

EXECUTIVE

Date: Tuesday 23 June 2015

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, Hannaford, Leadbetter, Morris, 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 meetings held on 17 March, 14 April 2015 and 3 June 2015.

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 items 15 and 16 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I, Schedule 12A of the Act.

5 Environmental Health and Licensing Statutory Service Plan

To consider the report of the Assistant Director Environment.

(Pages 5 - 86)

Scrutiny Committee – Community considered the report at its meeting on 16 June 2015 and its comments will be reported.

6 Proposed Amendments to the Mandatory Licensing Scheme for certain types of Houses in Multiple Occupation (HMO's).

To consider the report of Assistant Director Housing.

(Pages 87 - 90)

Scrutiny Committee – Community considered the report at its meeting on 16 June 2015 and its comments will be reported.

7 Rugby World Cup Update

To consider the report of the Assistant Director Economy.

(Pages 91 - 98)

Scrutiny Committee – Economy considered the report at its meeting on 18 June 2015 and its comments will be reported.

8 Repayment of outstanding capital grant upon the termination of a private rental agreement with an individual landlord

To consider the report of the Assistant Director Housing.

(Pages 99 - 102)

9 Approval of Development Delivery Document (DPD) for Publication

To consider the report of the Assistant Director City Development.

(Pages 103 - 164)

10 Habitat Mitigation - Proposed Joint Committee with Teignbridge District Council and East Devon District Council

To consider the report of the Assistant Director City Development.

(Pages 165 - 172)

11 **Freedom of the City**

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 173 - 176)

12 **Honorary Alderman**

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 177 - 180)

13 **Appointments to Outside Bodies**

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 181 - 186)

14 **Member Champions**

To noted the appointment of Member Champions. (Pages 187 - 188)

Part II: Items 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.

15 **Proposals for the Redevelopment of the Bus and Coach Station and Bus Depot and Depot Relocation**

To consider the report of the Corporate Manager Property. (Pages 189 - 198)

16 **Exeter and Heart of Devon Growth Board minutes**

Members are requested to note the minutes of the meeting on 23 February and 21 May 2015. (Pages 199 - 216)

Scrutiny Committee – Economy considered the report at its meeting on 18 June 2015 and its comments will be reported.

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 14 July 2015** 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 SCRUTINY COMMITTEE COMMUNITY AND EXECUTIVE

Date of Meeting: Scrutiny 16 June 2015 / Executive 23 June 2015 / Council 28 July 2015

Title: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Council Function

1. What is the report about?

To seek approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2015/16. 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 2015/16
- 2) That Scrutiny Committee – Community supports the work being conducted by the service in co-ordinating Anti Social Behaviour
- 3) That Executive supports the Statutory Service Plan 2015/16
- 4). That Council approves:
 - a) the Statutory Service Plan 2015/16; 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 (e.g. 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 Action Plan for 2015/16 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 Action Plan will be carried out within the existing resource allocation as detailed in both the Statutory Service Plan and Revenues and Estimates for 2015/16.

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 additional financial implications arising from 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, whilst HSE is responsible for industrial activities.

6.3 The Licensing Team play an important role in maintaining a safe and vibrant city 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:

This report raises no issues for the Monitoring Officer

8. Report details

Key Achievements in 2014/15:

8.1 Programmed Interventions

The service inspected 623 food businesses during the year. This is the highest number of food inspections achieved by the service, with 30% of inspection being conducted on new food establishments. Out of those targeted for inspection 430 out of 436 were inspected. There were a low number of self-inspection questionnaires (SIQ's) used during the year 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, licensing, anti social behaviour, statutory nuisance and also for providing health promotion and training activities for businesses.

A review into the way that the service handles nuisance complaints was conducted during 2014/15 and resulted in the transfer of the co-ordination of anti social behaviour response into the service.

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 an ATP meter which is a simple, rapid method for monitoring cleanliness, hygiene and risk.

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 number of cases during the year, there have been no direct links to food businesses within the City.

Whilst the service has adequate resources to deal with its workload on a day to day basis, should the service be presented with a large scale outbreak requiring an extensive investigation, then the service may not be able to complete key elements of the service plan.

8.5 Education and Awareness

A key component of proactively engagement 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 Primary Authority

The service is actively embracing the Government's primary authority programme. The service currently has 3 active Primary Authority Partnerships and a further partnership awaiting approval from the Better Regulation Delivery Office.

8.7 Anti Social Behaviour

Co-ordination of Anti Social Behaviour was transferred from Policy, Communications and Community Engagement in February 2015. The role has been embedded into an existing team within Environmental Health and Licensing that primarily dealt with a range of neighbourhood nuisance issues.

However, the response to anti social behaviour cannot be viewed as the responsibility of one team situated within Environmental Health and Licensing. It is the responsibility of a number of other council service areas and other agencies to play both a reactive and proactive role in tackling problems.

The purpose of the team is to enable the Council to work alongside partners and tackle anti-social behaviour in a coherent and unified way across the city. To achieve this purpose the team has:

- focused on co-ordinating a response to incidents of Anti-Social Behaviour working with other partners such as housing associations, the police, charity sector and other departments within the authority;
- reviewed the way that the multi agency Anti Social Behaviour Action Team (ASBAT) functions. (ASBAT) meetings have been re-invigorated under a shared chair arrangement which has led to a re-engagement of a number of key partners;
- worked with the Police to identify a dedicated Police Officer from the Neighbourhood Police Team to lead on ASB issues and work closely with the team;
- contributed to work being conducted across Devon and Cornwall to have a common approach to new tools that were given to Local Authorities and Police under the new legislation;
- worked on a new Community Safety Partnership Strategy and Action Plan to be presented at the CSP Executive in July;

- commenced work to establish a Public Spaces Protection Order (PSPO) for the city centre. This will replace existing DPPO and have prohibitions around groups causing ASB, street urination and defecation, alcohol, drugs, New Psychoactive Substances (also known as Legal Highs) and encampments;
- issued first-stage Community Protection Notice warning letters, escalating one case resulting in the issue of a Community Protection Notice. The legislation has so far been used for issues relating to noise, untidy land, nuisance bird-feeding, and fly posting.

8.8 Proposed key activities for 2015/16

In addition to the traditional intervention methods the following key activities are planned for the service during the forthcoming year:

- draft and consult on a revision of the Statement of Licensing Policy for the Gambling Act 2005
- review the Street Trading Policy
- review the Sex Establishments Licensing Policy
- continue to support the Best Bar None Scheme for licensed premises to improve the evening and night time economy
- implement the Low Emissions Strategy
- Implement the multi agency operational plan for dealing with issues such as ticket touts, ambush marketing, illegal street trading and illegal advertisement for the Rugby World Cup 2015.
- actively seek new Primary Authority Partnerships across the range of legislative areas within Environmental Health and Licensing.
- conduct programmed inspections or interventions of 550 food premises based upon risk;
- target 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;
- use 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

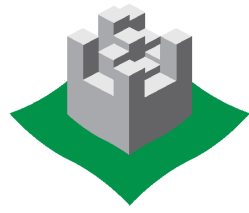
Author: Simon Lane, Environmental Health & Licensing Manager

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

Background papers used in compiling this report:-

None

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



Exeter
City Council

Environmental Health and Licensing Statutory Service Plan 2015 – 2016

Robert Norley
Assistant Director - Environment

Drawn up in accordance with the: -

- Food Standards Agency Framework Agreement
- National Local Authority Enforcement Code
- Regulators' Code

Issued by: Simon Lane, Environmental Health and Licensing Manager

Issue date: April 2016

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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 2015/16. 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. 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 to 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 health, the environment or 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 permits, 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;
- provide technical advice to City Development on the environmental and health impacts of development;
- provide environmental monitoring services for other Council Departments;
- implement a strategy to investigate potentially contaminated land; and
- work with partners, including Devon County Council to reduce emissions of local air pollution from transport sources.

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
- The Exeter Community Safety Partnership 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 121,800 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.
- 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;
 - Co-ordination of the council's anti-social behaviour function;
 - Co-ordination of the multi-agency Community Safety Partnership
- 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 and the Environmental Health and Licensing Manager is delegated as a deputy under the

Council's constitution. All non-delegated matters are reported to the appropriate committee.

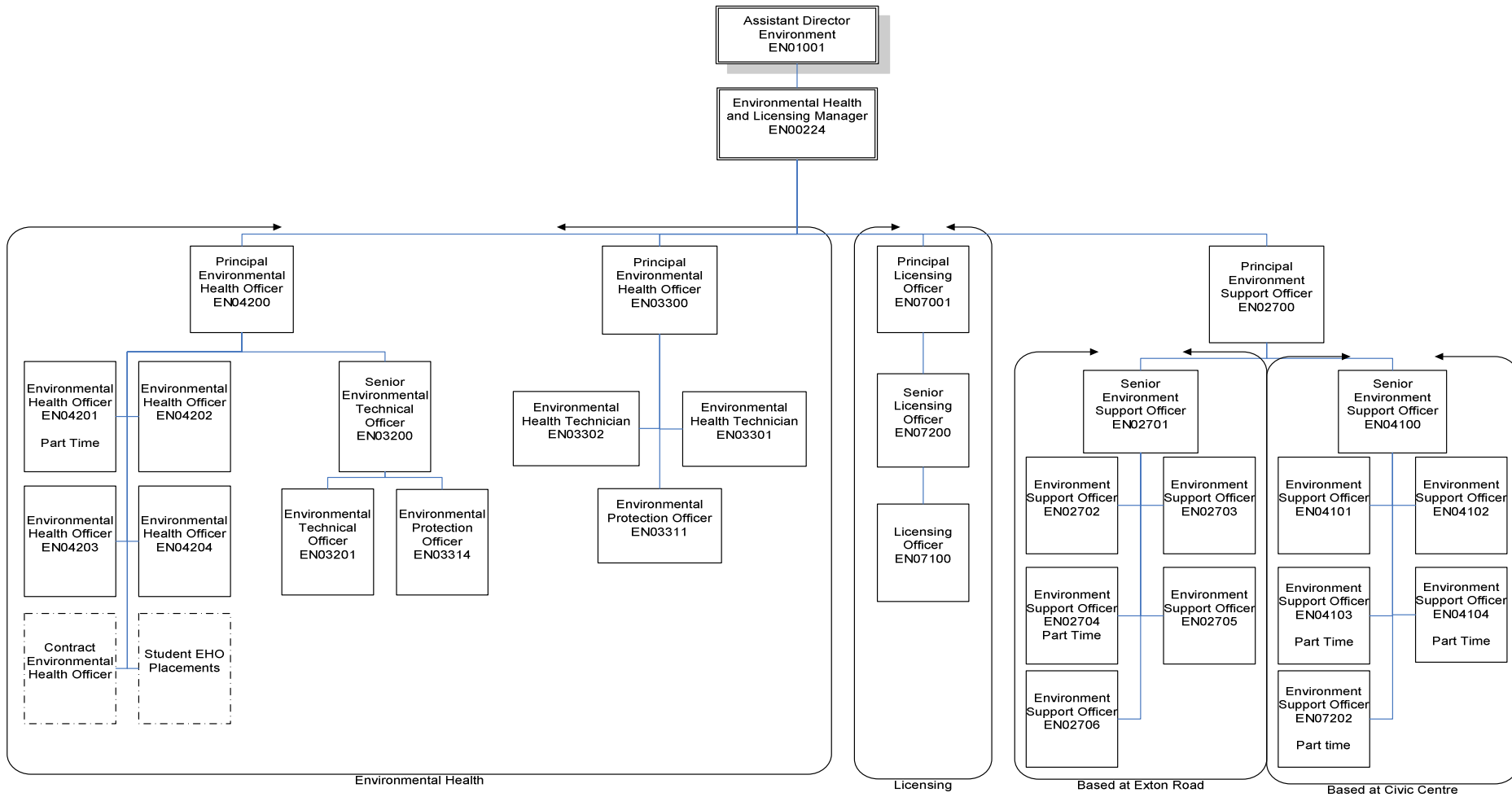
- 3.2.4 The officer structure in respect of the service is detailed at the end of this section. Overall co-ordination of the service is the responsibility of the Environmental Health and Licensing Manager with lead officer responsibility given to the following officers:-
- Principal Environmental Health 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

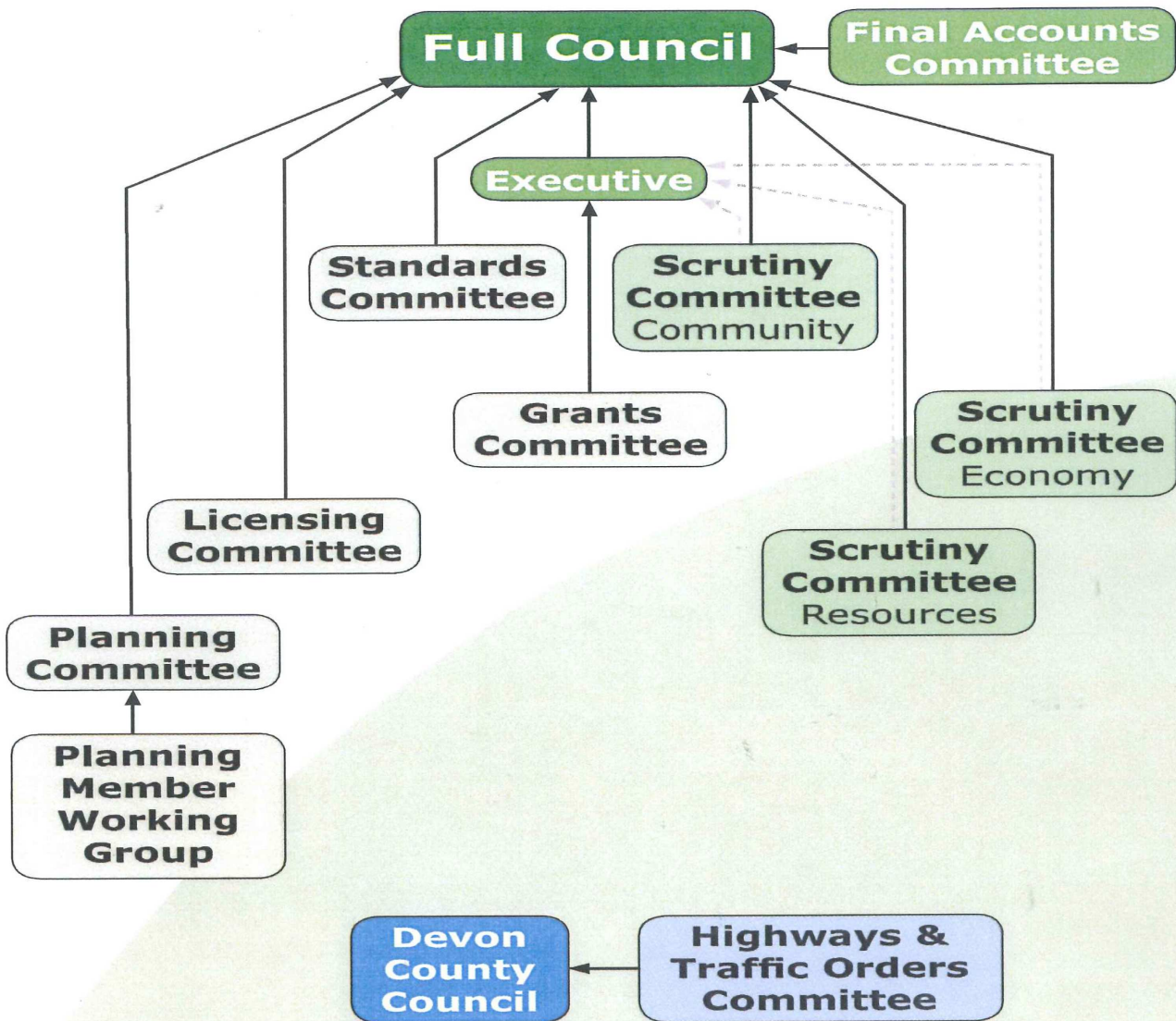
Office of the Assistant Director Environment Environmental Health and Licensing

Subtitle



Page 22

The Council's Committee Structure



Exeter City Council

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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 it 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 the service in accordance with the relevant procedure. Pest control treatment may be undertaken by

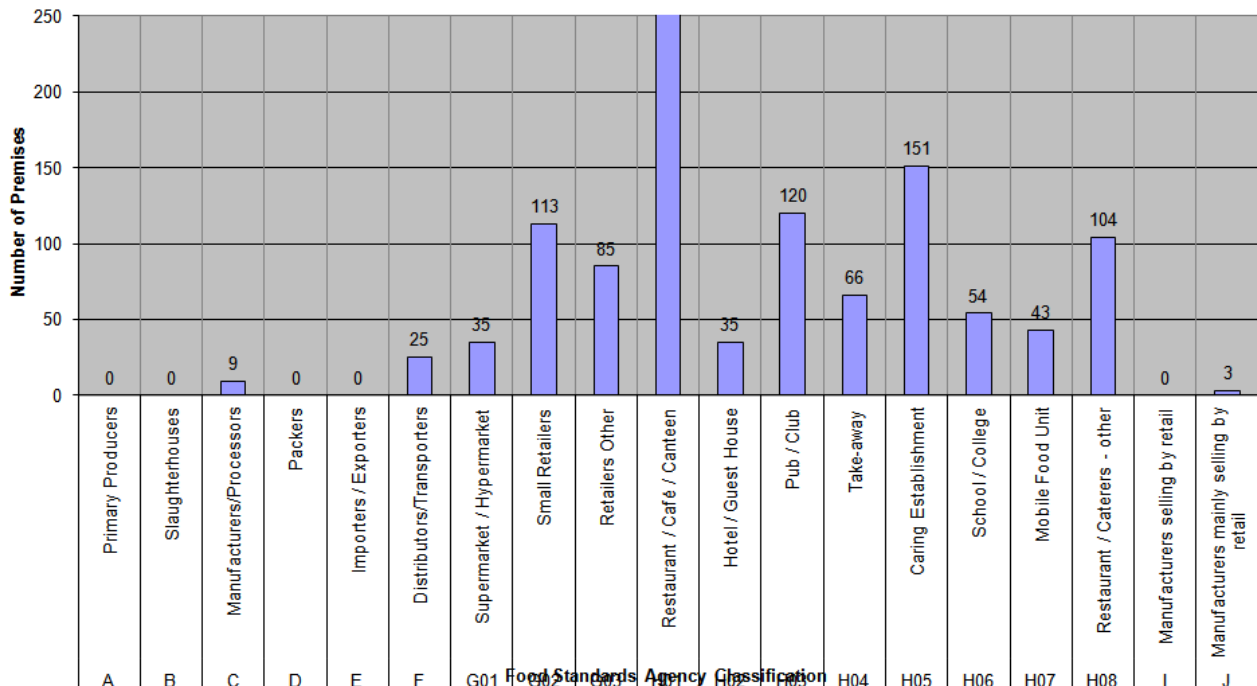
officers from the section in liaison with the district Environmental Health Officer, but only when it will not comprise future enforcement action.

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 2015	2	40	302	368	364	38

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 Regulators' 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
- 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 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 2014/15

- There are currently 1,114 food premises registered within the city
- During 2014/15, 623 rated food hygiene inspections were conducted.
- 97% of those inspections that were due within 2014/15 were conducted
- 24 requests for food hygiene rating scheme revisit were received and the premises were subsequently revisited.
- 97% of food premises within the city are broadly compliant with food hygiene law
- 158 compliance check / advice visits were conducted.
- 195 food poisoning cases were investigated
- The service received 262 service requests / complaints related to food safety
- The annual curry chef competition was held at Exeter College on 17 February 2015.

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 2577 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 : 2013/14
- **1.2 million** working people were suffering from a work-related illness
 - **133** workers killed at work
 - **78 000** other injuries to employees reported under RIDDOR (629,000 injuries at work from the Labour Force Survey)

- **28.2 million** working days were lost due to work-related illness and workplace injury
- Workplace injuries and ill health (excluding cancer) cost society an estimated **£14.2 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 carry out interventions in line with HELA Circular 67/2 (rev.4), the National Local Authority Compliance Code and the Devon Health & Safety (Enforcement) Sub Group’s annual workplan;
- 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	47

	B2	400
Lowest hazard/Risk	C	1498
Uncategorised	U	628

- 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 uncategoryed 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 9.00am 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 No complaints have been received regarding the service provision of the Authority.

5.4.9 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.

5.4.10 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 2013. 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 Warehousing/Distribution	work at height
8	Crowd control & injuries/fatalities to the public	Large scale public events/sports/leisure facilities e.g. motorised leisure pursuits	Inadequate consideration of public safety e.g. poor organisation and/or

		including off road vehicles and track days	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 programmed 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 EHO.

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 2014/15, 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 2014/15

- In total 280 premises have been the subject of a health and safety intervention.
- The service has dealt with 78 health and safety service requests / complaints
- 180 accident reports have been received and looked into by the service
- The service conducted 175 compliance checks focused 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 175 business looked at 44% were found not to have satisfactory arrangement in place, with Intelligence on non-authorized gas engineers fed back to Gas Safe Register for action.

