughout the charging period of 08:00 to 18:00 hrs in addition to their other duties in order to protect parking income but a sharp reduction in the number of penalty charge notices issued in April 2014 demonstrates that they are struggling to absorb this in addition to their existing duties.
- 8.9 During 2013/14, the Council spent £78,000 against a budget of £3000 on specialist contractors to facilitate the removal of an unprecedented number of small illegal encampments from Council land. The need to remove these encampments is not predicted to change in the foreseeable future but the Council cannot afford to resource it in this way again.
- 8.10 A contract was negotiated with Exeter University during 2013/14 whereby ECC provide dog/litter enforcement patrols on campus for four hours per week in return for a payment of £8,500 per annum.
- 8.11 In addition the team have already undertaken frequent public reassurance and deterrence patrols in and around Belmont Park following two high profile dog attack incidents over the past year.

It is proposed to create a single team of 5 FTE, comprising the existing Community Patrollers and the Environmental Enforcement (Street Scene) post to undertake the

following statutory and business critical enforcement work:

Task	2014/15 Outcome Aim
Off Street Parking Enforcement	To protect parking income stream of £5,670,000
Removal of Small Encampments	Prevent the need to overspend by up to £70,000
Litter Enforcement Patrols	To help prevent environmental degradation
Dog Enforcement Patrols	To help prevent environmental degradation and enhance public safety
Collection of Stray Dogs	Comply with statutory responsibility
Dog/Litter Patrols (University)	Maintain contract income of £8,500 per annum
Out of Hours Response	To provide cover between 08:00 and 21:00 hrs daily

As well as the above core tasks the team would continue to carry out existing ad-hoc duties such as investigating abandoned vehicles and fly-tipping, locking/unlocking council premises and deterring anti-social behaviour where appropriate.

The team would not have capacity to deal with late night noise nuisance as their core tasks would now fall within the 08:00 to 21:00 period. It is considered more desirable for the staff to be fully employed during these hours rather than waiting for complaints to respond to late at night.

Late night noise issues can still be reported to the City Council via the 24 hour Control Room. In the event of the noise coming from a student premises then the University Estates Patrol can be contacted to respond. In other circumstances details will be passed to the Council's Environmental Health Officers who can carry out targeted monitoring of a property if the noise nuisance is a regular occurrence rather than a one-off instance. These officers are already now covering weekend nights.

The requirement to make these changes is immediate to enable the 2014/15 Outcome Aims in the above table to be achieved. It is unfortunate that the critical business drivers have overtaken the proposed Community Scrutiny Community Patrol Task and Finish Group but they are necessary immediately to protect the council's financial position following the transfer of on-street parking enforcement to the County Council.

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

- Improve the environment and my neighbourhood – by enforcing against those responsible for littering and dog fouling
- Keep my city safe and looking good – by removing illegal encampments and enforcing against those who fail to keep their dogs on leads/under control
- Help me run a successful business in Exeter – by ensuring appropriate turnover of parking bays through sensible and sensitive parking enforcement patrols

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

- 10.1 Personal risk to staff to be mitigated by appropriate training, comprehensive risk assessments and adequate personal protection equipment.

11 What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 A dedicated and focused Enforcement team will contribute towards maintaining the standard of community safety and environment. Particularly in the areas of dog and litter enforcement as well as the removal of small encampments from Council land, which are often associated with anti-social behaviour and drug taking

12 Are there any other options?

Assistant Director

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

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275

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REPORT TO SCRUTINY COMMITTEE COMMUNITY AND EXECUTIVE

Date of Meeting: Scrutiny 17 June 2014 Executive 24 June 2014

Report of: Environmental Health and Licensing Manager

Title: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Executive Function

1. What is the report about?

To seek approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2014/15. The Statutory Service Plan sets out the Council's regulatory function in respect of food safety, health and safety, licensing, Environmental Permitting and other statutory functions over the forthcoming year. A draft copy of this is available in the Members' Room, on the Council's website or available on request.

2. Recommendations:

- 1) That Scrutiny Committee - Community supports the Statutory Service Plan 2014/15
- 2) That Executive approves:
 - a) the Statutory Service Plan 2014/15; and
 - b) the Assistant Director Environment being authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

3. Reasons for the recommendation:

- 3.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service.
- 3.2 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken (eg retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.
- 3.3 The Statutory Service Plan incorporates:
 - the service aims and objectives;

- information about all enforcement and related services provided by the Council's Environmental Health and Licensing Service
- the Intervention Plan for 2014/15 detailing the actions and improvements for the service in an effective, risk based, proportionate & consistent way over the forthcoming year; and
- the financial arrangement for providing the service.

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

The Intervention Programme will be carried out within the existing resource allocation as detailed in both the Statutory Service Plan and Revenues and Estimates for 2014/15.

There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.

5. Section 151 Officer comments:

5.1 There are no financial implications contained within this report.

6. What are the legal aspects?

6.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service. In the current Framework Agreement and Code of Practice, the Food Standards Agency indicates that full compliance with all inspection frequencies will be expected

6.2 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken (eg retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.

6.3 The licensing team play an important role in maintaining the city's economic vibrancy by ensuring that licensable activities are effectively regulated, and where non compliance is found effective action is taken. Licensing functions are self funding and following the implementation of the EU Services Directive and subsequent court cases, licence fees must reflect the cost of the service and cannot be used to fund other areas of the council's activities. Therefore any reduction in overheads to this function means that we are legally obliged to implement a reduction in the licence fees set.

7. Monitoring Officer's comments:

No comments to raise.

8. Report details

Key Achievements in 2013/14:

8.1 Programmed Interventions

The service inspected 566 food businesses of a targeted 576 food businesses, and used self-inspection questionnaires (SIQ's) as an alternative regulation strategy for low risk businesses and to ensure resources are directed towards high-risk activities. SIQ's are a cost-effective means of maintaining contact with this group as well as providing the business with a useful means of keeping up to date with changes in law and other related issues affecting their business.

8.2 Service Requests

Environmental Health and Licensing is responsible for investigating complaints relating to food safety, health and safety regulation, infectious disease control, air quality, environmental permitting, contaminated land, statutory nuisance and also for providing health promotion and training activities for businesses.

A review into the way that the service handles nuisance complaints is currently being undertaken and should be completed by the end of 2014.

8.3 Sampling

The authority participates in national and local food-sampling initiatives to monitor the quality of food on sale in the City which is classified as satisfactory, unsatisfactory or unacceptable. Additional samples are taken in response to food complaints and where it is alleged a premises or foodstuff is implicated in a food poisoning incident.

The service continues to use our ATP meter which is a simple, rapid method for monitoring cleanliness, hygiene and risk. Local experience in Exeter has demonstrated that businesses find the use of the ATP meter beneficial because it has brought poor hygiene and cleaning practices to the attention of Food Business Operators, head chefs and staff that the effort they put into cleaning is not wasted.

8.4 Control and Investigation of Outbreaks and Food Related Infectious Diseases

The service is responsible for the investigation of outbreaks and food related infectious diseases in the city. Although the service has investigated a large number of cases, there have been no direct links to food businesses within the city.

8.5 Education and Awareness

A key component of the Government's drive on better regulation is assisting business compliance through education and awareness. The service runs a number of accredited training courses as well as informal workshops to allow business to access the information that they need to operate safely without being an expensive

burden to the business. In addition the service looks to innovative ways of engaging with business to bring about compliance such as through an annual curry chef competition, advice visits accompanied by translators and a joined up approach to health and safety, occupational health and public health with businesses throughout the city.

8.6 Better Regulation

Regulatory Services have been the subject of considerable review in recent years. The conclusions of influential reports are now being interpreted and applied to regulatory services by their respective governing bodies overseen by the Better Regulation Delivery Office (BRDO).

The Statutory Service Plan embraces the principles of better regulation and will continue to safeguard the health of the local population and contribute to the economic vitality of Exeter by targeting resources effectively and innovatively to assist food businesses in compliance.

The service is actively embracing the government's primary authority programme. We currently have one established partnership with a regional butchers chain and we are finalise two further partnerships with a national hotel chain and regional childcare provider.

8.7 Proposed key activities for 2014/15

In addition to the traditional intervention methods the following key activities will shape the food service for the forthcoming year:

- Draft and consult on a revision of the Statement of Licensing Policy for the Licensing Act 2003
- Review how the service deals with new food businesses to gain compliance with food hygiene law at the first inspection
- Launch a Best Bar None Scheme for licensed premises to improve the evening and night time economy
- Conduct a review of the way the service deals with nuisance and anti-social behaviour issues
- To complete the Low Emissions Strategy
- Devise a multi agency strategy for dealing with issues such as ticket touts, ambush marketing, illegal street trading and illegal advertisement to be implemented for the Rugby World Cup 2015.
- Actively seek new Primary Authority Partnerships across the range of legislative areas within Environmental Health and Licensing.
- programmed inspections or interventions of 550 food premises based upon risk;
- targeting non-compliant business with effective use of appropriate enforcement tools;
- continue to promote, enhance and drive improvement through the National Food Hygiene Rating System, in particular through the promotion of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events;
- collaborating with forums/focus groups to target specific businesses to enable an exchange of information and gain an understanding of the obstacles some businesses face in complying with regulation;

- using innovative approaches beyond traditional education and awareness methods to engage with businesses that are new and non compliant.; and
- continue promoting the use of the Safer Workplace Better Business pack that has been designed by officers across Devon to make health and safety less of a burden in small and medium businesses.

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

The Environmental Health and Licensing Service Plan will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

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

The Service Plan specifies targets and priorities to manage risk and establishes staffing levels to achieve the necessary outcomes. The main risk of not achieving the areas outlined in the service plan will be that of public safety, which could lead to serious injury, ill health or death.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

The report has no impact on equality and diversity, young people and vulnerable adults. The report does impact positively on health and wellbeing, community safety and the environment.

12. Are there any other options?

The service plan must be reviewed on an annual basis as there is a legal duty for the food safety and health and safety elements to be reviewed annually.

Assistant Director Environment

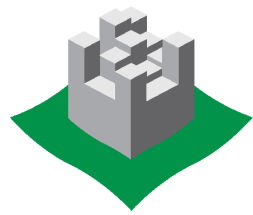
Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
 Democratic Services (Committees)
 Room 2.3
 01392 265275

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Exeter
City Council

Environmental Health and Licensing Statutory Service Plan 2014 – 2015

Robert Norley
Assistant Director - Environment

Drawn up in accordance with the: -

- Food Standards Agency Framework Agreement
- Health and Safety Executive Section 18 Standard
- Enforcement Concordat

Issued by: Simon Lane, Environmental Health and Licensing Manager

Issue date: April 2014

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SECTION 1 - INTRODUCTION

1.1 Introduction

- 1.1.1 This document is Exeter City Council's Environmental Health and Licensing Service Plan for 2014/15. It forms the basis of the business regulation enforcement functions for the authority and ensures that national food safety, health and safety, environmental protection and licensing priorities are addressed along with locally identified needs. It demonstrates our commitment to improving public safety, health and environment outcomes, sets out our priorities and planned interventions for the current year and targets them to maximise their impact.
- 1.1.2 The Council has a duty to act as an enforcing authority in premises for which it is responsible – this is predominantly in the service sector. The plan outlines how the Environmental Health and Licensing will undertake that function.
- 1.1.3 It has been produced to ensure that local businesses, employers and employees, members of the public, council officers and Members understand the approach to regulatory enforcement adopted by the Council. The service plan will help to ensure that the actions of the Council are fair, consistent, open and effective.
- 1.1.4 The Council recognises the important role it plays promoting and securing the safety of those who live, work and visit the City. The key aim of this plan is to demonstrate how the Council will fulfil its statutory obligations in accordance with national guidance set out by the respective regulatory agencies. It includes:
- the Council's aim and objectives;
 - information about the enforcement services provided by the Council;
 - details of the Council's performance management systems;
 - information on the performance of Environmental Health and Licensing.

1.2 Access to the Service

- 1.2.1 Environmental Health and Licensing is based in the Civic Centre, Paris Street. Service users may contact officers on site or by leaving a message in the following ways:
- in person at the Customer Service Centre in Paris Street.
 - by telephone, 01392 265193 between 8.30am and 5.00pm Monday to Friday;
 - whilst there is no formal out of hours service, staff can be contacted in the event of an emergency through the Council's Control Room on 01392 265193 by means of a telephone service;
 - by email: environmental.health@exeter.gov.uk
 - by fax: 01392 265844

SECTION 2 – SERVICE AIMS AND OBJECTIVES

2.1 **Aims and Objectives**

2.1.1 The Council's Corporate Plan 2012-14 sets out 10 purposes which aim to meet the needs of our citizens and customers. The key actions identified within the corporate plan aim meet the council's 10 purposes. The corporate plan is available by visiting www.exeter.gov.uk/corporateplan.

2.1.2 In respect of Environmental Health and Licensing, the objectives of the Council are to:

- undertake appropriate and meaningful regulatory interventions at business premises, for which the Council is the enforcing authority, and institute informal or formal action in accordance with the Enforcement Policy, Local Government Regulation and national government guidance (produced by the Food Standards Agency, Health and Safety Executive, Department of Culture, Media and Sport, Home Office and DEFRA) and advice and current good practice. Businesses will be targeted, focusing resources on those businesses presenting a high risk to public safety with a view to securing an improvement in legislative compliance;
- investigate complaints about premises and at the conclusion of investigations institute informal or legal action as appropriate;
- provide appropriate training and education to local businesses to assist them to meet legislative requirements;
- investigate cases of food-borne disease and advise upon appropriate precautionary and control measures;
- issue licences and registrations, monitoring compliance with relevant conditions;
- sample and arrange for microbiological testing of high-risk food products and premises;
- develop "Primary Authority" partnerships, where relevant, with local businesses;
- provide advice and assistance to businesses to help them comply with legislation and to maintain a high standards;
- work in partnership with related organisations to promote the well being of persons living, working or visiting the City.

2.2. **Links to Corporate Purposes and other local and national strategies and plans**

2.2.1 Environmental Health and Licensing aims to uphold the core values of how the council works, making sure that they underpin our attitudes and behaviours. Accordingly we will:

- Meet customers' needs with high-quality services
- Be flexible and have a can-do approach
- Show trust and respect
- Tell people what is going on, listen and respond to their views
- Be proud to work for the city and the council

2.2.2 Environmental Health and Licensing's role links to several of the 10 purposes (and related key actions). In particular:

- Help me run a successful business in Exeter
- Improve the environment and my neighbourhood
- Provide me with the information I need
- Deliver good development

- Keep my city safe and looking good

2.2.3 The following represent key aims for the service. The service:

- embraces the principles of excellence in public services and Better Regulation and will look to make the most effective use of available resources to achieve maximum gain;
- implements the requirements of the Food Law Code of Practice (England) - actively promoting and evaluating the use of effective food safety interventions to facilitate compliance with food law;
- recognises the importance of food and its influence on the wider determinants of health - seeking to work in partnership and play an active role to reduce the inequalities in health in the local population and thereby contribute to current delivery mechanisms such as the Health and Wellbeing Board;
- recognises the importance of the National Food Hygiene Rating Scheme which gives each premises a numerical rating based on their food safety management system, structure and confidence in management - this scheme is an important tool in maintaining high compliance of businesses with food hygiene law;
- embraces the tenets of Better Regulation to ensure that unnecessary burdens are not placed upon businesses.
- continue to develop new ways to establish and maintain an effective health and safety culture so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.
- Actively seek to work with other areas of the council, business and individuals to ensure that economic development within the city is maintained.
- Work will be targeted to manage the risk in high-risk, poor-performing and rogue trader businesses. It will be proportionate, consistent and transparent and have suitable monitoring and review systems.
- The Council is mindful of the burdens on local businesses particularly where, for example, the economy is seasonal and subject to fluctuation. The Council will work in partnership with national regulators, local partners and with local businesses offering information, advice and assistance.

2.3 Links to Strategic Objectives and Other Plans

2.3.1 The Council is committed to working with all relevant stakeholders in order to achieve its vision, playing a part in the health and wellbeing board where appropriate. The key public health indicators are: -

- Public Health Indicator 3.1 – Fraction of mortality attributable to particulate air pollution
- Public Health Indicator 4.7 – Under 75 mortality rate from respiratory diseases
- Public Health Indicator 1.14 – the percentage of the population affected by noise
- Public Health Indicator 4.8 – Mortality rate from infectious and parasitic diseases
- Percentage of Premises Broadly Compliant with Food Hygiene Law
- Public Health Indicator 1.9 – Sickness Absence Rate
- Public Health Indicator 2.18 – Alcohol-related admissions to hospital
- Public Health Indicator 1.12 – Violent Crime
- Public Health Indicator 4.6 – Mortality rate from liver disease

In addition, the key joint health and wellbeing priorities are: -

- Health and Wellbeing Priority – increase engagement of people and communities to take responsibility for their own health.

- Health and Wellbeing Priority – Ensure that the growth of alcohol related admissions remain below the national average.
- Health and Wellbeing Priority – Increase the number of adults who are a healthy weight by increasing healthy eating and physical activity.
- Health and Wellbeing Priority – increase engagement of people and communities to take responsibility for their own health.

2.3.2 Whilst there are no specific regulatory targets set out in the above, enforcement will contribute to raising business standards, improve health outcomes and reduce health inequalities through the delivery of relevant services, in partnership with other agencies.

2.3.3 In addition to this service plan, the service is also responsible for or contributes to the following strategies, policies and plans: -

- The Environmental Strategy
- The Carbon Management Plan
- The Air Quality Strategy
- The Air Quality Action Plan
- The Licensing Policy
- The Contaminated Land Strategy
- The Core Strategy

SECTION 3 – BACKGROUND

3.1 **Profile of Exeter City Council**

- 3.1.1 The geographical enforcement area is relatively confined in local authority terms covering an area of 4,774 hectares and supporting a resident population of 117,800 persons with 68.6% of working age. Approximately 35,000 people commute to Exeter on a daily basis. Exeter comprises of a mix of residential and commercial properties as well as industrial and trading estates. With Exeter being the regional administrative, cultural and educational centre, the City has a significant impact on the adjacent areas of East and Mid Devon and Teignbridge.
- 3.1.2 Although set in a predominantly urban area the City offers only a limited range of industry with the main activities being catering, retail sales, office activities, warehousing and distribution. No significant food manufacturing premises are now located within the City. There is an increasing variety of ethnic eating places and fast food takeaway outlets and the food pattern is dynamic.
- 3.1.3 The City's status as a medical, university, and educational centre means that there are several large institutional catering premises located within the boundary. During 2012 the University, College and Museum were all recognised with national awards.
- 3.1.4 The few Product Specific Premises are small scale operations by modern day standards.
- 3.1.5 Exeter is no longer a port authority.
- 3.1.6 The service embraces the core aims of the FSA's food safety issues (including Imported Food Controls), nutrition and diet issues and sustainability.

3.2 **Organisational Structure**

- 3.2.1 Environmental Health and Licensing is within the Office of the Assistant Director Environment and is responsible for delivering this Service Plan. In addition to this Environmental Health and Licensing provides:
- the Food Safety Enforcement function;
 - the investigations of notifiable / infectious disease;
 - the Health and Safety Enforcement function;
 - the Private Water Supply Enforcement function;
 - the Health Act Enforcement function;
 - Sunbed Regulations Enforcement function;
 - Licensing duties in relation to Licensing Act 2003, Gambling Act 2005, taxis and miscellaneous legislation;
 - Regulation of premises under the Environmental Permitting Regulations;
 - Monitoring of the city's air quality;
 - Monitoring and guidance with respect to contaminated land;
 - Investigation of complaints relating to business nuisance;
 - support to functions within the offices of Environment, Public Realm and Housing;
- 3.2.2 Environmental Health and Licensing Services operates under the Assistant Director Environment.
- 3.2.3 The Assistant Director Environment has various delegations to act on behalf of the Council. All non-delegated matters are reported to the appropriate committee.

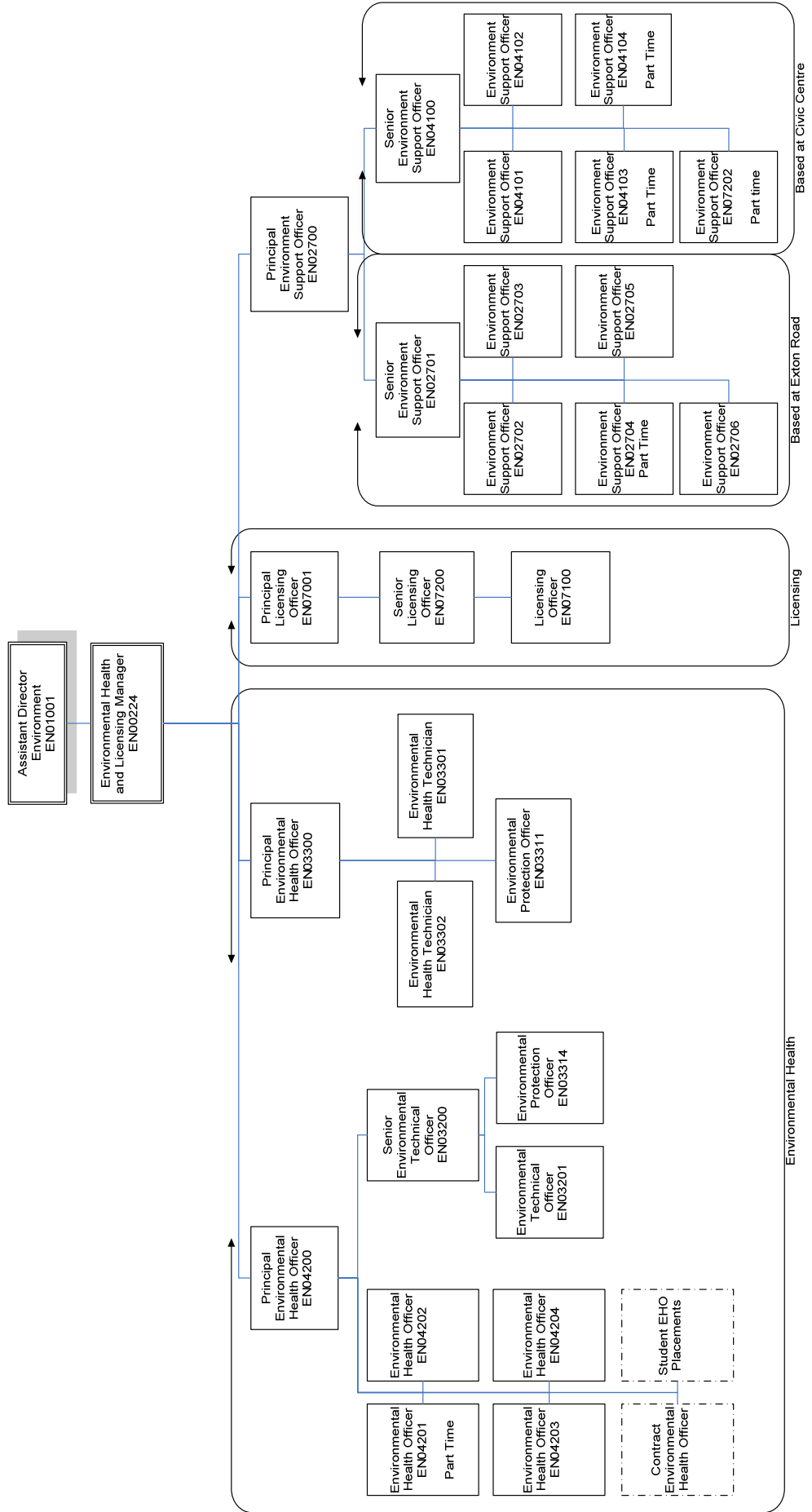
- 3.2.4 The officer structure in respect of the service is detailed at the end of this section. Overall co-ordination of the service is the responsibility of the Environmental Health and Licensing Manager with lead officer responsibility given to the following officers:-
- Principal Environmental Health Officer – nuisance (including noise, odour and light), anti social behaviour and public health (including accumulations, pest control and drainage)
 - Principal Environmental Health Officer - food safety, health and safety, environmental permitting, contaminated land and air quality.
 - Principal Licensing Officer – premise licensing, taxis and other licensing functions
 - Principal Environment Support Officer – support across the remit covered by the Offices of Assistant Directors Environment, Public Realm and Housing
- 3.2.5 In consultation with the Corporate Manager Legal Services, the Assistant Director Environment is authorised to deal with the provisions and enforce compliance with legislative areas delegated to the post. This shall include the initiation, defence and settlement of legal proceeding, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out works in default and payment and recovery of costs.
- 3.2.6 The Council's Corporate Manager Legal has delegated authority for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.
- 3.2.7 Specialist analytical and microbiological services are provided by external agencies such as the Public Health England and Somerset Scientific Services.

THE OFFICER STRUCTURE IN RESPECT OF ENVIRONMENTAL HEALTH AND LICENSING

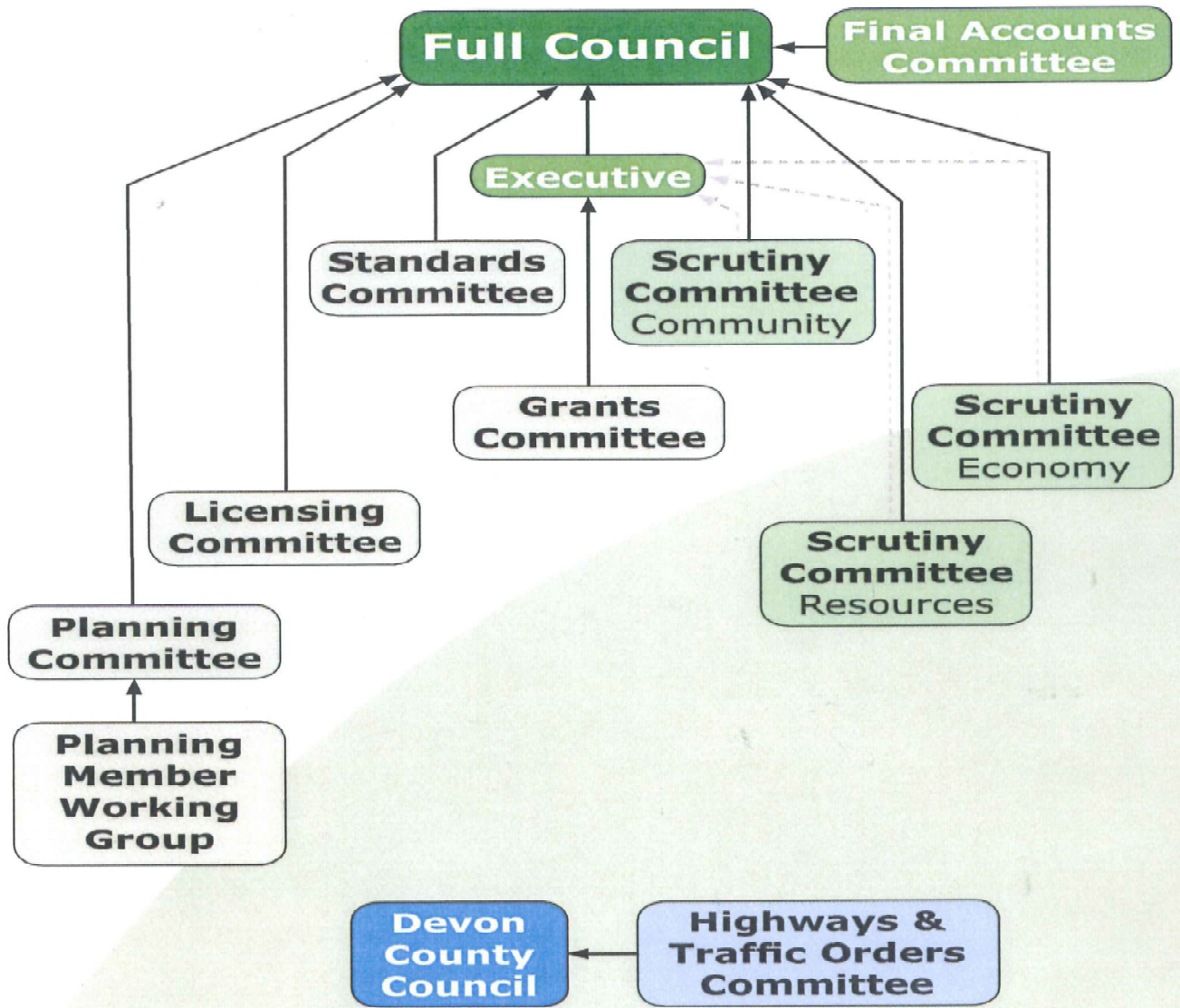
5/23/2014

**Office of the Assistant Director Environment
Environmental Health and Licensing**

Subtitle



The Council's Committee Structure



Exeter City Council

01392 265197

member.servs@exeter.gov.uk

SECTION 4 – FOOD SAFETY

4.1 **Scope of the Food Safety Service**

4.1.1 Environmental Health and Licensing is responsible for undertaking the following activities associated with the Food Safety Service:

- programmed food hygiene interventions and revisits;
- approval of food businesses
- monitoring the database
- food sampling
- investigation of food complaints;
- assisting Public Health England in investigation of food poisoning and infectious disease outbreak control;
- responding to Food Standards Agency Food Alerts, product withdrawals and recalls;
- provision of export food certificates;
- inspection of food;
- advisory and training services for businesses;
- promotion of food safety.

4.1.2 The council believes in fair regulation. Whilst engaged in the above activities, Environmental Health and Licensing uses a variety of means to ensure that individuals and organisations meet their responsibilities including education, negotiation, advice, guidance, warning letters, formal notices and prosecution. Overall the team seeks to work in collaboration with businesses while avoiding unnecessary bureaucracy in the way its works.

4.2. **Remit of the Food Service**

4.2.1 Interventions

The Council will:

- carry out a range of official and other food control as set out in the Food Law Code of Practice (England), the Food Hygiene Rating Scheme Brand Standard and other centrally issued guidance;
- inspect/audit and approve, relevant premises in accordance with the relevant legislation, Code of Practice and centrally issue guidance;
- liaise with the 'Home Authority' or Primary Authority of any company whose premises have been inspected and offences identified which are, or appear to be, associated with the company's centrally defined policies and procedures;
- assess the compliance of premises and systems to the legally prescribed standards having due regard to any relevant Industry Guides to Good Hygiene Practice and other relevant centrally issued guidance;
- take appropriate action on any non-compliance found, in accordance with the Council's Enforcement Policy;
- set up and monitor documented intervention procedures and record legible data and information following interventions, in a retrievable way.

4.2.2 Complaints

The Council will:

- implement the documented policy and procedure in relation to food complaints;
- liaise with the Primary, Home and/or originating authorities regarding matters associated with a company's centrally defined policies/procedures;

- take appropriate action on complaints received in accordance with the Council's policy/procedure.

4.2.3 Primary / Home Authority Principle

Where the Council acts as Primary / Home Authority we will:

- provide advice on legal compliance;
- have regard to any information or advice received as a result of any liaison;
- notify any authorities the Council have initiated liaison with of the outcome.

4.2.4 Advice to Business

The Council shall continue to work with businesses to help them comply with the law, for example the Council will:

- promote training courses and seminars;
- provide advice during visits and official on other food controls;
- respond promptly to queries;
- maintain a dialogue with business through the appropriate business forums;
- provide business with written information and advisory leaflets where appropriate.

4.2.5 Food Premises Database

The Council will:

- maintain the database of food premises in the City and take steps to ensure that the information is accurate and up to date.

4.2.6 Food Inspection and Sampling

The Council will:

- inspect food in accordance with relevant legislation to ensure it meets the legally prescribed standards;
- take appropriate action in cases of non-compliance in accordance with the Council's Enforcement Policy;
- maintain an annual sampling programme taking account of current guidance;
- adhere to the Council's procedures for procurement or purchase etc of samples;
- the Council has appointed Somerset Scientific Services and the Public Health England Porton Down Laboratory as the Council's Public Analyst and Food Examiner respectively.

4.2.7 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Council will:

- have regard to the Food Standards Agency's guidance on the management of outbreaks of foodborne illness.

4.2.8 Food Safety Incidents

The Council will:

- respond to food alerts, product withdrawals and recalls in accordance with the documented procedure;
- maintain a computer system capable of receiving food alerts, product withdrawals and recalls;
- document our response to and the outcome of food alerts, product withdrawals and recalls where intervention is required;

- notify the Food Standards Agency of any serious localised incident or wider food safety problems.

4.2.9 Enforcement

The Council will:

- carry out food law enforcement in line with the Council's Enforcement Policy and the Codes of Practice (England) and Food Law Practice Guidance (England);
- document any departure from the criteria set out in the Policy.

4.2.10 Records and Intervention reports

The Council will:

- maintain up to date accurate records in a retrievable form for each food premises in the City, for at least 6 years.

4.2.11 Complaints about the Service

The Council's adopted complaints procedure is available to the public and food businesses.

4.2.12 Liaison with Other Organisations

Liaison with neighbouring authorities aimed at facilitating consistent enforcement will be exercised through the Devon Chief Environmental Health Officers Food Sub-Group having regard to advice issued by Local Government Regulation and the FSA. Regular contact will be maintained with Devon County Council Trading Standards Department and periodic meetings will be held with the local business forums & interested groups to provide advice and promote good practice;

Where appropriate, partnerships will be formed with educational establishments, Devon County Council's Public Health Team, the Clinical Commissioning Group and other bodies to promote food safety.

4.2.13 Internal Monitoring

Internal monitoring procedures to verify conformance with this Service Plan are well established and will be exercised.

4.2.14 Audit

The Council will:

- participate in third party and peer review processes against this Service Plan and associated procedures.

4.2.15 Food Safety Promotion

The Council will:

- actively promote food safety issues through award schemes, campaigns, dissemination of information and support to schools and colleges and targeted groups and where resources allow and liaise with organisations to promote food safety.

4.2.16 Other Services

Environmental Health and Licensing have responsibility for undertaking a parallel role in respect of other Environmental Health related legislation in commercial premises:

General (non-food related) complaint work will initially be undertaken by Environmental Health and Licensing, in accordance with Departmental Guidance Note 2/99. Pest control

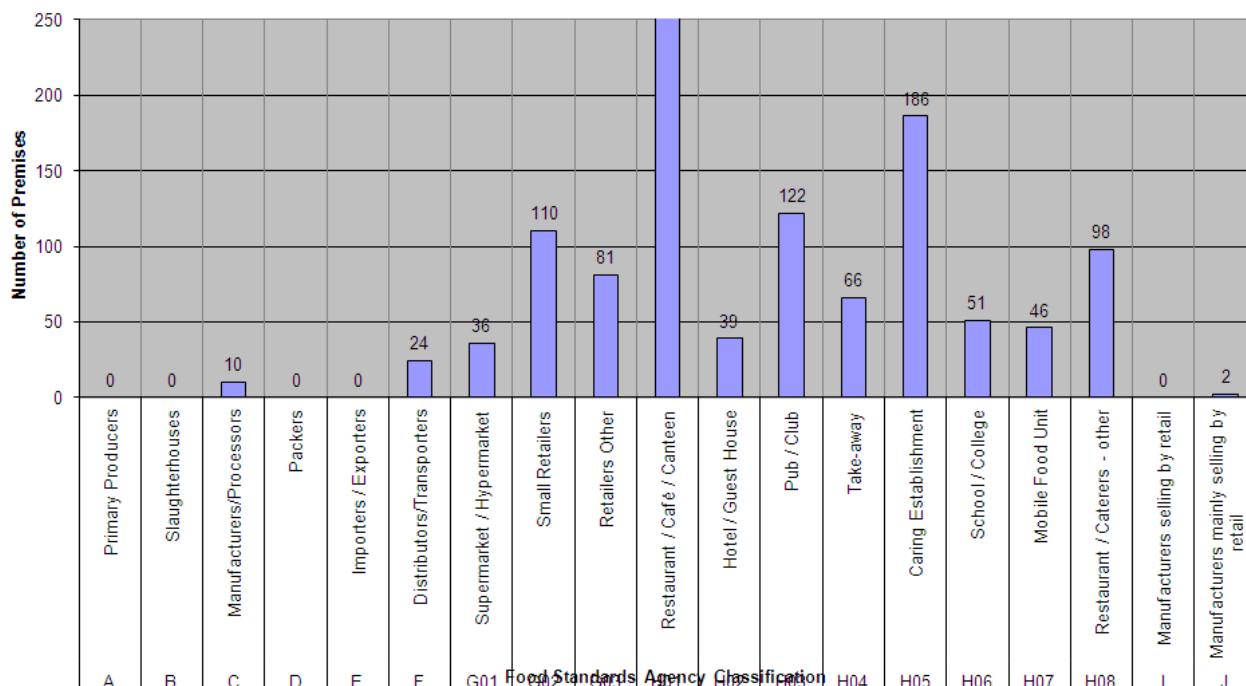
treatment may be undertaken by officers from the section in liaison with the district Environmental Health Officer, but only when it will not comprise future enforcement action.

The service seeks to work in partnership with relevant agencies to promote business regulation related matters in the wider context of public health.

4.3 **Food Business Profile**

4.3.1 The current profile of the food premises in the City as per Food Standards Agency classification is illustrated below.

Profile of Food Premises in the City as per Food Standards Agency Classification



4.3.2 Following an inspection/audit, food premises are scored and categorised (i.e. A to E) in respect of the risk to food safety in accordance with the Food Law Code of Practice (England). The categories dictate the interval between inspections. For example category A, i.e. high-risk premises, are inspected every 6 months, category D premises are inspected every 2 years. The service currently operates an alternative enforcement strategy for category E premises that are outside of the Food Hygiene Rating Scheme, which includes forwarding such businesses a self-inspection questionnaire, and inviting businesses to attend food safety workshops.

4.3.3 The current profile of food premises in terms of risk category are shown below.

	A	B	C	D	E	No Cat
01 April 2014	1	37	455	197	351	108

4.3.4 There are approximately 60 food premises in the City where business owners do not speak English as their first language. This can impact on the ability to successfully inspect premises and to effectively promote food safety. Food businesses in the city make great use of migrant food handlers. (The pattern of this is dynamic and robust data is not available.)

4.4 **Enforcement Policy**

4.4.1 The Enforcement Policy includes the principles contained in the Compliance Code which the Council is committed to incorporating into its regulatory functions. The Enforcement

Policy will be subject to periodic review at which time amendments will be made to specifically reflect the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement and other relevant and appropriate guidance.

4.4.2 The key elements of the Enforcement Policy are detailed below:

- a belief that enforcement must be firm but fair;
- the need for proportionality in the application of the law;
- showing transparency about how the service operates;
- a need for targeting of enforcement action;
- a need to deliver consistency of approach;
- the need to balance enforcement and education in the way the service works.

4.5 **Food Premises Interventions**

4.5.1 A programme of official and other food controls form the core activity of the Food Enforcement function. The range of interventions are specified in the Food Law Code of Practice (England) and Food Hygiene Rating Scheme Brand Standard. In addition to the programme of interventions, other visits may be made to food premises following complaints from the public or requests from businesses for information and guidance.

4.5.2 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food businesses, food hygiene interventions will be undertaken to:-

- establish whether food is being produced hygienically;
- establish whether food is, or will be having regard to further processing, safe to eat;
- to identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food.

4.5.3 With the foregoing in mind, the main objectives of the interventions programme will be to:-

- determine the scope of the business activity and the relevant food safety legislation;
- thoroughly and systematically gather and record information;
- identify potential hazards and risks to public health;
- assess the effectiveness of process controls and HACCP based systems;
- identify specific contraventions of food safety legislation;
- consider appropriate enforcement action (proportionate to risk), to secure compliance with food safety legal requirements;
- produce advice and information and recommend good practice where appropriate;
- promote continued improvements in food hygiene standards to meet national / local performance indicators and the relevant Food Standards Agency strategy.

4.5.4 In order to achieve the inspection programme not less than 3 (FTE) qualified food inspectors will be required. This figure takes no account of the burden of any extra targeted inspection activity, sampling or investigations arising from complaints or Food Alerts, product withdrawals and recalls for example.

4.5.5 All officers undertaking inspections, investigating complaints, giving advice and taking samples shall meet the qualifications and experience requirements in the Food Law Code of Practice (England).

4.5.6 It is not envisaged that arrangements will need to be made to ensure the Council has access to specialist expertise for the inspection of any specialised processes located in the city.

4.6 **Food Complaints**

4.6.1 Food complaints received and investigated by the service fall into one of the following broad categories:

- food contamination;
- complaints about food businesses (poor hygiene, pests, lack of food handler training etc);
- food alerts, product withdrawals and recalls.

4.6.2 There is an established procedure for dealing with food complaints sets out the action to be taken regarding investigation, (See Procedure/Practice Notes). Our investigation will be guided by the detailed considerations laid down in the LG Regulation publication “Dealing with Food Complaints”.

4.6.3 The number of food complaints/service requests received annually has been increasing in recent years, perhaps as the public become more aware and are better informed of food safety issues together with the introduction of methods to capture such information.

4.6.4 It is estimated that 0.2 FTE qualified inspectors will be required to deal with food complaints.

4.7 **Primary / Home Authority Partnerships**

4.7.1 Details of Primary and Home Authority Partnerships are detailed in Section 7.

4.8 **Advice to Business**

4.8.1 The full suite of food courses will be promoted to enable local businesses to fulfil their training requirements, including training provision for non English speaking food handlers.

4.8.2 Inspectors provide advice during routine interventions and respond to queries from the public and food businesses.

4.8.3 Advice on topics of general and current food safety interest will be placed on the Council web site and information leaflets will be produced and made available as necessary. Officers from the service will also be participating in the Food Standards Agency’s Food Safety Week.

4.8.4 The Council will use local business and other forums as a means to disseminate relevant food safety information to help assess their needs and obstacles to compliance.

4.8.5 The service will actively seek participation in or look to co-ordinate appropriate forums to promote food safety and disseminate information.

4.8.6 It is estimated that 0.1 FTE qualified food inspectors will be necessary to provide information and advice to food businesses.

4.9 **Food Inspection and Sampling**

4.9.1 The Council will ensure that food is inspected in accordance with relevant legislation, The Food Law Code of Practice (England) and the Practice Guidance (England) and centrally issued guidance and ensure that food meets prescribed standards.

4.9.2 The food sampling programme for the forthcoming year commencing 1 April 2014 is detailed in section 8 and includes participation in national sampling campaigns co-ordinated by LG Regulation.

4.9.3 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Protection Officers. Activity reports will be submitted on a periodic basis. A procedure has been set up and implemented in respect of taking samples and the arrangements made for Analysis and Examination.

4.10 **Control and Investigation of Food Poisoning Outbreaks and Food Related Infectious Disease**

- 4.10.1 Environmental Health and Licensing's objective, in respect of the control of food related disease is to:
- contain the spread of any outbreak;
 - identify the focus of infection;
 - identify the causative organism/chemical;
 - trace carriers and cases;
 - trace the source of infection;
 - determine the causal factors;
 - recommend practices to prevent recurrence of disease; and
 - determine whether criminal offences have been committed.
- 4.10.2 Investigations into outbreaks of food related poisonings are carried out in consultation with and under the direction of Public Health England.
- 4.10.3 The Principal Environmental Health Officer fulfils the role as lead officer in respect of infectious disease control and it is anticipated that adequate resources exist within the full complement of Environmental Health and Licensing to deal with this service demand.
- 4.10.4 It is estimated that 0.1 FTE qualified food inspectors will be required to investigate outbreaks and food related infectious diseases.

4.11 **Food Safety Incidents / Hazards**

- 4.11.1 The Council has and will maintain a computer system capable of receiving food alerts, product withdrawals and recalls and will implement the documented procedure for responding to food alerts and food safety incidents received from the FSA, in accordance with the relevant Food Law Code of Practice (England). The current informal out of hours contact arrangements will be used.
- 4.11.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure.
- 4.11.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer will notify the FSA.
- 4.11.4 It is considered that adequate resources exists within the full complement of Environmental Health and Licensing to deal with this demand.
- 4.11.5 It is anticipated that 0.1 FTE will be required to deal with food hazard alerts.

4.12 **Liaison with Other Organisations**

- 4.12.1 The Council is committed to ensuring the enforcement approach it takes is consistent with other authorities. Regular dialogue on food enforcement matters and food related issues takes place with:
- Primary Authority business partners
 - Home Authority business partners
 - Trading Standards
 - Devon Chief Environmental Health Officer Food Sub-Group
 - Health Protection Advisory Group
 - Exeter and Heart of Devon Hoteliers & other appropriate business forums
 - CIEH
 - University of Exeter
 - Exeter College
 - Other services within the Council (e.g. Planning & Building Control)

4.12.2 In delivering the food service, the Council recognises the increasing importance of partnership working. Examples of this include:

- consultation with businesses and community leaders;
- participation in third party audits, joint sampling initiatives etc;
- Food Safety Week;
- organising the Exeter Chef Competitions and similar events;
- identify funding opportunities;
- development of food hygiene training;
- providing focused training sessions on nutrition;
- other food related subjects.

4.13 Food Safety Promotion

4.13.1 The service utilises many methods to promote food safety and increasingly is lead by the developing body of research. Since April 2011, the service has operated the National Food Hygiene Rating Scheme which has helped drive improvements in food law compliance. Over 850 businesses fall within the scope of the scheme, with all ratings being published on the national web portal at www.food.gov.uk/ratings and businesses encouraged to display certificates and stickers. The service will continue to promote usage of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events. The service will also continue to encourage at the time of visits voluntary display of rating stickers and certificates at premises that fall within the scope of the scheme.

4.13.2 Numerous promotional activities also occur during the course of a typical year usually in response to need/requests from the different communities in Exeter, for example:

- presentations to schools, interested groups, professional bodies, (e.g. Infection Control Study Days, Chef Focus Group, Exeter Food Festival Members, Early Years providers);
- circulation of advisory leaflets or guidance notes in response to topical issues or changes in legislation;
- participation in the annual Exeter Food and Drink Festival.
- Free food hygiene awareness sessions targeted a new food business operators.

4.14 Food Safety Performance 2013/14

- There are currently 1149 food premises registered within the city
- During 2013/14, 566 rated food hygiene inspections were conducted.
- 96% of those inspections that were due within 2013/14 were conducted
- 30 requests for food hygiene rating scheme revisit were received and the premises were subsequently revisited.
- 96.06% of food premises within the city are broadly compliant with food hygiene law
- 296 compliance check / advice visits were conducted.
- 201 food poisoning cases were investigated
- The service received 225 service requests / complaints related to food safety

- The annual curry chef competition was held at Exeter College on 19 February 2014.

SECTION 5: HEALTH AND SAFETY

5.1 Profile of Businesses in Exeter

5.1.1 Exeter is predominantly an urban area and the area has many small businesses. The Council enforces health and safety in mostly small and lower risk businesses that are predominantly in the service sector and is responsible for around 2574 premises.

5.2 Health and Safety Intervention Programme

5.2.1 Health and Safety law clearly sets out that the primary responsibility for managing risk to workers and the public who might be affected by work activity lies with the business or organisation that creates the risk in the first place.

5.2.2 The role of the Council is to support, encourage, advise and where necessary hold to account business to ensure that businesses effectively manage the occupational health and safety risks they create. The service uses the guidance given in HELA Circular (67/2 Revision 4) to risk rate its premises based on a business's health and safety performance. There are 4 categories (A – high risk, B1 and B2 – medium risk, C – low risk). The risk rating is not used to determine proactive inspection interventions – the choice of proactive inspections follows the principles within the National Local Authority Enforcement Code (see Section 5.6) - it does, however, help the Council target other interventions on the basis of risk..

5.2.3 As a result of current national and local drivers for change (e.g. LBRO, Young and Löfstedt Reviews) we aim to focus Health and Safety enforcement resources into areas where they are likely to have the greatest impact. In the coming year we shall continue to concentrate on specific topic areas during proactive interventions and reactive investigation, rather than complete all-encompassing inspections. These areas have been identified nationally and locally as contributing to the highest rate of accident/incidents and ill health at work, across all health and safety enforcing authorities.

5.3 Scope of the Health and Safety Service

5.3.1 With regard to health and safety, the Council will be directed by the Health and Safety Executive National Local Authority Enforcement Code issued under Section 18 (4)(b) of the HSWA. The key elements of the code are:-

- Ensuring that the authority takes a risk based approach to regulation;
- Ensuring that the authority applies proportionate decision making in accordance with the LA's Enforcement Policy Statement and Enforcement Management Model;
- A requirement for the authority to legally appoint suitably qualified staff to carry out the necessary regulatory duties;
- A requirement to produce an annual service plan;

5.3.2 In the UK during 2012/13:

- **1.1 million** working people were suffering from a work-related illness
- **148** workers killed at work
- **175 000** other injuries to employees occurred
- **27 million** working days were lost due to work-related illness and workplace injury

- Workplace injuries and ill health (excluding cancer) cost society an estimated **£13.8 billion** in 2012/13

5.3.4 The Rogers review (2007) reported on the National Priorities for local authority enforcement. This identified improving health at work as one of the national priorities. The Lord Young Report (2010) “Common Sense, Common Safety” reviewed health and safety with a view to “setting out the rational proportionate approach that the Health and Safety at Work etc Act demands”. The Löfstedt Report (2011) looked further into the application of Health and Safety legislation and the effects of regulation upon business. All of the above reports clearly identified good health and safety as being vital to good business, with sensible and proportional law enforcement as a key priority to try and reduce the incidence of ill health and days lost arising from work activities.

5.3.5 The objective of the health and safety service in contributing to this aim is to ensure that risks to person’s health, safety and welfare from work activities are properly controlled through advice and proportionate enforcement.

5.3.6 The health and safety service comprises a range of key functions:

- to maintain a register of all premises where the service enforces health and safety legislation;
- to inspect at predetermined intervals or by the use of other intervention strategies, and in response to complaints, relevant workplaces to determine compliance with legislation;
- to take the most appropriate action upon inspection of relevant workplaces including the use of advice, informal correspondence, improvement and prohibition notices and the institution of legal proceedings;
- to educate proprietors of relevant workplaces in health, safety and welfare matters and their legal responsibilities in relation to their occupation by the distribution of leaflets and the provision of advice and information;
- to investigate specific accident notifications;
- to advise on the design of relevant workplace premises prior to and during alterations and construction;
- to liaise and work in partnership with the Health and Safety Executive (HSE), Public Health England and the Fire Authority regarding the enforcement of the legislation;
- to comply with the HSE’S National Local Authority Enforcement Code in respect of inspection programmes;
- seek to promote a simplified risk assessment procedure for low hazard workplaces such as offices and shops through the use of the Devon Local Authority devised toolkit Safer Workplaces, Better Business;
- combine food safety and health and safety inspections where possible to ensure that the burden on business is reduced.

5.3.7 Proactive aspects of the health and safety service, for example the inspection programme, are delivered jointly with other proactive services such as food hygiene inspections. The reactive aspects of the service, for example accident investigations, are responded to along with other complaints and requests for service.

5.3.8 Health and safety interventions are delivered by suitably trained and experienced officers, in accordance with a competency and development scheme. This scheme has been designed to meet the requirements of Health and Safety Executive and Local Authority Enforcement Liaison Committee (HELA) Section 18 guidance.

5.3.9 The premises profile according to the inspection rating scores are as follows:

Highest hazard/Risk	A	4
----------------------------	---	---

Intermediate hazard/Risk	B1	49
	B2	409
Lowest hazard/Risk	C	1522
Uncategorised	U	590

5.3.10 In accordance with HELA Circular 67/2 (rev.4), these risk ratings are not used to determine proactive inspection interventions but health and safety issues may be addressed during food, and licensing inspections or following complaints or accidents.

5.3.11 External consultants may be used to undertake other intervention strategies of low risk premises. The decision to employ contractors is taken by the Environmental Health and Licensing Manager in consultation with the Principal Environmental Health Officer and will be subject to the following criteria:

- there is a direct need to ensure statutory performance targets are met;
- external contractors must meet the requirements of HELA Section 18 guidance;
- the cost of the work can be met within existing budgets; and
- previous knowledge of the competency and quality of the consultants.

5.3.12 The Council still has a duty to enforce health and safety standards in intermediate and low risk premises and we will work with such businesses and/or their representatives to improve health and safety standards through the promotion of a Safer Workplace Better Business pack that has been devised by all Local Authorities in Devon.

5.3.13 The performance analysis for the last year is detailed at the end of this section. There has been a reduction in proactive inspections, reflecting national priorities regarding better regulation.

5.3.14 The database will be continually updated in conjunction with the Environment Support Team who will assist with a street/district premises audit (4yr programme). A proportion of unclassified premises will be visited, though the active audit (see above) may influence progress as new premises are identified.

5.3.15 The health and safety service operates from the Civic Centre between 8.30am and 5.00pm Monday to Friday. Evening and weekend inspections are carried out as determined by the risk based inspection programme and the premises opening hours.

5.3.16 Emergency health and safety issues are currently directed initially to a 24 hour central control team and then onto senior officers as required. In addition the Council's continually revised website is used to provide information about health and safety services for consumers and businesses and also provides a direct email address for service requests.

5.4 Complaints / Requests for Advice / Advice to Business

5.4.1 In addition to this programme there are also approx 498 businesses currently on the health and safety database which are unclassified. A proportion of these will be newly opened businesses, which is a constant aspect of the commercial sector. Whilst many of these premises have been inspected due to changes in the recording of the rating system they have not yet been classified. Therefore as part of the routine maintenance of the database such premises will be given a desktop health and safety rating, in accordance with LAC 67/2..

5.4.2 Additional interventions will also arise during the year by virtue of complaints, new business start-ups, change of use, major alterations/refurbishments and request for inspection. A revisit will always be carried out where statutory notices have been served, in all other cases the officer will make a professional judgement as to the requirement for a revisit.

5.4.3 In accordance with the current strategy contained in “The Health and Safety of Great Britain \\ Be Part of the Solution” (HSE, 2009) and HELA Strategy, as outlined in 67/2, the focus of inspection activity within the planned programme will concentrate on measuring

- confidence in management;
- health, safety and welfare performance; and
- the compliance gap.

In addition to these elements the Council will base its Health and Safety Plan on Section 18 guidance, taking into account national, regional and local priorities.

5.4.4 From 1 July 2007, all enclosed workplaces became smoke free, as a result of the Health Act 2006 and subsequent regulations. All Environmental Health Officers, Technical Officers and Environmental Protection Officers are also authorised to enforce the smoke-free provisions. Smoke free compliance for businesses will be incorporated into the proactive inspection work undertaken by the Environmental Health Service, in addition to responding to complaints.

5.4.5 The approach is therefore about focussing health and safety enforcement resources into areas where they are likely to have the greatest impact rather than completing all-encompassing inspections. This will fall in line with the principles advocated by the Better Regulation Delivery Office (BRDO) and Health and Safety Executive.

5.4.6 The above does not preclude the importance of providing wider guidance on health and safety compliance to new businesses and following specific service requests. Proactive health and safety education work will be suitably balanced against targeted enforcement activity.

5.4.7 The authority has a duty to investigate complaints about health and safety conditions/issues and about its health and safety service provision. A number of complaints/service requests about health and safety are received annually, all of which will be dealt with as appropriate or passed to other agencies.

5.4.8 A number of complaints/service requests about health and safety are received annually, all of which will be dealt with as appropriate or passed to other agencies.

5.4.9 No complaints have been received regarding the service provision of the Authority.

5.4.10 The service recognises the importance of providing advice to businesses as part of effective health and safety enforcement. As well as the provision of specific advice during interventions and with post intervention correspondence, a wide range of general health, safety and welfare advice is distributed to businesses.

5.4.11 The Council website is also continually revised and allows direct access and links to local and national health and safety information detailed within this service plan.

5.5 Statutory Notifications

5.5.1 Prescribed accidents, dangerous occurrences and occupational diseases are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. Accidents would include fatalities and accidents involving visits to hospital or currently more than 7 days off work. Certain accidents involving employees, the self-employed and members of the public are also reportable.

5.5.2 The Council has a duty to investigate accidents to determine whether offences have been committed and to prevent a recurrence. The authority also receives notifications of certain

unsafe equipment and must respond and investigate such notifications. Decisions as to which accidents require a full investigation are made by the Principal Environmental Health Officer.

- 5.5.3 The service has a formal policy and procedure covering the type of accident, industrial disease notification or related service request, which the authority will investigate. This was revised during 2009 following new national guidance issued by the HSE. The Council is committed to reducing workplace accidents.
- 5.5.4 As a 'responsible authority' for the purposes of the Licensing Act 2003 and the Gambling Act 2005 the section has a duty to respond to premises licence applications etc. A number of applications will require scrutiny, some of which may require amendments by negotiation.
- 5.5.5 Liaison with other organisations is essential in order to achieve consistency and effectiveness of the health and safety service. The service is represented on the Devon CEHOs Health and Safety Working Group, which meets bi-monthly. This group includes a representative from the Health and Safety Executive (HSE) and maintains links with other local authority health and safety enforcement officers.

5.6 National Local Authority Enforcement Code

- 5.6.1 The Authority has a duty to focus its activities on national priorities and strategies and in particular the National Local Authority Enforcement Code, to secure a reduction in accidents and ill health in the workplaces for which we are responsible. The code is 'designed to ensure that Local Authority health and safety regulators take a more consistent and proportionate approach to enforcement' and 'provides direction to LAs on meeting these requirements, and reporting on compliance.'
- 5.6.2 The following list of activities/sectors for proactive inspection by Local Authorities – only these activities falling within these sectors or types of organisation should be subject to proactive inspection

No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures
2	Explosion caused by leaking LPG	Premises (including caravan parks) with buried metal LPG pipework	Buried metal LPG pipe work For caravan parks to communal/amenity blocks only)
3	e.coli/cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	Tyre fitters*/ MVR* (as part of Car Sales) High volume Warehousing/Distribution	Use of two-post vehicle lifts Workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries.	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Workplace transport/work at height/cutting machinery /lifting equipment.
6	Industrial diseases (occupational asthma/deafness	MVR* Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Use of Isocyanate paints Noise and dust.
7	Falls from height	High volume	work at height

		Warehousing/Distribution	
8	Crowd control & injuries/fatalities to the public	Large scale public events/sports/leisure facilities e.g. motorised leisure pursuits including off road vehicles and track days	Inadequate consideration of public safety e.g. poor organisation and/or supervision of high speed or off-road vehicle movements
9	Carbon monoxide poisoning and gas explosion	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances.
10	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off licences/care settings.	Lack of suitable security measures/procedures

5.6.3 The work of Environmental Health and Licensing will address other issues when undertaking visits/developing initiatives in workplaces; health at work is an important issue. Interventions with regard to new compliance responsibilities to reduce exposure to occupational tobacco smoke will continue to be considered.

5.6.4 The Council offers leaflets and posters in different languages (and offers translation services if necessary) for the performance of its functions. The service endeavours to be resourced to ensure equality of access to information. Training courses for the Level 2 Award in Health and Safety in the Workplace qualification as well as Manual Handling and Risk Assessment are also provided, and a Health and Safety Handbook has been revised and produced for distribution across the City and at training courses.

5.7 Monitoring

5.7.1 A swimming pool monitoring programme based upon risk, using SMART sampling and a detailed assessment of pool management systems will be exercised throughout the year. The need for provision of further training/information for local pool operators will be explored, with a view to promoting safety and health awareness.

5.8 Enforcement

5.8.1 Enforcement (or the fear of enforcement) is an important motivator for rogue employers. Evidence confirms that enforcement is an effective means of securing compliance and promoting self-compliance. We will work in partnership with the HSE, other enforcement agencies, regulators and stakeholders to secure proportionate compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health and safety and welfare. The scope of these activities will continue to be evidence based and is clearly set out in the Council's enforcement policy statement.

5.9 Staff Resources

5.9.1 The national local authority enforcement code requires the Council to have sufficient capacity to undertake our statutory duties. Exeter City Council Environmental Health and Licensing is split into 3 districts. Each district is allocated to a full time equivalent District EHOs.

5.9.2 The Council's Principal Health and Safety Officer is also a very experienced and specialist officer for Health and Safety and will be available to the team for specialist advice on the health and safety function.

5.9.3 All Environmental Health Officers will undertake some health and safety duties along with their other functions which include food safety, training, health initiatives, some licensing duties and infectious disease control.

5.9.4 The staff resources allocated to the functions is currently deemed adequate to fulfil the Council's duties. As in 2011/12, officers will vary their approach to the health and safety intervention programme to enable them to meet Performance Indicators by targeting resources on high-risk premises and national priorities.

5.10 Staff Skills

5.10.1 The section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full health and safety duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. As part of the annual Regulator Development Needs Assessment all staff who undertake health and safety duties are mandated to complete this assessment, which is subject to review as part of the annual appraisal process. Any training and development needs identified at the appraisal process are added to the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.

5.10.2 Work toward ensuring full alignment with the new national local authority enforcement code will continue during the year.

5.10.3 All commercial officers have completed Regulators Development Needs Analysis to identify areas where they can benefit from development activities, and training has been provided throughout the year.

5.11 Consultation with Stakeholders

5.11.1 The Health and Safety at Work etc Act 1974 places general duties on all employers to protect the health and safety of their employees and those affected by their work activities. Its goal-setting approach makes clear that those who create risks are best able to manage them. We will make clear that effective health and safety management is a collective responsibility in which individuals too must play their part.