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 2014/15

- The one premise identified as having a private water supply has been 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
- Scrap Metals Dealers and Collectors

- 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 public safety and 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 There is a particular focus on the night time economy within the city. Evening compliance visits will be conducted in known problem areas.

6.4 Licensing Performance 2014/15

- A review of the Licensing Act 2003 Statement of Licensing Policy was drafted, consulted upon and then adopted by the Council
- A review of Hackney Carriage Vehicle Licensing was conducted
- A new knowledge test system was adopted
- Launch of the Best Bar None scheme in Exeter
- Set up of the multi agency helpzone which runs on a Saturday night
- Review of the Taxi Forum
- Compliance checks were conducted across all licence 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	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 Repairs	Bittern Road
		Fairweather Autosshine	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 2014/15

- 50 Part B and 9 Part A(2) inspections were conducted
- 8% of premises required additional interventions
- No applications were received
- 9 Part B variations were received. No applications for substantial change were received during the year.
- 129 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 2015 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 2015 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 April 2015 the Council published its annual Air Quality Progress Report. This review of 2014 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 Progress Reports also summarise information on new sources of local air pollution. During 2014, 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 LES Introduction and Strategic Aims

9.5.1 The Exeter Low Emission Strategy for 2015 to 2018 seeks to identify actions that will reduce transport emissions of nitrous oxides (NO_x) and contribute towards meeting the EU limit values for NO₂, whilst also reducing emissions of particulates, noise and carbon dioxide (CO₂). These actions can be undertaken by Exeter City Council and various stakeholders including Devon County Council to ensure that the city continues to grow and

prosper, and that planned development is delivered as sustainably as possible. The strategy will improve connections between the work done by air quality officers and public health specialists. It will consider both local air quality and climate change issues to ensure that policies are beneficial to both.

9.5.2 Exeter City Council firmly believes that the successful development of the Low Emission Strategy depends on the involvement of and consultation with businesses and residents (locally based stakeholders). This strategy already reflects contributions from each of these. Low transport emissions, and a vibrant growing economy are both seen as part of a sustainable future for Exeter, where cleaner vehicles, more efficient use of vehicles and reduced number of vehicles combine to reduce emissions and costs.

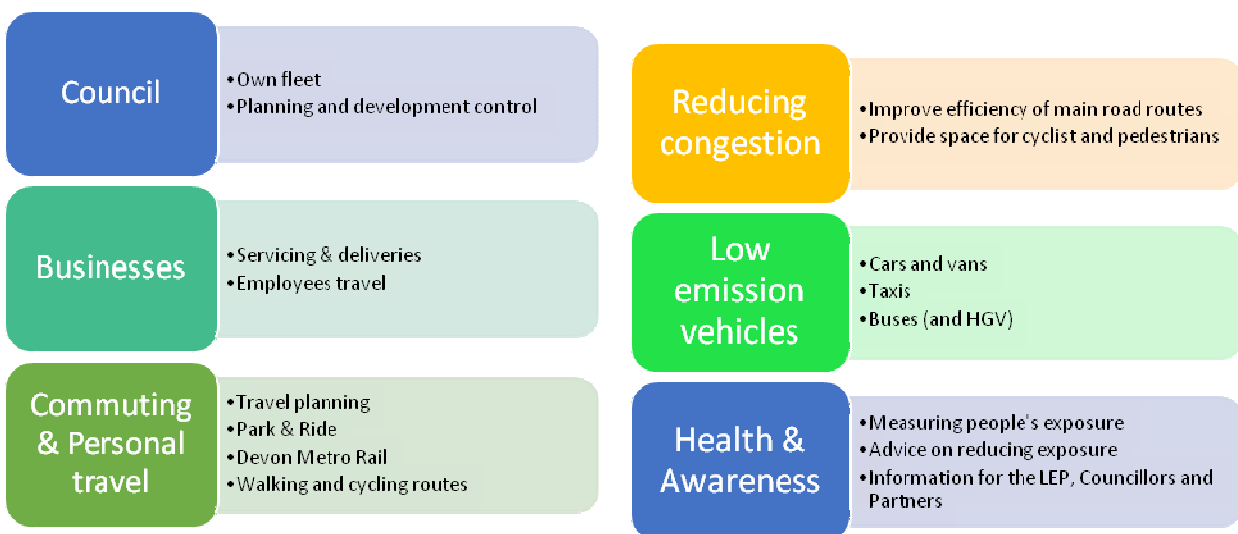
9.5.3 The strategy includes some actions which are in progress or just starting out and integrates these with new initiatives where possible. The strategy is for the period 2015-2018, after which it will be reviewed and updated, based on an evaluation of the first three year period.

9.5.4 The strategic aims of the Low Emission Strategy are:

1. To take actions that will reduce emissions from transport in Exeter and support sustainable development.
2. To reduce emissions from all classes of vehicles, and to work with all groups who travel or who generate traffic, including emissions from the council owned fleet and staff vehicles (driven for business use).
3. To improve the understanding of air pollution as an issue that should be considered during the development of policy, and to influence decisions made in the Greater Exeter area.
4. To actively seek funding opportunities to implement stretching and innovative measures, especially opportunities to increase the use of ultra-low emission vehicles.
5. To evaluate the success of the strategy and report annually. To use the lessons learned during the strategy period to develop a strategy for 2018 onwards.

9.6 LES Themes and Actions

9.6.1 The strategy contains six themes, each with a set of actions:



The full descriptions of the actions, with implementations plans are available in the LES document at www.exeter.gov.uk/LES

9.9 Air Quality Performance 2014/15

- 90 enquiries / complaints were received during the year.
- 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.
- 79% 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 µg/m³
- The maximum extent by which objective level is exceeded at monitoring locations where an exceedance has been identified was 24 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. Environmental Health and Licensing 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 Environmental Health and Licensing 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 Environmental Health and Licensing 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. Environmental Health and Licensing 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. Environmental Health and Licensing 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 first Contaminated Land Strategy in 2001. It was reviewed and an updated strategy published in 2014 to reflect the recently updated Part 2A Statutory Guidance and the changed circumstances of the last ten years. 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 updated strategy describes 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 Environmental Health and Licensing.

10.8 Contaminated Land Performance 2014/15

- The service commented on 283 new planning applications during the course of the year.
- 20 new sites were entered onto the service's contaminated land database.
- The methane, stream water and groundwater monitoring results were reported upon and reviewed.

SECTION 11: Anti Social Behaviour and Nuisance

11.1 Anti Social Behaviour

11.1.1 Anti-social behaviour (ASB) can be a real issue for some neighbourhoods within the city. The Crime and Disorder Act (1998) defines ASB as behaving in a manner that 'caused or is likely to cause harassment, alarm and distress to one or more persons not of the same household.' Recognising the impact of the behaviour on the victims and the community, as well as looking at the risk factors that cause such behaviour, is key to tackling the problems.

ASB can include:

- Harassment/ Intimidation
- Verbal Abuse
- Criminal Damage
- Graffiti and vandalism
- Noise nuisance
- Substance misuse
- Assault
- Vehicle related nuisance

ASB is not:

- Children playing in the street or communal areas
- Young people gathering socially - unless they are being intimidating to individuals.
- Being unable to park outside your own home
- DIY and car repairs- unless these are taking place late at night
- Civil disputes between neighbours e.g. shared driveways.
- One-off complaints of noise nuisance e.g. one-off parties.

11.1.2 The Crime and Disorder act (1998) places a statutory duty to act upon the council. The team works in partnership with a number of other partner organisations, to tackle anti-social behaviour. These include: Devon and Cornwall Police Exeter Neighbourhood Policing Team, Devon and Somerset Fire and Rescue Service, NHS, voluntary sector services and housing associations.

11.1.3 Environmental Health and Licensing seeks to work with Partners to put sustainable solutions in place, to prevent anti-social behaviour from happening in the first place. Following this the council will support individuals and groups to change their behaviour. We only use enforcement as a final measure.

11.2 Nuisance and Health

11.2.1 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.

11.2.2 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.

11.2.3 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

11.2.4 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.

11.3 Objectives

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

- To investigate Public Health Nuisances arising in the city (such as drainage, smoke, noise, illegal dumping, abandoned vehicles)
- To provide a co-ordinated response to anti social behaviour
- 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.

11.4 Methodology

11.4.1 Environmental Health and Licensing has a small team of dedicated staff to tackle anti-social behaviour and nuisance issues. The officers work with a number of services across the council, The main role of the team is to coordinate a response to anti-social behaviour, by using their problem solving skills and their extensive knowledge of services to ensure every organisation that can provide solutions is involved.

11.4.2 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

11.4.3 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.

11.5 Nuisance and Health Performance 2014/15

- The service received and investigated 789 noise complaints, 8 of which had noise abatement notices served.
- The service received and investigated 558 complaints relating to other public health issues such as rubbish, drainage and bonfires. As a result 16 notices were served under Public Health legislation.
- The service received and investigated 226 nuisance vehicles.
- 874 requests were made to the Pest Control Service.
- Reviewed the way that the multi agency Anti Social Behaviour Action Team (ASBAT) functions. (ASBAT) meetings have been re-invigorated under a shared chair arrangement which has led to a re-engagement of a number of key partners.
- Conducted work across Devon and Cornwall to have a common approach to new tools that were given to Local Authorities and Police under the new legislation.

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).

12.5.4 On 1 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

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)

SECTION 13: SAMPLING PROGRAMME

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 sampling programme operates on a total sampling allocation of 12 samples per 10,000 population. This will require approximately 144 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	2015												2016			
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 56: Salads from takeaways and self-serve counters																
Study 57: TBC																
Study 58: TBC																
Exeter Specific Sampling																
Takeaway / Restaurant Evening Sampling																
Non Compliant Premise Sampling / ATP Swabs																
Swimming Pool Sampling																
Private Water Supply Sampling																

13.6 Sampling Performance 2014/15

- 129 samples were taken during the year
- 65 samples were taken of food products, with samples taken across all classifications. Of these samples 54% were found to be satisfactory with 46% shown to be unsatisfactory or borderline. All unsatisfactory / borderline results were investigated further by officers.
- 64 samples were taken of swimming / spa and paddling pools. Of these, 95.4% were found to be satisfactory with 4.6% 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 2014/15**

- During 2014/15, 494 delegates have attended education and awareness sessions.
- The annual curry chef competition was held at Exeter College during February 2015, with the final being held at 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 2015/16 – Food Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	206,900	15,400	440	57,660
Proportion allocated to Food Safety Function (40%)	82,760	6,160	176	23,064
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 2015/16 – Health and Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	206,900	15,400	440	57,660
Proportion allocated to Health & Safety Function (40%)	82,760	6,160	428	23,064

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 2015/16 – Training Provision

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Health Education F018</u>	3,920	8,000	-	3480
Proportion allocated to Health & Safety function (20%)	784	1,600	-	696
Proportion allocated to Food Safety function (80%)	3,136	6,400	-	2,784

15.1.7 Budget Allocation Figures for 2015/16 – Licensing

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Licensing F021 / F022</u>				
Proportion allocated to Taxi Licensing function (F021)	64,600	20,730	100	41,830
Proportion allocated to Premise Licensing function (F022)	98,070	9,250	150	46,180

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 2015/16 – Environment Permitting and Strategy, Contaminated Land, Air Quality and Business Nuisance Investigations

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Environmental Strategy F025</u>	107,480	21,490	3,200	50,200

15.1.9 Budget Allocation Figures for 2015/16 – Anti Social Behaviour, Nuisance Investigations and Pest Control

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Environmental Protection F001</u>	146,920	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 and Strategy, Contaminated Land, Air Quality and Business Nuisance Investigations

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 3.75 FTE staff that are directly working on Licensing related matters with a significant and increasing support role by other staff within the service.

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 Officers	Recognised licensing qualification	Licensing process and enforcement
Senior ESO	Educated to 'A' level or equivalent	Assisting with Monitoring and various projects

15.2.5 There are currently 9 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	Educated to A level standard	Service Support
Senior ESO	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 4.55 FTE staff that are directly working on Nuisance and Anti Social Behaviour 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
Senior ESO	Educated to 'A' level or equivalent	Assisting with Nuisance and Anti Social Behaviour Investigations, Monitoring and various projects
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 2015/2016:

- 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 2014/15

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 2015/2016 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 2015/16

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 2015/16.
- **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 2015/16.
- **Food Premises Database** – refer to internal procedural guidance.
- **Food Sampling** – Refer to Sampling Plan for 2015/16 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 2015/16.
- **Food Safety Promotion/Initiatives** - refer to section 20 – Intervention / Work Programme for 2015/16.
- **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 20: INTERVENTION / WORK PROGRAMME 2015/16

Topic	Reason for focus	Areas covered	Outcome Measures
<p>Gambling Act 2005 Policy Review</p>	<p>Exeter City Council's current Statement of Gambling Policy was written in 2012 and came into effect in January 2013.</p> <p>There is a legal requirement to review such policy statements every 3 years.</p> <p>The current policy must be reviewed by 2016.</p>	<ul style="list-style-type: none"> Review the Gambling Act 2005 policy 	<ul style="list-style-type: none"> July 2015 - Proposed revision of Gambling Act Policy to be circulated for consultation. End October 2015 - Consultation period ends 3 November 2015 - Gambling Act Policy (amended as necessary) to Licensing Committee with recommendation for approval to Full Council. 1 December 2015 - Gambling Act Policy to Executive Committee 15 December 2015 - Gambling Act Policy to Full Council for approval
<p>Review of Taxi Marshal Scheme</p>	<p>Current contract is expiring. A review and re-tendering process will need to be conducted.</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 	<ul style="list-style-type: none"> Successful re-tendering of the scheme

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2015 / 2016**

Topic	Reason for focus	Areas covered	Outcome Measures
Anti Social Behaviour and Community Safety Partnership Review	The review will continue to 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>to ensure value for money and quality is achieved</p> <ul style="list-style-type: none"> • to review the system involved in the Council's dealings with nuisance and anti-social behaviour; • Continue to instil the systems thinking approach to as wide a range of staff as practicable, so that they learn and willingly apply that approach in all work that they do. • Establish a Public Spaces Protection Order (PSPO) for the city centre. This will replace existing DPPO and have prohibitions around groups, alcohol, drugs, New Psychoactive Substances (also known as Legal Highs) and encampments • Revise the Community Safety Partnership Strategy and Action Plan 	<ul style="list-style-type: none"> • Re-check of the ASB and nuisance review– ongoing from October, but with a review in January 2016. • PSPO to be presented to committee before September 2015 • Community Safety Partnership Strategy and Action Plan to be drafted by July 2015
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	<ul style="list-style-type: none"> • Ambush Marketing • Ticket Touting • Sale of counterfeit goods • Illegal Street Trading 	<ul style="list-style-type: none"> • Draft plan to be submitted by 1 May 2015 • Monthly Meetings with partners in 3 months prior

SECTION 20: INTERVENTION / WORK PROGRAMME 2015/16

Topic	Reason for focus	Areas covered	Outcome Measures
	<p>to be produced.</p> <p>Partner Agencies include the Police, Highways, Trading Standards, Planning, Environmental Health and Licensing and neighbouring authorities.</p>	<ul style="list-style-type: none"> • 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 	<p>to the start of tournament</p> <ul style="list-style-type: none"> • Implementation of plan from 18 September 2015
Inspection programme	<p>Using the full range of intervention tools such as inspection, audit, sampling and education to maintain the high level of compliance within the city.</p> <ul style="list-style-type: none"> • 54% of samples conducted were satisfactory • Currently 97% of Food Premises are broadly compliant with food hygiene law. • 495 delegates have attended education and awareness sessions held by the service 	<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. • 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. 	<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 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2015 / 2016**

Topic	Reason for focus	Areas covered	Outcome Measures
		<ul style="list-style-type: none"> • Continue to provide affordable and high quality accredited food safety training for SMEs. • Look to use Food Safety Week 2015 to raise consumer awareness of the food hygiene rating scheme • Work in partnership with the Michael Caines Academy at Exeter College to promote the importance of food hygiene management systems within food business. 	
Beauty Industry	<ul style="list-style-type: none"> • Exeter has 14 registered tattoo studios & 49 registered tattooists; 41 registered cosmetic piercing studios, 95 registered piercers. • Complaints tend to focus on unregistered tattooists ('scratchers') and tattooing of minors • Sunbeds test purchasing project (March 2016) – all premises 	<ul style="list-style-type: none"> • Audit of all registered tattooists against CIEH Tattooing & Body Piercing Toolkit • 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 	<ul style="list-style-type: none"> • All tattooists in the City to score at least 75% when audited against the CIEH tattooing standards.

SECTION 20: INTERVENTION / WORK PROGRAMME 2015/16

Topic	Reason for focus	Areas covered	Outcome Measures
	<p>visited allowed a person under 18 access to sunbeds.</p>	<p>occupational health & safety.</p>	
<p>Norovirus Awareness Project</p>	<ul style="list-style-type: none"> • Raise awareness of norovirus within the catering and hotelier sectors 	<ul style="list-style-type: none"> • Work with other Devon authorities and Public Health England to develop a guide that can be used by the industry. • Develop and deliver an awareness seminar to be delivered in June / July 2015 	<ul style="list-style-type: none"> • Raised awareness of norovirus within the catering and hotelier sectors
<p>Asbestos</p>	<ul style="list-style-type: none"> • Nationally, exposure to asbestos causes 5000 deaths each year. • An earlier survey of premises on Marsh Barton suggested that 50% of businesses were not complying with their duty to manage asbestos containing materials in their buildings. 	<ul style="list-style-type: none"> • Duty to manage asbestos to be assessed during routine food hygiene interventions • Explore the possibility of targeting specific areas of the city where intelligence suggests that the age of building is more likely to contain asbestos containing materials. • Asbestos awareness training for inspecting officers and businesses. 	<ul style="list-style-type: none"> • Percentage of businesses complying with their duty to manage asbestos containing materials.
<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. 	<ul style="list-style-type: none"> • Continuation of the pool management project to raise awareness of the importance of effective pool hygiene. 	<ul style="list-style-type: none"> • Percentage of pool and Spa samples found to be satisfactory. • Ensure that regulated

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2015 / 2016**

Topic	Reason for focus	Areas covered	Outcome Measures
	<ul style="list-style-type: none"> • 4.6% of samples taken in 2014/15 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 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. • Sampling of the identified Private Water Supply to ensure compliance with drinking water quality. 	<p>sampling continues for Private Water Supplies.</p>
Primary Authority Partnerships	<p>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> <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</p>	<ul style="list-style-type: none"> • 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 continue to work with Trading Standards to enhance the Primary 	<ul style="list-style-type: none"> • Number of businesses signed up to a Primary Authority Partnership

SECTION 20: INTERVENTION / WORK PROGRAMME 2015/16

Topic	Reason for focus	Areas covered	Outcome Measures
	<p>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 plans.</p>	<p>Authority offering.</p>	
<p>Review of Environmental Health and Licensing</p>	<p>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 	<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 	<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 Growth and Development Review process • Improving telephone call management using better technology and marshalling of staff resources.

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2015 / 2016**

Topic	Reason for focus	Areas covered	Outcome Measures
	council.	<p>authority to ensure compliance with the Food Law Code of Practice.</p> <ul style="list-style-type: none"> • Ensure that training is provided for staff where identified. • To review the provision of the Environment Support Team to ensure that the team is responsive to the needs of the customer and the service • To look at cross authority auditing 	
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</p>	<ul style="list-style-type: none"> • Implement the agreed action plans to reduce emissions from Council activities, business, commuting and personal travel, and to reduce congestion, increase the uptake of low emission vehicles and raise awareness of the health impacts of local air pollution. 	<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

SECTION 20: INTERVENTION / WORK PROGRAMME 2015/16

Topic	Reason for focus	Areas covered	Outcome Measures
	increase the population of greater Exeter by some 50% by 2026, and increase the potential for travel into the city.		choices.
Local Air Quality Management	<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 2016. • Implement a study into personal exposure to local air pollution in Exeter. 	<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
Contaminated Land Management	<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</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 	<ul style="list-style-type: none"> • Comment on all planning applications where there is a potential issue regarding land contamination. • Implement new

**SECTION 21: ENVIRONMENTAL HEALTH AND LICENSING
INTERVENTION / WORK PLAN 2015 / 2016**

Topic	Reason for focus	Areas covered	Outcome Measures
	<p>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.</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>	<p>sites</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>contaminated land database system (to integrate with the Environmental Health computer system).</p>
<p>Environmental Permitting</p>	<p>Local authorities are regulators for certain industries under the Environmental Permitting Regulations 2010</p>	<ul style="list-style-type: none"> • Alter inspection programme for 2015/16 to reflect latest DEFRA guidance on inspection frequency. • Issue permit for new A(2) process at Jewsons once duly made application is received. 	<ul style="list-style-type: none"> • Complete programmed inspection plan • Percentage of premises requiring additional interventions above the programmed inspection frequency.