5.11.2 Experience shows that many organisations do not contact us. Some may be fearful of contact, which deters them from seeking advice. We will make a special effort to explore new ways to establish and maintain an effective health and safety culture, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.

5.11.3 We will aim to demonstrate the moral, business and economic case for health and safety. Appropriate health and safety management is an integral part of effective business management and, we will promote it as an enabler and not a hindrance.

5.11.4 We will explore ways to promote greater access to authoritative health and safety advice and guidance and we will continue to offer advice in the course of our other enforcement activities where appropriate.

5.12 Health and Safety Performance 2013/14

- In total 199 premises have been the subject of health and safety intervention.

- The service has dealt with 126 health and safety service requests / complaints
- 213 accident reports have been received and looked into by the service
- The service conducted 76 going focus on gas safety during routine food inspections of catering premises to ensure that equipment is suitably maintained and the work has been carried out by competent persons. Of those 76 business looked at 21% were found not to have satisfactory arrangement in place, with Intelligence on non-authorized gas engineers fed back to Gas Safe Register for action.
- The service gave evidence at two Coroner's inquests which were held into two separate work related deaths.
- The service successfully ran an Estates Excellence project which raised awareness of health and safety and public health issues within small and medium enterprises on the Marsh Barton Industrial Estate. This was in conjunction with partners such as SW Water, the Met Office, Devon & Somerset Fire & Rescue Service, the Health & Safety Executive plus other LAs within the county. This was an innovative project, with high national interest promoting a model which engaged bigger businesses helping smaller businesses in the field of workplace health and wellbeing. 370 Business were visited to raise awareness of health and safety issues. 31 support visits were conducted following the initial assessment to follow up on areas identified. 144 delegates turned up to training organised as part of the scheme. 25 partner organisations took part. The Occupational Health Testing (hearing, lung function, dermatitis and hand/arm vibration) was conducted with 8 employees.

SECTION 6: PRIVATE WATER SUPPLIES

6.1 Scope of Private Water Supply Regulations

- 6.1.1 The regulations apply to any private supply intended for human consumption, for domestic purposes and/or food production purposes and include water from wells, boreholes and springs which is supplied from someone other than a Water Undertaker or Licensed Water supplier or;
- water supplied by Water Undertakers or Licensed Water Suppliers, which is then further distributed by another person – a private distribution network. (Examples include mobile home sites, MOD property, Universities, Schools etc).

6.2 Main Provisions of the Private Water Supply Regulations

- 6.2.1 The purpose is to protect human health by ensuring that water for consumption is wholesome, clean and the adverse affects of contamination are minimised. New and revised standards are set for drinking water quality and new audit and monitoring regimes as regarding sampling and analysis are specified.
- 6.2.2 The regulations require the Council to complete a risk assessment of all Private Water Suppliers PWS's) within 5 years (except for supplies to single non- commercial dwellings) to maintain supplies and develop an annual sampling programme. Single non-commercial dwellings must be assessed for risk if a request by the user is made.
- 6.2.3 The Council can make reasonable charges to cover costs of carrying out the duties under the new regulations. These charges can be found within the Council's published fees and charges.
- 6.2.4 There is a requirement for LA's to make returns (which are fairly comprehensive) to the Drinking Water Inspectorate (DWI) on an annual basis.

6.3 Enforcement

- 6.3.1 There is a procedure to follow where a private water supply is found unwholesome – including the requirement to investigate the cause to notify the users. There are some strict permitted levels declared in the regulations which, if a supply fails, would invoke this procedure. The Council would need to liaise with Public Health England and the Drinking Water Inspectorate for the potential of any failure or non compliance to be assessed.
- 6.3.2 There are options for effecting improvements of a private supply, up to the service of a formal notice or prohibiting the use of a supply.

6.4 Staff Resource

- 6.4.1 At present the most economical and practical method is to contract out the inspection of private water supplies and private distribution networks to a neighbouring authority who is will to provide a qualified Environmental Health Officer to conduct the necessary risk assessment and report. As the cost is borne by the owner of the private water supply or private distribution network, this is done at no cost to the authority.

6.4.2 The arrangement for microbiological and chemical sampling and analysis which is a countywide arrangement has currently been awarded to the accredited laboratory at South West Water.

6.5 Staff Skills

6.5.1 The Section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full private water supply duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. As part of the section's procedural requirements all staff who undertake private water supply duties are subject to an annual appraisal which identifies training and development needs. These individual training needs are then linked into the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.

6.5.2 At present no member of staff within the section have received training to undertake all of the requirements of the Private Water Supply Regulations.

6.6 Legal Implications

6.6.1 Exeter City Council has a duty to implement the Private Water Supply Regulations 2009. Failure to discharge these duties adequately may result in legal challenge from consumers and/or owners of private water supplies.

7.1 Private Water Supply Performance 2013/14

- The one premise identified as having a private water supply has been inspected and sampled and was found to be compliant with the regulations.

SECTION 7: LICENSING

6.1 Introduction

6.1.1 The City Council has a number of licensing powers and duties. These powers and duties are delegated to the Licensing Committee. The provision of a Licensing Service is a statutory duty placed on the Local Authority. The granting and issuing of specific licences, permits and registrations is delegated to the Assistant Director Environment on the understanding that any applications giving rise for concern may be referred to the Licensing Committee for determination.

6.1.2 The Licensing Committee plays a vital and unique role in an administrative function regarding the grant, suspension and revocation of Licences. The legislation delegated to the Licensing Committee includes:

- Zoo Licensing Act 1981
- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973 and 1991
- Riding Establishments Act 1964-1970
- Game Act 1831
- Game Licences Act 1860
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Pet Animals Act 1951
- Gambling Act 2005
- Pleasure Boat Licensing
- Boatman's licence.
- Guard Dogs Act 1975
- Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29.
- Local Government (Miscellaneous Provisions) Act 1982 Part II (in accordance with the Council's agreed policies)
- Licensing Act 2003 (to the extent permitted by section 10). In particular to determine:
 - applications for Personal Licences, where no police objection is made;
 - applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
 - applications for provisional statements, where no relevant representations have been made;
 - applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
 - applications to vary designated Premises Supervisor, where no police objection has been made;
 - requests to be removed as designated Premises Supervisor;
 - applications for transfer of Premises Licences where no police objection has been made;
 - applications for interim authorities where no police objection has been made;
 - decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
 - to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.
- Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) - to determine applications for the renewal of a sex shop licence in accordance with the Council's agreed policy
- Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002
- Enforcement of local bylaws.

- To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries and house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

6.2 Aims and Objectives of Licensing

6.2.1 The key aim of the Licensing Committee and the Licensing Team is to raise standards of people, vehicles and premises licensed in Exeter.

6.2.2 To protect public health and animal welfare, reduce crime and disorder and ensure awareness of the licensing requirements through enforcement of legislation and the provision of advice information and education by:

- Fulfilling the Council's Statutory Duties under relevant legislation e.g. Licensing Act 2003, Gambling Act 2005, Animal Welfare Act 2005, Local Government (Miscellaneous Provisions) Act 1982 etc.
- Responding to public complaints and other requests for service and investigating within service standards.
- Delivering educational initiatives and awareness campaigns.
- Fulfilling the Council's statutory duty under the Crime and Disorder Act 1998.
- Working in partnership or in co-operation with the Police, Fire Authority, Social Services, Public Health Team, Community Safety Partnership and other external agencies.

6.3 Service Delivery

6.3.1 During the course of the year, a percentage of all categories of premises that are licensed will be inspected for compliance, greater emphasis will be placed on ensuring that every premises about which a complaint or Request For Assistance or relevant intelligence is received will receive an inspection visit.

6.3.2 The service conducts intelligence led inspections will mean that our resources are focussed towards problem traders and that our enforcement practices comply with government policy on cutting red tape and reducing burdens on business (Better Regulation principles).

6.3.3 In addition to the inspection programme, there will be a particular focus on the night time economy within the city. Evening compliance visits will be conducted in known problem areas.

SECTION 8: ENVIRONMENTAL PERMITTING REGULATIONS

8.1 Introduction

- 8.1.1 The Environmental Permitting Regulations 2010 require the Council to regulate certain types of factory and other activities such as dry cleaners. This is to reduce any pollution they may cause and, in particular, to help improve air quality.
- 8.1.2 Businesses which operate these specified types of premises must have a permit. The Council decides whether to give a permit and, if so, what conditions to include within it so as to minimise pollution.
- 8.1.3 In the regulation, the premises are known as "installations". Some are called 'Part B', and local authorities can only deal with air pollution from these. Other installations, which have a greater potential environmental impact, are known as 'Part A2' and permits for these must control many different sorts of pollution. This includes waste, noise, water pollution, energy use etc.
- 8.1.4 Other installations (known as 'Part A1') are regulated by the Environment Agency. They are usually larger or more complex.

8.2 Regulated Installations in Exeter

- 8.2.1 The table below shows all of the Part B, A(2) and A(1) installations in Exeter that were permitted in April 2013.

Part B	Waste Oil Burner (<0.4MW)	Central Garage	High Street, Topsham
		Vanborne and Radford	Victoria Road
		Isca Motors	Water Lane
		Exeter Gearbox Centre	Grace Road, Marsh Barton
		SHB	Bradman Way, Marsh Barton
		Exeter Motor Works	Old Tiverton Road
	Dry Cleaner	Johnsons	Cowley Bridge Road
		Johnsons	Cowick Street
		Johnsons	South Street
		RD&E Hospital	Barrack Road
		Care Clean	Sidwell Street
		Kenjo Washeteria	Sidwell Street
		Morrisons	Prince Charles Road
	Service Station	Dunns Motors	Trusham Road, Marsh Barton
		Alphington Service Station	Alphington Road
		Sainsburys	Alphington Road
		Sainsburys	Pinhoe Road
		Morrisons	Prince of Wales Road
		University Service Station	Cowley Bridge Road
		Pinhoe Garage	Main Road, Pinhoe
		Birchy Barton Service Station	Honiton Road
		Tesco Express	Fore Street, Heavitree
		Tesco	Russell Way
		Shell	Topsham Road
		Moto Services	Honiton Road
	Paint Sprayer	Sowton Motor Body	Bittern Road

		Repairs	
		Fairweather Autoshine	Water Lane
		Exeter Diesels	Marsh Barton Road
		Vospers	Marsh Barton Road
		Exway Coachworks	Exhibition Way
	Timber	Jewson	Kestrel Way, Sowton
		System Six Kitchens	Christow Road, Marsh Barton
	Heavy Clay or Refractory Goods	Original Style	Falcon Road, Sowton
	Cremation	Exeter and Devon Crematorium	Topsham Road
	Concrete Batching	Hanson	Hennock Road, Marsh Barton
		E&JW Glendenning	Kenton Place, Marsh Barton
		Aggregate Industries	Heron Road, Sowton
Part A(2)	Animal Rendering	J.L. Thomas	Canal Banks, Water lane
	Non-Ferrous Foundry	Alcoa Howmet	Kestrel Way, Sowton
Part A(1)	Animal Feed Compounding	BOCM Pauls	Bittern Road, Sowton
	Solvent, Acid and Surface Cleaning	South West Metal Finishing	Alphinbrook Road, Marsh Barton

8.3 Implementation of the EP Regulations

- 8.3.1 Permit applications - The operator of a new installation must apply for a permit before starting to operate. There is an application fee, which is set annually by DEFRA to cover the regulator's costs. The application must contain sufficient information for the Council to consider whether or not to approve it. The Council is required to consult relevant members of the public and other organisations.
- 8.3.2 If the Council decides to issue a permit, it must include conditions. These conditions will say how pollution is to be minimised. DEFRA publish guidance for each type of installation which says what are likely to be the right pollution standards. Under the law, the standards must strike a balance between protecting the environment and the cost of doing so. The Council must have regard to the guidance and consider local circumstances.
- 8.3.3 There is a right of appeal if a permit application is refused, or if an operator does not agree with some or all of the conditions which have been included in a permit.
- 8.3.4 Once a permit is issued, the operator must comply with the permit conditions and pay an annual charge. This charge is set by DEFRA to cover the regulator's costs in checking that the permit is complied with.
- 8.3.5 The Council uses a risk assessment process to determine how often an installation should be inspected to check for compliance with the permit. Installations are rated as high, medium or low risk, based on two things. Firstly, what the environmental impact would be if something went wrong and secondly, how reliable and effective the operator of the installation is. The annual charge is lower for low- and medium-risk installations.
- 8.3.6 The EP Regs give the Council powers if a business does not comply with its permit or operates without one, such as service of notices or prosecution.

8.4 Investigation of Complaints

- 8.4.1 The Council receives complaints about the operation or impact of regulated installations. These are investigated in accordance with the Environment Enforcement Policy to identify whether there is or has been a breach of any permit condition(s). Investigations may identify that the permit conditions are not appropriate, for example if they do not control a certain aspect of the process well enough, in which case the Council can vary the conditions. The Operator has a right of appeal against any varied conditions.

8.5 Enforcement

- 8.5.1 The Council carries out its duties under the EP Regulations in accordance with guidance from DEFRA and the Council's Enforcement Policy. Any enforcement decisions are documented, and advice is sought from the corporate legal team where appropriate.

8.6 Business Support

- 8.6.1 The Council will generally try to work with businesses to solve problems, and provide advice on compliance with their permit. They cannot operate as a free consultancy service for the Operator however. The Council keeps a record of income generated by application and annual fees and expenditure on Environmental Permitting work. Fees are set by DEFRA so the Council has no control over income but does endeavour to provide a cost effective service that supports business whilst protecting human health and the environment.

8.7 Consultation

- 8.7.1 Much of the information about permits must be put on a public register. Anyone can ask their local authority to see it. The public must also be consulted in various circumstances on permit applications etc.

8.8 Environmental Permitting Performance 2013/14

- 37 Part B and 7 Part A(2) inspections were conducted
- 7.6% of premises required additional interventions
- No applications were received
- 4 Part B variations were received. No applications for substantial change were received during the year.
- 93 complaints were received relating to authorised processes.
- The JL Thomas liaison committee continues to meet bi-annually.

SECTION 9: AIR QUALITY

9.1 Introduction

- 9.1.1 The Environment Act 1995 requires local authorities to review air quality, and to assess this against national objectives. Where an exceedence of an objective is identified, the authority must declare an Air Quality Management Area (AQMA) and produce an Air Quality Action Plan (AQAP), which must work towards achieving the objective level within the AQMA.
- 9.1.2 Exeter City Council declared an AQMA in 2007 because levels of nitrogen dioxide (NO₂) exceeded the annual average objective level at various locations. The area covers all of the main traffic routes in the city. This boundary was determined using the NO₂ concentration data, which are highest beside busy roads. Further studies showed that the high NO₂ concentrations are caused by traffic emissions along congested routes.
- 9.1.3 In April 2011 the AQMA order was amended to include exceedence of the short-term objective for NO₂ as well as the annual average objective. This occurred at a few locations within the existing area because of localised high traffic emissions. Exeter City Council's two Further Assessment Reports provide greater information on the local scale of the exceedences, specific sources of emissions and the type of improvements needed in order to meet the objective level. There are large-scale maps of each part of the area in the 2014 Progress Report. This, and Exeter City Council's other air quality reports are available at: <http://www.exeter.gov.uk/index.aspx?articleid=4292&listid=4261>

9.2 Air Quality Action Plans

- 9.2.1 The first Exeter AQAP covered the period 2008-2011. Because the source of the NO₂ emissions is traffic on the local road network it drew heavily from the Devon County Council (DCC) Second Local Transport Plan (LTP2, 2006-2011). Air quality was one of the four national shared priorities within the LTP2 and progress against Action Plan targets was generally good. Successes included:
- Consistently decreasing traffic levels on the majority of Exeter's key routes over the five year period;
 - Modal shift to sustainable modes including a 31% increase in cycle, 15% increase in bus, 75% increase in Park and Ride and 57% increase in train trips. (Devon County Council 2011)
- 9.2.2 Despite these changes, there was no clear trend of reducing NO₂ concentrations over the plan period. Reductions can be seen at most monitoring sites since 2010, however it is not possible to tell whether these are the start of a long-term trend, possibly resulting from measures in the LTP2, or examples of normal inter-annual variability.
- 9.2.3 With the replacement of LTP2 in 2011, the AQAP also needed updating. The AQAP2, published in 2012, reflects the changed priorities in LTP3 along with changes in national, regional and local policy that have occurred since 2008. The measures are proportionate to the funding and resources within LTP3 and from partners. Another key change since the first AQAP is the significant upward pressures on NO₂ emissions which will result from the proposed development in the greater Exeter area. In recognition of this contemporary context, the AQAP2 sets four key objectives, which are listed below.

Action Plan Aims:

1. To describe the impact of predicted growth and existing plans on NO₂ concentrations within the AQMA.
2. To identify where further improvements are required, how these could be achieved and where multiple benefits can be realised.
3. To provide a process for assessing the air quality aspect of the sustainability of future plans and policies.
4. To provide tools to engage local communities in air quality issues alongside wider sustainability issues.

- 9.2.4 The AQAP2 explains what actions the City Council will take with partners to meet these aims as part of delivering sustainable development. It identifies that current plans and policies will have a low positive impact on air quality, although it is accepted that there is some uncertainty associated with this. This is a modest predicted change, but should be set against the background of significant development in the city and therefore significant upward pressure on emissions.
- 9.2.5 The AQAP also proposes three areas of further work. These are the development of a Low Emissions Strategy and feasibility study for a Low Emissions Zone, the development of closer links between air quality and climate change work, and the need to increase understanding of the health impacts of poor air quality. Programs of work in these areas will be included in the annual Action Plan Progress Reports. They will connect air quality to two key national and local policy imperatives; the low carbon agenda and the creation of local Health and Wellbeing Boards at the upper tier local authority level (DCC).
- 9.2.6 The AQAP also introduces a methodology for transport and forward planners to understand the impacts of development and mitigation measures on air quality and to assess these in a simple and repeatable fashion. A commitment is also made to improve engagement with communities on air quality issues, and understanding amongst the local population. Future development of the AQAP may be driven (or otherwise) by these planners and by communities, rather than by the Environment Directorate and it is important that both groups are supported so that they understand the need for reductions in emissions and how to evaluate proposals.
- 9.2.7 Because of uncertainty over funding, delivery of development, policy context and future legislation the AQAP2 contains relatively little detail on specific measures which will implement the actions described. Instead the annual Action Plan Progress Reports (AQAP PRs) will contain detailed information on the recent progress and intended direction of particular measures. This annual reporting mechanism allows for the program to be updated regularly, as DCC and other partners update their schemes. This is seen as the most efficient way of ensuring that the AQAP remains relevant. The first AQAP PR was published concurrently with the AQAP2 in 2012.

9.3 Latest Progress Reports

- 9.3.1 The AQAP Progress Report 2014 discusses each of the measures from the AQAP2 in turn, explaining what they involve, how they will be implemented and by whom. No target or trajectory for air quality improvements is set in the AQAP2 or AQAP PR. This is because the impact of many of the measures either has not or cannot be accurately quantified at this time. Instead, the annual reports will summarise data on the actual air quality change over the previous year, as well as a series of other key indicators such as the use of sustainable travel modes, car use, completion of developments etc.
- 9.3.2 The 2014 AQAP PR shows that work is largely on track with measures to implement the AQAP. It also reports on a reduction in peak time traffic levels in the last ten years, but it is not possible to categorically link cause and effect between this and any air quality change.

This situation will be kept under review in future years and further conclusions on the implementation of the AQAP2 measures and their impact will be drawn in subsequent annual AQAP Progress Reports.

- 9.3.3 In May 2014 the Council published its annual Air Quality Progress Report. This review of 2013 monitoring data shows that there are no exceedences of the objective levels outside the AQMA. There is some evidence for a reduction in NO₂ concentrations, such that fewer monitoring locations inside the AQMA are exceeding the objective, however it is not clear whether this is the start of a long-term trend or simply inter-annual variability as a result of changes in weather etc. As a result, it was decided not to undertake a detailed assessment of the suitability of the current AQMA boundary, although the situation will be kept under review.
- 9.3.4 The report also identified an exceedence of the ozone objective level, but this does not trigger the need for a local detailed assessment because ozone is not a local air pollutant. Any assessment is conducted nationally by DEFRA. The ozone levels will be kept under review in future years.
- 9.3.5 Progress Reports also summarise information on new sources of local air pollution. During 2013, no developments were granted planning permission which are expected to have a significant adverse impact on air quality after mitigation.

Low Emissions Strategy Project

9.4 Background to the Project

9.4.1 Exeter City Council (ECC) has declared an Air Quality Management Area because of exceedences of both the long-term and short-term EU limit values for nitrogen dioxide (NO₂). Studies have identified that the main sources of the high NO₂ concentrations are transport emissions, and this is reflected in the AQMA boundary, which includes all of the main routes into and around the city. Additional stress will be placed on emissions by significant planned growth both in Exeter and its surrounding area. This is estimated to increase the population of greater Exeter by some 50% by 2026, and increase the potential for travel into the city, particularly through;

- urban extensions to the east and south-east of Exeter,
- the creation of a science park,
- Skypark business centre,
- multi-modal freight terminal,
- redevelopment of 4.6Ha of the city centre including the bus station, and
- Cranbrook development east of Exeter.

9.4.2 ECC's second AQAP has recently been published and reflects the changed policy and local development situation since the publication of the first AQAP in 2008. The LES project will deliver significant aspects of the AQAP 2, which aims to ensure that planned development is delivered as sustainably as possible, improve connections between air quality work and the public health agenda, ensure that air quality and climate change policy is integrated and empower local communities to make sustainable transport decisions. The AQAP 2 and first Action Plan Progress Report are available online at:

<http://www.exeter.gov.uk/index.aspx?articleid=4292&listid=4261>

9.5 Aims of the Project

9.5.1 The Council was successful in obtaining a DEFRA grant to establish a Low Emission Strategy (LES) to identify and implement measures that will reduce transport emissions of NO_x and contribute towards meeting the EU limit values for NO₂, whilst also reducing emissions of particulates, noise and CO₂. The project will be completed within 18 months from commencement and has the following strategic aims:

1. To integrate low emission strategies into mainstream policy development for transport and planning within Exeter and to influence policy in the greater Exeter area.
2. To reduce emissions from the Council owned fleet and grey fleet, including by increased uptake of low emission vehicles.
3. To work with partners in the private and public sectors to increase the uptake of sustainable transport choices, including low emission vehicles within the greater Exeter area.

9.5.2 The Council will appoint a suitably experienced and capable Consultant with the aim to commence the project in May 2013 with completion by November 2014.

9.6 Project Objectives

1. To develop an evidence base for emissions and their impacts for an agreed base year, and evaluate the effects of planned development and current transport policy (as defined in Exeter's Core Strategy and Devon County Council's Local Transport Plan documents).
2. To engage with Devon County Council, local employers, communities and other partners within ECC in order to:
 - a. Establish a steering group and separate stakeholder group.
 - b. Promote potential benefits to stakeholders and nurture partnership working to realise successful outcomes.
 - c. Identify implementation barriers and opportunities to strengthen public awareness of the impact of poor air quality on health and the benefits of sustainable transport options. This will include a review of case studies, developing a local best practice guide, creating partnerships and developing links with community and business groups in order to engage with local communities in making sustainable transport decisions.
 - d. Work with the steering and stakeholder groups to identify viable sustainable transport options, based on the emissions evidence, which could be promoted amongst specific vehicle groups.
 - e. Identify the potential options for a Low Emissions Zone, including the geographic extent, scope and regulatory options for implementation and enforcement. Select a range of LEZ options with the steering group for further investigation.
 - f. Quantify the relative socio-economic impacts, barriers, costs and effectiveness (in terms of noise, carbon and local air pollution emissions) of the options identified in steps (d) and (e). Report on the findings of this assessment, cataloguing the decision-making process and supporting information.
 - g. Obtain commitment from employers to take measurable steps to reduce their transport emissions. A target will be set to gain commitments from a specified number of businesses in conjunction with the Devon County Council Sustainable Transport Team who have experience in this area.
3. Work with partners, to develop, consult upon and publish a Low Emissions Strategy for the city. This will include stretching but realistic targets for reductions in emissions, and programs of measures which will achieve these (possibly including an LEZ, depending on the outcomes of the assessment above).

9.7 Key Partners

9.7.1 The council believes that to develop a successful LES it needs to involve, consult and work with locally based businesses and residents to engage them in contributing to sustainable transport decisions.

9.7.2 It is expected that in achieving this project the Consultant will consult and liaise with;

1. DCC's sustainable travel team, to make good use of their existing knowledge and experience. This to minimise duplications and conflicts with their work and to ensure that the Consultant makes the best and full use of resources available for the success of this project.
2. ECC's Contracts function, to examine how the wider promotion of the Green Accord accreditation in the area can be utilised to contribute to the Low Emissions ambitions of the Council.
3. Low Carbon Task Force, to connect with their ambitions to build momentum in reducing emissions associated with new business park and Cranbrook developments to the East of Exeter.
4. ECC City Development function, to investigate how the mechanism of growth can deliver a step change in sustainable transport provision and its wider uptake.
5. DCC Health and Wellbeing Board, having regard to aspects of the Air Quality Action Plan and its connection with the national framework indicator on air pollution.
6. ECC Green Team and ECC Environmental Health Service, to build on existing environmental education work and relationship with Exeter College etc.

9.8 Progress with the LES Project

9.8.1 The Low Emissions Strategy was delayed in starting because of problems with the tendering process. The consultants TRL were appointed in 2013 and the project started in January 2014.

9.8.2 The project is progressing according to the project plan. The consultants have completed the risk register, and the modelling of baseline traffic emissions. Baseline emissions from the Council fleet and grey fleet have also been modelled separately. The project team is currently engaged in developing the emissions inventory for future years.

9.8.3 Some variations from the proposed methodology have become necessary. For example DCC's ANPR data were going to be used to describe the local vehicle fleet, but the ANPR cameras are no longer operational so the national fleet breakdown has been assumed instead. None of the changes are thought likely to significantly affect the project outcomes.

9.8.4 The first project consultation stage is due to commence shortly. It will identify options for inclusion in the Low Emissions Strategy. The Project Team is currently seeking external members for the LES Steering Group and consultation partners. In particular, we wish to develop contacts with the private sector, city centre businesses and the haulage industry.

9.8.5 The project is expected to be complete by the end of 2014.

9.9 Air Quality Performance 2013/14

- 80 enquiries / complaints were received during the year.

- Commenced delivery of the Low Emissions Strategy Project.
- The Air Quality Progress Report and Air Quality Action Plan Progress Report were written and submitted to DEFRA.
- 82% of roadside monitoring locations do not exceed NO₂ objective levels.
- The average extent by which objective level is exceeded at monitoring locations where an exceedance has been identified was 7.41 µg/m³
- The maximum extent by which objective level is exceeded at monitoring locations where an exceedance has been identified was 20.83 µg/m³

SECTION 10: CONTAMINATED LAND

10.1 Introduction

10.1.1 Land affected by contamination from either natural or anthropogenic sources is widespread throughout the UK. It is often only when a risk assessment determines that the level of contamination is or is likely to cause significant harm to a receptor that regulatory intervention is required.

10.1.2 The definition of significant harm is based on the pollutant linkage being present. A pollutant linkage consists of three parts:

- A "contaminant" is a substance which is in, on or under the land which has the potential to cause harm or to cause pollution of controlled waters.
- A "pathway" is one or more routes or means by, through, which a receptor is being exposed to, or affected by, a contaminant, or could be so exposed or affected.
- A "receptor" (as specified in the relevant guidance for the regulatory regime involved).

10.1.3 The level at which harm becomes significant depends on the regulatory regime being implemented and how precautionary it is.

10.1.4 Local Authorities are the primary regulators for the majority of the legislation which relates to contaminated land, although the Environment Agency is also involved in some circumstances. The Environment Directorate provides specialist support and technical advice to other parts of the Council in the discharge of their relevant duties, including the management of Council owned sites which are affected by contamination. The Council has adopted a Contaminated Land Strategy which describes its approach to all these areas of work, as summarised in the following sections.

10.2 Environmental Protection Act 1990 Part 2A

10.2.1 Part 2A of the Environmental Protection Act 1990 ("Part 2A") establishes a legal framework for dealing with historic contaminated land. It has a high threshold for the definition of "contaminated land" as follows:

"contaminated land" is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that –

- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused. (Section 78A(2))

"Harm" means harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property. (Section 78A(4))

10.2.3 Part 2A is intended to deal only with the most significantly affected sites. Under the Act, Local Authorities have a duty to inspect their area for such "contaminated land". Statutory Guidance describes two broad types of "inspection":

- (a) strategic inspection, for example collecting information to make a broad assessment of land within an authority's area and then identifying priority land for more detailed consideration; and
- (b) carrying out the detailed inspection of particular land to obtain information on ground conditions and carrying out the risk assessments which support decisions under the Part 2A regime relevant to that land.

10.2.4 If land is determined to be “contaminated land” following inspection, Part 2A provides for the Council to apportion liability and require remediation of the site.

10.2.5 The Contaminated Land Strategy provides further detail on how Part 2A will be implemented and how strategic and detailed inspection will be carried out.

10.3 Town and Country Planning

10.3.1 The National Planning Policy Framework contains the following guidance on delivering sustainable development:

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

10.3.2 The Environment Directorate provides specialist advice to both the Local Planning Authority and to Devon County Council as the Waste and Minerals Planning Authority on land contamination in order to ensure that this and other relevant guidance is followed. In practice this involves scrutinising development sites and planning applications for potential contamination impacts, reviewing third party risk assessment reports for their adequacy, agreeing relevant planning conditions and making recommendations on the discharge of these. This is a significant area of work for the Environment Directorate in terms of specialist knowledge and time resources.

10.4 Other Regulatory Regimes

10.4.1 Building Regulations 1991 – these may require measures to be taken to protect the fabric of new buildings, and their future occupants, from the effects of contamination. Approved Document Part C (Site Preparation and Resistance to Moisture) gives guidance on these requirements. The Environment Directorate provides specialist advice to Building Control on contamination, risk assessment and remediation when required.

10.4.2 Environmental Protection Act 1990 Part III – Statutory nuisance provisions now only apply where land gives rise to a nuisance (such as an odour) that is an offence to human senses but which is not covered under the various categories of harm set out in the Contaminated Land Statutory Guidance.

10.4.3 Environmental Permitting Regulations 2010. Some sites permitted by either the Local Authority or the Environment Agency are required to submit a Site Condition Report which provides baseline evidence on ground conditions when a permit is first issued. The site must be returned to this state if the permit is surrendered. The regulators also have powers to control contaminative activities at some permitted sites.