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REPORT TO SCRUTINY- COMMUNITY AND EXECUTIVE

Date of Meeting: 16 and 23 June 2015

Report of: ASSISTANT DIRECTOR HOUSING

Title: PROPOSED AMENDMENT TO THE MANDATORY LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (HMOs)

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 The report is seeking authority to introduce a £125 discount on the licence fee charged for Houses in Multiple Occupation (HMOs) covered by mandatory HMO licensing where the landlord of the HMO is accredited under a nationally recognised accreditation scheme, and the property has been subject to an inspection by an inspector employed by the accrediting organisation. Such a discount is already offered to the landlords of HMOs licensed under the recently introduced additional HMO licensing scheme, and the proposal in this report would remove the inconsistency between the two schemes.

2. Recommendations:

2.1 To introduce a £125 discount on mandatory HMO licensing fee where landlords are accredited under a nationally recognised accreditation scheme, and the property has been subject to an inspection by an inspector employed by the accrediting organisation.

3. Reasons for the recommendation:

3.1 The University of Exeter has, over a number of years, invested considerable resources into improving the professionalism of landlords letting property to students to improve the quality of accommodation offered, with limited success.

3.2 The discount will apply to landlords accredited under a nationally recognised accreditation scheme, thus supporting the University in their aim.

3.2 Discounting the licensing fee is one means of encouraging landlords to invest in accreditation whilst at the same time reducing the Council's costs associated with licensing by reducing the number of licensing inspections.

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

4.1 There are currently 858 HMOs covered by mandatory HMO licensing with around 20 new licences being issued each year. Each licence, currently £720, requires renewal every 5 years. Of these 858 a large proportion are student shared houses.

4.2 There are 60 licences due for renewal in the financial year 2015-16, not all of which are student houses. These alone, without accounting for new licences, will bring in an income

of £43,200. None of the landlords of these houses are currently accredited by Afs/Unipol, the University's preferred accreditation scheme.

- 4.3 The income is accounted for over the five year period of the licence so for accounting purposes the £43,200 is , in effect, £8460 per year
- 4.4 If a discount were to be given that too would be spread over 5 years and amount to £25 per year. The income for each newly issued licence would cover the discount on licences for 5 accredited properties but would save the costs involved in an officer undertaking a licensing inspection.

5. Section 151 Officer comments:

- 5.1 Income set out in this report has already been included in the budget for 2015/16

6. What are the legal aspects?

- 6.1 Accreditation schemes are voluntary, with the majority being run by landlord organisations. As such there are no legal issues associated with this report

7. Monitoring Officer's comments:

- 7.2 There are no issues of concern for the Monitoring Officer

8. Report details:

- 8.1 Around 15000 students studying at the University of Exeter rely upon private sector lettings, usually in student shared house HMOs, after their first year of study.

8.2 The University of Exeter authorities are aware of their duty of care to their students living off campus and have, for some years, with the backing and encouragement of the Students Guild, been trying to encourage landlords to become accredited. Initially the University set up their own, in-house, accreditation scheme but recently the University has gone into partnership with Afs/Unipol, a nationally recognised accreditation scheme for student housing. It is the University's intention to change the way in which they advertise houses to students once accreditation has got traction.

8.3 Accreditation with Afs Unipol, which is voluntary, has two elements. Firstly landlords undergo online training in six modules, and are tested, on the ins and outs of their roles and responsibilities. They are not accredited if they do not pass the tests for each module. This is followed by inspections of a proportion of their property portfolio by one of Afs/Unipol's team of highly trained and experienced inspectors. Other accreditation schemes are available to landlords but few, if any, currently include the inspection element.

8.4 In order to encourage student landlords to sign-up to the Accreditation Scheme, in an effort to drive up standards, it was agreed, at the time that the additional HMO licensing scheme was introduced, to offer a £125 discount off the cost of the licence fee for HMOs covered by the Scheme. This creates an anomaly with the fees charged for licenses for HMOs covered by mandatory licences, currently £720.

8.5 One of the obstacles to the take up of accreditation is that landlords with licensed HMOs feel that they are paying twice for the same thing. The licensing fee, followed by a 5 yearly inspection undertaken by the City Council and an accreditation fee followed, in the case of the Afs/Unipol Scheme, by a 3 yearly inspection by Afs/Unipol inspectors.

8.6 The Afs/Unipol inspection takes into account Exeter's HMO standards and has been tailored to reflect an inspection by a Council officer. This being the case Afs/Unipol have agreed to share their inspection reports, photographs, schedules of work etc with the City Council, thus negating the need for a full licensing inspection by Council officers every 5 years, freeing them up to inspect higher risk HMOs.

8.6 The other main advantage to the City Council of supporting accreditation is that the standards of smaller HMOs, not covered by either of the HMO licensing schemes, will be improved. If Accreditation does get traction, becoming an important selling point for landlords as it has in other cities, HMOs which would otherwise not be inspected will become subject to inspection by inspectors employed by the accrediting organisation.

8.7 Currently only 13 of the 40 landlords in Exeter accredited by Afs/Unipol own licensable HMOs, owning 34 licensable HMOs between them. Of these 34 HMOs only 7 have been inspected and accredited. The other 66 accredited properties are non licensable HMOs.

8.8 In total accredited landlords let out 489 bed spaces

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

9.1 Encouraging landlords to become accredited directly relates to the key actions of 'Help me find somewhere suitable to live' and is wholly consistent with the overall direction of the Council's housing strategies.

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

10.1 There is the risk that large numbers of landlords apply for accreditation to qualify for a discount on the licence. In reality this is unlikely to happen given the costs associated with accreditation. By offering a discount the Council can be seen to be actively supporting the University in their endeavour of driving up the standard of student accommodation in the City

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 Accredited accommodation of a high standard will have a positive impact on the wellbeing of tenants throughout the city.

12. Are there any other options?

There is an option to limit discounts only to landlords accredited through Afs/Unipol, the University's preferred provider, but this would discriminate against landlords accredited through other schemes.

Assistant Director Housing

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 SCRUTINY COMMITTEE ECONOMY AND EXECUTIVE

Date of Meeting: 18 June 2015 and 1 July 2015

Report of: Assistant Director Economy

Title: Rugby World Cup 2015 Update

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 continue the process of updating Members on the preparation for Exeter being a 'Host City' for the Rugby World Cup tournament taking place between 18 September and 31 October 2015, including work being undertaken to ensure that there is a legacy from the city's involvement. Some of the information provided has been included in previous updates but are repeated for Member who have not previously received them.

2. Recommendations:

- 2.1 That Scrutiny Committee Economy supports and requests Executive to endorse the programme of legacy projects, the preparations for the Fanzone and activities to promote the city leading up to the Tournament.

3. Reasons for the recommendation:

- 3.1 To update Members on progress with preparations for the tournament.

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

- 4.1 The City Council has approved expenditure up to a total of £300,000 to support the city's preparation for and delivery of its responsibilities as a 'Host City' as designated by the International Rugby Board having worked with Exeter Rugby Club Ltd to secure the opportunity for the benefit of the city. This expenditure includes an allocation of £50,000 to support a range of legacy projects which are summarised in the report. The remainder is solely expenditure related to the delivery of the Fanzone.
- 4.2 Additional staff time is devoted to the delivery of the programme of activities which has increased as preparation progresses.

5. Section 151 Officer comments:

- 5.1 There are no additional financial implications raised in the report.

6. What are the legal aspects?

- 6.1 The City Council has signed a formal Host City Agreement as the lead body responsible for working with the venue – Sandy Park and for the provision of a Fanzone in the city during the tournament. The details of this have previously been reported to Committee. Other key responsibilities include being responsible for commercial rights protection, activities during the tournament supporting sponsors and the tournament organisers, England Rugby 2015 (ER2015).

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Overview:

- 8.1 The Rugby World Cup is the third largest global sporting event and will be hosted in England and Wales from 18 September to 31 October 2015. Exeter has been chosen as one of twelve locations as a Host City. Three games will be played at Sandy Park stadium in the preliminary group stages. As a Host City the Council accepts responsibility for the provision of a Fanzone during the tournament and a number of the activities including supporting Sandy Park on games days.
- 8.2 The city's involvement as a Host City presents a unique opportunity to use this international sporting event to have a lasting impact on the city by promoting it through the world media which will undoubtedly be extensive both in the lead up to and during the tournament. It is intended that there will also be lasting impact, a legacy from the contributions rugby can make to the development of young people.
- 8.3 The City Council and Sandy Park have been working through a steering group overseeing the preparations for the tournament as a Host City and the responsibilities which the venue have to undertake in hosting these games. A number of working groups have been working on key areas of activity including marketing and communication, the Fanzone, commercial rights protection, city dressing, volunteering, transportation and the legacy of the tournament. The working groups report back to the steering group in order to ensure all effort is coordinated.
- 8.4 Effective marketing is important from attracting as many visitors as possible to the city and Fanzone during the tournament but also to take advantage of the scale of promotional activity that will take place nationally and internationally. The city's profile will be given a high level of international exposure providing the opportunity to attract visitors before and after the tournament and to encourage them to stay longer during the period of the three games taking place at Sandy Park. The opportunity to showcase the economic development of the area is also to be a focus of the marketing and business legacy effort. The following points summarise examples of marketing activity in hand:
- www.heartofdevon.com/rugbyworldcup is the main call to action for all things RWC. This website is updated on a weekly basis and includes a wide range of information on rugby related blogs, matches, places to visit, teams playing in Exeter, the Festival of Rugby, places to stay, things to do in and surrounding Exeter and the RWCvolunteers – The Pack.
 - The Heart of Devon Tourism partnership has been targeting away teams and their supporters clubs to stay longer for matches played at Sandy Park, prior to RWC, to increase the awareness of Exeter as a short break destination
 - ER2015 has a large web and media presence which continually includes references and information on Exeter
 - Developed an online marketing campaign for Easter entitled #ExeEggChase which was a treasure hunt along the Exe Estuary Trail encouraging people to cycle along the trail and for them to find hidden chocolate rugby balls along the route. The prize was a Host City rugby ball, bike hire and a selection of tickets to local attractions and events
 - Working on a wide range of media and PR opportunities related around the launch of the Fanzones, Welcome Ceremony announcements, additional RWC2015 tickets going on sale, Fly The Flag (flag bearers) competition, 100 days to go, domestic Trophy Tour, 50 days to go and the start of RWC in Exeter

- Lots of regular tweets through @HeartofDevon on RWC encouraging people to visit the area for a short break. RWC focused tweets on @RWC2015Exeter related to rugby in general
- Assisting Exeter Pound with a rugby themed note, which includes England cap Jack Nowell
- Working with Exeter Airport to install 'Welcome to Exeter' posters, raising the awareness of Exeter as RWC2015 Host City
- Encouraging local businesses and event organisers to participate in the national Festival of Rugby so that there is a wide range of rugby related events during the period of RWC2015
- As part of City Council sponsorship of the annual Exeter Festival of SW Food & Drink, our marquee was rugby themed promoting RWC2015 and the European Rugby 7s Grand Prix
- Exeter attended Confex in London, an exhibition promoting conferences and meetings, to promote Exeter & the Heart of Devon for business tourism. Exeter were located on the Visit England stand, with a RWC2015 focus
- Working with Matford Land Rover branding a Land Rover Discovery and developing a competition to win tickets for matches at Sandy Park
- Developing inward investment marketing activities relating to RWC2015:
 - A5 flyer – to be placed in hotel rooms promoting available sites for investment
 - PR – promoting opportunities for business relocations & inward investment – Met Office supercomputer will be a big driver for PR work
 - Advert – within match day programmes for Sandy Park, Twickenham and Manchester promoting Exeter for inward investment
- Going forward, majority of marketing and PR activity will be related to promoting the Exeter Fanzone, including days open and events taking place

8.5 The International Rugby Board (IRB) and the Rugby Football Union (RFU) have set out an objective to secure a rugby legacy from the tournament. At the level of the Host City, Exeter is collaborating with the wider South West RFU organisation and are setting out to find ways of benefiting a range of people and organisations in a wide variety of ways.

8.6 Progress with these areas of activity and the specific responsibilities in being a Host City are set out below.

Provision of Fanzone

8.7 As Host City the City Council is committed to and has progressed detailed plans for the provision of a Fanzone in Northernhay gardens during the tournament with the minimum capacity of 5,000 showing agreed matches over 13 days, including a big screen, a stage area and an area for food and drink suppliers. A programme of entertainment is being organised around the screening of the games to contribute to the atmosphere of the event.

8.8 The availability of the site has been promoted to a number of event promoters and organisations for both Fanzone and 'non-Fanzone' days in order to take advantage of the structures which will be in place and to develop a exciting programme of activity over the period of the tournament which may also produce additional income to offset costs. At the time of writing the report five additional events are being programmed the details of which may have been confirmed by the date of the Committee.

A community crafting project led by the independent business quarter of the city was launched in mid-May involving local and regional craft organisations alongside local

businesses, charities and social groups. It aims to cover the parts of the city that are not included in the official RWC-branded city dressing plans in handmade bunting and 'yarn-bombing'. It is intended to create a unique and memorable atmosphere throughout the city centre and is reliant on generosity of local businesses and volunteers to help produce bunting and knitting which will be installed at the same time as the official dressing from 6 August through to 31 October.

City Dressing

- 8.9 The City Council is responsible for arranging for the necessary infrastructure to be in place to display the relevant signage, banners, flags and other 'look and feel' (e.g. flagpoles, hanging frames etc) together with all the necessary licences, consents and permissions. The City Council is working with the County Council over the provision and funding of the lamppost banner fittings and the use of the variable message signs. ER2015 is responsible for the provision of all signage, banners, flags and other 'look and feel' for display. A city centre retailer is leading a working group aiming to add to the atmosphere and welcome of the city centre during the tournament.

A community crafting project led by the independent business quarter of the city was launched in mid-May involving local and regional craft organisations alongside local businesses, charities and social groups. It aims to cover the parts of the city that are not included in the official RWC-branded city dressing plans in handmade bunting and 'yarn-bombing'. It is intended to create a unique and memorable atmosphere throughout the city centre and is reliant on generosity of local businesses and volunteers to help produce bunting and knitting which will be installed at the same time as the official dressing from 6 August through to 31 October.

Commercial Rights Protection

- 8.10 The City Council is responsible for ensuring that the Fanzone and the area around Sandy park are free from unauthorised promotional material and selling of related goods at all times during the tournament. The Environmental Health and Licensing Manager has been leading a multi-agency working group on this activity. A comprehensive operational plan has been submitted to ER2015 which is currently being reviewed. At the heart of that plan will be joint enforcement teams made up of officers from the Police, Trading Standards and Environmental Health and Licensing with support from the extensive CCTV camera network that both Exeter City Council's control room and Devon County Council Highways have offered to provide.

Transport Management Support

- 8.11 Officers at Devon County Council are working with ER2015 to make sure there will be an adequate commercial public transport service in terms of quality, efficiency and timing to enable team supporters and spectators to attend open training sessions and matches including the following:
- provision of park and ride scheme based on Westpoint;
 - additional trains and buses for the matches;
 - improving signage for pedestrians and cyclists, plus cycle parking;
 - temporary road closures;
 - stewarding and traffic wardens;
 - Police liaison including Team/VIP Police escorts

The County Council has accepted the responsibility of conducting this area of work and is coordinated with other preparations for RWC by the overview steering group.

Volunteers Support

- 8.12 City Council officers have continued to work alongside E2015's volunteer programme ensuring the two separate teams (City-based volunteers managed by E2015, and Fanzone-based volunteers managed by the Council) are viewed as 'one team'. 30 volunteers have now been engaged by the City Council to help with the Fanzone activities and another 270 have been appointed by E2015 as part of 'The Pack' to be involved in supporting the matches at Sandy Park and around the city centre and at key city gathering points during the tournament.

Bespoke training will be created for the Fanzone volunteers and will also be available to E2015 to use in their training sessions. It will include a range of visitor information to keep fans and visitors in the Exeter and Heart of Devon area for longer during their stay. E2015 will also share their own training materials for use in the Fanzone team training sessions thereby reducing or eliminating additional costs.

City Council officers are working with other organisations to increase longer-term volunteering across the city for other sporting and cultural events, promoting opportunities through events such as the Devon County Show and the national Workforce Kick-Off event in Milton Keynes for The Pack. Links have also been made with Join In UK and the Youth Sports Trust and Active Devon are supporting the Council in maximising the opportunities from the high profile media coverage for organisations such as these.

Legacy Activities

- 8.13 The City Council is playing a very active leadership role in stimulating and where necessary coordinating the following:
- Tag festival taken place at Crealy Park working with Express&Echo and Radio Exe to deliver a tournament to over 500 children in the Exeter and surrounding areas involving commercial sponsors and collaborative working by local media companies. A second tournament is now being planned for later on in the summer as well as a school's tournament at Sandy Park prior to the World Cup in September
 - Development of participation of more women in rugby resulting in the formation of the Exonians ladies team who have now had South West league approval and are forming a second team for the new season in September. We are now working to set-up another women's team at Exeter Saracens following the success of the Exonians
 - Active Exeter's Sport and well-being festival will take place on 19th July at Exeter Quay. 5000 plus visitors attended the event in 2014 and an increase of 380 participant sign-ups received on the day. 26 exhibitors signed-up to date
 - REEP programme – Rugby Empowering Employment Programme launched January this year. REEP uses sporting values: preparation, commitment, hard work, skill and collaboration as the essential elements of a programme for any young person between 16-24 years struggling to take first steps on their career ladder regardless of their interest in sport or rugby. Young people from the first REEP group are still on track. They are demonstrating their determination, newly acquired skills and confidence, whilst continuing their valuable relationships with trained volunteer mentors. Five of the nine are now in employment, two are returning to education, one is currently in voluntary employment and has applied for the Army. Only one is still receiving job seekers allowance. As a result of the success of the first, a second REEP project started on Monday 11 May 2015
 - Exeter Hawks Wheelchair rugby team launched and are now playing in the regional league. This project incorporates after school sessions from 11-16 year olds (currently 13 registered) and a community session for 11 adults. Funding from Sport England

- Distribution of 'MY First Rugby Ball' book to all Reception/yr1&2 pupils in Exeter schools. This includes a CPD teachers' programme/assemblies package/interactive web development and links with local rugby clubs and schools to run tots programmes. The first has now begun at St Leonard's Primary School. The book aims to adopt the values and morals of rugby into an academic environment whilst increasing interest in the game of rugby and overall multi-skills and has been received extremely well by the twenty three schools taking part. This project is now likely to be rolled out nationally.
- Two Economic Business Benefits Conferences have taken place, bringing together all of the key players in business/industry as well as City Centre independents to encourage opportunities and engagement with business/inward investment/tourism/increased visitor stay etc. The emphasis is on businesses 'doing it for themselves'. Several sub groups now up and running working on the various areas of discussion – marketing, city dressing, transport etc. All to support main steering group activity
- RAMM to run two Photographic exhibitions during the duration of the tournament. Both projects are working with local rugby clubs and being promoted via a strong social media presence; one is aimed at social enhancement and the other links to world culture
- Cash for Communities: £10,000 has been launched in January 2015 through Express & Echo to city community groups to bid for grants from the Legacy fund based on detailed criteria. Groups that benefited include: Men in Sheds, Excite Poetry, Wessex RFC, Lunchbox, Newcourt Community Association, 100 Club Countesswear, Alphington Village Hall, Exeter Youth Rugby, Topsham RFC, Junior Park Run
- Healthy Lifestyle Initiative in partnership with DCC Public Health, Create a Lifestyle initiative linked to RWC2015, includes walking groups and pop-up cooking.
- Trophy Tour: Webb Ellis Cup to visit the region as part of England Rugby's Domestic Trophy Tour. On 8th July there will be a promotional opportunity for the area involving the Lord Mayor's of Exeter and Plymouth at Haytor. Friday 10th July it will visit the local team bases and host stadium. Saturday 11th July will celebrate the cup being in the city with a Civic reception at the Guildhall and then moving on to the Cathedral for public activity. The day has been supported by Princesshay and we hope to encourage local clubs and organisations to be a part of proceedings and bring the City alive as part of the Festival of Rugby

Staff Time

- 8.13 In addition to the City Council's revenue allocated primarily to the Fanzone and legacy activity, the City Council and members of the steering group are allocating increasing levels of staff time to delivering Exeter as a successful Host City.

The opportunity for commercial activities to raise additional funding to offset the costs of the Fanzone are being pursued. There are limitations within the Host City Agreement to such commercial activity where it might challenge the promotion activity and rights of the main sponsors.

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

Involvement in Rugby World Cup is enabling the Council to work with Sandy Park and other organisations to make a significant contribution towards the stated priority of running a successful event aiming to bring wider economic and social benefits to the city and the region.

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

The Steering Group is aware of the risks relating to transport, crowd management, safety and security relating to a number of aspects of the tournament at and near to the venue and

in the city centre. Desk-top exercises to simulate and discuss mitigation to risks and problems are taking place together with the police, fire and ambulance services.

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 breadth of legacy and other activities being planned will have extensive impact on these groups as listed and described in the report.

12. Are there any other options?

None at this point.

Richard Ball, Assistant Director Economy

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 EXECUTIVE

Date of Meeting: 23 June 2015

Report of: Assistant Director Housing

Title: Repayment of outstanding capital grant upon the termination of a private rental agreement with an individual landlord

Is this a Key Decision?