10.4.4 Water Resources Act (WRA) 1991 – The WRA 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters, which could occur as a result of land contamination.

10.4.5 Environmental Damage Regulations 2009 - The EDR implement the European directive on Environmental Liability. They are based on the "polluter pays principle", so those responsible prevent and remedy environmental damage, rather than the taxpayer paying for it. Environmental damage has a specific meaning in the regulations covering only the most serious cases, and including damage to land.

10.5 Voluntary Remediation

10.5.1 Site owners and those responsible for potentially contaminated sites can also decide to undertake voluntary investigation and remediation. There is no legal requirement to consult with the Local Authority in this event, but site owners will often do so. The Environment Directorate supports voluntary remediation, and endeavours to ensure that such sites are investigated and remediated to a suitable standard and that evidence to demonstrate this is provided to the Council for future reference.

10.6 Council Owned Land

10.6.1 The Council is a significant land owner in the city, with responsibility for both receptor sites (eg housing which could be affected by contamination) and sites which have potentially contaminative former uses. The Environment Directorate provides specialist advice to the Estates Department and to land managers regarding contamination. This involves some routine monitoring and reporting, where sites have previously been investigated by an external consultant. It is important to maintain a separation between regulatory functions and technical support to internal customers.

10.7 Contaminated Land Strategy

10.7.1 The Council published its Contaminated Land Strategy in 2001. It was due for review during 2013/14 to reflect the recently updated Part 2A Statutory Guidance and the changed circumstances of the last ten years. As a result of maternity leave, the review was not completed this year. The updated strategy will be published in 2014/15. Following publication, the Strategy will be kept under periodic review to ensure it remains up to date, especially in the event of further changes to the Statutory Guidance. The Council will aim to review the Strategy at least every five years.

10.7.2 The revised strategy will describe how the Council will implement Part 2A, but also how it will apply alternative regimes when relevant. Decisions about the most appropriate regime in any particular case will be handled through consultation between the Council and the Environment Agency. The Council will take a strategic approach to carrying out its duties. This approach will be rational, ordered and efficient, and it will reflect local circumstances in Exeter. The Council will take a precautionary approach to the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case or placing unnecessary burdens on businesses or individuals. The aim will be to consider the various benefits and costs of taking action, with a view to ensuring that the intervention produces net benefits, taking account of local circumstances in each case.

10.7.3 As part of the implementation of the Strategy, the Council will maintain databases and GIS files of sites which have been inspected, or require inspection in some form. This work will be undertaken by the Environment Directorate.

10.8 Contaminated Land Performance 2013/14

- The service commented on 180 new planning applications during the course of the year.
- 1 new site was entered onto the service's contaminated land database.
- The methane, stream water and groundwater monitoring results were reported upon and reviewed.

SECTION 11: NUISANCE AND HEALTH

11.1 Role of the service

11.1.1 The protection of our environment is important for human health. The adverse impacts of the environment on health are therefore important to the Council. The main principle laid out under the Environmental Protection Act 1990 is to inspect the city in order to protect those who live, work and visit the city against public health nuisances and to safeguard the against the effects of environmental pollution.

11.1.2 The Environmental Protection Act 1990 provides powers to individuals and Local Authorities to take action where a person is subjected to an unreasonable and significant nuisance at their property. There is no definition of a statutory nuisance but in general terms it could be described as "what an ordinary reasonable person would consider unacceptable". This definition would exclude any personal circumstances being taken in to account when assessing nuisance. It is assessed from the average person's perspective, so matters such as shift work patterns, medical conditions, sensitivities etc, cannot be taken into account.

11.1.3 To be considered a statutory nuisance something must be, or likely to be a nuisance or prejudicial to health. It must be something which seriously affects and disturbs the comfort and enjoyment of a person's property and can include:

- any premises in such a state as to be prejudicial to health or a nuisance
- smoke and ash emitted from premises, such as from bonfires or chimneys
- fumes or gases emitted from premises
- any dust, steam, smell or other effluvia arising on business premises
- accumulations or deposits of rubbish or offensive materials causing smells, flies etc
- any animals kept in such a place or manner as to be prejudicial to health or a nuisance
- any insects emanating from a business premises
- noise from domestic or commercial premises including licensed premises
- noise emitted from or caused by a vehicle, machinery or equipment in a street
- artificial light emitted from premises

11.1.2 Environmental health has an important contribution to make to improving public health and reducing health inequalities and regularly has to intervene with properties that have become filthy and verminous. These are often quite complex cases that involve dealing with individuals and families who are struggling to cope, with such cases frequently characterised by an accumulation of material that can make access to the premises difficult and that may present a physical or fire risk to the occupants of adjoining premises. Such premises have to be dealt with sensitively and normally in partnership with the Social or Children's Services and other organisations.

11.2 Objectives

11.2.1 The service provides a proactive and reactive service dealing with routine Environmental Health complaints such as:-

- To investigate all Public Health Nuisances arising in the city (such as drainage, smoke, noise, illegal dumping, abandoned vehicles)
- To respond to consultations from Planning
- To investigate all complaints from commercial, industrial and domestic premises.
- To provide advice on all environmental protection matters
- To investigate incidences of fly-tipping.

11.3 Methodology

11.3.1 The Section undertakes monitoring of noise for the Council. Monitoring may also be undertaken prior to a proposed development, as part of the planning process, post development noise monitoring may also be undertaken to ensure compliance with planning conditions. Noise surveys are also undertaken from time to time

11.3.2 Environmental Health Services address environmental issues and provides a fast-acting complaint response service. It:

- works to reduce noise pollution in the city;
- provides an effective and safe pest control service;
- helps the Council carry out its duties whilst causing the least possible damage to the environment;
- deals promptly, sensitively and effectively with problems relating to all of these issues at the request of the public; and
- enforces the relevant laws and bylaws in a transparent and fair fashion.

11.4 Nuisance and Health Performance 2013/14

- The service received and investigated 955 noise complaints, 5 of which had noise abatement notices served and 1 resulted in a successful prosecution for 3 counts of breaching the abatement notice.
- The service received and investigated 234 rubbish, fly-tipping and untidy land or premises complaints, 5 of which resulted in notices being served under Public Health legislation.
- The service received and investigated 67 smoke control and bonfire related complaints.
- The service received and investigated 45 drainage, septic tank and other sewage related complaints of which 2 were served with notices to repair defects.
- The service received and investigated 144 odour related complaints (excluding those made against premises authorised by Exeter City Council under the Environmental Permitting Regulations
- The service received and investigated 5 light pollution complaints.
- The service received and investigated 234 nuisance vehicles.
- 945 requests were made to the Pest Control Service

SECTION 12: PRIMARY / HOME AUTHORITY PARTNERSHIPS

12.1 Scope of the Primary / Home Authority Partnerships

- 12.1.1 The Regulatory Enforcement and Sanctions Act 2008 established a statutory scheme for businesses trading across local authority boundaries. The scheme known as the Primary Authority Scheme enables businesses and local authorities to enter into formal partnerships. The advice provided by the local authority has to be taken into account by other councils before enforcement action can be taken against the business concerned.
- 12.1.2 Businesses that operate from more than one site can be subject to regulation and enforcement action by multiple local authorities. As a result, BRDO has found that on occasions these organisations may find themselves subject to regulatory enforcement using different approaches in different locations
- 12.1.3 Currently, there are voluntary 'Home' and 'Lead' Authority schemes which aim to address this issue. Generally, the Local Authority where the businesses head office is based will become a contact point for other authorities so that regulatory issues that apply across the business can be addressed. For example the company would liaise with the home authority to ensure that their policy for reporting accidents complies with the legislation.
- 12.1.4 Whilst the majority of businesses have been content with the voluntary arrangements, some others, particular national retailers, have not and so pressed for the introduction of a statutory 'Primary Authority' scheme, which is specifically designed to build on the successes of the current arrangements whilst addressing deficiencies. The RES Act provides for the introduction of this statutory scheme.

12.2 Main Provisions of the Regulatory Enforcement and Sanctions Act 2008

- 12.2.1 For the first time companies gain the legal right to form a statutory partnership with a single local authority, which must then provide robust and reliable advice on compliance which other Councils must take into account when carrying out inspections or dealing with non-compliance.
- 12.2.2 The idea of the scheme is that:
- a. Formal partnerships are made between businesses and a local authority for that local authority to act as a Primary Authority and provide advice and guidance on the legislation covered by the partnership.
 - b. Where a local authority other than the relevant Primary Authority (described as an "enforcing authority") proposes to take enforcement action against an organisation with a Primary Authority, the enforcing authority must consult the relevant Primary Authority first.
 - c. The Primary Authority will then have the right to direct the enforcing authority not to take the proposed enforcement action if they believe that it is inconsistent with advice or guidance that they had previously given.
 - d. Partnerships can cover all environmental health legislation, or be more specific, relating to functions such as food safety, health and safety, licensing and environmental permitting.

12.3 Enforcement

- 12.3.1 Where a proposed enforcement action has been referred to a Primary Authority and the parties involved cannot reach an agreement as to the action that should be taken, the enforcing authority, the Primary Authority or the organisation involved can refer the action to BRDO for determination. The purpose of this determination process is to examine whether the Primary Authority's previous advice was correct, and the proposed enforcement action is inconsistent with that advice.
- 12.3.2 While the flexibility to adapt to local circumstances must be retained, eliminating inconsistent interpretation serves to enhance the credibility of all local regulators, as well as preventing unfair variations in the level of protection that the public receives. This will inevitably support the creation of a level commercial playing field, giving businesses more confidence to invest and grow.
- 12.3.3 It is recognised that the co-ordination of advice and enforcement is essential to ensure uniformity of treatment and consistency in dealing with businesses which have more than one branch or unit situated in different food authority areas. The Council will therefore be guided by the LG Regulation Home Authority Principle or where applicable the Primary Authority Principle.
- 12.3.4 A national inspection plan can be produced by the primary authority to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information. If a problem arises, the primary authority can coordinate enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.
- 12.3.5 Regulatory burdens will be reduced through embracing the Primary Authority Concept. The requirement for other enforcement authorities to consult the Primary Authority prevents unwarranted enforcement actions. Where an inspection plan is in place, unnecessary checks and tests are avoided whilst undertaking intelligence/risk based local inspections.

12.4 Resources

- 12.4.1 The primary authority scheme is overseen by the BRDO who have a statutory responsibility to register the partnerships, issue guidance and resolve any disputes that may arise. Once legally nominated by BRDO, partnerships are automatically recognized by all local regulators and details of the partnership is maintained on a central national register providing an authoritative reference source for businesses and councils.
- 12.4.2 Resourcing the partnership is considered by both the council and businesses concerned and where necessary, a primary authority can recover its costs in relation to the level of service provided. Section 31 of the RES Act states that 'the primary authority may charge the regulated person such fees as it considers to represent the costs reasonably incurred by it in the exercise of its functions under this Part in relation to the regulated person'. The approach that must be taken by local authorities in recovering costs is set out in treasury guidance.
- 12.4.3 Charges levied upon any business that we enter into agreement with will be set based on official guidance and will reflect the extra level of support and assistance given to Primary Authority businesses. Any charge will be based on a cost recovery basis.
- It is the most effective means for councils to deliver support to businesses, through impact partnerships.
 - Better relationships between the regulated and the regulators mean better regulation.
 - It can increase the prosperity of communities.

12.4.4 As partnerships are established, the council will gain access to better intelligence in relation to any business risks. This will assist inspection and regulation, avoiding duplication of effort and the ability to target resources on the areas of highest need.

12.5 Legal Implications

12.5.1 There is no statutory obligation on the authority to enter into any partnership agreement. A business can request the level of support it needs from its primary authority and the authority will then determine whether it has the capacity to meet the needs of the business before entering into any partnership agreement.

12.5.2 The Council will take responsibility for giving advice to those businesses on matters relating to food safety and hygiene, health safety and welfare, licensing, and environmental protection as required by the business.

12.5.3 Where the Council are unable to adhere to this principle the Council will discuss our concerns with the Better Regulation Delivery Office and, should the matter not be resolved, with the relevant agency (Food Standards Agency, Health and Safety Executive, or Environment Agency).

12.6 Current Home Authority Partnerships

12.6.1 The Authority already has a number of 'Home' Authority responsibilities for certain businesses within the city and this will present further opportunity to engage with these businesses currently operating under Home or Lead authority arrangements and transferring each to Primary Authority status

12.6.2 Home Authority agreements currently exist with:

1. RD+E Foundation Health Services Trust
2. Shaul Bakery Ltd
3. University of Exeter

12.7 Current Primary Authority Partnerships

12.7.1 Primary Authority partnership agreements have been established with:

1. Lloyd Maunder (Food Safety)
2. Devon Norse (Food Safety, Health and Safety and Licensing)
3. Brownsword Hotels (Food Safety, Health and Safety and Licensing)

12.8 Enterprise and Regulatory Reform Act 2013

12.9 On 1st October 2013 the Enterprise and Regulatory Reform Act extended the scope of the Primary Authority scheme. Previously, a business had to be regulated by at least two councils to form a primary authority partnership with a local authority, but the ERR Act now opens participation up to businesses which share an approach to compliance such as trade associations and franchisees.

SECTION 13: SAMPLING PROGRAMME 2013/14

13.1 Purpose of Sampling

13.1.1 The food and water quality sampling programme is devised to ensure effective use of resources and fulfil the requirements of the Food Sampling Policy, Private Water Supply Regulations and water quality standards in respect to swimming pools.

13.2 Requirement to Sample

13.2.1 The food-sampling programme operates on a total sampling allocation of 12 samples per 10,000 population. This will require approximately 140 samples per year to be taken. The authority is required to provide a statistical return to the Food Standards Agency (FSA) and Drinking Water Inspectorate on its annual sampling activity. All local authorities have an arrangement with the Public Health England Laboratory, which provides a credit allocation to facilitate this work.

13.2.2 The authority has a duty under the Private Water Supply Regulations to conduct periodic sampling of Private Water supplies within the City. All local authorities within Devon have an arrangement with South West Water, which provides a pay as you sample contract to facilitate this work.

13.2.3 The authority also conducts routine swimming pool sampling of all public and private swimming baths within the city. All local authorities have an arrangement with the Public Health England Laboratory, which provides a credit allocation to facilitate this work.

13.3 Sampling Methodology

13.3.1 Primary / Home Authority Partnership role: There is only a very limited role for the Council to play in this respect as we are without any large national companies producing high-risk products. There are however a few small producers whose products are distributed locally and sampling will provide a means of surveillance of their goods and services.

13.3.2 Devon & Cornwall Chief Officers Food Sub Group: The food sub group have produced an agreed sampling plan that is applicable to both Unitary and district council members. This sampling plan will act as a 'pick list' and along with nationally agreed surveys will inform the majority of the food sampling methodology. In addition to the national surveys the food sub group have also agreed several local surveys.

13.3.3 Vulnerable Foodstuffs: High-risk foodstuffs, which give cause for concern or suspicion, may need to be sampled on an ad hoc basis. This will include sampling verification of controls at a critical step in a food operation and monitoring of imported food from third world countries, for example.

13.3.4 Complaints: Food samples may be taken when investigating consumer complaints, either to confirm suspected contamination or in undertaking enquiries resulting from complaints.

13.3.5 Statutory Samples: We have a statutory obligation to monitor water distributed by SWWS Ltd and to a limited extent premises with private water supplies.

13.3.6 Survey Work: The number of samples taken as a result of Food Alerts, locally/nationally agreed surveys and food poisoning investigations is subject to annual variation, but provision will be made for these items.

13.3.7 Environmental Swabs: The swabbing of key food contact and hand contact surfaces is seen as an effective means of contributing to the assessment of hygiene standards during routine food hygiene inspections. Officers will use a combination of swabs sent to the Public Health England laboratory and ones analysed at the time of visit using an ATP meter.

13.4 Budget Provision

13.4.1 In addition to the credit allocation provided by the Public Health England laboratory, sums of £260 (analyst's fees) and £300 (samples) are included within the budget. These sums are intended to cover all sampling and a proportion of this will be reserved for Health and Safety sampling (e.g. asbestos, COSHH etc.).

13.5 Resources

13.5.1 There is adequate provision within the present budget to undertake the proposed sampling programme. Allowing for some flexibility between the two budget entries ensures that problems in financing the purchase and analysis of samples for the Food and Health and Safety enforcement functions of the section will be minimised. The programme assumes the current staffing level as outlined in section 3 of this report will be maintained throughout the year.

Year	2014												2015			
Months of sampling	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A
New National LGR / Public Health England Studies																
Study 53 - Swabs from ready to use platters																
Study 54- Takeaways with FH rating of 3 or below																
Study 55- Reactive study (no protocol as yet)																
Devon Sub Group Studies																
Fish & Chip Shop Batter study																
Exeter Specific Sampling																
Takeaway / Restaurant Evening Sampling																
Non Compliant Premise Sampling / ATP Swabs																
Noise at work analysis																
Swimming Pool Sampling																
Private Water Supply Sampling																

13.6 Sampling Performance 2013/14

- 132 samples were taken during the year
- 103 samples were taken of food products, with samples taken across all classifications. Of these samples 79.6% were found to be satisfactory with 20.4% shown to be unsatisfactory or borderline. All unsatisfactory / borderline results were investigated further by officers.
- 27 samples were taken of swimming / spa and paddling pools. Of these, 81.5% were found to be satisfactory with 18.5% having an unsatisfactory / borderline

sampling result. Where an unsatisfactory / borderline result was returned by the laboratory, officers worked with pool operators to ensure immediate remedial action was taken.

SECTION 14: ENVIRONMENTAL HEALTH TRAINING SERVICE

14.1 Scope of the Training Service

14.1.1 The service has established a robust cost effective training service for Exeter and the surrounding area. The service in the past has been successful in receiving external funding initiatives and will apply for funding schemes as and when they become available.

14.2 Main provisions of the Training Service

14.2.1 Food handlers must receive adequate supervision, instruction and /or training in food hygiene for the work they do. The owner of the food business is responsible for ensuring that this happens. There is an equivalent legal position under Health and Safety legislation and businesses have a legal duty to assess the risks within their operation and the take precautions to minimise that risk.

14.2.2 The Environmental Health training services provision has been at the forefront of training since the establishment of the first formal courses. Over the last 5 years, the Environmental Health Training Portfolio has established itself as a primary provider of Environmental Health training courses in Exeter and the surrounding area. The authority aims to provide this service on a cost neutral or profit making basis.

14.2.3 The training and education activities are principally directed to workplace and consumer health protection, although increasingly educational establishments and the voluntary sector are using the service. The service embraces the principles of excellence in public services and Better Regulation and looks to make the most effective use of available resources to achieve maximum gain.

14.2.4 The service is currently achieving a 95% pass rate for its training courses.

14.3 Access to training

9.3.1 The service looks to actively encourage delegates who require additional support in terms of, language difficulties, poor literacy or numeracy skills, physical or mental challenges, dyslexia or other literacy problems.

14.3.2 Where additional support is required, this can be provided through the provision of language specific course materials, extension of guided learning hours, oral examinations, extended examination period, alterations to the method of instruction or provision of specific courses. The service also provides training in other languages to meet the diverse needs of the business community.

14.4 Financial Implications

14.4.1 A robust cost effective training service for Exeter has been established and to the same degree this also serves the surrounding area. The service has been innovative and successful in receiving external funding and will apply for funding schemes as and when they become available.

14.4.2 The costs of providing training in other languages significantly increases the costs as the service needs to employ the services of a translator or course tutor who can deliver the course in the desired language to ensure that the courses are equally successful.

14.5 **Education and Awareness Performance 2013/14**

- During 2013/14, 550 delegates have attended education and awareness sessions.
- Sessions have also been held at Exeter College, Exeter University and St Peters High School regarding food safety, health and safety, piercing and tattooing.
- Food Hygiene courses were also held in Cantonese and Mandarin following requests from a number of businesses.
- Free bi-monthly Food Hygiene Awareness sessions available to all businesses and were attended by 32 delegates. Sessions give food business operators the information needed to attain a 5 out of 5 rating.
- The annual curry chef competition was held at Exeter College during February 2014, with the final being held on the opening night of the Exeter Food Festival.

SECTION 15: RESOURCES

15.1 Financial Matters

15.1.1 Detailed figures to determine the overall specific level of expenditure involved in providing individual elements of the service are not available as there are fluctuations in priority and need across the wide range of legislative areas. Likewise with changes in the intervention pattern it is difficult to accurately determine the trend of growth, of the various functions of the service. The food safety function can occupy the significant portion of time of the Section, at the expense of the other services.

15.1.2 The training element is also covers subjects across the enforcement disciplines, although it has its own budget and cost centre and aims to be cost neutral. External tutors are used to increase efficiency in delivering this service.

15.1.3 The budgets for sampling and analysis of samples are currently £560 for the year.

15.1.4 **Budget Allocation Figures for 2014/15 – Food Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	225,340	15,400	1,070	58,340
Proportion allocated to Food Safety Function (40%)	135,204	9240	642	35,004
Analysis (max)		260		
Purchase of Samples		300		
Environmental Protection Sampling Technician	2,000			

NB:

- Based on 40% allocation to Food Safety. Analyst fees up to a maximum £260 (may also be used for water/health and safety samples) if required.

15.1.5 **Budget Allocation Figures for 2014/15 – Health and Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	225,340	15,400	1,070	58,340
Proportion allocated to Health & Safety Function (40%)	76,568	6,160	428	23,336
Environmental Protection Sampling Technician	2,000			

NB:

- Based on 40% allocation to Health and Safety. Analyst fees up to a maximum £260 (may also be used for water/health and safety samples) if required.

15.1.6 Budget Allocation Figures for 2014/15 – Training Provision

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Health Education F018</u>	3,840	8,000	-	4030
Proportion allocated to Health & Safety function (20%)	768	1,600	-	806
Proportion allocated to Food Safety function (80%)	3,072	6,400	-	3,224

15.1.7 Budget Allocation Figures for 2014/15 – Licensing

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Licensing F021 / F022</u>				
Proportion allocated to Taxi Licensing function (F021)	70,770	12,260	100	51,380
Proportion allocated to Premise Licensing function (F022)	88,570	9,250	150	39,060

NB:

- Costs do not include those associated with the licensing committee and associated support given to the committee.

15.1.8 Budget Allocation Figures for 2014/15 – Environment Permitting, Contaminated Land, Air Quality, Business Nuisance Investigations and Commercial Pest Control

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Environmental Strategy F025</u>	114,040	21,740	5,420	45,050

15.1.9 Budget Allocation Figures for 2014/15 – Nuisance Investigations and Domestic Pest Control

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Environmental Protection F001</u>	160, 860	13,940	10,480	79,340

15.2 **Staffing Allocation**

15.2.1 Environmental Health and Licensing is managed by the Environmental Health and Licensing Manager.

Title	Qualification	Role
Environmental Health and Licensing Manager	BSc / Msc Environmental Health	Management

15.2.2 There are currently 3 FTE staff directly working on food, enforcement and related matters and 2 FTE staff directly working on health and safety related matters with a significant and increasing support role by Environment Support staff.

Title	Qualification	Role
PEHO	BSc Environmental Health	Lead Professional Officer
EHO	BSc Environmental Health	Food Safety / Health and Safety and Nuisance District Officer
EHO	BSc Environmental Health	Food Safety / Health and Safety and Nuisance District Officer
EHO	BSc Environmental Health	Food Safety / Health and Safety and Nuisance District Officer
EHO (part time)	BSc Environmental Health	Food Safety / Health and Safety Inspector
EHO - Agency	BSc Environmental Health	Food Safety, Health and Safety and Private Water Supplies Contract Inspector

15.2.3 There are currently 3 FTE staff that are directly working on Environment Permitting, Contaminated Land, Air Quality, Business Nuisance Investigations and Commercial Pest Control.

Title	Qualification	Role
Senior Technical Officer	BSc/Diploma in Environmental Health and EHORB Certificate of Registration OR University Science/maths degree or equivalent professional qualification in the field of noise/air quality monitoring or contaminated land	Environmental Permitting, Nuisance Investigations, Contaminated Land, Air Quality, Sampling and Monitoring
Technical Officer	Educated to 'A' level or equivalent	Environmental Permitting, Nuisance Investigations, Contaminated Land, Air Quality, Sampling and Monitoring
Environmental Protection Officer	Good general standard of education and to "O" level	Contract Pest Control, Nuisance Investigations,

	standard in two suitable subjects (Maths and English preferred)	Sampling and Monitoring
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15.2.4 There are currently 3 FTE staff that are directly working on Licensing related matters with a significant and increasing support role by Business Support staff.

Title	Qualification	Role
Principal Licensing Officer	Recognised licensing qualification plus 2 years enforcement experience	Licensing process and enforcement
Senior Licensing Officer	Recognised licensing qualification	Licensing process and enforcement
Licensing Officer	Recognised licensing qualification	Licensing process and enforcement

15.2.5 There are currently 11.5 FTE staff providing a customer and support service across the whole of the Office of the Assistant Directorate Environment.

Title	Qualification	Role
Principal Environmental Support Officer	Support	Service Support
Senior ESO x 2	Support	Service Support
ESO (x 8.5FTE)	Support	Service Support
Contract Tutors	CIEH/RIPH and/or Highfield Registration	Deliver training courses run by the service

15.2.8 There are currently 4 FTE staff that are directly working on Nuisance matters such as Noise, Odours, bonfires, defective drains, light, refuse, accumulations and Domestic Pest Control.

Title	Qualification	Role
PEHO	BSc Environmental Health	Lead Professional Officer
Environmental Health Technician	Educated to 'A' level or equivalent	Nuisance Investigations, Sampling and Monitoring
Environmental Protection Officer	Good general standard of education and to "O" level standard in two suitable subjects (Maths and English preferred)	Domestic Pest Control, Nuisance Investigations, Sampling and Monitoring

15.2.7 It is currently the policy of the Council to engage the services of outside contractors to assist in programmed food hygiene interventions. This will be subject to any agency contractors meeting the requirements specified in the Code of Practice (England) and the relevant Councils procedure; and the cost of the work being met within existing budgets.

15.3 **Staff Learning and Development Plan**

15.3.1 The service will ensure that staff are appropriately qualified and receive regular training to maintain and improve their level of competency. All officers will have access to at least 20 hours training which will normally be identified at performance appraisal and target setting. For those officers conducting food safety and health and safety enforcement work, a minimum 10 hours food safety and 10 hours of health and safety update training will take place on an annual basis. All Environmental Health staff within the section will be afforded the facility of continuing professional development.

15.3.2 The training structure comprises:-

- the employment of enforcement officers capable of food law, health and safety, licensing, environmental permitting and other enforcement that they are required to undertake;
- evidence of formal qualification (sight of original qualification certificates prior to commencement of employment);
- in-house competency-based training;
- successful completion of Regulators Development Needs Assessments (RDNA) to assure competence;
- identification of training needs during annual performance appraisal to meet current targets to assist and improve upon performance against current job requirements.

15.3.3 The following additional steps are taken to ensure staff development:-

- internal training sessions will be held (anticipated 4 hours CPD in food related topics and 4 hours CPD in health and safety related topics per year);
- briefing notes on topics of current interest will continue to be regularly circulated to bring details of new legislation and technological change in the field of all enforcement areas to the attention of officers;
- those staff who have not attained Chartered Status with the Chartered Institute of Environmental Health will be encouraged to achieve this by successfully completing their Assessment of Professional Development;
- programmes of instruction will be devised to accommodate the needs of new and existing staff and ensure the required level of competency.

SECTION 16: QUALITY ASSESSMENT

- 16.1.1 The Environmental Health and Licensing Manager and Principal Officers monitor the quality and consistency of work through the checking of inspection correspondence, statutory notices and audits of various aspects of work conducted on a periodic basis.
- 16.1.2 Customer perceptions of quality are monitored by a post inspection and service request questionnaires, which are sent to a representative proportion of businesses and service users. The questionnaire requests comments on the inspection process or dealing with a service request and any dissatisfied business proprietors or service users who identify themselves receive a follow-up telephone discussion and, where necessary, a visit from the Environmental Health and Licensing Manager or Principal Officer.
- 16.1.3 Any formal complaints made against the service are investigated and monitored in accordance with Council's Complaint Policy.
- 16.1.4 External verification of quality is actively pursued with a commitment to promote consistency of enforcement through auditing and benchmarking with the Devon CEHO's Health and Safety, Food Safety, Licensing, Environmental Protection and Public Health groups as well the Infection Control group organised by Public Health England
- 16.1.5 Internal monitoring procedures have been set up to verify the service operates in conformance with relevant legislation, the Food Law Codes of Practice (England), Section 18 of the Health and Safety at Work etc Act 1974 and our procedures.
- 16.1.6 The Council will continue to monitor and report on Customer Satisfaction with interventions and enforcement conducted by the service.
- 16.1.7 The Principal Environmental Health Officer and Principal Licensing Officer undertake annual quality monitoring audit with each inspecting officer to ensure consistency of enforcement. These audits are recorded and any outcomes agreed between the Principal Environmental Health Officer or Principal Licensing Officer and inspecting officer.

SECTION 17: REVIEW AND PERFORMANCE

- 17.1.1 Quarterly Performance Indicators on progress in implementing this Service Plan will be made by the Environmental Health and Licensing Manager to the Assistant Director Environment.
- 17.1.2 An annual review against the Service Plan will be made by the Scrutiny Committee (Community).
- 17.1.3 The annual review report will contain information on performance against the Service Plan and Performance Indicators. It will highlight any variances from the plan, reasons for these, and the likely impact that these may have.
- 17.1.4 The Scrutiny Committee (Community) will support and Executive will approve the Service Action Plan for the year. Improvements to the service identified as a result of the review, quality assessment, or benchmarking work will be incorporated in the Plan.
- 17.1.5 Information on our targets and progress towards meeting these will be published and publicised as part of the Council's Performance Plan.

17.2 Targets

17.2.1 Local Performance Indicators for 2014/2015:

- Percentage of food premises broadly compliant with food hygiene law (annual figure provided to FSA as part of annual return – lots of variance if provided on a quarterly basis)
- Percentage of health and safety Interventions compliant with health and safety legislation (this can be provided quarterly – focus of interventions and intervention projects will change based upon nation HSE direction and local intelligence)
- Percentage of samples taken found to be satisfactory (can be provided quarterly or on an annual basis)
- Number of delegates engaging with health education initiatives (can be provided quarterly or on an annual basis)
- Percentage of premises requiring additional interventions above the programmed statutory Environmental Permitting inspection frequency (can be provided quarterly or on an annual basis)
- The percentage of the population complaining about being affected by business related noise (this is based upon the Department of Health public health indicators – would be better reported on an annual basis)
- Percentage of roadside locations that do not exceed NO₂ air quality objectives (this can only be produced on an annual basis)
- Where exceedance occurs, the average level of NO₂ at sites where exceedances of the objectives are occurring (this can only be produced on an annual basis)
- Where exceedance occurs, the maximum level of NO₂ at sites where exceedances of the objectives are occurring (this can only be produced on an annual basis)

17.2.2 There are many performance targets for the service to meet in addition to the requirement to comply with standards issued by the Health and Safety Executive.