Yes

* 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?

Council

1. What is the report about?

This report recommends that delegated authority be granted to create a landlord repayment plan for properties on the Council's EXtraLet or Private Sector Leasing Scheme where the Council no longer considers the property to be successful and wishes to end the rental agreement early and there is an outstanding debt owed to the Council.

2. Recommendations:

That Council be RECOMMENDED to grant delegated authority to the Assistant Director Housing and the Portfolio Holder for Customer Access in conjunction with the Assistant Director Finance and the Corporate Manager Legal to approve a repayment plan with a landlord where a property is handed back early from the rental agreement with outstanding funds owed to the Council. Approval would only be granted where a legal charge is created and registered in the Council's favour against the property.

3. Reasons for the recommendation:

The rental agreements allow for the property to be handed back early to the owner provided any outstanding debt is repaid to the Council first. Currently there is no provision within the Council's constitution which allows for a repayment plan to be entered into with a landlord outside of the Council's rental schemes agreements.

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

There will be some Legal and Finance Officer time spent to formalise and monitor the repayment arrangement as well as the arranging of the legal charge against the property. The owner will be expected to pay the Council's costs including searches and Land Registry fees.

5. Section 151 Officer comments:

A formal agreement by way of a repayment plan is considered an acceptable approach where the debt cannot be repaid in full. A legal charge secured against the property will protect the Council and can be enforced if required to repay the outstanding amount.

6. What are the legal aspects?

There is no provision within the Council's constitution to approve loans or repayment plans outside of the formal legal rental agreement for the EXtraLet or PSL scheme. The repayment of funds to the Council is contained within the rental agreements between the Council and the owner for the funds to be recovered from the rental income and secured to the property through a local land charge.

A legal agreement to formalise the repayment plan and a Land Charge registered with the Land Registry is considered the most appropriate and effective way to secure the debt owed to the Council in the event that the owner defaults on the repayment plan.

7. Monitoring Officer's comments:

A legal agreement to formalise the repayment plan and a Land Charge registered with the Land Registry is considered the most appropriate and effective way to secure the debt owed to the Council in the event that the owner defaults on the repayment plan.

8. Report details:

- 8.1 On occasions, it may be appropriate to end a rental agreement before the end of the fixed period particularly where the property is no longer considered to be suitable in size or location to continue on the Council's rental schemes.
- 8.2 Historically, landlords were able to claim some financial assistance from the Council towards the cost of repairs to bring the property up to the required standards prior to the start of the rental agreement on the Council's rental schemes. Some of this assistance was in the form of a non-repayable grant and the remainder as a loan repaid from the ongoing rental payments over the length of the rental agreement with the Council. The repayment of this loan formed part of the rental agreement between the owner and the Council.
- 8.3 Should the Council wish to terminate the agreement ahead of the term of the rental agreement this could leave the owner with a large lump sum to repay. If the owner is not able to clear the debt, there is currently no provision within the Council's constitution to allow a repayment agreement to be entered into.
- 8.4 It is not expected that this would affect many properties as it is almost always the case that the owner has sufficient funds to repay any outstanding debt but recently this has been highlighted as an issue that seeks a suitable resolution. It should be noted that following Executive approval in July 2014 that the EXtraLet scheme has now ended and properties are being handed back at the end of the agreements or in some cases where the tenant has found alternative accommodation and it is practical and appropriate to end the agreements at this point. An alternative and appropriate way forward is required to deal with owners who do not have the funds available to repay the debt before the rental agreement is ended.
- 8.5 Retaining properties that are considered unsuccessful on the scheme due to management or repairs issues is resource intensive. The cost of void times, significant repairs and staff management time is sufficient justification to hand back properties that are no longer working for the Council and would have a positive impact on the Council's resources.

- 8.6 Delegated authority is therefore sought to approve on an individual basis for a formal repayment plan to be entered into with the owner prior to the ending of the rental agreement. A legal charge would also be registered which would secure the funds and would allow the Council to take recovery action should the owner default on the repayment plan.

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

The decision contributes to the Council's Corporate Plan:

- Run the Council Well – Recovery of funds, disposing of unsuccessful properties and appropriate management of both PSL and EXtraLet schemes
- Maintain our Property Assets – disposing of properties where they no longer meet the Council needs and recovery of outstanding debt
- Provide Suitable Housing – Both EXtraLet and PSL schemes are designed to provide suitable affordable housing within the City, and the successful functioning and management of these schemes is integral to continue these housing options ongoing
- Help me with my financial and housing problem – providing an effective solution to owners where the Council wishes to hand back the property early and who are unable to make a lump sum repayment.

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

There is a financial risk to the Council in retaining properties that are no longer considered suitable on the rental schemes due to extended void times and management costs of unsuitable properties remaining on the scheme.

Any risk of losing monies owed to the Council can be mitigated through a formal repayment arrangement and a Land Charge registered with the Land Registry against the property. Where there is not sufficient equity, a charge can be considered on the owner's main residence or other rental properties as a means of securing the debt.

The risk to the landlord of financial hardship is reduced by creating a suitable repayment plan that allows a reasonable timescale for the costs to the Council to be recouped. Legal advice will be sought in terms of reaching a fair repayment agreement that allows for changes in circumstances for the owner, but also secures the Council's debt.

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 successful running of the PSL and EXtraLet scheme provides a positive contribution towards to the health, wellbeing and safeguarding of vulnerable adults, children and young people accepted onto the schemes. Properties which are no longer suitable for the Council's letting schemes due to changes in demand or management issues are detrimental to the Council. The impact of allowing properties to be handed back earlier than expected will improve the suitability of accommodation

available and remove the ongoing costs involved with retaining the properties on the schemes to the Council.

12. Are there any other options?

The only other alternative option is to remain under the current arrangements:

1. To only return a property back to the owner once all debt has been repaid to the Council. This could have a detrimental impact to the working relationships fostered with local landlords' through the Council's letting schemes, and could result in negative perception of the Council and the schemes. This could hinder future attempts to engage with private landlords.
2. To retain properties that may no longer be considered suitable or meeting the Council's needs on the rental schemes. This may result in the properties sitting empty for significant periods of time, incurring void costs to the Council.

Assistant Director: Roger Coombes

Originating Officer: Caroline Massey

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

Date of Meeting: 23 June 2015

Report of: Assistant Director City Development

**Title: APPROVAL OF DEVELOPMENT DELIVERY DEVELOPMENT PLAN DOCUMENT
(DPD) FOR PUBLICATION**

Is this a key decision - Yes

1. WHAT IS THE REPORT ABOUT?

- 1.1 To consider the content of the publication version of the Development Delivery DPD and agree its publication for representations prior to submission to the Planning Inspectorate for examination on behalf of the Secretary of State.
- 1.2 The Development Delivery DPD will form part of the Council's Local Plan and a key element of the statutory Development Plan used to determine planning applications.

2. RECOMMENDATION

- 2.1 That Executive agrees:
 - (a) the publication version of the DPD for pre-submission representations attached as Appendix 1 to this report.
 - (b) Delegates authority to the Assistant Director City Development (in conjunction with the Portfolio Holder City Development) to make minor changes to the DPD prior to publication.

4. WHAT ARE THE RESOURCE IMPLICATIONS INCLUDING NON FINANCIAL RESOURCES

- 4.1 This report raises no resource implications.

5. SECTION 151 OFFICER COMMENTS

- 5.1 This report raises no section 151 issues.

6. WHAT ARE THE LEGAL ASPECTS

- 6.1 See paragraph 9 of this report (Background).

7. MONITORING OFFICERS COMMENTS

- 7.1 This report raises no issues for the Monitoring Officer.

8. HOW DOES THE DECISION CONTRIBUTE TO THE COUNCIL'S CORPORATE PLAN?

- 8.1 The successful adoption of the Development Delivery DPD will contribute to various key actions identified by the Corporate Plan including:
 - Housing our communities
 - Supporting business and economic growth;
 - Sharing the benefits of growth;
 - Building stronger communities
 - A green and healthy city

9. BACKGROUND

9.1 The Development Delivery DPD will form part of the Council's Local Plan. The National Planning Policy Framework (NPPF) requires Councils to put in place an up to date 'Local Plan'. This ensures that the local policies are given weight in the assessment of 'the presumption in favour of sustainable development' as set out in the NPPF. The 'Planmaking' chapter of the NPPF states that:

'Crucially, Local Plans should:

- Allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- identify areas where it may be necessary to limit freedom to change the use of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance'.

9.2 These tasks will be fulfilled by the Council's 'Development Delivery DPD'. Together with the recently adopted Core Strategy, this will constitute the City Council's 'Local Plan'.

9.3 Members may recall that following the initial 'Have your say' consultation in 2012, the Draft 'Development Delivery' document was presented to Executive on the 26 November 2013. Executive agreed the document for publication and there followed a 10 week consultation period (from December 2013 to February 2014).

10. PLANNING MEMBER WORKING GROUP

10.1 Planning Member Working Group (PMWG) considered the publication version of the Development Delivery DPD on 26 May 2015. PMWG supported the publication of the Development Delivery DPD by Executive for pre-submission representations.

11. THE DEVELOPMENT DELIVERY DPD

11.1 The Development Delivery DPD will:

- i. Allocate land for development.
- ii. Designate land for protection or safeguarding and identify land where specific policies apply.
- iii. Contain 'development management' policies that will be used to determine whether planning applications submitted to the Council should be granted permission.
- iv. Include a Proposals Map that will show allocations and designations.

11.2 The Development Delivery document and the Proposals Map must be submitted to the Planning Inspectorate along with the 'proposed submission documents'. The legislation states that the 'proposed submission documents' consist of the following:

- The Sustainability Appraisal
- A statement setting out which bodies and persons were invited to make representations, details of how these bodies and persons were invited to submit representations, a summary of the main issues raised, and how these main issues have been addressed by the plan
- A statement of representation procedures

- And any supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan

12 CONSULTATION

- 12.1 The NPPF states that in producing Development Plan Documents (DPDs) Councils should undertake 'early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses'. The 'Have Your Say' document and associated exhibitions constituted the initial consultation on the Development Delivery DPD during 2013. Comments received as a result of the initial consultation were incorporated into the Draft 'Development Delivery' document which was approved by Executive on the 26 November 2013 prior to a further stage of consultation, again with associated exhibitions, in late 2013 - early 2014.
- 12.2 Again the comments received have been carefully considered and changes proposed where appropriate. The document has also been updated in response to significant changes to Government guidance and legislation over the last year. It should be noted that in addition to the many changes proposed to policies and supporting text, the findings of the 2015 Strategic Housing Land Availability Assessment (SHLAA) have been taken into account in preparing the publication document. This has resulted in some important changes to the document, as new sites are allocated for residential development (see 7.13 below). This, together with the need to clarify our position regarding the inclusion of students within the five year housing supply, has all taken some time and has been compounded by the unavoidable delay due to the period of purdah leading up to the elections.
- 12.3 The next stage is for the 'Development Delivery' document to be published for representations for a period of at least six weeks, together with the other proposed submission documents. This provides a formal opportunity for the local community and other interests to consider the document and make representations prior to submission to the Planning Inspectorate.
- 12.4 The Development Delivery DPD, proposed for publication, is attached at Appendix 1. The accompanying Sustainability Appraisal (SA), Statement of Consultation, Statement of Representation Procedures, Proposals Map, Habitats Regulations Assessment and Equalities Impact Assessment (EQIA) will be available to support the publication of the DPD.
- 12.5 National Planning Practice Guidance also requires Local Plan documents to be accompanied by evidence to demonstrate that 'policies are realistic and provide high level assurance that plan policies are viable'. The Council has commissioned a Viability Assessment and this will also be available to support the document when published.

13 COMMENTS RECIEVED AND SUGGESTED DEVELOPMENT

- 13.1 A table summarising all comments received in response to consultation on the Draft Development Delivery DPD, together with the proposed response to each comment, is available in City Development. Some of the key comments raised and the suggested responses, organised under chapter headings, are discussed below.

Exeter's Local Vision for Sustainable Development

- 13.2 The first policy of the document, which ensures sustainable development is delivered in a holistic manner, was largely supported by respondents to the consultation. The amendments made at the previous stage were positively received. Whilst a few respondents continue to believe that particular issues need specific mention in the policy (for example the Highways Agency in relation to the strategic road network and the South West HARP Planning Consortium in relation to affordable housing), it is proposed to keep the criteria worded in a general manner. No new changes are proposed to the policy text.

Realising Exeter's Economic Potential

- 13.3 A single, strongly voiced, objection was received from PCL Planning (acting on behalf of Growen Estates and the Consolidated Property Group) in relation to several policies in this chapter. Whilst a clear definition of 'employment land' was inserted at draft stage, this consultant considers the definition too narrow and inconsistent with the NPPF and the Core Planning Principle that planning should 'proactively drive and support sustainable economic development'. To ensure that the definition of employment land is entirely clear it is proposed to insert additional explanatory text and to repeat the Core Strategy definition in the glossary to this document.
- 13.4 This same consultant also objected strongly to the proposed allocation of employment land adjacent to Honiton Road and Fitzroy Road in the 'Employment land provision' policy (DD2). Whilst the boundary of the allocation has been amended to reflect the area that remains available for development, it is still considered that this is an appropriate site to meet the demand for employment land (and indeed this land has an extant permission for an employment scheme).
- 13.5 There was only one objection from Genesis Town Planning (acting on behalf of the Newbery Family Trust) regarding the omission of land at Oaklands Riding Stables, which is within Alphington/Whitstone Valley Park; however this land is outside the Core Strategy's strategic locations for growth and therefore is not proposed for allocation. Exeter Green Party considered that employment land should not be allocated until the demand has been proven and existing land is in full use. However, the NPPF requires plans to identify strategic sites to meet anticipated needs over the plan period.
- 13.6 In relation to the 'Retention of employment land' policy (DD3) the change made at draft stage to reduce the viability test period from 18 to 12 months was welcomed by some, but again PCL (acting on behalf of Growen Estates and the Consolidated Property Group) still considers a 12 month period is an excessive time to market a vacant property. This same consultant also considers the 'Retention of employment land' policy to be unnecessary on the grounds that sufficient protection is afforded by policy CP2 of the Core Strategy. No further changes are proposed to this policy.
- 13.7 The Council also received objections from PCL (acting on behalf of Growen Estates and the Consolidated Property Group) in relation to other policies in this chapter; despite the changes made at draft stage PCL still thinks the 'Provision of local services in Employment Areas' policy is too restrictive and suggests the policy should allow more concentrated provision of retail in suitable locations. In response and following further research it is proposed to increase the floorspace limit to 280sqm; a figure that corresponds to the Competition Commission's definition of a small convenience store. The same consultant also considers the 'Access to jobs' policy to be unreasonable and onerous. No further changes are proposed to this policy.

Delivering Homes and Communities

- 13.8 This chapter, and in particular the 'Allocated housing sites' policy, was the subject of the majority of comments received. The draft document included a number of new sites assessed as suitable to deliver residential development by the Revised 2013 SHLAA. The inclusion of these sites overcame some of the previous objections made by consultants, developers and agents, but, not unsurprisingly, the inclusion of new sites raised a significant number of new objections from the public.
- 13.9 The site consisting of part of Eastern Fields (Pinhoe), which was previously allocated for employment development, attracted over 200 objections (a similar number of objections to that received in response to the employment allocation). Despite the failure of the village green application (a decision which remains open to challenge) residents still feel strongly that this open land should be retained for community use. However, the 2015 SHLAA concludes that part of Eastern Fields is suitable for development and can contribute to delivering the strategic housing requirement. Accordingly it is proposed to retain this site in the publication version of the document.
- 13.10 The new site consisting of land north of the West of England School (WESC) Foundation attracted about 130 objections. Local residents wish to see this green space (which is currently designated as part of Ludwell Valley Park) retained and are concerned that a safe access to the site cannot be achieved and that traffic and congestion problems will result. Objections were also received from Natural England (referring to the proposed allocation of the site as a County Wildlife Site and to its contribution to Green Infrastructure) and other conservation and amenity groups. The site was proposed for allocation in the draft document because the Revised 2013 SHLAA concluded the site was suitable for development. This conclusion was drawn at a time when Exeter's 5 year housing land supply was marginal and it appeared that the Core Strategy's target to deliver at least 12,000 dwellings over the plan period would otherwise not be achieved. This is no longer considered to be the case (although this judgement is dependent upon the inclusion of student accommodation which is still subject to the legal challenge at Home Farm and the outcome of the appeal at land to the north of Exeter Road, Topsham). The 2015 SHLAA concludes the land north of the WESC site is not suitable for development as it is outside the strategic locations for growth identified in the Core Strategy and therefore this land is no longer proposed for allocation in the publication version of this document. The current application for development will be determined with regard to the statutory development plan and all other material considerations (which could include an assessment of whether the benefits of enabling public access to the Valley Park could outweigh the visual harm to the Valley Park caused by the development).
- 13.11 A number of other sites also attracted objections from the public (The land to the east of M5, Topsham Road – Land at Exeter Cricket Ground – Land west of Newport Park). However, these sites have now been granted planning permission and therefore do not need to be considered by this document.
- 13.12 Consultants acting on behalf of developers and land owners draw attention to the omission of a number of sites from the 'Allocated housing sites' policy, however, all sites that the SHLAA concludes are suitable to deliver housing are included in the document. Whilst one comment specifically criticised the approach taken to determining which sites should be allocated, it is considered that the SHLAA is a robust and transparent way in which to make this assessment.
- 13.13 The publication version of the Development Delivery DPD has been updated to include the sites assessed by the 2015 SHLAA as suitable to deliver development.

The publication version now allocates 18 sites of which 8 sites are new to the document. These sites are listed below (with new sites highlighted):

DD7: *The following sites (for 10 or more dwellings) are allocated for residential and associated infrastructure development:*

	Gross Site Area (hectares)	Indicative capacity
<i>Exmouth Junction, Prince Charles Road</i>	4.9	175
<i>Exwick Middle School, Higher Exwick Hill</i>	1.2	50
<i>Land adjacent Exeter St Davids Station</i>	1.2	156
<i>Land off Liffey Rise</i>	0.6	13
<i>Land south of Apple Lane</i>	2.3	58
<i>Mary Arches Surface Car Park</i>	0.2	20
<i>Eastern Fields (part of)</i>	3.3	79
<i>Land opposite 7-10 Glenthorne Road</i>	0.5	19
Foxhayes First School, Gloucester Road	0.5	13
Land adjacent Exeter Arms Hotel, Rydon Lane	0.2	14
DOA & Exeter Mobility Centre, Wonford Road	0.8	24
Former Nursery to rear of 2-20 Locarno Road	0.2	11
Frickers Yard, Willeys Avenue	0.1	11
Bendene Hotel, 15-16 Richmond Road	0.1	10
Land at Exeter City Football Club (rear Big Bank)	0.7	37
Pyramids Leisure Centre, Heavitree Road	0.2	25
Royal Devon & Exeter Hospital (Heavitree Campus)	2.6	62
79 Heavitree Road	0.3	21

TOTAL

798

13.14 Whilst the inclusion of new sites will overcome some of the objections regarding the omission of sites/or lack of sites made by consultants, developers and land owners; it would again be expected that the inclusion of new sites would lead to new objections, in particular from the public, at the next stage of publicity.

13.15 Most of the other policies in this chapter did not attract significant comment. One of those policies to attract little comment was the 'Regeneration Areas' policy (DD7 in the draft document). However, further consideration suggested that adequate guidance was already available in the Core Strategy and this new policy added little; accordingly this policy has been deleted, although the Regeneration Areas are still referenced in the supporting text and allocated on the Proposals Map (It is worth noting that the deletion of what was policy DD7 from the publication version of the document results in a change in all subsequent policy numbers). Whilst the amendments made to the 'Housing on unallocated sites' policy at the previous stage led to fewer objections being received this time round, one agent was particularly concerned that the policy made inappropriate reference to the SHLAA. After further consideration it is proposed that this policy (DD8) is amended to delete direct reference to the SHLAA, although the supporting text will still refer. Two objectors also considered that housing development in residential gardens needed a standalone policy. Whilst it is still considered that DD8 adequately deals with proposals in residential gardens, additional text has been added to respond to comments relating to the prescriptive nature of the supporting text and the absence of any mention of innovative design solutions. Comments were also received in relation to the 'Housing for Disabled People' policy, with a number of agents considering the policy too onerous. Whilst there was evidence to support this policy the findings of the Housing Standards Review (conducted by DCLG) has meant radical review of this policy. The new policy, which will be re-named 'Accessible, adoptable and

wheelchair user dwellings', will require the implementation of the new national standards (introduced in March 2015). Whilst no comments were received in relation to the 'Residential Amenity' policy (DD13) this policy has also been updated to refer to the national standards on internal space.

Retail, Tourism and Culture

13.16A number of respondents suggested that insufficient land is allocated for retail use and consider the document fails to meet the scale and type of retail needed in town centres (as required by the NPPF). Respondents suggested that new sites should be allocated for retail to the south west of Exeter adjacent to the A377 (within the Alphington/Whitestone Valley Park) and on land adjacent to Honiton Road and Fitzroy Road (this land is the subject of a current appeal with appellants CPG Development Projects Ltd arguing that the current proposed employment allocation should be set aside in favour of a proposal for significant retail led development). Work undertaken in support of the Core Strategy suggests that our existing city centre focused retail strategy is appropriate; therefore no changes are proposed to the document. The 'Change of use within retail centres' policy was not the subject of significant objection. However, following further consideration it is proposed to amend the policy and to identify one enlarged primary shopping area within the city centre where the policy will apply (together with the district and local centres). The revised supporting text emphasises that proposals should be assessed on their merits and the key consideration needs to be whether the proposal harms the vitality and viability of the retail area (however, it should also be noted that changes to permitted development rights mean that many proposals will not require planning permission and therefore will not be subject to this policy). The revised and re-titled 'Protection and enhancement of tourist and cultural facilities' policy was positively received although the Exeter Green Party consider there should be a presumption in favour of all year round tourist attractions to provide stability of employment and the Theatres Trust were concerned with the use of the word 'viable'. Whilst it is not considered reasonable to insert a presumption in favour of year round tourist attractions, the policy text already allows for proposals to be assessed on their merits. Additional text has been added to explain more fully what evidence needs to be provided to demonstrate a use is not viable.

Sustainable Transport

13.17The policies in this chapter were largely supported. However, Alphington Village Forum and the Exeter Green Party questioned the safeguarding of land for a park and ride site at Idea/Alphington interchange on the A30, on the basis of the impact on the Conservation Area, the lack of adequate examination of alternative sites and the lack of any positive benefits. The principle of a park and ride at this junction is established in the adopted Core Strategy and Devon County Council has undertaken significant work to establish the rationale for the park and ride and its location. Accordingly it is not proposed to make any changes to the document. In regard to the 'Land safeguarded for the provision of transport infrastructure' policy (DD18) and other policies in this chapter, Devon County Council also made a number of suggestions for minor changes; these have been discussed and where considered helpful changes made.

Meeting Community Needs

13.18Whilst there was significant general support for policies in this chapter, specific concerns were expressed regarding the wording of particular policies. Some were concerned that the wording of the 'Open space, Allotments, and Sport and Recreation Provision' policy did not accord with the NPPF (in that it didn't refer to developments for alternative sports and recreational provision) and did not encourage the provision of new facilities. Changes are proposed that ensure the policy text closely reflects the

NPPF and supports the provision of new facilities. A minor change is also proposed to the explanatory text for the 'Other Community Facilities' policy to ensure it is clear when the policy applies. A number of respondents were also concerned that the 'Assets of Community Value' policy was not clear and could be used to prevent development coming forward; some wanted the policy deleted. The policy and supporting text have been amended to ensure the policy is clear. However, it is considered that it is reasonable to give recognition to assets of community value in the planning system and therefore the policy is retained.

Locally Distinctive Places

13.19 This chapter attracted few comments. Those that expressed a view were generally in supported of these policies. However, one consultant considered the 'Design Principles' policy to be too draconian as it implied that all criteria need to be complied with. In response a minor change is proposed to make it clear that all the criteria will not be relevant to every proposal. A further change is proposed in response to comments from the Civic Society who requested reference is made to contemporary design. Whilst Exeter Green Party also suggested changes to this same policy to refer to sustainability and low-carbon measures, these issues are already covered by policy CP15 of the Core Strategy. One minor change is proposed to the 'Conserving and Managing Historic Assets' policy in order to state clearly that in the case where it is agreed that historic assets will not be retained, a scheme of archaeological work needs to be agreed in advance of development commencing on site (rather than in advance of planning permission being granted).

Environment

13.20 This final chapter mainly attracted expressions of support from amenity groups and the public. The 'Protection of Landscape Setting Areas' policy (DD29) was supported by RSPB, Devon Wildlife Trust, Natural England, and a number of members of the public. However, several consultants and land owners argued that particular land should be excluded from the designation; generally on the basis that the land was being promoted as suitable for development, although in one case because the land owner considered the boundary for the designation had been drawn incorrectly and in an arbitrary manner. In another case a group of land owners consider that the restrictive policies relating to the Valley Parks are unreasonably onerous and that they provide no support for landowners to manage the landscape. Specific objections were also received in relation to the designation of 'Monkerton Ridge Park' with one consultant in particular suggesting that the Council lacked a robust evidence base to support this designation and that there was doubt over the Park's deliverability. It is considered that the approach taken to landscape setting areas, which carries forward the approach in the Local Plan First Review and complements the Core Strategy, is reasonable, that the proposed boundaries are justified, and that the provision of the new Monkerton Ridge Park is supported by evidence and the concept can be delivered. Accordingly no changes are made in response to these objections.

13.21 The RSPB, Devon Wildlife Trust, Environment Agency and Natural England all made specific suggestions for text changes to the 'Biodiversity' policy (DD31). In response several changes to ensure clarity and consistency with the NPPF have been made. Other policies in this chapter attracted little comment although their importance was recognised by Natural England, the Environment Agency and the Exeter and East Devon Low Carbon Task Force.

13.22 Devon County Council made a number of suggestions for minor changes throughout this chapter; these have been discussed and where considered helpful changes have

been made. In particular policy DD29 has been amended to allow for development that delivers strategically important infrastructure where it can be demonstrated that there is no suitable alternative site with less harmful impacts.

Summary of comments

13.23 The above summary gives a flavour of the comments received and the responses proposed. However, it is not intended to be a comprehensive list of comments made or changes made. A full list of comments received and proposed responses (including any changes to policy and supporting text) is available in City Development.

14 NEXT STEPS

14.1 Subject to approval by Executive, the Development Delivery DPD will be published together with other 'proposed submission documents' for a period of eight weeks (the legislation requires at least six weeks). Delegated authority is sought for the Assistant Director City Development in conjunction with the Portfolio Holder City Development to make minor changes to the document prior to publication.

14.2 As part of the eight week publicity period letters/emails will be sent to every person and organisation on our consultation database, a press release will be issued and a notice will be placed in the Express and Echo. Throughout the publicity period information will be available on the Council Web site and hard copies of the document will be placed in Civic Centre reception and at city libraries.

14.3 Representations received on the publication version will be collated and any final changes drafted. The final submission version of the Development Delivery DPD together with supporting documents will then need to be approved by Full Council before being submitted to the Planning Inspectorate for examination on behalf of the Secretary of State.

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None

Contact for enquires:
Democratic Services (Committees)
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Exeter City Council

Publication Version

**Development Delivery
Development Plan Document**

MAY 2015

DRAFT

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INTRODUCTION

This document is the publication version of the Development Delivery Development Plan Document (DPD). It has been prepared taking into account the findings of the previous 'Have your say' consultation, the consultation on the draft Development Delivery Plan undertaken last year and the 2015 Strategic Housing Land Availability Assessment (SHLAA). This is the document the Council considers is ready for examination; it includes some new site allocations, final policies with full explanatory text and a Proposals Map. Stakeholders and members of the public are invited to make representations on the document.

The Development Delivery DPD will:

1. Allocate land for new development.
2. Designate land for protection or safeguarding and identify land where specific policies apply.
3. Contain 'development management' policies that will be used to determine whether planning applications submitted to the Council should be granted permission.
4. Include a Proposals Map that will show allocations and designations.

Once adopted the Development Delivery DPD and the Proposals Map will form part of the Council's Local Plan and the Exeter Local Plan First Review will be superseded. The Local Plan also includes the 2012 adopted Core Strategy which sets out the vision, objectives and strategy for the growth and development of the city up to 2026. These two documents, together with The Exeter St James Neighbourhood Plan, any other Neighbourhood Plans that come forward, and Devon County Council's Mineral and Waste Plans, will form the city's Statutory Development Plan.

Representations

Exeter City Council invites representations on the publication version of the Plan between July and August 2015.

Please complete the 'Representations Form' ensuring you indicate clearly whether you consider the plan is legally compliant, sound and complies with the duty to cooperate (notes that accompany the representation form explain these issues further) and what specific changes are required to address this. If you need any help understanding what is proposed, or making your representations, please contact City Development using the details provided below.

What happens next?

Having received any representations on the publication version of the plan, the Council will submit the Plan and any proposed changes it considers appropriate, along with supporting documents, to the Planning Inspectorate for examination on behalf of the Secretary of State. Anyone who has made representations seeking a change to the published Plan will, if they request, be given the opportunity of attending a hearing. The Inspector will determine whether the plan is sound and meets the duty to cooperate and other procedural requirements. Once the examination process is complete, adoption is the final stage of putting the Plan in place.

Contact Details

Please forward all response forms, or other correspondence relating to this document, to:

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City Development
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Important Introductory Notes:

1. This document has been split into topic based chapters in order to help achieve a usable layout. Nevertheless, it is important that no chapter or policy is seen in isolation. Any proposals for development would need to comply with all relevant policies within the final document, together with those policies within the Core Strategy, the Exeter St James Neighbourhood Plan and any other Neighbourhood Plans, and Devon County Council's Minerals and Waste Plans.
2. Policies within this document will be supported by advice and guidance contained within Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPDs). A list of existing guidance documents is available to view at ¹:
<http://www.exeter.gov.uk/index.aspx?articleid=10093>
3. The policies in this document complement the policies in the Exeter Core Strategy. The objectives set out in the Core Strategy are referred to at the start of each chapter to which they are relevant. The Core Strategy is available to view at:
<http://www.exeter.gov.uk/index.aspx?articleid=10103>
4. This document also draws on the city's Sustainable Community Strategy; a strategy document that sets out nine themes which will contribute to meeting Exeter's long term vision. The Sustainable Community Strategy themes are repeated in this document at the start of each chapter to which they are relevant. The Sustainable Community Strategy is available to view at:
<http://www.exeter.gov.uk/index.aspx?articleid=10771>
5. Policies proposed within this document have been informed by the National Planning Policy Framework published on 27 March 2012 and the National Planning Policy Guidance online resource. The National Planning Policy Framework is available to view at:
<http://www.communities.gov.uk/publications/planningandbuilding/nppf>
The National Planning Policy Guidance online resource is available to view at:
planningguidance.planningportal.gov.uk
6. The evidence supporting the Local Plan suggests that ordinarily the suite of policies proposed will be viable. Nevertheless, in applying all policies proposed within this document regard will be had to viability and feasibility. In accordance with advice given in the National Planning Policy Framework development will 'not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.'²

¹ Hard copies of all documents are also available for inspection at the Civic Centre

² National Planning Policy Framework , 2012, paragraph 173

1. EXETER'S LOCAL VISION FOR SUSTAINABLE DEVELOPMENT

Sustainable Community Strategy themes:

A prosperous city
A learning city
An accessible city
A city with strong communities
A city that is healthy and active
A safe city
A city that cares for the environment
A city with homes for everyone
A city of culture

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change
Objective 2: Develop the potential for economic and commercial investment
Objective 3: Provide decent homes for all
Objective 4: Provide and enhance retail, cultural and tourist facilities
Objective 5: Achieve a step change in the use of sustainable transport
Objective 6: Meet community needs
Objective 7: Promote development that contributes to a healthy population
Objective 8: Protect and enhance the city's character
Objective 9: Achieve excellence in design
Objective 10: Provide infrastructure to deliver high quality development

Core Strategy Policies:

CP1: Providing for Growth – Spatial Strategy
CP2: Employment Distribution
CP3: Housing Distribution
CP4: Housing Density
CP5: Meeting Housing Needs
CP6: Gypsies and Travellers
CP7: Affordable Housing
CP8: Retail
CP9: Strategic Transport Measures
CP10: Meeting Community Needs
CP11: Pollution
CP12: Flood Risk
CP13: Decentralised Energy Networks
CP14: Renewable and Low Carbon Energy
CP15: Sustainable Construction
CP16: Green Infrastructure, Landscape and Biodiversity
CP17: Sustainable Design
CP18: Infrastructure
CP19: Strategic Allocations

Background

Sustainable Development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs³. There are three dimensions to sustainable development which translate into three roles for the planning system:

- an economic role
- a social role
- an environmental role⁴

These roles are mutually dependent and need to be considered as a whole.

Exeter's local vision for sustainable development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking (paragraph 14). Taken as a whole the policies within the NPPF constitute the Government's view of what sustainable development means in practice for the planning system, but it is also clear that 'Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas' (paragraph 10).

Exeter's approach to sustainable development is set out in the Core Strategy vision. It states:

'Exeter will embrace its role in the region as an area of growth:

By providing houses, jobs and supporting infrastructure through maximising the use of previously developed land within the city, and through sustainable urban extensions to the east, at Newcourt and Monkerton/Hill Barton, and to the south west at Alphington; and,

By maintaining a vital and viable mix of uses in the city centre and delivering development to enhance Exeter's position as a premier retail and cultural destination.

In delivering growth Exeter will build on its strengths and assets by safeguarding the hills to the north and north west, protecting the historic environment and enhancing green infrastructure. The key is to maintain and improve Exeter's unique identity and quality of life, whilst addressing the challenges arising from climate change and facilitating the transition to a low carbon economy.

Exeter's strategic role will be enhanced by new housing and employment close to the city within the adjoining authorities. Significant new development will occur within East Devon including a new settlement and an urban extension to the east of Exeter.'

This sits comfortably with the Government's vision of sustainable development.

All the policies within the Core Strategy are guided by this overarching vision. This Development Plan Document and its policies will also be guided by this vision.

The Core Strategy includes a number of policies that seek specifically to address climate change and achieve the transition to a low carbon economy (policies CP13, CP14, and CP15 of the Core Strategy). However, sustainable development is about more than this; it is about delivering houses, jobs and supporting infrastructure and maintaining a vital and viable city. Central to achieving the delivery of supporting infrastructure is the Community Infrastructure Levy (CIL) which

³ Our Common Future (United Nations World Commission on Environment and Development, 1987)

⁴ National Planning Policy Framework, 2012

the City Council introduced on the 1 December 2013. CIL is a new form of charge that allows local authorities to raise funds from those undertaking development in their area. The money collected can be used to help provide a wide range of infrastructure that is needed as a result of development including transport facilities, low and zero carbon infrastructure, flood defences, schools, sports facilities and open spaces. The Exeter Infrastructure Delivery Plan identifies costs and timing of infrastructure requirements and will be monitored and updated with a view to bringing development forward as quickly as possible. In this way CIL, together with S106 contributions, will help deliver Exeter's Vision.

The policies in this and other documents should not be seen in isolation; they are mutually dependent and need to be taken as a whole to deliver sustainable development for Exeter. Policy DD1 brings together many of those considerations that contribute to delivering sustainable development ensuring that it is approached in a holistic manner.

DD1: *Development will be permitted where it is demonstrated that the proposal is consistent with the principles of sustainable development, as appropriate to its location, scale and form. Proposals must have regard to:*

- (a) the impacts of climate change and the need to achieve a transition to a low carbon economy;*
- (b) contribution to the city's economy;*
- (c) meeting community needs and delivering neighbourhood plans;*
- (d) suitability of location in terms of transport infrastructure and access to facilities;*
- (e) impact on the natural and built environment;*
- (f) contribution to meeting housing need and creating strong, vibrant and healthy communities; and,*
- (g) conservation and enhancement of the city's historic environment.*

The contents of the application, together with the design and access statement and any other supporting documents, should provide sufficient information (as appropriate to the proposal's location, scale and form) to allow the Council to assess whether the above requirements are met. In applying this policy regard will be had to other Development Plan Document policies, Supplementary Planning Documents and Guidance Documents where relevant.

2. REALISING EXETER'S ECONOMIC POTENTIAL

Sustainable Community Strategy themes:

A prosperous city
A learning city
A city with strong communities

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change
Objective 2: Develop the potential for economic and commercial investment
Objective 10: Provide infrastructure to deliver high quality development

Core Strategy Policy:

CP2: Employment Distribution
CP18: Infrastructure
CP19: Strategic allocations

Background

Exeter has benefited from high levels of economic productivity and significant inward investment. Exeter's vision is for growth and continued economic prosperity by creating a high quality knowledge based economy. Whilst the city's economic development is dependent on a diverse range of land uses this chapter focuses on employment land, access to jobs and communication networks.

For the purposes of the Local Plan, employment land is all land and buildings which are used or designated for purposes within Use Classes B1 (business), B2 (general industrial) and B8 (storage or distribution). At Matford and Marsh Barton, the use of premises for the sale of motor vehicles and motor vehicle parts and accessories is also regarded as acceptable. This is because car showrooms are well established in these two locations and their existing concentration serves to limit car travel.

Although other types of land use (for example retail) can provide jobs these uses are very rarely of a similar character to Class B uses and are excluded from the Local Plan definition of employment land. This is because these other uses tend to be associated with higher land values and therefore usually out-compete Class B uses in the market. To ensure that a broad range of job-creating land uses are available in Exeter, it is therefore important to provide for Class B uses. However, the release of employment land for other uses may be considered acceptable where an alternative use represents an opportunity that would create significant economic benefits for the city and its travel to work area.

Employment Land Provision

Policy CP2 of the Core Strategy presents the high level spatial strategy for employment within the city, including the provision of about 15 hectares of employment land in the Matford area (planning permission for which has now been granted) and the retention of the established employment areas at Southernhay, Matford, Marsh Barton, Sowton, Pinhoe, Exeter Business Park, Pynes Hill and Peninsula Park. Policy DD2 helps deliver the spatial strategy by allocating new employment land to the east of Exeter at Exeter Business Park and Newcourt. Both of these allocations are in locations that are attractive to business, well served by transport infrastructure and will ensure sustainable mixed use urban extensions.

DD2: The following sites are allocated for employment development and associated infrastructure and will be retained for this purpose:

Site	Area (hectares)
Exeter Business Park	4 hectares
South of the A379, Newcourt	16 hectares

The established employment areas (retained for employment use by Policy CP2 of the Core Strategy) and the new employment allocations are shown on the Proposals Map.

Retention of employment land

There is significant pressure on employment sites from other land uses, particularly housing and retailing. Without policies to safeguard suitable employment land there is a risk that land and floor space would be lost to other uses. This would be detrimental not just to the economy but also to job opportunities for local people and the ability of Exeter to grow sustainably. However, it is also important to make the most efficient use of land and, in a rapidly changing economy, it may be that some sites should be released for other uses; for example if the site is no longer viable for employment use and ‘there is no reasonable prospect of a site being used for that purpose’⁵.

Core Strategy Policy CP2 provides the strategy relating to new employment allocations, established employment areas (Southernhay, Matford, Marsh Barton, Sowton, Pinhoe, Exeter Business Park, Pynes Hill and Peninsula Park) and other employment sites and premises. In order to achieve the Core Strategy objectives and to implement Policy CP2, Policy DD3 provides additional specific policy in relation to how proposals involving the loss of employment land or premises will be determined in situations where planning permission is required⁶. Policy DD3 takes a balanced approach that retains employment sites in most cases but also sets out criteria that need to be met to demonstrate that an alternative use would be acceptable. Proposals will need to include evidence to demonstrate compliance with the policy. Evidence of non-viability must demonstrate that the site or premises has been actively marketed (appropriate and targeted marketing by a commercial property agent) at a reasonable price (commensurate with the current market price for similar commercial sites/premises) over a 12 month period.

DD3: Proposals involving the loss of employment allocations, land, or floorspace will not be permitted unless the alternative use is sustainable in the location proposed and:

- (a) it is demonstrated that development for an alternative use represents an opportunity that would create significant economic benefits for the city and its travel to work area; or
- (b) the site or premises is not viable for employment use, cannot reasonably be made viable for such use and has been actively marketed at a reasonable price or rent for at least 12 months prior to the planning application being submitted; or
- (c) the proposal would remove a use which creates residential amenity problems such as those arising from noise or odours.

Provision of Local Services in Employment Areas

The Council recognises that many of the successful employment areas in Exeter would benefit from the provision of some local services which would otherwise be located in existing centres. This could assist the workforce, be attractive to inward investors seeking a suitable location and should also reduce the need to travel by car. Local services could include a child care nursery, a

⁵ National Planning Policy Framework, 2012 (paragraph 22)

⁶ Permitted development rights allow certain changes of use without the need to apply for planning permission. Advice regarding current permitted development rights is available from City Development.

medical practice or walk in centre, a dentist, a chemist, a post office, a bank, cash points, a sandwich bar or a small convenience store for top-up purchases (with Class A1 floorspace not exceeding 280 sq m)⁷.

The acceptance of local services within the city's employment areas must not set a precedent for other uses. Planning permission should only be granted if it is demonstrated that the local service is not already suitably provided within the area. The service should meet local workforce needs only and not generate trips by people living or working outside the employment area and such services should be located within reasonable walking distance of the local workforce (which would normally be approximately 400 metres⁸). The employment area of Southernhay is excluded from the provisions of Policy DD4, due to its close proximity to existing services in the city centre.

Policy DD4 identifies those criteria that a proposal for a local service must meet to be acceptable.