17.3 Review of performance 2013/14

Achievement of these improvements will be monitored by the Assistant Director Environment_and Environmental Health and Licensing Manager and where there are significant performance issues, reports will be made to the appropriate Committee.

SECTION 18: CONCLUSION

- 18.1 The Service Plan for 2014/2015 demonstrates that the Council has organised its food safety, health and safety, licensing, environmental permitting and monitoring and other associated functions in such a manner that it is capable of achieving a comprehensive service capable of meeting the corporate aims of the authority, and the expectations of the FSA, Health and Safety Executive, DEFRA, Home Office, Drinking Water Inspectorate and other related legislation that the section has responsibility for enforcing.

SECTION 19: GLOSSARY OF TERMS

GLOSSARY	
CCG	Clinical Commissioning Group
CIEH	Chartered Institute of Environmental Health
EHO	Environmental Health Officer
EHORB	Environmental Health Officers Registration Board
EHT	Environmental Health Technician
FSA	Food Standards Agency
FW&E	Food, Water and Environment Laboratory
HACCP	Hazard Analysis and Critical Control Points
HoS	Head of Services
HPA	Health Protection Agency
LGR	Local Government Regulation
PEHO	Principal Environmental Health Officer
PHE	Public Health England
PCT	Primary Care Trust
RSPH	Royal Society of Public Health
SWWS	South West Water Services plc

SECTION 20: RECOMMENDATIONS FOR THE SERVICE DELIVERY PLAN 2014/15

Environmental Health and Licensing provided by the City Council is a statutory service subject to annual review and periodic audit by the Food Standards Agency, Health and Safety Executive and Drink Water Inspectorate. The core elements of the service and their respective link documents detailing the expectation on the authority can be identified as follows:

- **Organisation / Officer Competency / Authorisations** – refer to officer appraisals and internal procedural guidance.
- **Food hygiene inspections** – refer to section 20 – Intervention / Work Programme for 2014/15.
- **Complaints / Service Requests** – referral to internal procedural guidance.
- **Home Authority** – refer to internal procedural guidance
- **Advice to Businesses** – refer to section 20 – Intervention / Work Programme for 2014/15.
- **Food Premises Database** – refer to internal procedural guidance.
- **Food Sampling** – Refer to Sampling Plan for 2014/15 contained within Section 12 of this service plan.
- **Control and investigation of Outbreaks of Food Related Infections/ Diseases** – refer to internal procedural guidance.
- **Food Safety Incidents** – refer to internal procedural guidance.
- **Enforcement** - refer to development of Intervention / Work Plan
- **Internal Monitoring and Peer Review** – refer to Work Plans for Devon CEHO's sub groups 2014/15.
- **Food Safety Promotion/Initiatives** - refer to section 20 – Intervention / Work Programme for 2014/15.
- **Facilities and Equipment** – refer to internal procedural guidance.
- **National Food Hygiene Rating Scheme** – to continue to maintain and enhance the scheme within the city.

The following recommendations are key activities to shape the service over the forthcoming year and bring about the necessary improvements to ensure it meets the requirements of regulatory reform / Better Regulation and contributes to the strategic objectives of the Council.

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2014 / 2015**

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Licensing Act 2003 Policy Review</p>	<p>Exeter City Council's current Statement of Licensing policy was written in 2010 and came into effect in January 2011.</p> <p>There is a legal requirement to review such policy statements every five years.</p> <p>The current policy must be reviewed by 2016.</p>	<ul style="list-style-type: none"> • Review the Licensing Act 2003 policy • Implement Best Bar None Scheme • Look to establish a pool of conditions for licensing • Review of the Cumulative Impact Policy to make its impact clearer and more accessible to both applicants and responsible authorities • To work towards Purple Flag status for the city • The new Licensing Policy should include the Committee's desire to promote a vibrant night time economy with a rich mix of entertainment and activity which is welcoming, clean, safe and that accommodated a wide range of tastes of a diverse population. Officers, the Police and other partnership organisations are concerned with regard to the proliferation of licensed premises concentrated in particular areas and the impact they may have in any given neighbourhood. The 	<ul style="list-style-type: none"> • September 2014 - Proposed revision of Licensing Act Policy to be circulated for consultation. • November 2014 - Consultation period ends • February 2015 - Licensing Act Policy (amended as necessary) to Licensing Committee with recommendation for approval to Full Council. • March 2015 - Licensing Policy to Executive Committee • April 2015 - Licensing Policy to Full Council for approval

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Review of Taxi Marshal Scheme</p>	<p>Current contract expires on 31 December 2014. A review and re-tendering process will need to be conducted.</p>	<p>committee felt that the café culture should be positively engendered.</p> <ul style="list-style-type: none"> • Review the current Service Level Agreement to ensure that arrangements are benefiting the night time economy. • Conduct a re-tendering process to ensure value for money and quality is achieved 	<ul style="list-style-type: none"> • Successful re-tendering of the scheme
<p>Review of Nuisance and ASB Complaints</p>	<p>The review will focus upon understanding the underlying causes of disharmony between neighbours, properly recognising the significance of disharmony and attributing effective and timely interventions/solutions which align with the relative priority and impact on health and wellbeing.</p>	<ul style="list-style-type: none"> • to review the system involved in the Council's dealings with nuisance and anti-social behaviour; • to link synergistically with the related work in 'Being a Good Landlord' (Housing Services) and Channel Shift (Customer Access); • to understand the customer shape presenting demand; • to empower a wide range of staff to help shape a system that has a focus on the most appropriate system able to meet the core purpose within available resources over the medium and longer term; • to instil the systems thinking approach to as wide a range of staff as practicable, so that they 	<ul style="list-style-type: none"> • Check work has commenced, but further work to refine and drill down check work will run until mid-April 2014. • Redesign work – will commence in April 2014 with the aim of significant tranches of work being redesigned and ready to roll out from the end in September 2014. • Implementation – from October 2014 • Re-check – ongoing from October, but with a review in January 2015.

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2014 / 2015**

Topic	Reason for focus	Areas covered	Outcome Measures
Rugby World Cup 2015 Consumer Rights Protection	Under the agreement for being a host city, A Plan to identify all potential threats to the tournament which includes the Precinct Area around the venue and within the Fanzone will have to be produced. Partner Agencies include the Police, Highways, Trading Standards, Planning, Environmental Health and Licensing and neighbouring authorities.	learn and willingly apply that approach in all work that they do. <ul style="list-style-type: none"> • Ambush Marketing • Ticket Touting • Sale of counterfeit goods • Illegal Street Trading • Unauthorised Charity Collections (particularly around the fan zone and stadium) • Unofficial Supporter Events • Illegal advertising on or off vehicles • Temporary advertising on private property • Airborne Displays • Use of PA Systems and Protests • Unofficial corporate hospitality 	<ul style="list-style-type: none"> • Draft plan to be submitted by 18 September 2014 • Final draft due 27 February 2015.
Inspection programme	Using the full range of intervention tools such as inspection, audit, sampling and education to maintain the high level of compliance within the city. <ul style="list-style-type: none"> • 66% of samples conducted were satisfactory • There have been a number of commercial odour complaints 	<ul style="list-style-type: none"> • Continue the targeted sampling programme based upon intelligence led food products identified at inspection or through the national sampling programme. • Continued use of the ATP meter to identify cleaning deficiencies within premises and to demonstrate effective cleaning methods. 	<ul style="list-style-type: none"> • Percentage of premises broadly compliant. • Percentage of samples found to be satisfactory. • Hold 6 Food Safety Awareness Session per year for new and non compliant premises

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

Topic	Reason for focus	Areas covered	Outcome Measures
	<p>linked to food premises.</p> <ul style="list-style-type: none"> • Currently 96% of Food Premises are broadly compliant with food hygiene law. • 105 delegates attended the free Food Hygiene Awareness sessions last year. • 491 delegates have attended education and awareness sessions held by the service 	<ul style="list-style-type: none"> • Look to ensure effective maintenance of kitchen extraction systems to reduce environmental odours, fire risks and greater energy efficiency. • Continue to ensure a high broadly compliant rate with food hygiene law, encouraging continued improvement in hygiene standards through promotion of the Food Hygiene Rating Scheme. • Assist new businesses with compliance through dedicated seminars and advice. • Review effectiveness of the Food Hygiene Awareness Sessions; investigate other ways to engage new food businesses (e.g. pre-inspection advisory visits) • Continue to provide affordable and high quality accredited food safety training for SMEs. • Look to use Food Safety Week 2014 to raise consumer awareness of campylobacter 	<ul style="list-style-type: none"> • Number of persons (particularly new Food Business operators) attending these sessions

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2014 / 2015**

Topic	Reason for focus	Areas covered	Outcome Measures
Beauty Industry	<ul style="list-style-type: none"> • Exeter has 9 registered tattoo studios & 36 registered tattooists; 38 registered cosmetic piercing studios, 77 registered piercers. • Complaints tend to focus on unregistered tattooists ('scratchers') and tattooing of minors • Sunbeds test purchasing project (March 2012) – all premises visited allowed a person under 18 access to sunbeds. 	<ul style="list-style-type: none"> • Work in partnership with the Michael Caines Academy at Exeter College to promote the importance of food hygiene management systems within food business. • Audit of all registered tattooists and cosmetic piercers (excluding ear piercers using cartridge systems) against ClEH Tattooing & Body Piercing Toolkit. 	<ul style="list-style-type: none"> • Compliance of above 75% for each area. • Work with police, secondary schools & Exeter College to raise issues of under-age tattooing.
		<ul style="list-style-type: none"> • Interventions focussed on beauty salons, spas etc. to ensure that legislation is understood and that persons under 18 are not able to use sunbeds. • Work with Exeter College's Hair & Beauty facility to educate those entering the industry on matters of occupational health & safety. 	<ul style="list-style-type: none"> • Improved industry knowledge of age-related UV tanning restrictions.

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Gas Safety</p>	<ul style="list-style-type: none"> • 20% of all the gas safety visits to caterers in 2013/14 indicated inadequate maintenance of appliances – a similar figure was reported Devon-wide. • CO poisoning kills 50 people and sends 4000 to A&E each year in England & Wales. 	<ul style="list-style-type: none"> • Continuation of gas safety checks during routine food hygiene inspections (Devon Health & Safety Liaison Group initiative) • Continue to work with HSE and Gas Safe to ensure that non-competent engineers are reported and investigated • Explore the possibility of joint working with Devon & Somerset Fire & Rescue Service – focus in risks associated with inadequate ventilation. 	<ul style="list-style-type: none"> • The number of caterers with satisfactorily maintained gas appliances. • Figures from across Devon are collated by Health & Safety Liaison Group
<p>Water Quality and Safety</p>	<ul style="list-style-type: none"> • 17 premises in Exeter have, between them, 29 swimming/hydro/paddling/spa pools. • 20% of samples taken in 2013/14 unsatisfactory levels of bacterial contamination. • Spa pools are a potential cause of Legionnaires' disease (Stoke on Trent – 18 cases and 1 death were linked to such a case). 	<ul style="list-style-type: none"> • Continuation of the pool management project to raise awareness of the importance of effective pool hygiene. • Continuation of the pool sampling project to ensure that every pool is sampled on a six monthly basis. • Organisation of the pool operators awareness training, in conjunction with other Devon Local Authorities if a recurring problem is identified. 	<ul style="list-style-type: none"> • Percentage of pool and Spa samples found to be satisfactory. • Ensure that regulated sampling continues for Private Water Supplies.

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2014 / 2015**

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Primary Authority Partnerships</p>	<ul style="list-style-type: none"> • The Primary Authority scheme is the key to achieving better regulation at local level, promoting consistency across council boundaries, encouraging a new relationship between local authority regulators and giving businesses the confidence to invest and grow. It will drive efficient, effective and consistent regulation across the system for the benefit of all. <p>By liaising closely with businesses to gain a detailed understanding of their operations, primary authorities will be ideally placed to support compliance by providing specific advice on which businesses will be able to rely.</p> <p>Primary authorities will also act as a resource for other local authorities as they work to deliver consistent, targeted and proportionate enforcement by providing valuable intelligence on businesses' operations through advice and the development of inspection</p>	<ul style="list-style-type: none"> • Sampling of the identified Private Water Supply to ensure compliance with drinking water quality. • We will use Exeter City Council's expertise to support business in complying with relevant legislative requirements. This will involve operating nationally, on behalf of signed up businesses, as their Primary Authority. • We will proactively work with businesses to increase the number engaging with ECC as their Primary Authority. In addition, we will work with Trading Standards to enhance the Primary Authority offering. 	<ul style="list-style-type: none"> • Number of businesses signed up to a Primary Authority Partnership.

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Review of Environmental Health and Licensing</p>	<p>plans. It is essential that our service is continually reviewed in order to: -</p> <ul style="list-style-type: none"> • Meet customer needs by providing a high quality service • Have a flexible service that shows respect and is willing to promote and enhance good business standards • Meet regulatory and statutory requirements • Have a service that tells people what is going on and that listens and responds to their views. • Maintain a service whose staff are proud to work for the city and the council. 	<ul style="list-style-type: none"> • All staff to complete an individual RDNA to identify development areas. • All enforcement staff to be audited twice a year to ensure competency and customer service levels. • All procedures to be reviewed in line with their review date or sooner if a change in guidance or legislation takes place. • RIAMS online document management system to replace policies & procedures currently stored on S-drive. • To arrange and conduct an inter-authority audit with a neighbouring authority to ensure compliance with the Food Law Code of Practice. • Ensure that training is provided for staff where identified. • To review the provision of the Environment Support Team to ensure that the new team is responsive to the needs of the 	<ul style="list-style-type: none"> • All staff completes RDNA. • All staff audited twice a year. • All procedures renewed in line with renew dates. • Staff training identified as part of appraisal process • Review of the Environment Support Team to be completed by March 2014 with access to the service improved. The review will aim to achieve: - <ul style="list-style-type: none"> • Introducing web-based transactions; • Improving web-information to facilitate a self-help approach; • Improving telephone call management using better technology and marshalling of staff resources.

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2014 / 2015**

Topic	Reason for focus	Areas covered	Outcome Measures
DEFRA Low Emissions Strategy Project	<p>Exeter City Council (ECC) has declared an Air Quality Management Area because of exceedences of both the long-term and short-term EU limit values for nitrogen dioxide (NO₂).</p> <p>Studies have identified that the main sources of the high NO₂ concentrations are transport emissions, and this is reflected in the AQMA boundary, which includes all of the main routes into and around the city. Additional stress will be placed on emissions by significant planned growth both in Exeter and its surrounding area. This is estimated to increase the population of greater Exeter by some 50% by 2026, and increase the potential for travel into the city, particularly through;</p> <ul style="list-style-type: none"> • urban extensions to the east and south-east of Exeter, • the creation of a science park, • Skypark business centre, 	<p>customer and the service</p> <ul style="list-style-type: none"> • To look at cross authority auditing for food safety. • Implement the agreed work packages to a timescale agreed with the contractor, for completion within 12 months. 	<ul style="list-style-type: none"> • To integrate the low emissions strategy into mainstream policy development for transport and planning. • To reduce emissions for the council owned fleet and grey fleet. • To get greater uptake from partners in the private and public sector with respect to sustainable transport choices.

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Local Air Quality Management</p>	<ul style="list-style-type: none"> • multi-modal freight terminal, redevelopment of 4.6Ha of the city centre including the bus station, and • Cranbrook development east of Exeter. <p>The Environment Act 1995 requires local authorities to review air quality, and to assess this against national objectives.</p> <p>Exeter City Council declared an AQMA in 2007 because levels of nitrogen dioxide (NO₂) exceeded the annual average objective level at various locations. The area covers all of the main traffic routes in the city.</p>	<ul style="list-style-type: none"> • Implement those actions within the AQAP2 and AQAP PR which are the responsibility of the Environment Directorate. • Monitor progress with implementation of all actions within the AQAP2 and AQAP progress report. • Publish annual AQAP progress report and Monitoring Progress Reports in March 2015. 	<ul style="list-style-type: none"> • Percentage of roadside locations that do not exceed NO₂ or PM10 air quality objectives • Where exceedance occurs, the average level of NO₂ at sites where exceedances of the objectives are occurring • Where exceedance occurs, the maximum level of NO₂ at sites where exceedances of the objectives are occurring
<p>Contaminated Land Management</p>	<p>Local Authorities are the primary regulators for the majority of the legislation which relates to contaminated land.</p> <p>The Environment Directorate provides specialist support and technical advice to other parts of the Council in the</p>	<ul style="list-style-type: none"> • Continue to implement routine monitoring programs on Council owned land. • Progress actions relating to findings of monitoring at specific monitoring sites 	<ul style="list-style-type: none"> • Comment on all planning applications where there is a potential issue regarding land contamination. • Implement new contaminated land

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2014 / 2015**

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Environmental Permitting</p>	<p>discharge of their relevant duties, including the management of Council owned sites which are affected by contamination.</p> <p>The Council has adopted a Contaminated Land Strategy which describes its approach to all these areas of work, as summarised in the following sections</p>	<ul style="list-style-type: none"> • Publish revised Contaminated Land Strategy. • Implement new contaminated land database system (to integrate with the Environmental Health computer system). • Continue to provide support and advice to internal customers, especially City Development. 	<p>database system (to integrate with the Environmental Health computer system).</p> <ul style="list-style-type: none"> • Publish revised Contaminated Land Strategy
<p>The Environmental Permitting Regulations 2010 require the Council to regulate certain types of factory and other activities such as dry cleaners. This is to reduce any pollution they may cause and, in particular, to help improve air quality.</p> <p>Businesses which operate these specified types of premises must have a permit. The Council decides whether to give a permit and, if so, what conditions to include within it so as to minimise pollution.</p> <p>In the regulation, the premises are known as "installations". Some are called 'Part B', and local authorities</p>	<ul style="list-style-type: none"> • Continue to implement the inspection program and react to any issues which are identified during the inspection process. • Investigate complaints and react to issues which are identified during investigations. • Consider and determine applications for new permits or variations to existing permits in accordance with the EP Regulations and relevant guidance. 	<ul style="list-style-type: none"> • Percentage of premises requiring additional interventions above the programmed statutory Environmental Permitting inspection frequency 	

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

Topic	Reason for focus	Areas covered	Outcome Measures
	<p>can only deal with air pollution from these. Other installations, which have a greater potential environmental impact, are known as 'Part A2' and permits for these must control many different sorts of pollution. This includes waste, noise, water pollution, energy use etc.</p>		

REPORT TO Scrutiny Committee/Executive

Date of Meeting: 17 June 2014/24 June 2014

Report of: Assistant Director Housing

Title: Additional Licensing for certain types of Houses in Multiple Occupation (HMOs) throughout Exeter

Is this a Key Decision?

Yes.

Is this an Executive or Council Function?

Executive

1. What is the report about?

This report seeks approval to enter into a 10 week consultation period with relevant stakeholders on a proposal to extend the principles of Mandatory HMO Licensing, currently operated by Exeter City Council, through the introduction of an Additional Licensing Scheme covering specific types of HMOs.

2. Recommendations:

- i To enter into a formal 10 week consultation period with relevant stakeholders, particularly landlords, tenants, partner agencies and the public at large.
- ii That the outcome of the consultation be the subject of a further report to Scrutiny and Executive in November 2014. That report will also provide recommendations as to whether or not Additional Licensing should be progressed.

3. Reasons for the recommendation:

There are estimated to be around 2500 HMOs in Exeter. Of these some 700 are covered by the Mandatory Licensing Scheme introduced nationally in 2006.

Mandatory licensing is restricted to HMOs of three or more storeys with five or more tenants. Typically these HMOs are shared houses occupied by students and properties that have been split into bedsits (sharing facilities)

Mandatory licensing does not cover rented properties in buildings which have been poorly converted into self contained flats or to the majority of flats in multiple occupation above commercial premises. A significant proportion of these HMOs pose an increased risk in respect of fire safety and are frequently associated with poor management and with anti social behaviour arising from their tenants or visitors. Introduction of Additional Licensing would assist in tackling these problems and further the Council's objectives of improving standards in the private rented sector.

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

The resource implication, should the decision be made to enter into the consultation period, would be limited at this stage to the costs associated with the production of consultation material (letters, questionnaires etc), their distribution to stake holders (around 2000 individuals and organisations) and the staff time associated with attendance at meetings together with the time required for the analysis of the responses. The cost of this can be met within the 2014/15 budget with no additional resource implications.

If, at the November cycle of meetings, the decision is taken to proceed with an Additional Licensing Scheme, the precise resource implications will be identified at that stage. An Additional Licensing Scheme is, however, forecast to generate income of approximately £70K per annum over the five-year duration of the Scheme which will be used to pay for the its administration.

5. Section 151 Officer comments:

The comments of the Section 151 officer have been incorporated into the report.

6. What are the legal aspects?

Under the provisions of Section 56 of the Housing Act 2004 local authorities may designate either –

(1)(a) the area of their district or

(1)(b) an area *in* their district

as subject to Additional Licensing in relation to a description of HMOs specified in the designation, if the requirements of the Section are met.

Those requirements are that:

(2) The authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

Before making a designation the authority must—

(3)(a) take reasonable steps to consult persons who are likely to be affected by it; and

(3)(b) consider any representations made in accordance with the consultation and not withdrawn.

7. Monitoring Officer's comments:

As the proposal is in line with the Statutory requirements placed on a Council wishing to introduce an Additional Licensing Scheme, there are no further comments to make.

8. Report details:

Any tenanted property (whether a house or flat) occupied by more than one household falls within the definition of an HMO, as do certain buildings converted into self contained flats.

Under the provisions of the Housing Act 2004 the Council has a legal duty to licence larger HMOs, those being HMOs of three or more storeys which are occupied by five or more unrelated tenants. The Council currently licenses in excess of 700 such HMOs.

Because of the limitations of mandatory licensing it is estimated that there are around 1800 HMOs in Exeter which fall outside the licensing regime, 400 of which are buildings which have either been poorly converted into largely tenanted self contained flats, not meeting the requirements of the 1991 Building Regulations, or are flats in multiple occupation above commercial properties.

As the Council has a mandatory duty to inspect licensed HMOs the majority of the resources of the Private Sector Housing Team are necessarily put into these inspections rather than the proactive regulation of standards in non-licensed HMOs.

Prior to the introduction of mandatory licensing HMOs were inspected proactively, employing a risk based approach. This resulted in high risk properties (generally poorly converted buildings and flats above commercial properties) being inspected every 3 – 5 years. Since licensing was introduced this inspection regime has ceased and interventions have been limited to reactive inspections resulting from complaints, usually made by tenants. In the majority of cases these inspections result in enforcement action of one kind or another being pursued.

Under the Mandatory Licensing Scheme a licence cannot be granted unless the Council is satisfied that the licence holder is a 'fit and proper person' and that the HMO meets certain standards relating to its repair, level of facilities and adequacy of means of escape from fire. Conditions are attached to licences which require proper management arrangements to be in place.

There is no equivalent provision for HMOs that are not covered by mandatory licensing. In order to introduce these safeguards it is necessary for a local authority to designate an Additional Licensing Scheme for their area, specifying the types of HMO to be covered by the Scheme and the area covered.

The Housing Act enables a local authority to designate either the whole of its area or an area within its district as subject to Additional Licensing in relation to specified descriptions of HMOs as long as the requirements of the Act are met. In order to designate an Additional Licensing Scheme the local authority must be satisfied that a significant proportion of HMOs of the type to be designated are being poorly managed with the result there is, or is likely to be, one or more particular problems arising either for the occupiers of the HMOs or for members of the public.

There is existing evidence that complaints relating to poor housing conditions received by the Private Sector Team predominantly relate to the conditions of self contained flats and flats above shops. Despite the relatively low number of properties in these two categories of HMO, compared to the overall private sector housing stock, they are the source of over 30% of complaints received. Inspections made as a result of these complaints almost invariably identify hazards and result in enforcement action being taken.

The same two categories of HMO generate a disproportionately large number of complaints from local residents which have a call on Council services, most notably complaints about poorly presented refuse and fly tipping. They are also the source of significant numbers of complaints relating to nuisance, such as noise nuisance, and low level anti social behaviour.

This evidence would suggest *prima facie* that the criteria for the designation of an Additional Licensing Scheme have been met but such a scheme cannot be implemented until an extensive consultation process has been undertaken. The Council has a legal duty, before making a designation, to take reasonable steps to consult persons who are likely to be affected by the designation and to consider any representations made in accordance with the consultation, and this report seeks approval to begin that consultation process.

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

The consultation, if agreed, will directly relate to the key action of 'Enable me to have my say and be heard'. The proposal to introduce Additional Licensing, subject to the result of the consultation, directly relates to the key actions of 'Help me find somewhere suitable to live': driving up standards in private rental properties' and is wholly consistent with the overall direction of the Council's housing strategy.

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

If made, the decision to embark on a consultation on Additional Licensing has no risks associated with it, other than the risk that the Private Sector Housing and Administration Teams will be put under significant pressure by the scale of the response. This will be partially mitigated by having a web based questionnaire option in place which will reduce the administration involved and, if necessary, diverting staffing support from other teams.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

The decision to undertake a consultation exercise has no immediate impact

12. Are there any other options?

There is no other option but to undertake a consultation if the introduction of Additional Licensing is a desired policy objective.

Assistant Director: Roger Coombes
Originating Officer: Keith Williams

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

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees) Room 2.3
01392 265275

REPORT TO EXECUTIVE COMMITTEE

Date of Meeting: 24 June 2014

Report of: Assistant Director Public Realm

Title: Flooding in Topsham - Response and Recovery

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive Function

1 What is the report about?

- 1.1 The assessment, funding and repair of flood damage at Topsham following the severe storms earlier this year.

2 Recommendations:

- 2.1 That the Council recognises and commends the response of the residents, community associations, voluntary and private sector organisations, statutory partners and council staff for their contribution to emergency flood response and flood recovery works at Topsham this year;
- 2.2 That the Council engages with the Environment Agency and other agencies to promote a revised flood risk study to ensure that the community is adequately protected, identify future funding and clarify future responsibility for estuarine defences;
- 2.3 That a contribution of £5,000 be made to Devon County Council for the repair of the Goat Walk, Topsham, provided that there is sufficient money included in the allocation made available to the City Council from the Environment Agency for Flood Risk Management grant funding.

3 Reasons for the recommendations:

- 3.1 To complete the flood recovery works in Topsham and determine future works required.

4 What are the resource implications including non financial resources.

- 4.1 All known and anticipated costs of recovery have been covered by the Environment Agency's grant funding. A significant amount of officer time has been committed to this project and this will continue for some time into the future. There may be costs associated with a new flood risk study but if that is the case it will be the subject of a future report.

5 Section 151 Officer comments:

- 5.1 The responses to the flooding at Topsham have been funded from a variety of sources including the Bellwin Scheme and the Environment Agency. The impact on the City Council has been approximately £26,000 which is not eligible for Bellwin funding under the rules set out in the Scheme.

6 What are the legal aspects?

- 6.1 The future responsibility and maintenance liability for the flood defences protecting Bowling Green Marsh and Bowling Green Marsh Road needs to be considered.
- 6.2 The current repair work will reinstate the level of protection previously enjoyed by the area. However this raised linear embankment has historically always been maintained by the Environment Agency as a coastal defence and discussions with the Environment Agency about the future upkeep of this structure needs to be clarified.

7 Monitoring Officer's comments:

- 7.1 Clearly the Council is advised to maintain its assets. However, whilst emergency works were carried out to Marsh Bowling Green on a one off basis, careful consideration should be given as to whether it wishes to continue to maintain the bank. For example, the Council may wish to consider whether it wished to allow Bowling Marsh Green to return to its natural state which may be a salt water marsh.

8 TOPSHAM FLOOD RESPONSE AND RECOVERY

- 8.1 Early in February this year the combination of high spring tides, strong southerly winds and low pressure caused a tidal surge and resulted in both river frontages in Topsham being overwhelmed and inundated. Flooding also occurred on the Quay in Exeter. In total, 36 residential, business and community premises properties were flooded and a further 40 were protected through Exeter City Council's deployment of temporary sandbag defences.
- 8.2 The emergency response to the flooding at Topsham this year was commendable, with the whole community engaged in delivering flood protection and support for properties and people threatened with flooding. Residents, community associations, voluntary and private sector organisations, statutory partners and council staff worked together to mitigate the impact of the flooding emergency and work has continued on flood recovery works. The Council provided an emergency response at Topsham and on the Quay at Exeter over a period of more than a week with staff working split shifts to cover the diurnal flood risk from the high tides, supported by contractors. Around 1500 sand bags were supplied and distributed to protect up to 100 waterside properties in Topsham from Ferry Road to The Strand.
- 8.3 The quayside areas in Topsham suffered three significant flood incidents within one week which gave real cause for concern given that the level of inundation was the worst experienced in over fifty years. The Quay walls to the Lighter and Hannafords' Quay have suffered some low to moderate levels of damage that needs to be assessed for repair. Similarly, there are stone causeways which also require repair owing to damage caused by the severity of the storms. A full survey of the council-owned quays and associated waterways structures at Topsham is necessary to determine the extent and cost of the damage caused to the waterside structures.
- 8.4 In numerous locations along the Quay areas, and along the Goat Walk a number of wooden benches were lost or severely damaged by the severe wave action generated by the poor weather conditions. Similarly other street furniture such as litter bins were also lost or damaged beyond repair.
- 8.5 No households or businesses were required to evacuate but residents of five

properties at Riversmeet were unable to access/leave their homes as a result of damage to coastal defences at Bowling Green Marsh during spring tides. The structure protects Bowling Green Marsh Road from tidal flooding which would occur regularly at high spring tides, effectively making the road a tidal causeway. This road is the only vehicular access to the five properties at Riversmeet.