DD4: *Development involving the provision of local services within the employment areas at Matford, Marsh Barton, Pinhoe, Sowton, Exeter Business Park, Newcourt, Pynes Hill and Peninsula Park will be permitted provided that:*

- (a) *the service is designed to serve local workforce needs only;*
- (b) *there is not sufficient provision to meet local workforce needs through existing services in the area;*
- (c) *it would be located within reasonable walking distance of the local workforce, taking into account new or enhanced routes provided or funded by the developer;*
- (d) *it would provide clear benefits to the environment and the road network by reducing the need for workers to travel outside of the employment area during the working day; and,*
- (e) *it would not harm the primary function of the area as a business park or industrial estate.*

Access to Jobs

The Core Strategy emphasises the need to address accessibility for all members of the community to jobs.

Apprenticeships are central to the Government's strategy for skills, emphasising the need for people to develop work-place skills in order to increase their likelihood of sustainable employment. However, the number of apprenticeships offered by local companies remains low despite a wide range of grants and incentive schemes available.

Working with partner agencies, the Council will continue to focus its efforts on supporting unemployed people in taking the next step into employment, education, skills development or training and those suffering from low pay and poor prospects of improving their economic position. This includes helping people benefit from the employment opportunities offered by new developments and can involve:

- Work placements
- Apprenticeships
- Targeting local labour and contractors
- Pre-employment training programmes
- Working hours that enable use of public transport

DD5: *Development will be supported if it promotes and facilitates access to the jobs it creates amongst residents of the city and its travel to work area including those who can have difficulty entering or returning to the labour market, young people and the unemployed.*

⁷ Competition Commission, The Supply of Groceries in the UK Retail Market Investigation, 2008

⁸ Standard taken from Building for Life criteria.

Communication Networks

Effective communication networks are an essential and beneficial element in achieving sustainable economic growth and in enhancing the provision of local community facilities and services (NPPF, paragraph 42).

Access to improved and super fast broadband has the potential to transform the local economy, enabling businesses to work more effectively, access new markets, work flexibly, collaborate and innovate. Outside the work environment there has also been an increase in the demand for people, wherever they are, to keep in contact with family and friends as well as to access a wide range of entertainment media. High speed broadband infrastructure, or as a minimum suitable open ducting to the public highway that can accept fibre optic cabling, will be sought for all residential and employment development under Policy CP18 of the Core Strategy.

There is also a need to consider the impact of the siting and design of new telecommunication equipment. Whilst the Council recognises the need to accommodate and facilitate the placing of new telecommunication equipment in the city, this type of development does raise unique design and visual amenity issues (which may impact on the wider landscape and extend outside the city boundary). Accordingly it is important that the number of telecommunications masts and sites are kept to a minimum consistent with the efficient operation of the network. Policy DD6 ensures that any adverse impacts are kept to an acceptable minimum.

DD6: *Telecommunications development will be permitted provided that:*

- (a) the siting and design of the equipment will minimise visual impact and their impact on amenity;*
- (b) the development does not have any unacceptable adverse impact on any area or site of historic, conservation, archaeological, landscape or biodiversity importance; and,*
- (c) the operator has investigated the availability, benefits and impacts of alternative sites and developments, including mast or site sharing, and has demonstrated that there are no practicable alternatives.*

Full supporting information to justify the proposed development will be required to be submitted as part of any planning application in accordance with the NPPF⁹.

⁹ National Planning Policy Framework, 2012, paragraph 45.

3. DELIVERING HOMES AND COMMUNITIES

Sustainable Community Strategy themes:

A city with homes for everyone
A city with strong communities

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change
Objective 3: Provide decent homes for all
Objective 8: Protect and enhance the city's character
Objective 9: Achieve excellence in design
Objective 10: Provide infrastructure to deliver high quality development

Core Strategy Policy:

CP1: Providing for growth: Spatial Strategy
CP3: Housing distribution
CP4: Housing density
CP5: Meeting housing needs
CP6: Gypsies and Travellers
CP7: Affordable Housing
CP19: Strategic allocations

Background

The Core Strategy sets out the Council's spatial strategy to deliver at least 12,000 new dwellings in Exeter by 2026. In delivering decent homes to meet the needs of the community the focus is on achieving attractive and sustainable communities and neighbourhoods where people want to live.

Housing Delivery

The National Planning Policy Framework emphasises the importance of boosting significantly the supply of housing (NPPF, paragraph 47). This document allocates land that has the potential to deliver new dwellings that will contribute to meeting the Council's spatial strategy. Most of the sites allocated for housing will continue to be developed by the volume housebuilders; however, community led development and custom or self build schemes can also make an important contribution to meeting housing need. The City Council will continue to work in partnership with housebuilders, communities or individuals wishing to deliver housing in Exeter.

The Strategic Housing Land Availability Assessment (SHLAA) identifies sites across the city with the potential to deliver residential development and identifies an indicative capacity for these sites. The SHLAA process is informed by a call for sites which requests that landowners/agents and others submit land which they consider has development potential. A careful assessment of site suitability has ensured that development constraints are recognised and environmental assets protected. A panel of key stakeholders with knowledge of the local housing development industry has also been involved in its preparation. The 2015 SHLAA has informed the contents of this document.

The Core Strategy allocates three strategic sites at Monkerton/Hill Barton, Newcourt and south of Alphington, which will contribute significantly towards meeting housing need. Policy CP19 of the Core Strategy identifies the strategic allocations, sets out the scale of development and stipulates associated infrastructure requirements. Whilst these strategic allocations will deliver a high proportion of the housing requirement, other areas also have housing potential including the Grecian Quarter and Water Lane Regeneration Areas (See Core Strategy Policies CP3 and CP17), together with a number of other identified sites within the urban area.

Those sites already completed or that benefit from planning permission, the Strategic Allocations (see Core Strategy policy CP19), the Regeneration Areas (see Core Strategy policies CP3 and CP17), other sites identified by the SHLAA (allocated for housing by policy DD7 below), and windfall development will together meet the strategic requirement for at least 12,000 dwellings within the city to 2026. The relative contributions to meeting strategic housing need are as follows:

Dwellings completed/under construction/having the benefit of planning permission ¹⁰	11,060
Strategic Allocations (Newcourt, Monkerton/Hill Barton and south of Alphington) ¹¹	1,043
Regeneration Areas ¹²	571
Allocated Housing Sites (see Policy DD7 below) ¹³	667
Minor Sites (for under 10 dwellings) ¹⁴	33
Anticipated Windfalls ¹⁵	2,035
TOTAL	15,409

The Strategic Allocations, Regeneration Areas and Allocated Housing Sites, which may be suitable for a range of residential uses (including specialist housing, student accommodation, custom or self-build, community led housing schemes and gypsy and traveller provision), are shown on the Proposals Map.

The Habitat Regulations Assessment concludes that due to the in-combination effects of housing development on European sites, no further sites (including those allocated in policies DD7) can come forward before contribution towards mitigation measures has first been secured (see Core Strategy policies CP16 and CP18 and Development Delivery policy DD31).

Allocated Housing Sites

¹⁰ Since 2006 (and including sites with a resolution to grant permission subject to completion of a S106 agreement). In addition to which 299 dwellings with planning permission are currently predicted to be completed beyond 2026.

¹¹ Potential for additional development in the strategic allocations (excluding completions, dwellings under construction and extant planning permissions) within the plan period. In addition to which 61 dwellings are currently predicted to be completed beyond 2026.

¹² Potential for additional development in the regeneration areas (excluding completions, dwellings under construction and extant planning permissions) within the plan period. In addition to which 559 dwellings are currently predicted to be completed beyond 2026.

¹³ Sites identified by the SHLAA and allocated by policy DD7 that will deliver housing within the plan period. In addition to which 131 dwellings are currently predicted to be completed beyond 2026.

¹⁴ Sites identified by the SHLAA that are too small to be allocated; applications will be determined in accordance with policy DD9.

¹⁵ See Glossary for description of windfall sites.

Sites identified in the 2015 SHLAA as suitable, available and achievable to deliver 10 or more dwellings are listed in Policy DD7:

DD7: *The following sites (for 10 or more dwellings) are allocated for residential and associated infrastructure development:*

	Gross Site Area (hectares)	Indicative capacity ¹⁶
<i>Exmouth Junction, Prince Charles Road¹⁷</i>	4.9	175
<i>Exwick Middle School, Higher Exwick Hill</i>	1.2	50
<i>Land adjacent Exeter St Davids Station¹⁸</i>	1.2	156
<i>Land off Liffey Rise</i>	0.6	13
<i>Land south of Apple Lane</i>	2.3	58
<i>Mary Arches surface car park</i>	0.2	20
<i>Eastern Fields (part)</i>	3.3	79
<i>Land opposite 7-10 Glenthorne Road</i>	0.5	19
<i>Foxhayes First School, Gloucester Road</i>	0.5 ¹⁹	13
<i>Land adjacent Exeter Arms Hotel, Rydon Lane</i>	0.2	14
<i>DOA & Exeter Mobility Centre, Wonford Road</i>	0.8	24
<i>Former Nursery to rear of 2-20 Locarno Road</i>	0.2	11
<i>Frickers Yard, Willeys Avenue</i>	0.1	11
<i>Bendene Hotel, 15-16 Richmond Road</i>	0.1	10
<i>Land at Exeter City Football Club (rear Big Bank)²⁰</i>	0.7	37
<i>Pyramids Leisure Centre, Heavitree Road</i>	0.2	25
<i>Royal Devon & Exeter Hospital (Heavitree Campus)</i>	2.6	62
<i>79 Heavitree Road</i>	0.3	21
TOTAL		798

These sites (for 10 or more dwellings) are shown on the Proposals Map. The Council's Infrastructure Delivery Plan (IDP) provides additional information on infrastructure requirements.

Housing on unallocated sites

The Council needs to encourage housing development to come forward in all appropriate locations within the city in order to help meet housing needs. Housing applications will be considered in the context of the presumption in favour of sustainable development (NPPF, paragraph 49).

The re-use of previously developed land can make an important contribution to meeting housing needs. The effective re-use of previously developed land is encouraged by the NPPF providing it does not result in the loss of land of high environmental value. Accordingly, there will be a presumption in favour of proposals for housing on previously developed land within the urban area (which is identified on the Proposals Map).

¹⁶ In many cases higher capacity can, and should, be achieved in accordance with Policy C4 (Density) of the Core Strategy.

¹⁷ Exmouth junction has a gross developable area of 6.7 hectares which includes an area of approximately 4.9 hectares that is available for housing. The remaining site area may come forward for transport uses. If planning permission is granted to locate these transport uses elsewhere in the city, the entire gross site area of 6.7 hectares will become available for housing and the indicative capacity will increase to 239 dwellings.

¹⁸ This site consists of three areas of land adjacent to St David's Station. The southern site (0.46ha) is suitable for a mix of uses, with non-residential use on the ground floor, housing above and the provision of public space. The central site (0.29ha) and northern site (0.49 ha, including an existing electricity substation) are suitable for housing. Due to site constraints development is unlikely to commence until the end of the plan period (131 dwellings are likely to be delivered after the end of the plan period).

¹⁹ Foxhayes First School has a gross developable area of 0.8 hectares which includes an area of approximately 0.5 hectares that is available for housing. The remaining site area may come forward for community use.

²⁰ See also Exeter St James Neighbourhood Plan - Policy SD1. If this site comes forward with adjacent land indicative capacity will increase.

Proposals will also be assessed with regard to other policies within the Development Plan and therefore proposals that result in the loss of open space, allotments, and sport and recreation facilities (Policy DD22 and Policy CP10), community facilities (Policy DD23 and Policy CP10) or employment land or premises (Policy DD3 and Policy CP2) will not normally be acceptable. All proposals will also need to adhere to the Council's design principles (Policy DD25), achieve the highest appropriate density (Policy CP4), provide sufficient affordable housing (Policy CP7), be supported by appropriate infrastructure provided in a timely manner (CP18), provide adequate amenity (Policy DD13), design out crime (Policy DD26), conserve and enhance the historic environment (Policy DD28), provide suitable access and parking (Policy DD20 and DD21), show how the development results in a net biodiversity gain for the Exeter area (Policy DD31), address issues relating to pollution and contaminated land (Policy DD34), and comply with all other relevant policies.

The Strategic Housing Land Availability Assessment (SHLAA) will remain the most important means of identifying sites across the city with the potential to deliver sustainable residential development. However, it is recognised that windfall sites will not come through this process, but can still make an important contribution to the housing supply. Policy DD8 seeks to ensure all suitable sites come forward for development in accordance with the presumption in favour of sustainable development (NPPF, paragraph 49).

***DD8:** Housing development will be permitted on unallocated sites within the urban area, provided that all other relevant policies within the Development Plan are complied with.*

The Residential Design SPD provides additional guidance on the Council's approach to residential development. The urban area is identified on the Proposals Map.

Housing development in residential gardens

Residential gardens are not classified as previously developed land²¹. Gardens can make an important contribution to green infrastructure, biodiversity, flood mitigation and the health of urban ecosystems. Furthermore development in residential gardens can harm the character of the local area (adversely affecting urban form or the historic environment) and have adverse impacts in terms of design, amenity and access.

Nevertheless, where proposals for new housing development in residential gardens comply with all policies in the Development Plan, they can make a contribution to meeting housing need. Proposals should demonstrate that they respect the character of the area. In most cases proposals should reflect the pattern of streets and buildings, the plot sizes and the ratio of built form to garden, of the surrounding area. However, innovative design solutions can also sometimes help to achieve an acceptable solution that respects the character of the area.

Proposals will be assessed with regard to Policy DD8 above.

Accessible, adaptable and wheelchair user dwellings

The NPPF requires that a mix of housing is delivered to meet the needs of different groups in the community including people with disabilities (NPPF, paragraph 51). The Council wishes to ensure that new developments will, as far as is reasonable, contribute to meeting the needs of a wide range of people including older and disabled people and enable them to live as independently as possible in the community.

Part M of the Building Regulations, which will be replaced by a mandatory minimum requirement for visitable dwellings (category 1), deals with access and facilities for people with disabilities, and

²¹ The definition of previously developed land provided in the National Planning Policy Framework specifically excludes 'private residential gardens' (NPPF, paragraph 55).

means that all new housing is built to certain basic standards. Whilst, the Core Strategy policy CP5 introduced the requirement that all new homes, where feasible and practical, should be designed to meet Lifetime Homes standards, the Housing Standards Review has concluded that Local Plans should not require any technical requirements relating to access or layout other than those set out in the Building Regulations optional requirements. The Building Regulations optional requirements relate to accessible and adaptable dwellings (category 2) and wheelchair user dwellings (category 3).

The evidence suggests there is a need for all dwellings to be accessible and adaptable to meet the needs of an ageing population and therefore the Lifetime Homes standard is replaced with the equivalent category 2 requirement.

The evidence also suggests the need for wheelchair user housing is high and growing. However, it is only through the involvement of the Council or Registered Providers that such housing can be assured to go to those in need and therefore, in accordance with Government guidance, the requirement will only be placed on the affordable housing element of any residential scheme. The Council requires 5% of the affordable dwelling provision to be designed so as to be accessible by people confined to wheelchairs (category 3 – wheelchair user dwellings).

DD9: *All housing development should be designed to be accessible and adaptable in accordance with category 2 of the optional Building Regulations. 5% of affordable housing must be designed so as to be accessible by people confined to wheelchairs in accordance with category 3 of the optional Building Regulations (the type of provision, in regard to dwelling size, will be informed by need).*

Loss of Residential Accommodation

There is a high demand for housing in the city and a substantial requirement for new housing. The loss of existing stock could result in pressure for additional release of housing land which may result in harm to the landscape setting and character of the city. Retention of accommodation and making full use of the existing stock complements the identification of new residential sites and helps to ensure a wide choice of homes in accordance with the NPPF. Whilst there may be occasions where other material considerations warrant the loss of residential accommodation, policy DD10 ensures that in most cases residential units are retained.

DD10: *Proposals involving a net loss of residential units will not be permitted.*

Residential Conversions and Houses in Multiple Occupation

The use of the planning system to create sustainable, inclusive and mixed communities is central to delivering sustainable development (NPPF, paragraph 50). The conversion of an existing building (e.g. a dwelling or guesthouse) to flats or a House in Multiple Occupation (HMO²²) can make a valuable contribution to housing stock, provided that environmental health standards are maintained, amenity is appropriate and unacceptable highways problems do not result.

In Exeter, HMOs are mostly occupied by students. Existing HMOs are focused in certain areas of the city, which can affect their character and cause imbalanced communities.

²² An HMO occupied by between three and six unrelated people, who share the facilities of a bathroom, toilet or kitchen is classified as use Class C4. A change of use from Class C3 (dwelling houses) to Class C4 does not normally require planning permission, but Councils wishing to exercise greater control are able to make Article Four Directions removing these permitted development rights. An HMO for more than six unrelated people is not within any use class (a 'sui generis' use).

The Council has introduced an Article Four Direction which means that changes of use from Class C3 to Class C4 will require planning permission in certain areas. In this area the concentration of HMOs is significant and in total exceeds 20%. It is considered that additional HMOs would change the character of the area and undermine the maintenance of a balanced and mixed community. Within this area applications for new HMOs will not be granted planning permission.

Policy DD11 applies to conversions to flats and bedsits, proposed changes of use from Class C3 to Class C4 HMOs in the Article Four areas and, throughout the city, to proposals for change of use to Class C4 HMOs from all other uses and to changes of use to HMO dwellings to be occupied by more than six unrelated people. Policy DD11 ensures that conversions achieve appropriate standards of amenity, do not cause unacceptable highway problems and avoid over concentrations of HMOs:

DD11: *Development involving the conversion of a building to flats, bedsits, or a house in multiple occupation, will be permitted provided the proposal:*

- (a) *respects the character and appearance of the building and surrounding area;*
- (b) *does not result in unacceptable harm to the amenity of neighbouring residents;*
- (c) *provides sufficient internal and external space for future occupiers;*
- (d) *makes appropriate provision for refuse storage and car and cycle parking;*
- (e) *would not cause unacceptable transport impacts; and,*
- (f) *would not result in an over concentration of HMOs in any one area of the city, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community.*

The Houses in Multiple Occupation SPD provides additional guidance on the implementation of policy and includes a map of the area covered by the Article Four Direction. The Council's Residential Design SPD provides additional details of the Council's approach to residential conversions and the Sustainable Transport SPD provides the standards used to determine an appropriate level of car and cycle parking.

Purpose built student accommodation

The continuing growth of the University of Exeter is important to the future prosperity of the city. The University had about 16,000 students in 2011 and envisages that it will continue to expand. The University's guarantee to provide housing for all first year undergraduate students who want it is supported because it will ease pressure on existing family housing. The Council will encourage the provision of further purpose built student accommodation at Streatham Campus through the review of the masterplan. By maximising the number of additional students accommodated in purpose built student housing, further adverse impacts on the private housing market can be minimised.

However, it is important that new purpose built student accommodation achieves appropriate levels of amenity for residents, and does not detract from the amenity of neighbouring residents.

Policy DD12 seeks to protect residential amenity and to ensure that purpose built student accommodation is fit for purpose:

DD12: *Purpose built student accommodation will be permitted provided the proposal:*

- (a) *respects, and contributes positively towards, the character and appearance of the area;*
- (b) *does not result in unacceptable harm to the amenity of neighbouring residents;*
- (c) *provides sufficient internal and external space for future occupiers;*
- (d) *makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;*
- (e) *reduces the need to travel and would not cause unacceptable transport impacts; and,*

- (f) *is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.*

The Sustainable Transport SPD provides the standards used to determine an appropriate level of parking for disabled persons and cycle parking for purpose built accommodation.

Residential Amenity

It is important that the amenities of existing residents are protected and, where possible, enhanced by new development. Residential amenity can be affected by a number of factors, such as privacy, the availability of daylight or sunlight, the presence of light or air pollution, noise, disturbance, odours, fumes, vibration and security.

It is also imperative that new residential development is designed to afford future residents a good standard of amenity. Internal space standards were introduced as part of the Residential Design SPD in September 2010. These local standards have been successfully applied to new housing schemes without adverse affects on deliver. However, the Housing Standards Review has concluded that authorities should adopt the nationally described space standard and therefore in the future proposals will be assessed with regard to this standard.

Policy DD13 seeks to protect the amenity of the occupiers of neighbouring properties and ensure new housing development affords residents a good standard of amenity:

DD13: *Development will be permitted provided that it does not result in unacceptable harm to the amenity of neighbouring residents and, where new residential development is proposed, provides good living conditions and standards of amenity for future occupiers of the development. The following factors will be taken into account:-*

- *privacy and overlooking*
- *the availability of natural light and outlook*
- *whether the proposal is over-bearing*
- *light or air pollution*
- *noise and disturbance*
- *odour, fumes or vibration*
- *security*
- *the ability to feel at ease in home or garden*

In respect of new residential development the following will also be taken into account:-

- *whether sufficient internal space is provided for future occupiers in accordance with the nationally described space standards;*
- *whether sufficient external space is provided for future occupiers;*
- *appropriate provision of storage space for household items, cycles, rubbish and recycling*

The Council's Residential Design SPD and the Householder Guide to Extensions SPD provide additional guidance on the Council's approach to ensuring good standards of amenity are achieved. The nationally described space standard is adopted in lieu of the local internal space standards in the Residential Design SPD.