- 8.6 In March this year, this Committee approved the emergency works and expenditure of up to £50,000 to undertake repairs to the 35 metre breach at Bowling Green Marshes after the Environment Agency advised that they considered it uneconomic to repair. This early intervention aimed to ensure residents, businesses and their properties were not left vulnerable to either fluvial or tidal flooding. Future responsibility for estuarine defences remains uncertain, with discussions ongoing. The remedial work commenced on site as soon as the necessary consents were granted from English Nature, the RSPB, and the Environment Agency.
- 8.7 The Goat Walk was extensively damaged and temporarily closed to pedestrians. The ownership of this structure is unknown and but, in view of its status as a public right of way, Devon County Council undertook to do the repairs, much of which were completed by Easter at an estimated cost of £25k. The County Council has requested a contribution towards this cost from the City Council in recognition of its status as a route in the City Council's strategic plan for tourism. There is no funding available in the Council's revenue budgets for this but it has been included in the bids for external funding support, see 9.2 below.
- 8.8 The Council's Engineering team and Emergency Officer continue to be engaged in helping and liaising with community leaders and organisations in Topsham, providing advice, guidance and support on flood response and recovery to the community as a whole and to individual householders as necessary.

9 COST OF TOPSHAM FLOOD RESPONSE AND RECOVERY

- 9.1 The total cost to the City Council of the response to and recovery from flooding incidents in February 2014 is estimated at £150,000.

Emergency structural response	£25,000
Damage to Quays (still awaiting survey)	£40,000 est.
Street Furniture and litter bins	£3,000
Fallen trees	£19,000
Sandbags	£13,500
Bowling Green Marsh	£50,000
Total	£150,500

- 9.2 Funding of up to £130,000 has been made available from the Environment Agency's Flood Risk Management grant scheme. £32,000 has been claimed from the Government's emergency Bellwin Scheme and, as a result of the thresholds placed on second tier authorities, we are likely to receive around £5,500 of this. Further bids for community recovery and resilience support have been made to the Devon Community Foundation, the DCLG Severe Weather Recovery Scheme and the Devon Community Fund.
- 9.3 We also hope to enable businesses and householders to access funding for individual flood defence schemes. A further, separate grant scheme directed at homeowners was announced in February with £5,000 available for affected homeowners and businesses to support repairs which improve a property's ability to withstand future

flooding. The grant system is administered by the City Council but only requires a minimum input to ensure eligibility and compliance of individual property owners. Businesses affected by the flooding are also able to claim up to three months' relief from business rates. At the time of writing, no claims have been made by eligible businesses in Exeter.

10 FLOOD RISK AT TOPSHAM

- 10.1 The flood risk at Topsham is very dependent upon a particular set of weather conditions occurring which combine with the state of the tide, wind direction and low pressure to create serious flooding problems.
- 10.2 The extent of flooding experienced this year suggest that the previous flood risk studies need to be reviewed to ensure that the community is adequately protected. There are several options over different time scales which need to be assessed in terms of expectations, delivery timescale, cost, stakeholder contributions and outcomes.
- 10.3 Members of the local community and their City and County Council representatives are working together with statutory partners on a long term community flood alleviation scheme. This will ensure that those properties that flooded have access to or knowledge of individual flood protection measures to protect their properties from future flood risk, with individual homeowners taking more responsibility for protecting their own homes thus reducing the future emergency burden on the Council. There is a possibility that Devon Community Foundation funding can be made available to Topsham and if this is the case there should be scope to provide a reasonable interim level of flood defence to most waterside properties.

Sarah Ward
Assistant Director Public Realm

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

Background papers used in compiling this report:-

None

Contact for enquires:
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REPORT TO EXECUTIVE

Date of Meeting: 24 June 2014

Report of: Assistant Director City Development

Title: SW Exeter Development Brief

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive Function

1 WHAT IS THE REPORT ABOUT?

- 1.1 The report briefs Members on the results of public consultation on a draft development brief, considers responses to representations and recommends adoption of an amended development brief as a Supplementary Planning Document (SPD).

2 ADVICE SOUGHT/RECOMMENDATION

- 2.1 Planning Member Working Group is asked to note the results of public consultation and support adoption of the proposed amended development brief as an SPD.
- 2.2 Executive is recommended to adopt as an SPD the proposed amended development brief at Appendix 2 (showing tracked changes) and delegate to the Assistant Director City Development authority to make any further necessary editorial corrections before publication.

3 REASONS FOR THE RECOMMENDATION

- 3.1 Adoption of a development brief will provide more detailed planning guidance to inform the determination of planning applications and fulfils a commitment to the local community to involve it through this planning process.

4 WHAT ARE THE RESOURCE IMPLICATIONS INCLUDING NON FINANCIAL RESOURCES

- 4.1 The adoption of a development brief as an SPD should provide more certainty on Council requirements at the planning application stage for the developer and public. This may reduce the time and resources needed to determine applications.

5 SECTION 151 OFFICER COMMENTS

- 5.1 None.

6 WHAT ARE THE LEGAL ASPECTS?

- 6.1 A development brief that is adopted as an SPD, is up to date and has been subject to public consultation and a formal adoption resolution of the Council can carry significant weight as a material planning consideration in the determination of planning applications.

7 MONITORING OFFICER COMMENTS

- 7.1 None.

8 BACKGROUND

- 8.1 The adopted Exeter Core Strategy proposes a strategic allocation of land to the south west of Alphington for up to 500 homes. The land subject to the allocation is in three main ownerships, including Devon County Council. It is understood that the land owners intend to submit an outline planning application for residential development during June 2014. The County Council is likely to then seek to dispose of its land to a house builder with the benefit of a resolution to grant planning permission.
- 8.2 The purpose of the development brief is to amplify the requirements of Policies CP17 and CP19 of the Core Strategy, to ensure the delivery of a high quality sustainable development at the strategic allocation.
- 8.3 The draft development brief for public consultation was agreed by PMWG and Executive on 4 February 2014. This followed extensive consultation with local residents and the Alphington Village Forum, including a series of workshops, a consultation leaflet and a staffed exhibition.

9 CONSULTATION ARRANGEMENTS

- 9.1 Public consultation on the draft development brief took place over a period of 6 weeks, ending on 28 March 2014. The draft brief and consultation featured on the City Council and the Alphington Village Forum web sites and there were articles in the Express & Echo. The Council also published an accompanying SEA (Strategic Environmental Assessment) screening statement and Equalities Impact Assessment.

10 CONSULTATION RESPONSE

- 10.1 Thirty two written representations were received. This relatively low number may be due to the significant local consultation already undertaken on these proposals over the last two years.
- 10.2 The representations comprise:
- | | |
|--|----|
| Land owners (inc DCC) | 3 |
| Adjoining land owners within SW Exeter | 2 |
| Organisations with an interest | 12 |
| Local residents | 15 |
- 10.3 No representations were received during the consultation period from Teignbridge District Council (TDC) or the Alphington Village Forum.
- 10.4 A schedule summarising the representations received, a proposed City Council response and any resulting proposed amendments to the development brief is at Appendix 1.

11 MAIN ISSUES RAISED

- 11.1 Some representations refer to the need for greater consideration of the wider context of the SW Exeter development area. The situation has continued to evolve since the draft development brief was prepared. Principally, the Examiner has found 'Plan Teignbridge' to be sound at public examination; the landowners/developers have produced some masterplan work; a planning application for about 230 homes has been submitted to TDC; and TDC has decided to produce and consult upon a further masterplan (report to PMWG 29 April 2014). It is proposed to amend and extend paragraph 4.3 of the brief to provide more detailed information on the SW Exeter context and to give it more prominence by moving it to section 1.

- 11.2 The proposed brief identifies an area of land within the strategic allocation for the provision of a doctor's surgery. Concerns are expressed that the surgery is only required to serve the wider development of SW Exeter. No change is proposed to the brief in response to this concern. The site is safeguarded in case no more appropriate site comes forward within the wider urban extension.
- 11.3 A number of representations note that the housing mix should be determined by context and this is agreed. Others question the validity of using a Housing Market Assessment which dates from 2010 to determine the housing mix. No change is proposed in response to this latter concern, as the brief accords with Policy CP5 of the Core Strategy. An updated Housing Market Assessment should be published later in 2014.
- 11.4 Positions of access points and open space are considered inflexible. The proposed brief will clarify that these details will be determined through planning applications.
- 11.5 The proposed brief identifies the need for Section 106 agreement contributions to three elements of off-site infrastructure. Concerns are expressed that these cannot and should not be specified in advance of the details of proposals. This view is not supported.
- 11.6 A late representation to the consultation was received from the Alphington Village Forum and tabled at Planning Member Working Group on 10 June by a ward councillor. The representation requests that the brief be amended to require a ban on construction traffic through Alphington, which is agreed. The representation also requests that the brief requires a financial contribution, via a Section 106 Agreement, towards the provision of a pedestrian and cycle path along Chudleigh Road. The means to fund and provide a path is being discussed by City Council and Devon County Highways Officers and the brief will be amended to reflect this.

12 RISKS & OPTIONS

- 12.1 A development brief needs to seek to maximise the public benefit from development that is reasonable, viable and within the law. It may raise undue public expectations if it identifies requirements that it cannot deliver.
- 12.2 While the Council could decide not to proceed to adopt a development brief, that would not fulfil a commitment to involve local residents in the planning process for the site. The responses from landowners help identify requirements that they consider are a concern and some amendments have been proposed as a result, making the brief more robust.

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

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

Background papers used in compiling this report:-

None

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Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
1	Mr M Salmon. Sustainable Places Planning Specialist	NPPF seeks to direct any new development to areas outside of Flood Zones 2 and 3 and any new development within these zones would need to be safe for a lifetime and not increase flood risk elsewhere. We need new development to manage surface water drainage on site through SUDs to halt the increase and if possible, reduce surface water flooding. We are satisfied with the proposed development brief.	Noted	None
2	Mr C Liversidge. NPS South West Ltd on behalf of Devon County Council	The brief incorrectly states that the site is allocated in the Exeter Core Strategy, the land to the west of Shillingford Road (the island site) and coloured green on Fig 1 is not included in the Core Strategy plan. The brief needs to consider the wider South West of Exeter development proposals for 2500 dwellings. There is a medical centre in Alphington and neither evidence nor funding for a new doctor's surgery are available to locate them on this site. A new health centre would support the needs of the wider development area in the Teignbridge District and should be located in a more sustainable location. It is not considered appropriate to locate a recycling facility adjacent to a health centre.	Agreed. Noted. Section 4 includes information on the relationship of the site to development in the wider SW Exeter area. This will be updated to reflect the current situation. There is a clear need for a doctor's surgery within the SW Urban Extension as a whole. At present there is no clear certainty that surgery will be provided within Teignbridge. Until such a commitment is in place, it is prudent for the City Council to safeguard a site at SW Alphington. Disagree.	Amend Brief to clarify that the island site is not allocated for development in the Exeter Core Strategy. Update the information in section 4 about the relationship of the site to the wider SW Exeter development area. Move this information to section 1 of the Brief. No change to Brief. No change to Brief.

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		<p>Land allocated for allotments should be in accordance with existing policy and will ultimately be determined by reserved matters or detailed planning applications.</p>	<p>Core Strategy Policy CP17 requires development to the south of Alphington to provide allotments to meet the needs of residents. Albeit that it does not form part of the Strategic Allocation, the island site is identified as the location for future allotment provision in order to provide certainty to developers. It is considered to be the optimal location for the allotments, given that it is the area of the site most affected by traffic noise from the A30, is of a size that would accommodate allotments to meet the needs of future residents, and is the most elevated (and thereby visually the most sensitive) area of the site. Developing the island site for allotments would enable best use to be made of the remaining site.</p>	<p>No change to Brief.</p>
		<p>The provision of Public Open Space is already an adopted policy and will depend on the overall site area with formal space being dependant on population and no. of dwellings. The siting of Public Open Space and SUDs are a matter of detailed design. The positioning of SUDs cannot be linked to a play area although it would be desirable if SUDs could be included in the overall provision of Public Open Space.</p>	<p>Disagree. The amount of public open space required by the Brief equates to the amount that can be sought under Local Plan Policy DG5. Core Strategy Policy CP12 is clear that all development proposals must mitigate against flood risk utilising SUDs where feasible and practical. The FRA undertaken for the site indicates that SUDs can be utilised in certain areas of the site. It is reasonable to require the public open space to be located so as to maximise the use of SUDs.</p>	<p>No change to Brief.</p>

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		Housing mix should be based on an up to date assessment and not based on evidence that is now 5 years old.	Disagree. Core Strategy Policy CP5 requires schemes of 10 or more dwellings to include a housing mix that is informed by the most up-to-date HMA. At present, the 2010 HMA is the most up-to-date version. A new HMA is being prepared and will inform any planning application, subject to timing.	No change to Brief.
		The paragraph relating to affordable housing should read 'Any development should include affordable housing in accordance with the current adopted policy'.	Noted. The Brief will be amended to refer to viability. Co-operative housing will be accepted, but not required, as part of the mix.	Amend brief to state that "Any development must include 35% affordable housing, subject to viability, to be provided as an integrated part of the scheme and in accordance with the Council's Affordable Housing SPD. Co-operative housing may form part of the affordable housing mix."
		Asking for proposals in the vicinity of the Markham Land ridgeline to be accompanied by sections showing impact on the skyline and proposed boundary treatments, limits design flexibility. It would be better to limit ridge height to allow for roof space utilisation.	Disagree. The Exeter Fringes Landscape and Capacity Study states that "The area (i.e. the SW Alphington site) has some capacity for housing but this is limited to the north, retaining the southern area as a buffer to ensure development does not break the skyline when viewed from the south.". In view of this, it is entirely reasonable to require sections so that any impact on the skyline can be fully assessed.	No change to Brief.
		The principle of encouraging residents to walk, cycle or use public transport is supported.	Noted.	No change to Brief.

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		<p>Outlining the three off-site projects to be funded by S106 agreement is too prescriptive. Individual items should be considered at the time of application, should be relevant to the number of units proposed and take into account any other sources of funding available.</p> <p>The need for shared cycle paths is supported. However the provision of access points should be agreed in detailed applications. It is unreasonable to insist upon a footpath cycleway along the southern boundary between Chudleigh and Dawlish Roads when safe linage will be provided in accordance with prevailing design manuals.</p>	<p>Disagree. The three projects are outlined in order to provide developers with certainty as to costs. The three projects are necessary to ensure the sustainable development of the site.</p> <p>Agree that the provision of access points should be determined in detailed applications. The Brief will be amended accordingly. However, disagree that it is unreasonable to insist upon a footpath/cycleway along the southern boundary. This is considered necessary to enable the sustainable development of the site. The Brief will be updated to include further information about the provision of the route, to provide certainty.</p>	<p>No change to Brief.</p> <p>Amend Brief to state that "Figure 2 shows the potential location of access and egress points." Amend Brief to include further details of how the footpath/cycleway along the southern site boundary should be provided as part of the development.</p>
		<p>The viability of a Decentralised Energy Network is questionable, it is suggested that the requirement is reworded, deleting 'necessary on site infrastructure be put in place for connection of those systems to the network' and add the development will connect to a District Heating System if such a scheme is available.</p>	<p>A study by the Centre for Energy & the Environment at Exeter University and Parsons Brinkerhoff has demonstrated that an energy network is viable and feasible at SW Alphington. Teignbridge District Council is leading a work stream with major developers involved in the SW Exeter urban extension, including Devon County Council, to deliver District Heating. EON has presented a formal proposal to developers.</p>	<p>No change to Brief.</p>
		<p>It is unreasonable to insist that the S106 should be completed in 90 days as the content will be informed by the City Council's consideration of the application and will then go through the legal process.</p>	<p>Disagree. The Development Brief provides a significant degree of certainty over the required contents of the S106 Agreement. It should therefore be completed well within 90 days of the registration of any planning application.</p>	<p>No change to Brief.</p>

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
3	Jillings Hutton Planning on behalf of St. Bridget Nurseries	<p>The content of the draft development brief is too aspirational, overly prescriptive and does not sufficiently refer to the need for compliance with existing adopted strategy. The majority of the site is already allocated within the Exeter Core Strategy, it should not be made to carry a disproportionate amount of the provision of facilities in the context of the wider development proposals for the Teignbridge area to the south.</p>	<p>Disagree. The Brief adds detail to the development requirements for the site set out in the Core Strategy. The Brief only seeks the provision of those facilities necessary to ensure the sustainable development of the site.</p>	No change to Brief.
3	Jillings Hutton Planning on behalf of St. Bridget Nurseries	<p>We support the authority's desire to successfully develop the area to the south west of Alphington. Paragraph 153 of the NPPF, National Planning Practice Guidance and Policies CP1 and CP19 of the adopted Core Strategy provide guidance on any development proposals that come forward working within the general policy support found in the Core Strategy. The Residential Design and Affordable House SPDs are both prescriptive. We question if the development brief provides any addition to the process of guiding the eventual planning application for the site. We consider that preparation of the document is unnecessary given the policy framework already in place. The Brief manages to be vague and prescriptive in equal measure and we consider that the successful development of the land to the south west of Alphington could proceed without reference to the brief but to the existing policy framework already in place.</p>	<p>Disagree. The Brief adds detail to the development requirements for the site set out in the Core Strategy.</p>	No change to Brief.
		<p>We question the use of the work 'exceptional' in relation to standards of design. The design is addressed through existing SPD and exceptional is subjective. We consider making reference to a high standard of design consistent with relevant policy.</p>	<p>Agree.</p>	<p>Amend Brief to state that "This Development Brief requires the site to be developed as a place which provides homes...that are of a high standard of design".</p>

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		<p>The brief states that a health centre and allotment 'must' happen without justifying this by reference to evidence. There is no reason why this is the only acceptable solution or that there is no other solution that is not better.</p>	<p>Allotments: Core Strategy Policy CP17 requires development to the south of Alphington to provide allotments to meet the needs of residents. The National Society of Allotment and Leisure Gardeners recommends the provision of 20 plots per 1000 population. The island site is of a size sufficient to accommodate the number of allotments that are estimated to be required as a result of the development, including a small amount car parking and circulation space. Doctors: There is a clear need for a doctor's surgery within the SW Urban Extension as a whole. At present there is no certainty that a surgery will be provided within Teignbridge. Until such a commitment is in place, it is prudent for the City Council to safeguard a site at SW Alphington.</p>	<p>No change to Brief.</p>
		<p>The local centre is shown as an approximate location, not informed by anything in particular that points towards this being the most appropriate solution.</p>	<p>A location on the main Chudleigh Road and close to existing housing is appropriate</p>	<p>No change to Brief.</p>
		<p>We do not dispute the need for adequate publicly accessible open space but the provision of a LEAP and NEAP do not appear to be based on any detailed analysis of the constraints and hence capacity. The level of prescription is unhelpful in the event of an acceptable alternative being proposed, therefore, it should be removed from the document.</p>	<p>The exact amount and type of children's play space required cannot be calculated until housing numbers are agreed. However, given the size of the site and the density requirements of the brief, it is expected that there will be a need for a LEAP and NEAP as part of the development. The locational requirements of the LEAP and NEAP are only intended to be approximate.</p>	<p>Amend Figure 2 of the Brief to clarify that the location of the NEAP and LEAP are approximate.</p>

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		<p>The reference to densities are vague and unhelpful and should be clearly expressed with suitable flexibility or deleted from the document. Being overly prescriptive on all matters without reference to the required flexibility inherent in the development management process is of no assistance to either applicants or decision makers.</p> <p>We do not believe that the site's topography is particularly challenging and it is unnecessary to both state that any buildings should not exceed 2 storeys in height and ask for a Travel Plan at this stage.</p>	<p>Disagree. The density requirements are considered to be set out in sufficient detail to assist developers and decision makers.</p>	<p>No change to Brief.</p>
		<p>We do not believe that the local planning authority can be certain of the relevant sums at this point with regards to CIL. The requirements need to be justified by reference to CIL Regs and to capacity of the site and outline what precisely the money will be used for.</p> <p>There is no reason why the various arrows are optimal locations for access points and we are certain that a design solution can be found that provides the natural surveillance required but does not result in the houses near to Markham Lane all facing due south.</p>	<p>Disagree. The Exeter Fringes Landscape and Capacity Study states that "The area (i.e. the SW Alphington site) has some capacity for housing but this is limited to the north, retaining the southern area as a buffer to ensure development does not break the skyline when viewed from the south." In view of this, it is entirely reasonable to require sections so that any impact on the skyline can be fully assessed and include a presumption against buildings of more than two storeys. It is entirely reasonable and in accordance with policy to expect any planning application to be accompanied by a Travel Plan.</p> <p>The CIL charge arising from any development is not set out in the Brief. It will be calculated at the Reserved Matters stage, in accordance with the CIL Regulations.</p> <p>Agree that the location of access points should be determined in planning applications. The Brief will be amended accordingly. Orienting dwellings to overlook the pedestrian/cycle route is the optimal way to ensure natural surveillance.</p>	<p>No change to Brief.</p>
			<p>The CIL charge arising from any development is not set out in the Brief. It will be calculated at the Reserved Matters stage, in accordance with the CIL Regulations.</p>	<p>No change to Brief.</p>
			<p>Agree that the location of access points should be determined in planning applications. The Brief will be amended accordingly. Orienting dwellings to overlook the pedestrian/cycle route is the optimal way to ensure natural surveillance.</p>	<p>Amend Brief to state that "Figure 2 shows the potential location of access and egress points."</p>

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4	Mr T Keate. Gleneagles, Dunsford Road, Exeter, EX2 9PW	<p>The brief states that 7 detailed reports be prepared and agreed at pre-application stage, further agreement also needs to be undertaken regarding CIL, S. 106 agreements and road access and layout. Therefore, I request that the planning authority organises a meeting of all land owners involved in the development of this site to ensure that they collectively agree.</p> <p>The proposed health centre and recycling site on the eastern side of Chudleigh Road will be adjacent to a proposed access into the development and this will cause congestion on a presently high traffic road.</p>	<p>Noted. It is desirable that all landowners and the planning authority work together to ensure the sustainable development of the site.</p> <p>Location of access points is indicative (see above). Access to the health centre site and recycling facility is likely to be off the site access, not direct to Chudleigh Road.</p>	<p>No change to Brief.</p> <p>No change to Brief.</p>
5	Mr J Keech. Devon County Council	<p>The principle of providing a brief to guide development in this area is supported.</p> <p>The brief would be improved by recognising that the site relates to a much wider development area which continues into Teignbridge. This is not reflected with enough significance, especially in relation to the proposed location of community facilities. The site should be considered as part of a 2500 dwelling urban extension rather than a single 500 dwelling development, therefore, facilities such as the doctor's surgery, recycling facilities and allotments should be located as appropriate to the wider context. The most suitable location for health facilities would be near to the proposed education facilities to the south, allowing people to make linked trips.</p>	<p>Support noted.</p> <p>Noted. The Brief will be amended to clarify the relationship of SW Alphington to the wider SW Exeter Urban Extension. Core Strategy Policy CP17 requires the provision of allotments as part of any development at the site. In respect of other community facilities, there is a clear need for a doctor's surgery within the SW Urban Extension as a whole and the provision of new recycling facilities will help to meet community needs. At present the location/range of community facilities to be provided within Teignbridge is still to be determined. It is therefore prudent for the City Council to safeguard a site for a doctor's surgery and recycling facilities at SW Alphington. This site would be released if facilities come forward elsewhere in SW Exeter.</p>	<p>No change to Brief.</p> <p>Update the information in section 4 about the relationship of the site to the wider SW Exeter development area. Move this information to section 1 of the Brief.</p>

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		<p>The development requirements could reference with greater clarity the requirements set out in the Exeter Core Strategy, specifically relating to policies CP17 and CP19.</p> <p>The promotion of sustainable travel opportunities is strongly supported. It should be noted that the 3 specific projects, in a table on page 7 will be delivered using either S 106 contributions or CIL levy receipts, as well as other funding streams, the village public realm enhancement scheme could not be funded through S 106 as it appears on the City Council's regulation 123 list. It is felt that the detail on these schemes should be reduced and that instead of a table, a list of transport projects required to support the development of the site would be appropriate. The county council is adopting a new approach in which a 'per dwelling' contribution will be sought to fund travel planning. As such, it should read 'all residential developments make an agreed financial contribution towards residential travel planning.' Any non-residential development will still need a travel plan.</p> <p>References to high quality pedestrian/cycle routes, natural surveillance, bus through route and low speed highways are supported.</p> <p>It is recommended that the specified location of all access points is clarified as being indicative and subject to further refinement as they will be determined through the site design and planning application process.</p>	<p>Disagree. Section 4 clarifies that the Brief is supplementary to Policies CP17 and CP19 of the Core Strategy.</p> <p>The 'Village Public Realm Enhancement Scheme' is a traffic calming project that can be funded through a Section 106 Agreement. Residential travel planning could be implemented by the developer or through a contribution to DCC.</p> <p>Support noted.</p> <p>Agree that the provision of access points should be determined in detailed applications. The Brief will be amended accordingly.</p>	<p>No change to Brief.</p> <p>No change to Brief.</p> <p>No change to Brief.</p> <p>Amend Brief to state that "Figure 2 shows the potential location of access and egress points."</p>

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6	Ms L Horner. Forward Planning Network on behalf of Natural England	It is our advice that there are likely significant environmental effects from the proposed plan. We can confirm that the development site will be in close proximity to the Exe Estuary SPA, Exe Estuary Ramsar and Exe Estuary SSSI.	The site is already allocated for residential development and associated infrastructure in the Exeter Core Strategy. The environmental effects of developing the site were considered in full during the preparation of the Core Strategy. Any development will be subject to the Council's adopted CIL charges. The Council's Regulation 123 List includes the mitigation of recreational impact on European designated habitats as infrastructure likely to benefit from CIL funding.	No change to Brief.
7	Humeira Yaqub. Office of Rail Regulation	We are not aware of significant populations of protected species which are likely to be affected but information should be provided supporting this screening decision to assess whether protected species will be affected.	The Brief requires an ecology survey to be submitted with any planning application, which must include the identification of any protected species. Compensation and mitigation measures must be identified where appropriate and agreed with the Council.	No change to Brief.
8	Mr I Turnbull. NHS England	We note that your proposals outline plans affecting the railway line, namely the 'Loram Way Cycle Walk'. If your plans relate to the development of the current railway network within your administrative area, we would be happy to discuss these with you once they have become more developed.	The approximate route of the proposed scheme is over 500m from the nearest rail line. The project is not yet under way, and Devon County Council are still in negotiation with the landowners to agree terms. Planning consent will also be required.	No change to Brief.
8	Mr I Turnbull. NHS England	NHS England have no provision to fund any new medical facility in the proposed development so I imagine that the health centre site is a speculative inclusion on the plans.	There is a clear need for a doctor's surgery within the SW Urban Extension as a whole. At present there is no certainty that a surgery will be provided within Teignbridge. Until such a commitment is in place, it is prudent for the City Council to safeguard a site at SW Alphington.	No change to Brief.

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9	Ms K Plumb. Housing Development Officer, Exeter City Council	We would not insist on co-operative housing forming part of the affordable housing mix. Could the words 'co-operative housing must form part of the affordable housing mix' be changed to 'may form'.	Agreed.	Amend Brief to state that co-operative housing may form part of the affordable housing mix.
		Any extra care facility must meet the requirements of Exeter City Council's Housing Department and Devon's Extra Care Commissioning Strategy and follow the Housing LIN Design Principles for Extra Care.	Noted and agreed.	Amend Brief to state that the extra care facilities must follow the Housing LIN Design Principles for Extra Care.
10	Mr M Dunn. South West Water	With regards to foul drainage facilities, capacity is available within the public foul sewer in Chudleigh Road to which the western site would drain to support a maximum of 300 dwellings. We are aware of other possible development draining via this route and capacity can only be reserved by obtaining planning permission. If other sites come forward for planning and are approved in advance of this spare capacity, drainage improvements will be required which we will require potential developments to fund. The public foul sewer network to which the eastern site would discharge has insufficient capacity to support its development and therefore we would require developers to establish what improvements are necessary.	Noted. The Brief will be updated to include this information.	Amend Brief to include information on foul drainage provided by SWW.

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11	Mr G Parsons. Sport England	Please be aware, Sport England is a statutory consultee on planning application affecting playing fields. A planned approach to the provision of facilities and opportunities for sport is necessary. Sport England is currently supporting the Council in producing an evidence base for playing pitches. We are concerned that the Council has no evidence base for built sports facilities that includes swimming pools, shorts halls etc. Sport England supports the provision of sports facilities encouraging the planning authority to seek professional advice from the National Governing Bodies to ensure fit for purpose facilities in the right locations. Often, playing pitches are identified on a Masterplan but are not big enough or too close to housing. Sport England would encourage the new developments to be designed in line with the Active Design principles.	In the absence of a finalised evidence base for built sports facilities and the provision of playing pitches in Exeter, the City Council is unable to require the provision of such facilities as part of development at South West Exeter. Provision should be viewed in the context of the wider SW Exeter urban extension, within which significant outdoor and indoor sports and recreation facilities will be accommodated.	No change to Brief.
12	Ms S Parish. Highways Agency	A number of applications are currently coming forward in the area so a joined up approach is essential. The impacts of development in this location will be felt in Teignbridge District but co-operation between the two Authorities is not clear in this document. There are issues on the Strategic Road Network with poor journey reliability on the M5 between junctions 29 and 30. It is the 133rd worst junction of 2,497 nationally. It is important to ensure the phasing of transport infrastructure is in place before any development occurs with an agreed delivery and funding system with neighbouring authorities beforehand. Public transport, cycle and pedestrian routes are welcomed. An evidence base is required to understand impacts on the SRN and this should be produced at an early stage as it will inform the Travel Plan. We need to be involved as early as possible in discussions to ensure developers understand the highway network, especially impacts on the SRN.	SW Alphington is already allocated for residential development in the Core Strategy. The Core Strategy and the Development Brief together require the provision of transport measures to ensure the sustainable development of the site. The City Council is working closely with Teignbridge District Council and Devon County Council to ensure that the necessary transport infrastructure is in place to enable the sustainable development of the wider SW Exeter urban extension.	No change to Brief.