Planning is concerned with the control of land use in the public interest, so, in general, the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light are not material considerations.

4. RETAIL, TOURISM AND CULTURE

Sustainable Community Strategy themes:

A prosperous city
A city of culture
A city that cares for the environment

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change
Objective 4: provide and enhance retail, cultural and tourist facilities

Core Strategy Policy:

CP1: Providing for growth: Spatial Strategy
CP8: Retail
CP19: Strategic allocations

Background

Exeter is a major retail centre attracting shoppers from across the region. The city's retail offer is currently ranked in the top 40²³ nationally. Exeter aspires to be ranked within the top 35. It is important that the status of Exeter as a retail destination is maintained and enhanced. Exeter is also a key tourist destination and cultural centre in the region and has the potential to play an even greater role in meeting the needs of visitors to Devon. A Business Improvement District has been established with the objective of enhancing the appearance of the city and ensuring a more effective and co-ordinated approach to the management of retail, tourism and cultural activities and events in Exeter. Topsham is also an important tourist, cultural and retail destination in its own right.

Retail Provision

The spatial approach to retail provision set out in the Core Strategy requires that a sequential approach²⁴ will be followed that maintains and enhances the City Centre, District and Local Centres.

The boundaries of the network of centres set out in Appendix 6 to the Core Strategy have been reviewed and revised boundaries shown on the Proposals Map. Emerging Local Centres have also been identified within the strategic allocations at Newcourt and Monkerton and Hill Barton. These new Local Centres will be suitable to accommodate a range of small shops of a local nature serving a small catchment area.

Bus and Coach Station Area

The Exeter Local Plan First Review identified the Bus and Coach Station area as a key development area. The adjacent Bus Depot also has the potential for redevelopment provided that a suitable alternative location for this facility can be delivered. The Bus and Coach Station area is part of the wider Grecian Quarter Regeneration Area (see Proposals Map).

²³ Exeter is currently ranked at 38 within the top 50 UK centres (CACI National Retail Rankings).

²⁴ A sequential approach requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered (NPPF, paragraph 24).

The Core Strategy Policy CP8 proposes 'around 3,000 square metres of net retail convenience floorspace and around 37,000 square metres of net retail comparison floorspace' in the City Centre, including 'up to 30,000 square metres of comparison floorspace in the Bus and Coach Station area, to be developed as part of a mixed-use scheme by around 2016'.

The Core Strategy further identifies the provision of a new Bus & Coach Station as a key infrastructure requirement 'critical to achieving a step-change in public transport use and [to] deliver wider objectives for a vibrant and sustainable City Centre'. The new Bus and Coach Station should be accessible to all, should feel safe and should provide a good arrival experience for visitors. It should make provision for the efficient transfer of passengers between buses and other transport modes.

It is considered important that any redevelopment of the Bus and Coach Station area meets its full potential to make a positive contribution to the City Centre. As well as a significant element of retail (with a range of unit sizes) and leisure uses, this area has the potential to support a mix of other uses, including non-family housing, as part of a comprehensive mixed use scheme. Given the size and importance of this site a set of 'Development Principles' have been prepared to guide development proposals.

DD14: *Retail and leisure development and an enhanced bus station is proposed as part of a comprehensive mixed use development. The amount of retail floorspace will be determined in accordance with the Core Strategy and the most up to date assessment of retail capacity. Such retail development must not harm the viability and vitality of the City Centre as a whole. In addition offices, hotels and housing will be acceptable uses.*

The bus and coach station area is shown on the Proposals Map.

Change of use within retail centres

Exeter offers a range of retail opportunities. The focus is the primary shopping area of the city centre, but outside this area there are a number of important district and local centres. Retail uses form the core function of these centres, underpinning their vitality and viability.

Primary frontages within the primary shopping area and district and local centres should include a high proportion of retail uses. However, restaurants, cafes and leisure uses are also important elements of a healthy retail centre, particularly within the secondary shopping frontages of the primary shopping area, where they contribute to the vitality of the area and support tourism and the evening economy.

Whilst many changes of use now benefit from permitted development rights, where planning permission is required²⁵, the Council considers that within the retail centres, proposals that are likely to cause harm to vitality and viability should not be permitted.

In assessing whether a proposal harms vitality and viability the starting point should be the appropriateness of the use within the retail centre. The Council considers that within all retail centres a change of use of a ground floor premises to a use outside Class A may result in harm to the vitality and viability of that centre. Within primary frontages and district and local centres harm to vitality and viability may also occur in the following circumstances:

- (a) if, as a result of the change of use, less than 50% of the separate ground floor premises within the a single frontage will be in Class A1 use; or,
- (b) if, as a result of the change of use, there will be 4 or more adjacent non-Class A1 uses creating a break in the shopping frontage.

²⁵ Advice regarding current permitted development rights is available from City Development.

The assessment of harm should also take into account the location, size of unit, prominence and length of frontage, the nature of the proposed use (including the level of pedestrian activity associated with it) and the number of ground floor vacancies in the area. Each proposal should be assessed on its merits; There may be cases where despite breaching the above criteria, a proposal is considered to have a positive impact on vitality and viability; equally a proposal may harm vitality and viability even if it meets the above criteria.

The primary frontages in the primary shopping area are identified in Appendix 1 (all unidentified frontages within the primary shopping area are regarded as secondary frontages). Areas and frontages will be subject to amendment on completion of major new retail development, such as the bus station area. For the purposes of calculating the proportion of Class A1 use within the primary frontages both sides of the road are treated as a single frontage. Each district centre and local centre is treated as a single frontage. In Topsham residential properties are not counted as part of the shopping frontage.

Policy DD15 seeks to protect the vitality and viability of the retail centres:

DD15: *Development involving the change of use of ground floor Class A premises in the primary shopping area of the city centre or any district or local centre will be permitted unless it would harm the vitality and viability of these areas.*

The primary shopping area of the city centre, district and local centres are shown on the Proposals Map.

Protection and enhancement of tourist and cultural facilities

Exeter's role as a key tourist destination and cultural centre has many positive benefits. It makes a significant contribution to the local economy, helps to increase Exeter's profile and positive image as a regional capital, develops new employment opportunities, improves the standard of living, delivers facilities that help meet the local community's needs and engenders local pride. For this reason, it is important that existing viable tourist and cultural facilities are not lost.

The majority of Exeter's existing tourist and large scale cultural facilities, such as the newly refurbished Royal Albert Memorial Museum, The Phoenix, Central Library and Underground Passages, are located within the City Centre and adjacent areas, including the Quayside. As such, the facilities are both nationally and locally accessible by public transport. These areas therefore remain the Council's preferred areas for future tourism and large scale cultural development, such as visitor centres, galleries, theatres, public space for performance and leisure activities.

In most cases the loss of existing tourist and cultural facilities will not be acceptable. However, there may be specific cases where the loss of a facility is justified where there is no longer a demand for the facility and therefore it is not viable. Applications will need to include evidence of non-viability and the assessment will need to reference all possible sources of finance available (including grant funding). Where a use is not viable it will also be necessary to demonstrate that an alternative community use would not be viable.

In all cases new facilities must be appropriate in scale and level of activity and in keeping with their location and surroundings (which will often include historic assets and important green infrastructure).

Policy DD16 encourages tourist and cultural uses in appropriate locations and ensures the retention of existing uses:

DD16: *Tourism and Cultural development proposals will be supported that:*

- *enhance the profile of Exeter as a tourist destination and cultural centre*
- *address deficiencies in the city's tourism and cultural offer*
- *contribute to the achievement of regeneration*
- *is of a form and scale that that does not harm the quality of the natural and built environment*
- *is easily accessible, to the community served, by public transport, walking and cycling*

Attractions and facilities that serve the city and wider sub-region should be located within, or adjacent to, the City Centre.

Permission will not be granted for the change of use of a tourist or cultural attraction to another use, unless the proposal will maintain or enhance the tourism and cultural offer, or there is no reasonable prospect of the use continuing on a viable basis, nor securing a satisfactory viable alternative tourism or cultural use.

Hotels

Exeter is already established as a year round leisure and business tourism destination. This benefits the city through the provision of jobs and the support of services, which the local population alone could not sustain.

Hotels (Class C1) in the city centre and adjacent areas are the most sustainable in planning terms, since they allow greater access by public transport, contribute to urban vitality and regeneration, and allow visitors to easily access other city centre facilities and attractions. However, hotel facilities are also recognised as increasingly important to service corporate needs and with the development taking place to the east of Exeter this demand is likely to grow.

As part of the evidence base for the Core Strategy a Hotel Study was carried out in 2007 to review the demand for hotels in the Exeter area and make recommendations about the scale and nature of future provision which is required to service the area and contribute to its economic prosperity. The Study identified strong hotel developer interest in Exeter and this has resulted in the provision of additional hotel bed spaces. Nevertheless, there is continuing pressure for release of sites in other uses for hotel development both in the city centre and on the edge of the city, particularly along the motorway corridor. Utilising the evidence from the Hotel Study, and recognising the developments that have already been completed and those that benefit from planning permission, it is considered that an additional 120 bedroom hotel facility, located within reasonable walking distance of the conference facilities at Sandy Park, could be supported.

In assessing any proposal elsewhere the Council will demonstrate flexibility in applying the sequential test in accordance with the NPPF²⁶; recognising that the particular market being met by the accommodation may influence the nature of the location chosen and the suitability of alternative locations, whilst also considering hotel allocations and existing planning permissions within and beyond Exeter's boundaries.

DD17: *Planning permission for Hotel development (Class C1) will be granted in the city centre and at the quayside. Planning permission will be granted for a hotel comprising up to 120 bedrooms located within reasonable walking distance of Sandy Park to complement the conference facilities. Elsewhere the sequential test will be applied.*

²⁶ National Planning Policy Framework, 2012, paragraph 24.

5. SUSTAINABLE TRANSPORT

Sustainable Community Strategy themes:

An accessible city
A city that cares for the environment

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change
Objective 5: Achieve a step change in the use of sustainable transport
Objective 7: Promote development that contributes to a healthy environment
Objective 8: Provide infrastructure to deliver high quality development

Core Strategy Policy:

CP9: Strategic Transport Measures
CP18: Infrastructure
CP19: Strategic allocations

Background

The successful delivery of sustainable growth is dependent on the availability of appropriate transport infrastructure. The economic strength of the city, and the quality of life it has to offer, depends very much on the accessibility, speed, quality and cost of transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives (NPPF, paragraph 29). They also support the Council's efforts to improve air quality²⁷, including a Low Emissions Strategy, aimed principally at transport based emissions.

Land Safeguarded for the provision of transport infrastructure

The NPPF states that Plan's should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice²⁸. In order to bring forward the quantum of development envisaged in the Core Strategy significant new transport infrastructure is required. Strategic transport measures supported by a robust evidence base are listed in Policy CP9 and Policy CP19 of the Core Strategy. Some of these measures have land requirements that need be allocated to ensure delivery.

Land is safeguarded for the following schemes:

- New railway stations at:-
 - Marsh Barton on the Exeter to Plymouth line, to serve workplaces at Marsh Barton/Matford, particularly for commuters travelling from the Dawlish and Newton Abbot directions;
 - Newcourt on the Exeter to Exmouth line²⁹, to provide the strategic residential allocation with a rail link to the city centre and beyond, and to serve future employment development in the vicinity;
 - Hill Barton also on the Exeter to Exmouth line, to serve the western part of the Monkerton/Hill Barton strategic residential allocation as well as future employment development;
- A Park and Ride site at Ide/Alphington interchange to serve the A30 and A38/A380 from the west, providing easier access to the city centre, particularly along the Alphington Road corridor;

²⁷ See Chapter 8 - Environment

²⁸ National Planning Policy Framework, 2012, paragraph 41.

²⁹ Currently under construction.

- A new road link from east of the M5 at Tithebarn Lane, westwards to Cumberland Way³⁰ and continuing (as a bus link for an enhanced public transport route) to Pinhoe Road; this will provide a connection between developments to the east of the city, Monkerton, and the City Centre;
- The Exhibition Way road link, northwards across the railway to support new development at Ibstock Brickworks and Pinhoe Quarry and to relieve pressure on other roads in the Pinhoe area;
- The Water Lane road link to serve developments proposed in the Quay/Canal Basin area, and which could in future provide a higher quality bus link to Matford than the existing route via Tan Lane.

It is vital that these transport infrastructure requirements are delivered in a timely manner in order to ensure development comes forward in a sustainable way. Policy DD18 safeguards land for critical transport infrastructure and ensures development that would impact upon the provision of strategic infrastructure requirements is not permitted.

DD18: *The following sites and routes are safeguarded for transport infrastructure:*

- *Land for new stations at Hill Barton and Newcourt on the Exeter to Exmouth line and at Marsh Barton on the Exeter to Plymouth line*
- *Land for a park and ride site at Ide/Alphington interchange on the A30*
- *Land at Monkerton to provide a new road link and an Enhanced Public Transport Route*
- *Land at Eastern Fields for the Exhibition Way road link*
- *Land at Marsh Barton/Haven Banks for the Water Lane road link*

Development will not be permitted where it would preclude or impact upon the provision of infrastructure identified in the Infrastructure Delivery Plan (IDP) for Exeter or equivalent document for an adjoining area.

The sites and approximate routes are shown on the Proposals Map.

Safeguarding Railway Land and Former Railway Land

Some former operational railway land is identified in this plan as suitable for housing. However, the remaining land at Exmouth Junction, not allocated for housing, should only be released for non-transport related uses where it can be demonstrated, to the satisfaction of the local planning authority, that there is no demand for transport related uses. The operational railway land at Marsh Barton siding is also important for enabling access to the rail network and should therefore also be protected.

DD19: *Development will not be permitted on safeguarded railway land and former railway land which may prejudice the re-use of the land for transport related uses, unless there is no foreseeable demand for such uses.*

Safeguarded railway land and former railway land is identified on the Proposals Map.

Accessibility and Sustainable Movement

The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel (NPPF, paragraph 29). Objective 5 of the Core Strategy is to minimise the need to travel and reduce dependence on the car. The strategic allocations proposed by the Core Strategy Policy CP19 are designed to deliver communities with their own local shops and community facilities, and the strategic transport infrastructure measures set out in Core

³⁰ This section currently under construction.

Strategy Policy CP9 are intended to reduce reliance on the car to access jobs and services further afield. Policy CP18 of the Core Strategy will be used to secure developer contributions (through CIL and S106) needed to ensure the delivery of any transport infrastructure and/or services required as a result of the proposed development.

Individual developments must contribute towards objective 5 of the Core Strategy, by promoting a sustainable transport hierarchy that prioritises pedestrians, cyclists and public transport over private cars, whilst maintaining safe and efficient highway networks. Transport networks comprise roads (including the strategic road network), pedestrian and cycle routes and public transport infrastructure and services. These networks need to serve the needs of all potential users including those with disabilities.

To encourage usage, walking and cycling routes need to be of a high quality, which means they should be safe and convenient as well as ensuring permeability and connectivity. Devon County Council is developing a hierarchy of cycle routes, of which the primary routes (existing and proposed) are shown on the Proposals Map. Where appropriate, developments should contribute to improving the existing cycle network, and developing the proposed primary routes, as well as developing the key local cycle/pedestrian links (also shown on the Proposals Map).

It will be important that development comes forward in a manner which ensures access to public transport from the outset. In the case of urban extensions and other large development areas, the first phases to be built should be those closest to existing transport routes. Routes can be extended or new services introduced as the development progresses and it becomes practical and viable to do so. This represents good planning practice consistent with NPPF paragraph 30 and should help promote sustainable ways of living.

Proposals with significant transport implications will need to include a Transport Assessment or Transport Statement and a Travel Plan may also be required. The coverage and detail of a transport assessment will depend upon the scale of development and the extent of its transport implications.

Policy DD20 seeks to exploit opportunities for the use of sustainable transport modes³¹ and aims to ensure that throughout all stages of the development process attention is given to minimising the need to travel and reducing the dependence on the car.

DD20: *Development, as appropriate to its location, scale and form, should:*

- (a) *give priority to the needs of pedestrians, cyclists and users of public transport over private motorised vehicles;*
- (b) *avoid prejudicing the delivery of, and where appropriate contribute to development or improvement of, the primary cycle routes and key local cycle/pedestrian links;*
- (c) *provide safe, sufficient and convenient means of access to existing and proposed transport networks, without conflicting with the existing function or safety of those networks;*
- (d) *be phased so that early development is as close as possible to existing public transport services, walking and cycle routes, then progress in such a way that bus, walking and cycle routes can be extended into the development as it becomes practical and viable to do so; and,*
- (e) *be supported by a travel plan and appropriate travel planning incentives that encourage the use of sustainable forms of movement.*

This Policy is supported by detailed advice contained in the Residential Design SPD, the Sustainable Transport SPD and the Green Infrastructure Strategy. The primary cycle routes (existing and proposed) and the key local cycle/pedestrian links are shown on the Proposals Map.

³¹ National Planning Policy Framework, 2012, paragraph 35

Parking

The National Planning Policy Framework states that 'If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- The accessibility of the development
- The type, mix and use of development
- The availability of and opportunities for public transport
- Local car ownership levels; and
- An overall need to reduce the use of high-emission vehicles'.

The national maximum parking standards have been abolished. The Government believes councils and communities are best placed to set parking policies that are right for their area and based on local need.

The National Planning Guidance states that "maximum parking standards can lead to poor quality development and congested streets", and instructs local planning authorities to "seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable".

Whilst it is recognised that in some instances Exeter's standards have, in the past, imposed levels of parking below those sought by the developer, the Council considers that parking standards have had an important role in encouraging sustainable forms of development. Exeter's parking standards have been in place for some time and have been successfully used in the delivery of significant growth in the area, as well as providing a degree of certainty for developers.

However, the Council has reviewed its car and cycle parking standards for development in Exeter in the light of the NPPF and revised Guidance. Since adoption of the Sustainable Transport SPD car parking standards have no longer been treated as maximum but have been used as a guide to the appropriate level of parking, and it is proposed that this approach will continue. In all cases, due regard will also be given to site specific circumstances. Minimum parking standards are retained for cycles and disabled users. Guidance on the appropriate level of all types of parking is provided in the Sustainable Transport SPD.

For residential development it will be vital that parking is integrated into the layout and design so that it does not dominate the environment. In order to accommodate the variation in car ownership between dwellings, developers should provide an appropriate ratio of allocated to unallocated parking, so as to reduce the impact of vehicles on the townscape. Off-street parking should be sufficient to prevent inappropriate on-street parking which can impede buses, pedestrians and cyclists, as well as traffic.

Car free residential developments will be encouraged within the city centre, and may be appropriate in other locations which are well served by public transport.

Cycle hubs, which provide a range of cycle facilities (such as storage, changing facilities, showers, lockers etc) in one location, can motivate people to cycle to work, school and the shops. Cycle hubs will be encouraged in appropriate locations throughout the city where they would be easily accessible by various modes of transport and would serve local cycle networks.

For commercial development, Travel Plans can reduce the need for parking through encouraging the use of sustainable modes of transport and car sharing, coupled with measures to discourage car use such as charging for parking at workplaces.

DD21: *Development should:*

- (a) provide an amount of car parking appropriate to the proposal and its location, and make appropriate provision for the parking of motorcycles and for the charging of electric vehicles;*
- (b) integrate parking provision into the overall design of the development and ensure an appropriate ratio of allocated to unallocated parking, so as to avoid the creation of a car dominated environment which is unsafe for pedestrians and cyclists;*
- (c) provide safe and secure parking facilities that are subject to natural surveillance, with safe and convenient pedestrian links to their surroundings; and,*
- (d) make safe, secure, sufficient and convenient provision for cycle parking and storage in all development and providing showers, lockers and drying space where possible, and in any event where more than 20 people are employed.*

Further guidance on the implementation of this policy and the standards that will be used to determine an appropriate level of car and cycle parking are contained in the Sustainable Transport SPD. In terms of residential development, the Council's Residential Design SPD gives detailed advice on the design and layout of car and cycle parking, and sets out the appropriate ratios of allocated to unallocated car parking.

DRAFT

6. MEETING COMMUNITY NEEDS

Sustainable Community Strategy themes:

A learning city
A city that is healthy and active
A city of culture
A city with strong communities

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change
Objective 2: Develop the potential for economic and commercial investment
Objective 3: Provide decent homes for all
Objective 4: Provide and enhance retail, cultural and tourist facilities
Objective 6: Meet community needs
Objective 7: Promote development that that contributes to a healthy population
Objective 10: Provide infrastructure to deliver high quality development

Core Strategy Policy:

CP10: Meeting Community Needs
CP18: Infrastructure
CP19: Strategic allocations

Background

The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities³². It is important that the needs of the community are met in a sustainable manner that also promotes health and wellbeing³³. In developing a strategy to meet these needs it is important to have regard to the catchment areas for different facilities and the degree to which locations are served by public transport. It is also important to consider the contribution facilities may make to social inclusion and reducing deprivation.