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13	Ms H Jessop. Natural England	<p>We recommend the addition of a requirement for the development to 'minimise impacts on biodiversity and provide a net gain in biodiversity.' This can be achieved by on-site habitat retention, creation, management and maximising the potential of built development together with biodiversity offsetting and CIL contributions.</p> <p>There is no mention of Public Open Space having biodiversity provision as one of its functions. We recommend the brief requires that the POS contributes towards biodiversity conservation and enhancement.</p> <p>With regard to allotments, fences provide little value whereas a hedge composed of a variety of species will provide wildlife habitat and enhance the local landscape. If a fence is essential, than a wire mesh fence alongside would provide security.</p> <p>We note the LEAP and NEAP will include buffer planting but it is not clear whether it will be of native species, non-native species should not be permitted.</p> <p>We recommend the brief refers to relevant measures from guidance entitled 'Sustainable Drainage Systems- Maximising the Potential for People and Wildlife'.</p> <p>CIL contributions will be required to fund mitigation of recreational impacts on international sites.</p> <p>Surveys should include a breeding bird survey, surveys for other species e.g. cirl bunting, should be carried out if there are existing records of presence at or near the site.</p>	<p>This would not fall within the CIL 123 and so could not be funded through CIL. Otherwise agree with the suggested amendment.</p> <p>Agreed. The Brief will be amended accordingly.</p> <p>Agreed. The Brief will be amended accordingly.</p> <p>Disagree. This is considered to be an unnecessary point of detail.</p> <p>Agree. However, this does not necessitate any change to the Brief.</p> <p>Noted.</p>	<p>Amend Brief accordingly.</p> <p>Amend brief to state that "The POS must be an integral element of the site's overall design and located so as to maximise the use of SUDs and contribute towards biodiversity conservation and enhancement."</p> <p>Amend brief to state that the allotment should be bound by a hedgerow incorporating a wire mesh fence for security.</p> <p>Amend brief to state the buffer planting should be of native species.</p> <p>No change to Brief.</p> <p>No change to Brief.</p> <p>No change to Brief.</p>

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		Retained trees and hedges should be incorporated into a green infrastructure framework and should form links across the site. We recommend the brief places more emphasis on recommendations made in 'Planning for a Healthy Environment'. The no. of built-in nest and roost sites per development should be approx the same as the no. of residential units. We recommend the brief includes reference to phasing of development at South West Alphington with provision of the Ridge Top Park .	Agreed. The Brief will be amended accordingly. Disagree. This is considered to be an unnecessary point of detail. The Brief implicitly seeks to deliver a 'healthy development', through measures to encourage travel by non-car modes and the provision of public open space. Disagree. The Brief is SPD and cannot create policy. However, in accordance with the Residential Design Guide SPD, as part of providing for biodiversity in the new development, the developer will be encouraged to incorporate nest boxes and roost sites. Disagree. The Ridge Top Park is to be provided within the Teighbridge element of the wider SW Exeter Urban Extension. It is not directly related to SW Alphington.	Amend brief to state that ""These must be incorporated into a landscape and green infrastructure framework for the new development...". No change to Brief. No change to Brief. No change to Brief.
14	Mr S Bates. Exeter and East Devon Growth Point	We strongly support emphasis on public open space, biodiversity protection and sustainable transport. Please reword 'respects existing trees and hedgerows' to 'avoids damage to existing trees, hedgerows and associated species, then mitigates direct impacts and finally offset any unavoidable residual impacts, incorporating these within a green infrastructure framework.'	Support noted. Agreed.	Amend Brief accordingly.

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		<p>The phrase 'report must identify all existing trees and hedgerows that are worthy of retention' is rather subjective and a better phrase may be 'the report must identify all existing trees and hedgerows to be retained.'</p> <p>With regards to allotments, can you add 'a commuted sum will be required for maintenance.'</p> <p>Can you add that SUDs will be expected to maximise their biodiversity potential and not solely function as water management features and to involve local community, ecologists and landscape architects in the detailed design and management of public open space and SUDs.</p> <p>We would welcome a statement that applicants will be required to clearly set out the area and quality of habitats in the development site, clearly stating which are to be retained, enhanced or destroyed.</p>	<p>Agreed.</p> <p>Disagree. It is anticipated that ownership of and responsibility for running the allotment site will be transferred to a local community group.</p> <p>Agree that SUDs should maximise their biodiversity potential. The detailed design and management arrangements for public open space and SUDs will need to be agreed with the local planning authority before any planning application is determined. The local planning authority will ensure that biodiversity is taken into account in this process.</p> <p>Agreed. Section 3 will include reference to the need for biodiversity offsetting.</p> <p>Disagree. In setting out a requirement for a mix of housing, the Brief reiterates the requirements of Core Strategy Policy CP5.</p>	<p>Amend Brief accordingly.</p> <p>No change to Brief.</p> <p>Amend brief to state that "SUDs will be expected to maximise their biodiversity potential and not solely function as water management features."</p> <p>Amend the Brief to more accurately reflect the need for biodiversity offsetting.</p> <p>No change to Brief.</p>
15	Mr T J Baker. on behalf of Waddeton Park Ltd.	<p>We welcome the list of development requirements set out in the brief but it must be for the market to respond to the need for open market housing, any attempt to preset the housing mix could mean development are not interested in the site.</p>		

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		<p>There is an absence of any mention of education provision. ECC cannot rely on development proposed within Teignbridge to deliver education provision. Schools in the general area are either at or over capacity. The brief should include at least a reserve site for a primary school.</p> <p>We can find no evidence to support the assertion of the three off-site projects mentioned with regards to S106.</p> <p>A financial contribution towards the car club must be justified.</p> <p>We have seen no evidence that a Decentralised Energy Network is viable or feasible, therefore we are pleased there is an opportunity to implement alternative solutions.</p> <p>The requirement to create a S106 within 90 days is unreasonable.</p>	<p>Disagree. ECC is working with DCC, TDC and landowners to ensure the provision of educational facilities to meet the needs of the SW Urban Extension as a whole. Work to date would suggest that there is no desire to locate a school within the SW Alphington site.</p> <p>The projects are supported by the SW Exeter Transport Access Strategy.</p> <p>Disagree. The Brief accords with the City Council's adopted car club policy, which is set out in the Sustainable Transport SPD.</p> <p>A study by the Centre for Energy & the Environment at Exeter University and Parsons Brinkerhoff has demonstrated that an energy network is viable and feasible at SW Alphington. Teignbridge District Council is leading a work stream with major developers involved in the SW Exeter urban extension, including Devon County Council, to deliver District Heating. EON has presented a formal proposal to developers.</p> <p>Disagree. The Development Brief provides a significant degree of certainty over the required contents of the S106 Agreement. It should therefore be completed well within 90 days of the registration of any planning application.</p>	<p>No change to Brief.</p> <p>No change to Brief.</p> <p>No change to Brief.</p> <p>No change to Brief.</p> <p>No change to Brief.</p>

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16	Ms V Bankes Price. The Woodland Trust	We would like the brief to more effectively incorporate woods and trees as no person should live more than 500m from accessible woodland of no less than 2ha and of woodland no less than 20ha within 4km. Woodlands help improve air quality and flood amelioration.	Noted. However, the City Council has no policy basis to require these standards to be met. The Brief requires the identification of trees and hedgerows to be retained and will be amended to reflect the need for biodiversity offsetting.	Amend the Brief to more accurately reflect the need for biodiversity offsetting.
17	Bovis Homes	The document is an elongated version of the Local Plan policy for the site, it is a missed opportunity to seek to guide the form of development. Bovis would expect an indicative potential road network, some form of indicative landscaping and further detail with regard to potential buffer zones associated with adjoining ancient monuments. There is no reference to a masterplan for the site or for Teignbridge. There is no mention of co-ordinated delivery between this site and Teignbridge's plans, especially regarding health planning, the provision of open space and allotments and pedestrian/cycle links. We have concerns over education provision and local residents have a strong preference for some form of primary provision in the Alphington area.	Disagree. The Brief adds detail to the development requirements for the site set out in the Core Strategy. However, the Brief will be amended and updated to include details of how SW Alphington fits with development in the wider SW Exeter Urban Extension. As regards to education provision, the City Council has made strong representation on the issue of schools near Alphington to Devon County Council. It is within Bovis's gift to apply for planning permission for a new school on its land.	Update the information in section 4 about the relationship of the site to the wider SW Exeter development area. Move this information to section 1 of the Brief.
18	Cllr M Clark. 71 Chantry Meadow, Alphington, EX2 8FU	I am concerned that the width of Dawlish Road will not be sufficient for a bus and car to pass and that sight lines will not be adequate for buses. I would like a detailed highways assessment before this is considered as a safe route.	Noted. Detailed proposals for vehicular access on Dawlish Road will be fully considered by Devon County Highways in advance of the granting of any planning applications.	No change to Brief.
19	Mr J Cullen. 'Chimes' 29 Steeple Drive, Alphington, EX2 8FL	My concern is the use of the top of Steeple Drive for cyclists and pedestrians. This is not a right of way and we will not allow this to be used for public access.	Disagree. The provision of pedestrian/cycle routes between the new development and adjoining residential areas is important to encourage travel by no-car modes.	No change to Brief.

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
20	Mr & Mrs R P Nayler. 17 Veitch Gardens, EX2 8AB	I am concerned about the Health Centre/Doctors Surgery, the building would be directly in front of 27 and 29 Steeple Drive, if it will be over one storey high, it will overpower our bungalows. I would like a planning officer to visit to discuss these points.	Detailed design and position will be considered at the planning application stage.	No change to Brief.
20	Mr & Mrs R P Nayler. 17 Veitch Gardens, EX2 8AB	Encouraging sustainable transport routes is laudable but details of how developer's proposals will be evaluated should be given. Not all ideas discussed with Alphington Village Forum have been included. No. 72 Chudleigh Road is known locally as 'Silverlands'.	The developer's proposals will be assessed primarily against the City Council's Sustainable Transport SPD. Correct. The requirements of the AVF have been included in the Brief wherever possible. Noted.	No change to Brief. No change to Brief. Amend Brief to include reference to Silverlands where No. 72 Chudleigh Road is mentioned.
		Specification of the location of allotments should not be given as it restricts their use and they would be better located along the ridge line. I think there is confusion between metric and imperial as 10 rods =257.7sqm and 5 rods=128.8sqm and I take it that it is intended that the plots will be 5 rods and not 10 rods as mentioned.	The island site is identified as the location for future allotment provision in order to provide certainty to developers. It is considered to be the optimal location for the allotments, given that it is the area of the site most affected by traffic noise from the A30, is of a size that would accommodate an allotment to meet the needs of future residents, and is the most elevated (and thereby visually the most sensitive) area of the site. Developing the island site for allotments would enable best use to be made of the remaining site. The Brief will be amended to clarify requirements as to measurement.	Amend Appendix A of the Brief as follows: "The amount of land allocated for the provision of allotments is based on the National Society of Allotment and Leisure Gardeners guideline of 20 plots (each measuring 10 poles or 250 ms sq) per 1000 households. Each plot provided within the new facility must measure a minimum of 5 poles (125 ms sq)..."

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		<p>With regard to pedestrian and cycle access, the access point to the west should be onto Shillingford Road to avoid the existing hedge and the central access point should connect with the existing road.</p> <p>Details of the expected philosophy regarding provision of car parking spaces is needed.</p>	<p>The exact location of access points will be agreed during the planning application process.</p> <p>Disagree. The Council's policy on the provision of car parking is set out in the Residential Design Guide SPD. Developers will be expected to comply with this policy. There is no need for it to be reiterated in the Brief.</p>	<p>No change to Brief.</p> <p>No change to Brief.</p>
		<p>With regard to existing housing, Veitch Gardens and Royal Close on the west of Chudleigh road have densities slightly lower than 20dph. The width of the boundary where densities of 20dph are required needs to be specified, I would suggest a band of 25 metres. These are built on the last site occupied by the famous Veitch Nurseries' should be added.</p>	<p>Disagree. The Brief cannot be overly prescriptive in relation to density. An element of flexibility is required. Reference to Veitch Nurseries would be superfluous.</p>	<p>No change to Brief.</p>
21	Ms S White. 8 Barnstone Court, Alphington, EX2 8YQ	<p>The widening of footpaths in Church/Chudleigh Road through Alphington Village would lead to more traffic congestion and the bus finds it difficult to negotiate the turn from Ide Lane into Church Road. There should be a roundabout at the junction of Shillington Road/Chudleigh Road/ Chantry Meadow. The area in Church Road outside the post office should have double yellow lines.</p>	<p>This comment relates to the Public Realm Enhancement Scheme, which development at SW Alphington will be expected to fund. The comment is a detailed point about the Scheme and is not directly relevant to the Brief. The comment will be forwarded to Devon County Highways.</p>	<p>No change to Brief.</p>
22	Mr G Craig. Tozers Cottage, 87 Church Road, Alphington. EX2 8SY.	<p>The proposed location of local centre will require service traffic to drive through new estate and so it should be moved to the south, adjacent to Chudleigh Road access.</p>	<p>Exact location of access points will be agreed through planning applications. The site remains the most appropriate.</p>	<p>No change to Brief.</p>

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		<p>The proposed housing mix is wrong for Alphington. It should be 20% 1 bed, 30% 2 bed, 30% 3 bed and 20% 4 bed.</p> <p>I support the scheme in principle but there should not be a loss of 4 parking places on the triangle adjacent to the church.</p>	<p>Noted. In accordance with Core Strategy Policy CP5, the Brief should make reference to the need for housing mix to be informed by context, as well as the most up-to-date Housing Market Assessment. However, to assist applicants, information on the housing requirement identified in the latest HMA should be retained.</p> <p>This comment relates to the Public Realm Enhancement Scheme, which development at SW Alphington will be expected to fund. The comment is a detailed point about the Scheme and is not directly relevant to the Brief. The comment will be forwarded to Devon County Highways.</p>	<p>Amend Brief to state that the development must deliver a mix of housing that is informed by context and the most up-to-date Housing Needs Assessment.</p> <p>No change to Brief.</p>
23	F Manterfield & J Baker. 3 Vestry Drive, EX2 8FG	<p>Concerns re. traffic calming measures. These could cause congestion at peak times. A roundabout should be installed at Chudleigh Road/ Shillingford Road/ Chantry Meadows junction and double yellow lines on this 3 roads. There should be a speed camera on Chudleigh Road.</p>	<p>This comment relates to the Public Realm Enhancement Scheme, which development at SW Alphington will be expected to fund. The comment is a detailed point about the Scheme and is not directly relevant to the Brief. The comment will be forwarded to Devon County Highways.</p>	<p>No change to Brief.</p>
24	Ms A Craig. 87 Church Road, Alphington, EX2 8SY	<p>I disagree with the location of a health centre/doctor's surgery/ recycling centre and it should be further south at access point to Chudleigh Road to avoid traffic.</p>	<p>The location of will be agreed through planning applications. The site remains the most appropriate.</p>	<p>No change to Brief.</p>

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		<p>The mix of housing is not suitable and should read 15% 1 bed, 30% 2 bed, 35% 3 bed and 20% 4 bed.</p> <p>I agree with the footway widening plan but disagree with the proposed enlargement of the green triangle (intersection of Chudleigh and Dawlish roads) thus losing 4/5 parking spaces and left access to Chudleigh Road.</p> <p>The existing route of the A bus must be maintained.</p>	<p>In accordance with Core Strategy Policy CP5, the Brief should make reference to the need for housing mix to be informed by context, as well as the most up-to-date Housing Market Assessment. However, to assist applicants, information on the housing requirement identified in the latest HMA should be retained.</p> <p>This comment relates to the Public Realm Enhancement Scheme, which development at SW Alphington will be expected to fund. The comment is a detailed point about the Scheme and is not directly relevant to the Brief. The comment will be forwarded to Devon County Highways.</p> <p>Disagree. Re-routing the A Bus is necessary to ensure the sustainable development of the site.</p> <p>Agree that the allotment should be bound by a hedgerow, although this will need to include wire mesh fencing for security reasons. Developer will be required to make permanent arrangements for allotments.</p> <p>The island site (to the west of Shillingford Road) is identified in the Brief for the provision of allotments. A requirement for 20dph is considered unnecessary fronting Shillingford Road.</p>	<p>Amend Brief to state that the development must deliver a mix of housing that is informed by context and the most up-to-date Housing Needs Assessment.</p> <p>No change to Brief.</p> <p>No change to Brief.</p> <p>Amend brief to state that the allotment should be bound by a hedgerow incorporating a wire mesh fence for security.</p> <p>No change to Brief.</p>
25	W H Bassett. 38a Shillingford Road, EX2 8UB	<p>I welcome the allotment site but urge the retention of the existing hedging around the site and the use of a covenant to preserve the site for allotments in perpetuity.</p> <p>It is not clear that the top, left hand side of Shillingford Road is included in the 20dph boundary and should be single storey to match existing with Markham Lane junction.</p>		

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
		The mix is too in favour of 1 bed homes.	Disagree. The mix set out in the Brief is based on the latest Housing Market Assessment, in accordance with planning policy. The final housing mix will be determined at pre-application stage, with reference to the context of the site and the latest Housing Market Assessment.	No change to Brief.
		The Environmental Impact Plan should be carried out in close collaboration with the Alphington Forum.	Disagree. The Environmental Impact Assessment is prepared by the developer and must be agreed by the City Council. It is not a document that is subject to public consultation.	No change to Brief.
		Shillingford Road already has problems with cars parked along one side making 2 lane passing impossible, attention needs to be paid to tackle the problem which will get worse. There is no mention of car parking in the new development and ECC has failed to address this at planning stages in the last decade.	The Council's policy on the provision of car parking is set out in the Residential Design Guide SPD. Developers will be expected to comply with this policy. There is no need for it to be reiterated in the Brief.	No change to Brief.
26	Mr M Welch. 36 Shillingford Road, Alphington	I believe the development will ruin the south west area. There will be little boundary distinction between the areas in Teignbridge creating urban sprawl. It will be dangerous for pedestrians and will increase air pollution. Our hospitals are overcrowded and there are insufficient medical centres to take care of existing residents. Unemployment will rise. I say no to the development.	The principle of development is established. South West Alphington is allocated for residential development in the Exeter Core Strategy.	No change to Brief.
27	Ms N Cole. 3 Fowler Close, Exminster, EX6 8SX	I am pleased there will be extra care housing on the site. I am interested to understand if it is suitable for me.	Noted.	No change to Brief.

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
28	Cllr M Clark on behalf of Mr & Mrs Cullum. Chimes, 29 Steeple Drive, EX2 8FL	Concerned that an access road may pass their bungalow.	The Brief stipulates that motor vehicle access must only be taken from Shillingford Road, Chudleigh Road and Dawlish Road (i.e. not from existing adjoining residential streets, including Steeple Drive).	No change to Brief.
29	Mr R Howell. 35 Chudleigh Road. Alphington	This is a beautiful part of Devon that is becoming more like versions of Swindon or Basingstoke. The current plans are too broad to have real meaning. Developer's mission is to maximise profits and they do not care about existing residents.	South West Alphington is allocated for residential development in the Exeter Core Strategy. In addition to existing planning policies in the Development Plan, the Brief seeks to ensure sustainable and high quality development of the site.	No change to Brief.
30	Mr B Toze. 25 Steeple Drive, Alphington, EX2 8FL	There are too many pedestrian/cyclist access points. This will lead to vandalism and security issues. One access point, immediately north of the proposed local centre would pass directly in front of our house. It would be dangerous for pedestrians and they would have to share this driveway with vehicles. Visitors to the local centre and doctor's surgery will park at the top of Steeple Drive and cut through the pathway. This access point will also result in the removal of established trees and hedgerow which should be protected.	The exact location of access points will be agreed during the planning application process, taking into account issues of residential amenity and safety. The local centre and doctor's surgery will have appropriate parking. There will be no reason for people to park in Steeple Drive. Footpath connections may necessitate some loss of trees/hedges.	No change to Brief.
31	Mr P May. 8 Willsdown Road, EX2 8XB	Why is it proposed to give £0.7 million to a bus company to change their route. If any route improvements were combined with the bus to Kenn, there may be an opportunity to reduce overall subsidy.	The upgrade and extension to the A Service is considered essential to ensure the sustainable development of SW Alphington. £700,000 is the amount that Devon County Council advise is required.	No change to Brief.

Rep No	Respondent	Summary of Representation	ECC Response	Changes to Development Brief
32	Mr T Honey.	I am opposed to all building on green field sites. There is enough space within built up areas which could be used for housing.	Disagree. The Core strategy seeks to focus as much development as possible on previously developed sites. However, due to the level of housing need in the City, it is also necessary to develop greenfield sites. The site is allocated for development in the Exeter Core Strategy.	No change to Brief.



~~DRAFT~~
**DEVELOPMENT BRIEF
FOR
SOUTH WEST
ALPHINGTON**

~~February~~ June 2014

Draft Development Brief for South West Alphington

EXECUTIVE SUMMARY

Land to the South West of Alphington (see Figure 1), from hereon referred to as 'the site', is allocated in the Exeter Core Strategy for the provision of new and much-needed housing in the City¹.

This Development Brief requires the site to be developed as a place which:

- provides homes, including homes that are affordable to local people, that are of ~~an exceptional~~ a high standard of design;
- makes the best possible use of land and an excellent contribution to the character and appearance of Alphington;
- includes high quality community facilities for the new residents, comprising a site for a ~~new~~ health centre/doctors surgery, recycling facilities, allotments and public open space;
- provides for a net gain in biodiversity and avoids damage to existing trees, hedgerows and associated species, incorporating these within a landscape and green infrastructure framework;
- encourages residents to walk, cycle or use public transport or a car club as an alternative to the private car; and
- ~~uses low and zero carbon energy and makes efficient use of natural and local resources; and~~
- ~~respects existing trees and hedgerows, incorporating these within a green infrastructure framework.~~

¹ The 'island site' on the western side of Shillingford Road does not form part of the strategic allocation. However, to enable the comprehensive and sustainable development of the area as a whole, the island site is included as part of the 'site' covered by this Development Brief.

1 INTRODUCTION

Status of this Brief

- 1.1 This Brief is ~~currently in draft form for public consultation. The draft Brief will be reviewed and amended in response to the findings of the consultation. The City Council will then seek to adopt the Brief as a Supplementary Planning Document, which will provide the framework for and therefore a material consideration in~~ the determination of any subsequent planning application(s) proposing to develop the site.

Who is the Brief for?

- 1.2 This Brief is aimed at those involved in planning and designing any new development at the site. It also provides those with an interest in the project – neighbours, local residents and any other interested parties – with guidance on the issues that will be considered during the planning process.

How has the Brief been prepared?

- 1.3 ~~The draft Brief has been prepared by Exeter City Council, following a series of workshops attended by the Alphington Village Forum during 2012/13 and a public exhibition held in Alphington Village Hall in July 2013. The Brief also takes into account the results of a questionnaire about the proposed development of the site, which was sent to all Alphington residents in July 2013.~~

The South West Urban Extension

- 1.3 ~~The site forms part of a larger planned urban extension encompassing adjoining land within Teignbridge District, to the south. Policy SWE1 of the Teignbridge Local Plan ('Plan Teignbridge') (2013-2033) proposes an area of approximately 170 ha adjoining Exeter to be developed for the provision of at least 2,000 new dwellings, employment, a country park and associated infrastructure. The South West Exeter Masterplan (2012), produced by consultants on behalf of Exeter City Council, Teignbridge District Council and Devon County Council, indicates how the urban extension might be delivered in a sustainable manner. Teignbridge District Council are currently preparing a Development Framework setting out how housing and the required infrastructure at the urban extension should be planned, delivered and phased comprehensively and in a sustainable form.~~

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2 THE SITE AND SURROUNDING AREA

- 2.1 The site is greenfield and lies on the southern fringe of Exeter, just within the City Council's boundary. Topographically, the site is slightly elevated above adjoining development to the north: land levels rise gently in a south-westerly direction, culminating in a ridgeline along which Markham Lane runs. Consequently, parts of the site are visible in distant views across the City. Therefore, any development of the site will impact not only upon the character and appearance of the immediate locality, but also upon the setting of Exeter. This sensitivity underlines the need for any development to be of exceptional quality.
- 2.2 The site's gross developable area measures approximately 14.9 ha and is traversed north to south by Shillingford Road and Chudleigh Road. Dawlish Road demarcates its eastern boundary. Part of the site's southern boundary, between Shillingford Road and Chudleigh Road, is denoted by the unmade and partly sunken Markham Lane. Part of the southern boundary between Chudleigh Road and Dawlish Road is denoted by a public right of way, which runs just outside the site.
- 2.3 The majority of the site comprises farmland, divided by hedgerows and the aforementioned highways into 9 fields. The developable area of the site also includes one dwelling: No.72 Chudleigh Road ([Silverlands](#)), an imposing early 20th Century detached dwelling with outbuildings and a large garden.
- 2.4 Land to the south is currently open countryside, separated from the site visually by the Markham Lane ridgeline and physically by the A30, which adjoins to the south-west. The site's northern boundary abuts Alphington, a largely residential area of the City. Facilities in Alphington include a primary school, church, various local shops, a village hall, a community hall and a doctors' surgery. The edge of Matford Industrial Estate lies approximately 250 m to the north-east of the site as the crow flies.
- 2.5 Existing housing in Alphington varies in age, style and materials. Dwellings on land immediately to the north of the site are predominantly late 20th Century. Properties along Shillingford Road and Chudleigh Road are laid out in linear format and are either single- or two-storey, predominantly detached and set within sizeable gardens. The residential areas between these two roads, and between Chudleigh Road and Dawlish Road, comprise housing estates laid out around sinuous cul-de-sacs, with small areas of public open space. Two-storey detached, semi-detached and terraced properties characterise these areas. Parking is primarily off-road, with some parking courts to the rear of dwellings. Net residential densities in these estates vary from around 20 dph (e.g. areas of Vestry Gardens, Chudleigh Road, Steeple Drive and Pulpit Walk) to around 54 dph (in areas of Lichgate Road and Tower Walk).

3 DEVELOPMENT REQUIREMENTS

3.1 This section of the Brief expands upon the key requirements set out in the Executive Summary.

The site must be developed as a place which:

- provides homes, including homes that are affordable to local people, that are of **an exceptional a high** standard of design;
- makes the best possible use of land and an excellent contribution to the character and appearance of Alphington;
- **includes high quality community facilities for the new residents, comprising a site for a new health centre/doctors surgery, recycling facilities, allotments and public open space;**
- **provides for a net gain in biodiversity and avoids damage to existing trees, hedgerows and associated species, incorporating these within a landscape and green infrastructure framework.**

3.2 To help achieve these requirements:

- The 'island' on the western side of Shillingford Road, which measures approximately 0.37 ha, must be provided and equipped by the developer as an allotment to meet the needs of new residents. See Figure 1 below for location. Specifications for the allotment are set out in Appendix A.
- An area of 0.11 ha is required as a local centre, comprising a site of 0.1 ha for the future provision of a health centre/doctor's surgery, together with a community recycling facility to be provided and equipped by the developer. The local centre should be located adjacent to and on the eastern side of Chudleigh Road. A potential location is shown Figure 1. Specifications for the recycling facilities are set out in Appendix A.
- In addition to the allotments, 1.44 ha of the site must be provided as level public open space. The public open space must be an integral element of the site's overall design and located so as to maximise the use of SUDs² **and contribute towards biodiversity conservation and enhancement**. All new homes must be within easy walking distance of the public open space. The open space must include a LEAP³ on that part of the site to the west of Chudleigh Road and a NEAP (incorporating a MUGA)⁴ on that part of the site to the east of Chudleigh Road. Specifications for the LEAP, NEAP and SUDs are set out in Appendix A. Management arrangements for the LEAP and NEAP must be included in any development proposals.
- The remaining site area must be developed for residential use, at a density which represents an efficient use of land. An average net density of less than 30 dph is unlikely to be consistent with this. Recent developments on the edge of Exeter have achieved an average net density of around 35 dph. In order to respect the character and appearance of neighbouring residential areas, the topography of the site and its proximity to a Scheduled Ancient Monument, those areas along the northern and southern boundaries of the site must be developed at around 20 dph. Higher densities will be appropriate towards the centre of the site.
- The development as a whole must deliver a mix of housing that **is informed by context and reflects** the most up-to-date Strategic Housing Market Assessment for Exeter. At the time

² Sustainable Urban Drainage.

³ Local Equipped Area for Play.

⁴ Neighbourhood Equipped Area for Play / Multi-Use Games Area.

of adoption, this is the 2010 Exeter SHMA Update, which identifies the following housing requirement:

32% 1 bed	44% 2 bed	11% 3 bed	13% 4+ bed
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- Any development must include 35% affordable housing, [subject to viability](#), to be provided on-site as an integrated part of the scheme. Co-operative housing ~~may~~ **must** form part of the affordable housing mix.
- The City Council will accept the provision of an extra care facility as part of the development and as part of the affordable housing provision. [Any extra care facility must meet the requirements of the City Council's Housing Department, which will be based on the level of need for such housing at the time a planning application is made. It must also accord with the requirements of Devon County Council's Extra Care Commissioning Strategy⁵ and follow Housing LIN design principles⁶.](#)
- All dwellings shall be designed to meet Lifetime Homes standards.
- Development must be of ~~an exceptionally a~~ high standard of design. A Design And Access Statement must be submitted with any planning application, setting out the design concept and principles (including the approach to sustainable design) that have informed the proposals. The Statement must show how the scheme achieves exceptional design in relation to the City Council's policies and the site's context.
- The new development must have its own sense of place, whilst integrating with existing development in the area. Innovative design that responds to the challenges presented by the site's topography will be supported. Development proposals in the vicinity of the Markham Lane ridgeline must be accompanied by sections showing any impact upon the skyline and proposed boundary landscape treatments. No buildings on the site should exceed 2 storeys in height.
- The potential impact of noise from the nearby A30, Shillingford Road and Chudleigh Road must be taken into account in the design of new homes. Further information about noise constraints is set out in Appendix A.
- No.76 Chudleigh Road (The Gables), which adjoins the site, is a Grade II Listed Building dating from the early 19th Century. Any development must preserve the building and its setting.
- The site and its surroundings contain archaeological remains. None of the remains will have an impact on the layout or amount of new development, but will require excavation and recording. Further information is provided in Appendix A.
- An Arboricultural Report must be prepared at the pre-application stage and agreed with the City Council. The Report must identify all existing trees and hedgerows ~~that are worthy of retention to be retained~~. These must be incorporated into a landscape [and green infrastructure](#) framework for the new development, which must also include additional planting of trees and shrubs of species that are appropriate to the area. In particular, additional tree planting will be required along all road frontages and the southern / south-eastern boundaries of the site, in order to partly screen and buffer the development. Subject to the conclusions of the Arboricultural Report, trees within the site may be made the subject of a Tree Preservation Order.

⁵ www.devon.gov.uk/comm_strategy_for_extra_care_housing.pdf

⁶ <http://www.housinglin.org.uk/AboutHousingLIN/HowdoulusetheHousingLIN/KeyDocuments/?parent+1648&child=5145>

- Overall, development must provide for a net gain in biodiversity at the site. An ecology survey must be carried out by the developers at the pre-application stage, in order to establish the current ecological value of the site. Development must avoid damage to features of ecological value, mitigate any direct impacts and finally offset any unavoidable residual impacts. The results of the survey must be reflected in the design of any new development. Features of ecological value must be retained and improved where appropriate. Further details about the requirements of the ecology survey are provided in Appendix A.
- Any residential development at the site will be liable for the payment of CIL, at a fixed cost of £80 per square metre (internal floorspace). Relief is available for affordable housing. Further information about CIL is set out in Appendix A.

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The site must be developed as a place which:

- encourages residents to walk, cycle or use public transport or a car club as an alternative to the private car.

3.3 Development of the site will generate additional traffic. So that the existing highways network can accommodate this traffic, new residents must be encouraged to access jobs and facilities on foot, bicycle or public transport wherever possible. Accordingly:

- The developer must prepare a Travel Plan and an Air Quality Management Assessment (AQMA) at the pre-application stage. These must be agreed with the local planning authority. The AQMA must consider any increased loading on Exeter's Air Quality Management Area.
- The following three off-site projects are necessary to the sustainable development of the site. The developer will be required to pay a financial contribution totalling £1,290,000 towards these three projects. The contribution will be secured by means of a Section 106 Agreement:

Project	Description	Cost to developer
Village Public Realm Enhancement Scheme	Footway widening, build-outs and raised tables to enforce a 20mph speed limit/provide improved pedestrian and cycle access on a section of highway through Alphington Village	£440,000
Loram Way Cycle Link	Cycle route between the site and Marsh Barton Industrial Estate, including the new rail halt at Matford	£150,000
Upgrade Of/Extension To The A Bus Service	Support for putting on additional buses to extend the existing route so that it serves the development; also, so that two routes can be provided at an agreed trigger point during the construction of the development, between Alphington and the City centre (one via Cowick Lane as existing and one through Marsh Barton via Tan Lane).	£700,000

- The developer will be required to pay a financial contribution towards establishing a Car Club at the site, to help minimise traffic generated by any development. The total financial contribution will depend on the number of dwellings proposed and will be calculated in accordance with Chapter 11 of the City Council's Sustainable Transport SPD. The contribution will be secured by means of a S106 Agreement.
- Shared-surface pedestrian and cycle paths must be provided to maximise permeability through the site. Figure 2 shows the [required-potential](#) location of access/egress points. To promote safety, paths must be overlooked by housing and lit to suit the expected intensity of use. Paths must be integral to the site's landscape design.
- [The developer will be required to fund the provision of a](#) high quality pedestrian and cycle route ~~is to be provided~~ along the site's southern boundary, including Markham Lane, [via a Section 106 Agreement](#). Any new homes built along the southern boundary must be oriented to face the route, so as to promote safety through natural surveillance.
- All dwellings should include secure cycle parking in accordance with section 5.2 and Table 2 of the City Council's Sustainable Transport SPD. Developers are encouraged to include charging facilities for electric vehicles, and as a minimum, ducting and potential for easy connection to the electricity network should be provided in accordance with section 6.5 of the SPD.

- Motor vehicle access into/out of the site must only be taken from Shillingford Road, Chudleigh Road and Dawlish Road.
- The development must be designed to ensure vehicular speeds of no more than 20 mph. A Home Zone layout⁷ will be supported. However, the layout must also allow for the provision of a bus route through the site between Dawlish Road, Chudleigh Road and Shillingford Road. The developer must provide bus stops and shelters along the route, at appropriate intervals.
- Any planning permission for development at the site will be conditioned to require the submission of a Construction Traffic Management Plan. The Plan must include appropriate routing of heavy vehicles to and from the site via the A379, together with the provision of temporary yellow signs advertising the appropriate routes. The City Council will continue to work with Devon County Highways to investigate the potential for a long term ban on HGV/LGVs travelling through Alphington.
- Connected to the development of the site and wider urban extension, the City Council will also continue to explore, alongside Devon County Highways, the potential for the provision of a safe walking and cycle route along Chudleigh Road.

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The site must be developed as a place which:

- **uses low and zero carbon energy and makes efficient use of natural and local resources.**

3.4 To help achieve this requirement:

- A Decentralised Energy Network providing low carbon heat to developments in this area (through a low temperature hot water district heating network) is viable and feasible. Therefore, development must be designed so that the internal systems for space and water heating are capable of being connected to such a network and the necessary on site infrastructure shall be put in place for connection of those systems to the network. If this is shown to not be viable or feasible for any individual development, then alternative solutions that would result in the same or better carbon emissions reduction must be implemented.
- The development must make efficient use of natural resources, locally sourced and recycled wherever possible, and minimising construction waste and water use.
- The development must achieve high standards of fabric energy efficiency, reduce energy demand, incorporate low carbon energy technologies and reduce carbon emissions from heat and power generation.
- With regard to street lighting, developers must have regard to Devon County Council policy and the low carbon agenda.

⁷ Homes Zones are areas that have been especially designed to minimise vehicle speeds, for example using sharp changes in road direction, road narrowings where only one car can pass at a time, planting in the road and there being no distinction between where the road ends and the pavement begins.

Figure 4

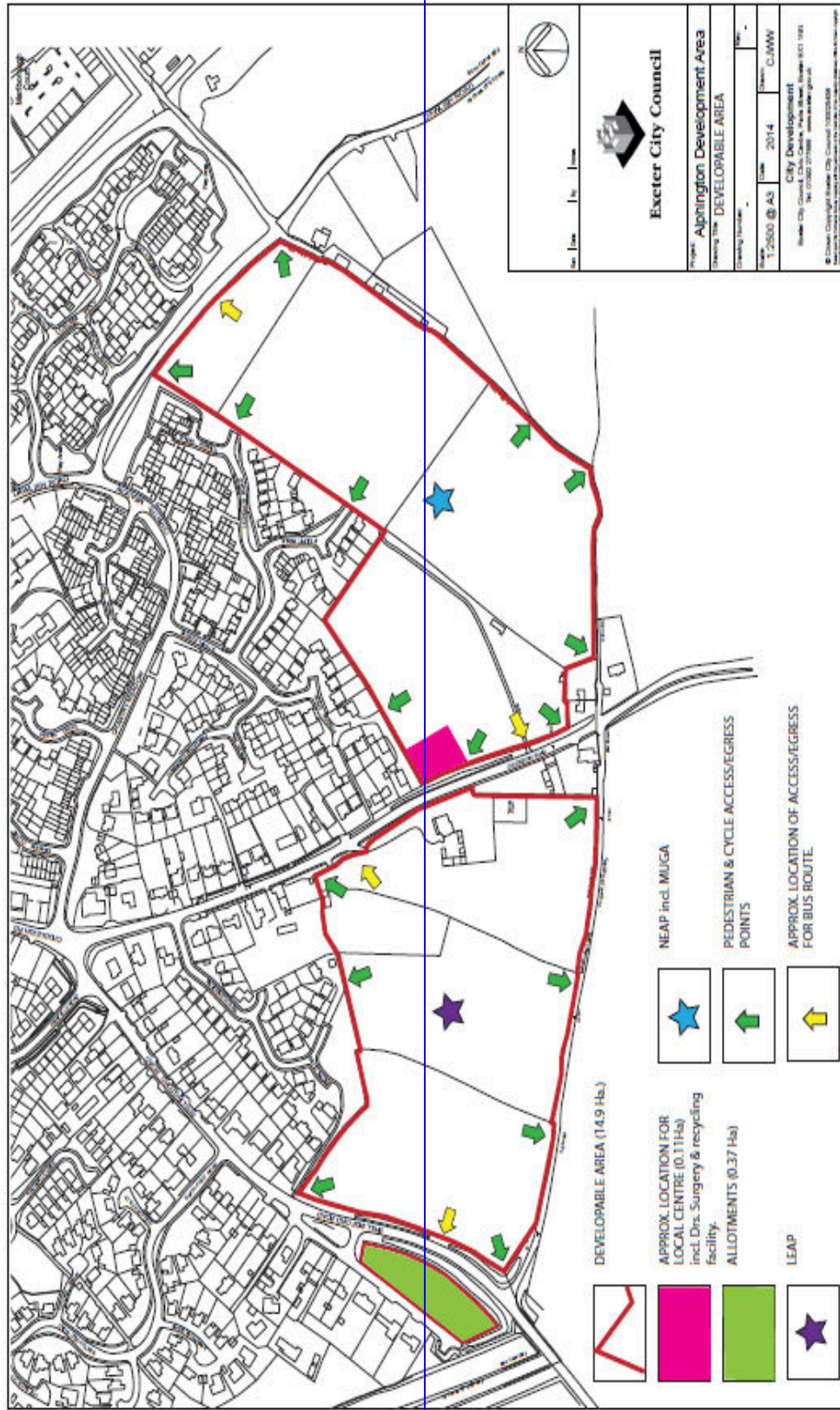
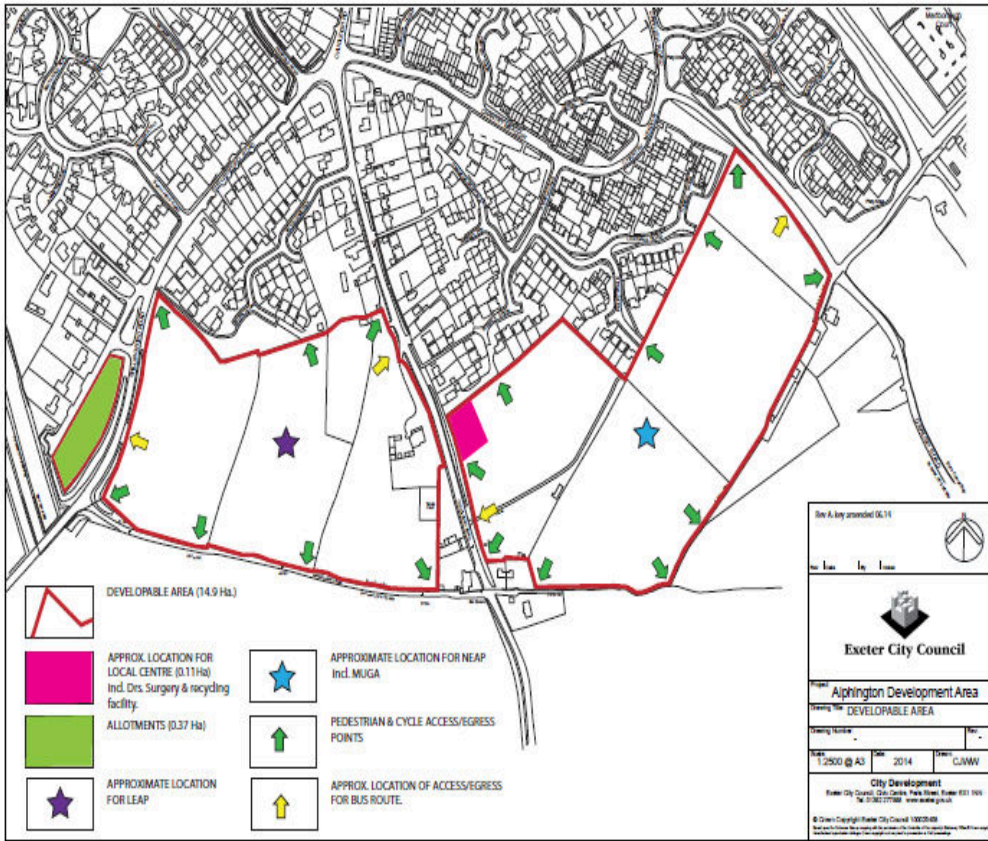


Figure 1



4. THE PLANNING PROCESS

4.1 Once adopted, this Brief will supplement Policy CP19 of the Exeter Core Strategy (adopted February 2012), which designates land to the south west of Alphington as a Strategic Allocation; and Core Strategy Policy CP17 which sets out development principles for the Strategic Allocation.

4.2 In addition to the site-specific requirements set out in this SPD, proposals must comply with all relevant policies contained in the Exeter Core Strategy, the Exeter Local Plan First Review (adopted 2005) and emerging policies within the Development Delivery Development Plan Document (DPD). The Supplementary Planning Guidance/Documents listed below must be taken into account:

- Affordable Housing SPD
- Archaeology and Development SPG
- Planning Obligations SPD
- Public Open Space SPD
- Residential Design Guide SPD
- Sustainable Transport SPD
- Trees in Relation to Development SPD

~~4.3 The site forms part of a larger planned urban extension encompassing adjoining land within Teignbridge District, to the south. Policy SWE1 of the Teignbridge Submission Local Plan ('Plan Teignbridge') (2013-2033) proposes an area of approximately 170 ha adjoining Exeter to be developed for the provision of at least 2,000 new dwellings, employment, a country park and associated infrastructure. The Inspector's Report on the Local Plan is expected to be published in Spring 2014. The South West Exeter Masterplan (2012), produced by consultants on behalf of Exeter City Council, Teignbridge District Council and Devon County Council, indicates how the urban extension might be delivered in a sustainable manner.~~

4.34 It is essential that applicants enter into pre-application discussions with the City Council at the earliest possible stage before submitting a planning application, in particular to agree the design of any scheme and the terms of the Section 106 Agreement. Any planning application submitted must be accompanied by all of the material identified as necessary in this Brief.

4.45 If a Section 106 Agreement is not completed within 90 days of the registration of any planning application, the application may be refused on the basis of the absence of an agreement making the necessary provisions.

5.0 CONTACTS

Exeter City Council:

Katharine Smith, City Development Officer. 01392 265283.
Katharine.smith@exeter.gov.uk

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APPENDIX A

Allotments

The amount of land allocated for the provision of allotments is based on the National Society of Allotment and Leisure Gardeners' guideline of 20 plots (each measuring 10 ~~redspoles~~, or ~~302.5~~ [250](#) m²) per 1000 households.

Each plot provided within the new facility must measure a minimum of 5 ~~redspoles~~ (125m²). The allotment site ~~must provide for disabled access should~~ include a small area for car parking, a main track to allow for vehicular access and grassed circulation space between plots. Water must be supplied to the site and 1 trough provided per 5 plots. A storage shed (e.g. a steel container) that is large enough to accommodate (e.g.) a lawn mower must also be provided. The site must be ~~bound by a hedgerow incorporating a wire mesh fence securely fenced~~ and gated [for security](#). It is anticipated that ownership of and responsibility for running the allotment site will be transferred to a local community group.

Recycling Facility

The recycling facility should measure approximately 7 metres in width by 2 metres in depth and include 4 recycling banks for glass and textiles. It must be fenced with 'hit and miss' boarding and constructed on a concrete or paved plinth. The facility must be located adjacent to a highway so that it can be accessed by a recycling lorry. A lay-by with double yellow lines may be required adjacent to the facility to enable the lorry to park.

Public Open Space

The locational requirements for the children's play space arise from the physical barrier created by Chudleigh Road and the need to ensure the safety of children.

The LEAP must:

- be designed to serve children from 0-8 years of age;
- lie within 5 minutes walking distance of all new dwellings proposed on the western side of Chudleigh Road;
- measure at least 800m² to allow for the inclusion of informal space for ball games, with a minimum activity zone of 400m²;
- have a buffer of not less than 10m in depth between the edge of the activity zone and the boundary of the nearest dwelling and a minimum of 20m between the activity zone and the habitable room façade of the dwelling. The buffer should be planted [with native species](#) to enable children to experience natural scent, colour and texture;
- contain at least 5 types of play equipment conforming to EN1176, of which at least 2 are individual pieces, rather than part of a combination multi-play unit. Each type of play equipment should be designed to stimulate one of the following activities: balancing, rocking, climbing/agility, sliding, social play. Additional items may focus upon rotating, swinging, jumping, crawling, viewing, counting or touching. No play equipment should overlook private gardens.

The NEAP must:

- be designed to serve children from 0-14 years of age;
- lie within 15 minutes walking distance of all new dwellings proposed;
- have a minimum activity zone of 1000m² that is divided into two parts, one containing a range of playground equipment and the other comprising a lit multi-use games area with a hard surface of at least 465m² (the minimum area needed to play five-a-side football);
- have a buffer of not less than 30m in depth between the activity zone and the boundary of the nearest dwelling. A greater distance may be needed where purpose built skateboarding

facilities are provided. The buffer should be planted [with native species](#) to enable children to experience natural scent, colour and texture;

- contain at least 8 types of play equipment conforming to EN1176, comprising at least 1 item to stimulate rocking, touch, social or developmental play among younger children; at least 2 items to facilitate sliding, swinging or moderate climbing; at least 5 items to encourage either more adventurous climbing, single point swinging, balancing, rotating or gliding (e.g. cableway). At least 3 of these items should be individual play items rather than part of a combination multi play unit;
- include a convenient and secure parking facility for bicycles; and
- be appropriately lit and managed.

The LEAP and NEAP must both:

- be positioned beside a well-used pedestrian/cycle route;
- occupy a well-drained site with a grass or hard surface and feature an appropriate impact-absorbing surface beneath and around the play equipment conforming to EN 1177;
- have adequate space around the play equipment for informal play;
- contain seating for parents / carers in the vicinity of the play equipment and, in the case of the NEAP, other seating within the hard surfaced games area;
- contain litter bins at each access point and in the proximity of each group of seats
- have fencing of at least 1m in height around the perimeter of the activity zone, with two outward opening, self closing gates on opposite sides of the space;
- have a barrier to limit the speed of a child entering or leaving the facility;
- have a sign indicating (i) that the area is solely for use by children, (ii) that adults are not allowed to enter unless accompanied by children, (iii) that dogs are excluded, (iv) the name and telephone number of the operator of the facility to report any incident or damage to the play equipment and (v) the location of the nearest public telephone.

Provision of the LEAP will cost the developer an estimated £60,000. Provision of the NEAP will cost the developer an estimated £180,000.

All public open space provided on the site must be transferred to the City Council for management and maintenance. A commuted sum will be required for future maintenance⁸.

Noise

An Ambient Noise Survey will be required at the pre-application stage to establish background noise levels, taking into account traffic on Shillingford Road, Chudleigh Road and the nearby A30 and with regard to future traffic growth. The survey must make reference to WHO guidance, BS8233 and give consideration to the monitoring requirements presented in BS7445.

Reflecting the results of the Survey, a mitigation scheme for the external and internal areas of any new homes that are affected by noise will be required at the pre-application stage.

A Noise Management Plan will also be required, due to the potential for disturbance to existing residents during construction. The Plan should consider the noise impact in terms of guidance contained in BS5228 "Code of Practice for Noise and Vibration on Construction and Open Sites". The Plan should make reference to, and consider the various phases of the development and the likely impact of construction noise on existing residents, in terms of:

- Site location;
- Existing ambient noise levels;
- Duration of site operations;

⁸ The final sum will be calculated using the formula contained in the Council's document 'Implementing Open Space Requirements' (2006) and will reflect the total number of proposed dwellings.

- Hours of work;
- Attitude of the site operator;
- Noise characteristics of the plant and machinery used on site; and
- Increased vehicle movements associated with the operation of the site.

A Dust Impact Assessment and Management Plan will also be required at the pre-application stage.

Flood Risk and Drainage (including SUDs)

The site lies within Flood Zone 1, which means it has less than a 1 in 1,000 annual probability of river flooding. However, given the size of the site, a full Flood Risk Assessment (FRA) which takes the effects of climate change into account has been undertaken⁹.

The FRA includes information on those areas of the site where SUDs could be used. SUDs must be used wherever possible and on-site attenuation where not. In either event, two Drainage Strategies (one for that part of the site to the west of Chudleigh Road and one for that part to the east) must be prepared by the applicant and agreed with the City Council at the pre-application stage. The Strategies must ensure that surface water runoff discharge mimics the existing (i.e. pre-development) regime.

[SUDs will be expected to maximise their biodiversity potential and not solely function as water management features.](#)

[As regardst that part of the site to the west of Chudleigh Road, South West Water advise that capacity is currently available within the public foul sewer in Chudleigh Road to support the delivery of up to 300 homes. However, capacity can only be reserved by obtaining planning permission. Should other sites in the area receive planning permission first, this spare capacity may be taken up. In such an event, drainage improvements will be required to accommodate the proposed development, at the developer's cost.](#)

[The public foul sewer network has insufficient capacity to accommodation development on that part of the site to the east of Chudleigh Road. The developer will be expected to fund the investigations needed to determine the drainage improvements required, and the improvement works themselves.](#)

[The FRA also provides information on the location of foul drainage in the vicinity of the site. To serve that part of the site to the east of Chudleigh Road, connection will need to be achieved at the northern edge of the site in Dawlish Road. To serve that part of the site to the west of Chudleigh Road, connection will need to be achieved at the northern edge of the site in Veitch Gardens and Chudleigh Road. Each will require a 6 metre easement.](#)

Archaeology

The potential for the site and surrounding area to contain archaeological remains was reviewed during production of the South West Exeter Masterplan¹⁰ and has been further assessed through detailed survey and some site investigation¹¹ undertaken for one of the landowners. This work has

⁹ Robson Liddle. December 2013. Aldens Farm East and West Sites, Alphington, Exeter, Flood Risk Assessment (2 reports).

¹⁰ Hughes, S & Valentin, J (2010) "Land Southwest of Exeter Development Masterplan Area. Archaeology and cultural heritage assessment, fieldwalking and geophysical survey". AC Archaeology report no. ACD114. Prepared on behalf of Teignbridge District Council, Exeter City Council, and Devon County Council.

¹¹ Smith, W & Rainbird, P (2013) "Land adjacent to Chudleigh Road, Alphington, Exeter, Devon. Results of an archaeological trench evaluation." AC Archaeology report no. ACD668. Prepared for NPS South West Ltd, on behalf of Devon County Council.

identified a prehistoric barrow cemetery (a scheduled monument) and other potential remains immediately to the south of the site, together with other unscheduled prehistoric remains - including two possible ploughed out burial mounds and a possible settlement enclosure - within the site itself. No later remains have been identified within the site, except for former field boundaries of probable medieval and later date.

This preparatory work has identified no remains within the site that would merit preservation under national and local planning policy, and none that would therefore have an impact on the layout or amount of a new development. However, those remains that are present will require archaeological excavation and recording in lieu of their destruction, under the same policies, and in accordance with a programme of work agreed in advance with the planning authority under a planning condition.

Applicants must familiarise themselves with the reports and use them in the compilation of supporting information with their planning applications. They are also strongly advised to seek their own archaeological advice from an early stage, and from the start to plan for, and cost for, the necessary archaeological work that will be required. Further guidance on the scope of the latter should be sought from the City Council's archaeology officer at the pre-application stage.

CIL and Planning Obligations

The Community Infrastructure Levy (CIL) is a new form of charge that allows the City Council to raise funds from developers undertaking new building projects in Exeter. The money collected will be used to help provide a wide range of infrastructure that is needed as a result of development, including transport facilities, flood defences, schools, sports facilities and open spaces.

The CIL Payment Schedule contained on the City Council's website sets out when CIL payments must be made and spreads the cost where the liability of a scheme exceeds £50,000 (<http://www.exeter.gov.uk/index.aspx?articleid=13995>). Once money has been collected, it will be used by the City Council to help fund the types of infrastructure on the 'Regulation 123 List' contained on the website. The Council will also consult local communities on how to spend at least 15% of the CIL receipts collected in their area.

Geotechnical constraints

A geotechnical assessment of the site has been undertaken, including a risk assessment for potential contamination¹². The Assessment concludes that the site does not present a risk to human health or controlled waters and that no further assessment or specialist remedial actions are required. No ground gas protection measures are necessary.

Development proposals must take into account the recommendations relating to building foundations that are contained in the geotechnical assessment.

Ecology

The ecology survey must include the identification of any protected species. Compensation and mitigation measures must be identified where appropriate and agreed with the City Council. The potential to use tree belts as wildlife corridors must be addressed.

Existing hedgerows and trees should be retained, with buffer zones, and opportunities should be identified for enhancing the biodiversity of the site. Regard should be had to the biodiversity

¹² Robson Little Ltd for NPS South West Ltd: (1) May 2012. Desk Study and Generic Risk Assessment Report, Land at Aldens Farm (West), Alphington, Exeter; (2) January 2013. Ground Investigation Report, Land at Aldens Farm (West), Alphington, Exeter; (3) May 2012. Phase 1 Desk Study Report, Land at Aldens Farm East, Alphington, Exeter; (4) January 2013. Ground Investigation Report, Land at Aldens Farm (East), Alphington, Exeter.

guidance in the Council's Residential Design Guide SPD and to planning policy for biodiversity
| containeds in the National Planning Policy Framework.

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EXETER CITY COUNCIL

REPORT TO EXECUTIVE

24 JUNE 2014

REPORT OF CORPORATE MANAGER DEMOCRATIC AND CIVIC SUPPORT APPOINTMENT TO OUTSIDE BODIES

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

To appoint Members to serve on outside bodies.

The full list of outside bodies is attached as an appendix. Appointments which are required are emboldened and relate to Portfolio Holder appointments, replacement of retiring Councillors and those Councillors who were not re-elected and also appointments to those bodies which are made on an annual basis.

It is the intention to report the full list once a year to the first Executive meeting in the Municipal Year. During the course of the year it will be necessary to re-appoint representatives to charities where the term of office expires and also, possibly, to make appointments when a vacancy arises. To facilitate a rapid appointment wherever possible, it is proposed to grant delegated powers to the Corporate Manager Democratic and Civic Support to appoint representatives in consultation with the Group Leaders. This will remove the need to report to Executive and Council which delays the appointment process. All appointments can be viewed on the City Council website.

2. Recommendations:

2.1 appointments be made to those outside bodies set out in the Appendix where appointments are required; and

2.2 the Corporate Manager Democratic and Civic Support be granted delegated powers, in consultation with the Group Leaders, to appoint, when necessary representatives to outside bodies during the course of the Municipal Year.

3. Reasons for the recommendation:

To ensure that the Council is represented on outside bodies

4. Report details

4.1 Details are set out in the appendix.

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

Contributes to key initiative of "A Well Run Council"

Corporate Manager Democratic and Civic Support

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

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275

<u>BODY</u>	<u>CURRENT REPRESENTATIVES</u>
Age Concern	Cllr Clark
Barnfield Theatre Board	Cllr Branston
Central Exeter Relief in Need Charity	P Brock Prof. R. Snowden
City Centre Management Partnership	Leader (Cllr Edwards) Portfolio Holder Economy and Culture (Cllr Denham) Cllr Newby
Councillor Development Steering Group	Portfolio Holder for Enabling Services (Cllr Pearson) Cllr Baldwin Cllr Morris Cllr Prowse Replacement for former Cllr Ruffle Cllr Spackman
Community Safety Partnership Safer Devon Partnership	Leader (Cllr Edwards) Deputy Leader (Cllr Sutton) (Substitute) Leader (Cllr Edwards) Deputy Leader (Cllr Sutton) (Substitute)
Dartmoor National Park Community Forum	Cllr Newby Cllr Robson
Devon and Cornwall Food Association	Replacement for former Cllr Martin
Devon and Cornwall Police and Crime Panel	Deputy Leader (Cllr Sutton)
Devon Authorities Waste Reduction and Recycling Committee	Portfolio Holder for Environment, Health and Wellbeing (Cllr Owen)
Devon County Agricultural Association	Cllr Newby
Devon Historic Buildings Trust	Portfolio Holder for City Development (Cllr Sutton)
Devon Homeless Partnership	Portfolio Holder for Housing and Customer Access (Cllr Hannaford)
Exe Estuary Management Partnership	Cllr Baldwin
Exeter and Heart of Devon Growth Board	Leader (Cllr Edwards)
Exeter Area Rail Project Working Party	Portfolio Holder for City Development (Cllr Sutton) Former Cllr Crow Cllr Wardle
Exeter Arts Council	Portfolio Holder for Economy and Culture (Cllr Denham) Cllr Shiel
Exeter Business Centre Board	Portfolio Holder for Economy and Culture (Cllr Denham) Cllr Mrs Brock Cllr Winterbottom
Exeter Canal and Quay Trust Ltd.	Portfolio Holder for Economy and Culture (Cllr Denham) Cllr Branston Cllr Crew Cllr Edwards Cllr Leadbetter Cllr Pearson Replacement for former Cllr Ruffle Cllr Winterbottom

Exeter Council for Sport and Recreation	Portfolio Holder for Environment, Health and Wellbeing (Cllr Sheldon) Cllr Mottram
Exeter Citizen's Advice Bureau	Cllr Laws
Exeter Dispensary and in Sickness Fund	Replacement for former Cllr Crow Cllr Mrs Brock
Exeter Fairtrade Steering Group	Cllr Donovan Replacement for former Cllr Martin Cllr Robson Replacement for former Cllr Payne
Exeter Health and Well Being Board	Leader (Cllr Edwards) Portfolio Holder for Housing and Customer Access (Cllr Hannaford) Portfolio Holder for Health and Wellbeing (Cllr Owen) Cllr Prowse
Exeter International Airport Consultative Committee	Replacement for former Cllr YAC Henson
The Exeter Municipal Charity	The Lord Mayor Cllr Branston Cllr DJ Henson Cllr Robson Alderman Williamson
Exeter Municipal Charities – Church List	The Lord Mayor Alderman Landers Mrs Baldwin Cllr Shiel Alderman Danks
Exeter Phoenix Arts Centre Board	Cllr Pearson
Exeter Stop Abuse for Everyone	Replacement for former Cllr Macdonald
Exeter School	Lord Mayor Cllr Prowse
Exeter Vision Partnership	Leader (Cllr Edwards)
J L Thomas Liaison Group	Cllr Choules Cllr Prowse Replacement for former Cllr Ruffle
Joint Pilotage Committee	Portfolio Holder for City Development (Cllr Sutton)
Local Government Association General Assembly	Leader (Cllr Edwards)
Maynard School	Cllr Shiel
Relate	Cllr Robson
Parking and Traffic Regulation Outside London Adjudication Joint Committee	Portfolio Holder for City Development (Cllr Sutton) Replacement for former Cllr Crow
Royal Albert Memorial Museum Trust	Cllr Mitchell Cllr Robson
Royal Devon and Exeter Healthcare NHS Trust - Council of Governors	Cllr Hannaford
South West Councils	Leader (Cllr Edwards)
South West Employers Panel	Leader (Cllr Edwards)
South West Water Liaison Group	Portfolio Holder for Environment, Health and Wellbeing (Cllr Owen) Cllr Newby Cllr Robson (one representative each from the Priory and Topsham wards)

St Edmunds and St Mary Major Charities, Exeter	Mr P Brock Cllr Baldwin Cllr Branston Cllr Edwards
St. Leonard's with Holy Trinity Charities	Ms A Sharp Mrs C Dunn Cllr Shiel
St Loyes College Council	Former Cllr Crow Cllr Hannaford
St Sidwell's Parish Lands and Other Charities	Cllr Mitchell Cllr Spackman
St Thomas Church Charities (Seldon and Others)	Mrs M Long Mrs C Smith
Topsham Community Association	Cllr Newby
Topsham Mooring Owners Association	Cllr Baldwin
Topsham River Commissioners	Cllr Baldwin Cllr Newby Cllr Sheldon
Turntable Furniture Re-cycling Project	Cllr Clark
Wessex Reserve Forces and Cadets Association - Devon Committee	Cllr Choules

**CORPORATE MANAGER DEMOCRATIC AND CIVIC SUPPORT
16 JUNE 2014**

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