Community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities can be open spaces, allotments, and sport and recreation provision or other community facilities (such as schools, community halls, churches, libraries etc) that meet these needs. In accordance with the NPPF³⁴ it is vital to plan positively for the provision for community facilities. Core Strategy Policy CP10 protects existing facilities and requires new facilities to be provided in a timely manner. Policies CP18 and CP19 ensure that contributions are made to deliver these facilities and services. Tourism and large scale cultural facilities are dealt with by Policy DD16 of this document.

Neighbourhood Planning is a new way for communities to decide the future of the places where they live and work and provides a powerful set of tools for local people to ensure they get the right types of development for their community³⁵. Guidance regarding Neighbourhood Planning and the formation and designation of Neighbourhood Forums is available on the Council's website³⁶.

³² NPPF, 2012 (paragraph 69)

³³ Policies in this chapter help meet the priorities identified by the Joint Health and Wellbeing Strategy for Devon 2013-2016 and the Exeter District Public Health Plan 2014-15.

³⁴ NPPF, 2012 (paragraph 70)

³⁵ NPPF, 2012 (paragraph 184)

³⁶ www.exeter.gov.uk/neighbourhoodplanning.

Open Space, Allotments, and Sport and Recreation Provision

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities³⁷. The city's existing sport, leisure, public and private open spaces and allotments represent important assets serving the communities in which they are located and, in some instances, wider areas. This importance relates not only to their recreational function, but also to their health and amenity value, their biodiversity value, the contribution they make to the character of an area (by providing green corridors and a well-designed public realm) and their contribution to climate change mitigation and adaptation. These areas form an important part of the city's green infrastructure and if such facilities are lost to other uses, it can be extremely difficult to find alternative locations for provision.³⁸

Existing open space, allotment, and sport and recreation designations will, in most instances, be retained. In the future new areas will also be identified within the strategic allocations at Newcourt, Monkerton and Hill Barton and south of Alphington and elsewhere. Not all of these areas will be shown on the Proposals Map but they will all benefit from the protection afforded by policy DD22.

The NPPF has introduced a new Local Green Space designation. Local Green Space is an area of green space that is in reasonably close proximity to the community it serves, is demonstrably special to a local community, holds a particular local significance and is local in character and is not an extensive tract of land. Queen's Crescent garden, within St James ward, is designated as a Local Green Space by the Exeter St James Neighbourhood Plan.

Proposals involving the loss of open space, allotments, and sport and recreation facilities will be resisted unless the Council's assessment, or an independent assessment undertaken as part of the proposal, leads the Council to conclude that the facility is surplus to requirements; this assessment must include consideration of all the functions that open space can perform. Alternatively, the proposal must result in equivalent or greater benefit to the community from the provision of suitable alternative facilities (where the suitability of the alternative provision is assessed in term of size, location, accessibility, relationship to neighbouring uses, safety, usefulness, attractiveness and quality).

New residential development will need to make adequate provision for open space, allotments, and sport and recreation as an integral part of the scheme. All proposals for new development will be assessed to determine what open space, allotment and sport and recreation provision is required, in line with standards set out in the Open Space, Sport and Recreation SPD. This SPD will be informed by Natural England's accessible natural green space standards. The level and type of provision should be based upon a sound assessment of current and future needs, taking account of any local deficiencies. Provision should be made on-site as an integral part of the scheme. Where on-site provision is not appropriate, off-site provision or a financial contribution towards it will be sought. The financial contribution will be commensurate with the facilities required to serve the development.

DD22: *All open space, local green space, allotment and sport and recreation facilities will be protected. Any loss of these facilities will only be permitted where:*

- (a) there is a proven excess of the facility in the area it serves; or*
- (b) the community will benefit from the provision of replacement facilities of equivalent or better quantity and quality in a suitable location; or,*
- (c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

³⁷ NPPF, 2012 (paragraph 73)

³⁸ Refer to the Exeter and East Devon Green Infrastructure Study and Strategy <http://www.exeterandeastdevon.gov.uk/Green-Infrastructure/>.

Proposals for new open space, allotments or sport and recreational facilities and enhancements to existing facilities will be supported where they meet all other relevant policies in the Development Plan.

Proposals for new residential development will be required to provide new open space, allotments, sport and recreation facilities in accordance with standards set out in the Open Space, Sport and Recreation SPD. Facilities should be provided on-site as an integral part of the scheme. Developers will make provision for the on-going management and maintenance of their open space, allotments, sport and recreation facilities, to standards that have been agreed with the City Council.

Full details of the Council's requirements in relation to open space, allotments, sport and recreation will be set out in an Open Space, Sport and Recreation SPD. The Council's Planning Obligations SPD provides guidance on the obligations for the provision of open space, allotments and sport and recreation facilities.

Open space, allotments and sports stadia are shown on the Proposals Map.

Other Community Facilities

In addition to open spaces, allotments and sports and recreation facilities, the presence of many other community facilities (such as schools, community halls, pubs, churches, libraries etc) make an important contribution to quality of life through the provision of accessible services to meet recognised needs. As established in Core Strategy Policy CP10, the Council supports the development of new community facilities and the retention of existing ones, to help create mixed and sustainable communities.

However, there may be specific cases where the loss of a facility is justified. The loss of a facility may be appropriate where there is no longer a demand for the facility and therefore it is not viable. Applications will need to include evidence of non-viability and the assessment will need to reference all possible sources of finance available (including grant funding). Where a use is not viable it will also be necessary to demonstrate that an alternative community use would not be viable. In any other case where the loss of a community facility is proposed, provision for a replacement facility, that is of at least equivalent standard and conveniently located for the community it serves, must be made in accordance with an agreed timetable that avoids any significant break in use.

Major new residential development will need to make adequate provision for community facilities as an integral part of the scheme. All proposals for major new development will be assessed to determine what type and quantum of community facilities should be provided. The level and type of provision should be based upon a sound assessment of current and future needs, taking account of any local deficiencies and the findings of the Council's Community Facilities Audit. Provision may be on or off site, depending on the nature of the development.

The NPPF states that within large-scale developments primary schools should be located within walking distance of most properties (NPPF, paragraph 38). To meet this requirement three primary school sites are allocated within the strategic allocations at Newcourt and Monkerton/Hill Barton. Exeter City Council will continue to work with Devon County Council to ensure that development can be served by education facilities in a timely and sustainable manner.

DD23: *All land or buildings in community use, or allocated for community use, will be protected. Any loss of land or buildings in community use will only be permitted where:*

- (a) *there is no reasonable prospect of the existing use continuing on a viable basis, nor securing a satisfactory viable alternative community use; or,*
- (b) *there are adequate facilities in the area to meet demand; or,*
- (c) *the community will benefit from the provision of replacement facilities of equivalent or better quantity and quality in a suitable location provided to a timescale that avoids any significant break in use.*

Proposals for new community facilities and enhancements to existing facilities will be supported where they meet all other relevant policies in the Development Plan.

Proposals for major new residential development will be required to provide community facilities commensurate with the scale of development. An assessment will be made of new facilities required as a result of the proposed development, taking account of the level of existing provision.

This policy will be relevant where property or land is primarily in community use, or in the case of a mixed use, where any one element is in community use. The policy will also apply to land allocated for schools or other community uses. The primary school sites allocated at Newcourt and Monkerton/Hill Barton are shown on the Proposals Map.

Assets of community value

The NPPF requires planning policies to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (NPPF, paragraph 70).

Communities now have the opportunity to identify a building or land which is important to their social well-being, and bid for it if it comes up for sale. Across the city there are buildings and amenities that are important to the communities that use them. These could include, for example, a shop, a pub, or a library. The closure or sale of these places can sometimes damage communities. Under the Localism Act, voluntary and community organisations can nominate an asset to be included on a list of "assets of community value" held by the Council.

The loss of these facilities can also result in additional trips by private car and access difficulties for less able or mobile residents. Policy DD24 means that if a building or land is listed by the Council as an 'asset of community value' under the Localism Act its loss will not normally be permitted. However, there may be specific cases where the loss of an 'asset of community value' is justified such as where there is no longer a demand for the facility and therefore it is not viable. Applications will need to include evidence of non-viability and the assessment will need to reference all possible sources of finance available (including grant funding). Where the retention of an asset is not viable it will also be necessary to demonstrate that an alternative community use would not be viable.

DD24: *Development involving the loss of an asset of community value listed under the Localism Act will not be permitted unless there is no reasonable prospect of the existing use continuing on a viable basis, nor of securing a satisfactory viable alternative community use, or the benefits of the proposal clearly outweigh the harm that would result from the loss of the asset.*

7. LOCALLY DISTINCTIVE PLACES

Sustainable Community Strategy themes:

A city that cares for the environment
A safe city
A prosperous city
A city of culture

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change
Objective 2: Develop the potential for economic and commercial investment
Objective 3: Provide decent homes for all
Objective 7: Promote development that contributes to a healthy population
Objective 8: Protect and enhance the city's character
Objective 9: Achieve excellence in design
Objective 10: Provide infrastructure to deliver high quality development

Core Strategy Policies:

CP1: Providing for growth: Spatial Strategy
CP13: Decentralised Energy Networks
CP14: Renewable and Low Carbon Energy
CP15: Sustainable Construction
CP16: Green Infrastructure, Landscape and Biodiversity
CP17: Sustainable Design
CP18: Infrastructure
CP19: Strategic allocations

Background

The design of the city and its constituent parts is critical to the long term economic and cultural health of the city. 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'³⁹. Good design is important because it has a significant impact upon the well-being of residents and visitors, as well as upon the aesthetic appeal and environmental quality of Exeter. Creating and reinforcing local distinctiveness and raising the quality of urban living through excellence in design is a key objective of the Core Strategy.

Design Principles

Good design is important at every level of development. It can only be achieved by considering all relevant design issues at the earliest possible stage and by taking a collaborative approach that involves all agencies, stakeholders and other parties.

There is significant value in both protecting and enhancing what is of historic significance and in recognising Exeter's distinctive character. However, it is equally important that development creates new distinctive places which may be seen as of townscape value and historic significance in the future.

Policy DD25 ensures that planning permission will not be granted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (in accordance with the NPPF).

³⁹ National Planning Policy Framework, 2012 (Paragraph 56)

DD25: *Planning permission will be granted for development that addresses, where relevant, the following factors:*

- a) *creates high quality distinctive places;*
- b) *ensures the location, layout and built form complement the surroundings;*
- c) *includes a robust and long lasting landscape framework which takes advantage of existing landscape features;*
- d) *contributes to the provision of a compatible mix of uses which work well together to create vital and viable places;*
- e) *retains and refurbishes existing buildings of good townscape value;*
- f) *integrates measures to address climate change in ways which contribute to the character and appearance of the scheme;*
- g) *contributes to the delivery of the Exeter Green Infrastructure Strategy;*
- h) *creates or maintains a high quality public realm and makes provision, where appropriate, for public art as an integral part of the design;*
- i) *ensures that the scale, massing and height of buildings, extensions, and other structures relate well to the site, the surroundings and to human scale;*
- j) *adopts contemporary and innovative design solutions where appropriate;*
- k) *is visually attractive as a result of good architectural detailing and landscaping;*
- l) *uses high quality materials which relate well to materials in the locality;*
- m) *retains and protects existing trees of good arboricultural and amenity value⁴⁰ and supports the planting of native trees in appropriate locations; and,*
- n) *integrates all service, utility, extraction systems and refuse facilities so that they complement the scheme.*

A Design and Access Statement is required to be submitted with certain types of planning application and must show how a proposal has achieved good design in relation to policy and site context. In relation to residential development, this policy is supported by the Council's Residential Design SPD and the Householders Guide to Extension Design SPD. Where relevant applicants should also refer to the Trees and Development SPD and the Sustainable Transport SPD.

Designing out Crime

Exeter is a comparatively safe city with low levels of crime. However, the personal and financial costs to those affected by crime are significant, and the effects are widely felt and influence the perceptions people have about crime. Many people perceive crime to be a problem in Exeter and it is often listed as a top concern. This fear of crime can restrict people's lives, affect confidence in public agencies, and deter investment.

The 'Secured by Design' initiative requires proposals to 'design out' crime to create a safe and secure environment. Independent research shows that the principles of Secured by Design have been proven to achieve a reduction of crime risk by up to 75%, by combining minimum standards of security and well-tested principles of natural surveillance and defensible space.

DD26: *Planning permission will be granted for development that creates a safe and secure environment by:*

- a) *taking an integrated approach to design that ensures potential conflicts between security and other objectives are resolved;*
- b) *creating environmental quality and a sense of ownership;*
- c) *providing natural surveillance;*
- d) *achieving safe vehicular and pedestrian access routes;*
- e) *providing suitable and managed open space that minimises crime and antisocial behaviour; and*
- f) *providing effective lighting that reduces crime and fear of crime.*

⁴⁰ Including ancient trees.

This policy is supported by the 'Secured by Design' initiative. Guidance is also provided in the Residential Design SPD and Sustainable Transport SPD.

Shop Fronts

Shop fronts are essential to the character and image of Exeter and their design is of special importance, particularly in the city's historic areas.

The design of shop fronts and their associated signage and advertising can have a major impact in a particular locality. Each shop contributes to a streets overall character and quality and, ultimately, to the city as a whole.

***DD27:** Planning permission will be granted for development that delivers shop fronts, and associated awnings and signs, that are in keeping with the character of the building and the surrounding street scene.*

The Council will prepare a Shop Front Design SPD to provide additional guidance on the implementation of this policy.

Conserving and managing heritage assets

Exeter possesses a wealth of heritage assets and it is the quality and character of these that helps make the city a desirable place to live, work and visit. The maintenance and careful management of these assets is crucial to achieving sustainable development, attracting new commercial investment to the city, continuing Exeter's role as a tourist destination and cultural centre and ensuring the conservation and enjoyment of the historic environment (NPPF, paragraph 126).

All heritage assets are finite resources that cannot be replaced. They can be vulnerable to damage or destruction, with irreversible loss of character and significance occurring either incrementally over time or as the result of single events. Scheduled Monuments, Listed Buildings, Conservation Areas, Areas of Archaeological Importance, and Registered Historic Parks and Gardens are known as designated assets but there are also non-designated assets that include buried remains of varying importance and buildings and parks and gardens of local importance. It is important that the potential impacts on all these assets, whether designated or undesignated, are considered early on in the development of proposals.

Conservation Areas are areas of the city that have architectural or historic interest that must be conserved and enhanced. The Council's Appraisals and Management Plans seek to identify the distinct character of each area, including elements that are worthy of retention or enhancement and those that detract from the character which can and should be improved. Designation does not prevent or discourage new development, but seeks to manage change in a way that ensures the distinct character of the area is retained. The Council will review the appraisals from time to time to ensure that they are updated to reflect the changing environment of the city and to maintain their relevance.

Listed Buildings⁴¹ contribute to the character, sense of identity, urban fabric and economy of Exeter. The Council will seek to conserve Listed Buildings with reference to what is significant about them, including their special architectural or historic interest, their settings and any special features they possess, both internally and/or externally. Designation does not preclude new development and alterations, but is there to ensure that these are done in a sensitive and appropriate manner, with the significance of the building and any important features it has being conserved and where possible enhanced.

⁴¹ Listed Building status covers the whole building, inside and out, and any curtilage.

The character and appearance of nationally Registered Historic Parks and Gardens must be conserved, enhanced where possible and sensitively managed.

Archaeological remains, as with all heritage assets, are finite resources. Exeter contains several nationally important archaeological sites which are designated as Scheduled Monuments and the historic core has been statutorily designated as an Area of Archaeological Importance (AAI). Separate consent is required (from Heritage England on behalf of the government) for works to scheduled monuments, as is separate prior notification to the Council for works within the AAI, including for those works normally covered by permitted development rights.

As well as designated assets there are numerous other heritage assets of all types that are not statutorily protected but do comprise an integral part of the city's environment and distinctive character. These assets can be of regional and even national importance and their significance is a material planning consideration when determining applications. Those non-designated buildings and parks and gardens which are considered to be of at least local importance are included in the Council's 'List of Locally Important Heritage Assets' but there may well be other assets not yet identified. There are also numerous archaeological remains of varying importance which, where known, are recorded on the city and county historic environment records (HERs).

For any heritage asset, whether currently designated or non-designated and of whatever type, there is a need to identify the relative importance and particular significance of the asset and to reconcile this with the need for development and/or the particular form a development should take. The approach seeks to achieve, where possible, the retention, appropriate re-use, and enhancement of any heritage asset as part of a sustainable development. Consideration should also be given to whether development can improve public access and contribute to Green Infrastructure in order to enhance public enjoyment of the historic environment⁴². Where it is not possible to retain assets, or where there are substantial public benefits that outweigh the loss, provision needs to be made for appropriate recording prior to any alteration or destruction.

To enable this approach to be followed sufficient information on the relative and particular significance of all heritage assets affected by a proposal must be submitted in support of applications. Guidance is available from the Council and should be sought at the earliest opportunity, both on the scope of supporting information required and on other detailed considerations relevant when making applications affecting heritage assets.

DD28: *Planning permission and Listed Building Consent will be granted for development that conserves and enhances the city's heritage assets and their setting. Development that affects the historic environment will be allowed provided it meets the following criteria, as they apply to the particular asset affected:*

- a) *A development proposal that affects a designated heritage asset must conserve its particular significance, in the form of fabric, setting, character or appearance, and any features of special architectural or historic or archaeological interest that it possesses; and,*
- b) *For development that affects non-designated heritage assets, including buried remains and those on the List of Locally Important Heritage Assets, the presumption will be that the particularly significant elements of these assets, including physical form and setting, will be conserved and enhanced.*

Where it is not practicable or desirable to retain heritage assets in an unaltered form, whether these are designated or undesignated, provision for appropriate recording, analysis, reporting and archiving will be required in lieu of their retention, to be undertaken by an appropriately qualified person or organisation in accordance with a scheme of works to be agreed in advance of development commencing on site.

⁴² See DD30 – Green Infrastructure.

Scheduled Monuments, Area of Archaeological Importance, Conservation Areas and Registered Historic Parks and Gardens will be shown on the Proposals Map.

The Archaeology SPG provides additional guidance on the implementation of this policy. Information on Listed Buildings and on undesignated heritage assets (including buried remains and items on the council's 'List of Locally Important Heritage Assets') is available from the City Council, from the city and county historic environment records, and from national portals such as Heritage Gateway.

DRAFT

8. ENVIRONMENT

Sustainable Community Strategy themes:

A city that cares for the environment

A safe city

A prosperous city

A city of culture

Core Strategy Objectives:

Objective 1: Mitigate and adapt to climate change

Objective 2: Develop the potential for economic and commercial investment

Objective 3: Provide decent homes for all

Objective 7: Promote development that contributes to a healthy population

Objective 8: Protect and enhance the city's character

Objective 9: Achieve excellence in design

Objective 10: Provide infrastructure to deliver high quality development

Core Strategy Policy:

CP1: Providing for growth: Spatial Strategy

CP11: Pollution

CP12: Flood Risk

CP16: Green Infrastructure, Landscape and Biodiversity

CP18: Infrastructure

CP19: Strategic allocations

Background

The Environment is vital to the attraction of Exeter as a place to live, work and visit and hence to Exeter's economic prosperity. It is important that we continue to protect Exeter's landscape setting, its rich biological diversity and the wider environment.

Protection of Landscape Setting Areas

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes⁴³. The hills to the north and west of the city and the ridgelines which connect to, and form part of, the wider Devon landscape⁴⁴, give Exeter a distinctive character. The strategic gap that separates Topsham from the main urban area, the land along the riverside and open areas within the city, all help to define the uniqueness of Exeter.

Exeter has seven Valley Parks which provide informal recreation to the public and are also of significant wildlife value. The Valley Parks are distributed throughout the city and their proximity to residents and business areas means that they can be visited at any time of day. As such, they contribute significantly to the quality of life offered in Exeter. An eighth park with the same status, the new 'Monkerton Ridge Park', is designated within the Monkerton/Hill Barton strategic allocation. This park will be in close proximity to many new residents and will help to meet their needs for informal recreation, as well as keeping a visually significant ridge free from development and contributing to the delivery of the Green Infrastructure Strategy.

The Valley Parks also contribute significantly to the city's landscape setting. The Local Plan is supported by the Exeter Fringes Landscape Sensitivity and Capacity Study, which appraises open countryside within and around Exeter, including the Valley Parks. The appraisal demonstrates that

⁴³ NPPF, 2012 (paragraph 109)

⁴⁴ Devon's Landscape Character Assessment provides a helpful evidence base that sets out variations in character and landscape between different areas. See <http://www.devon.gov.uk/landscapecharacter>

much of the land around Exeter is of intrinsic landscape merit. Open land also performs a variety of other roles, including the separation of Exeter from Topsham, maintaining distinct identities, enabling informal recreation, and providing tranquil areas. It contains high quality agricultural land and land of nature conservation importance. Overall, this land provides the landscape setting for the city as a whole and for local areas. It is the combination of these roles and qualities and their relationship with, and importance to, the population of the adjoining urban area, which establishes the unique nature of this land and merits its protection from inappropriate development.

Policy CP16 of the Core Strategy protects areas of particular landscape importance: the hills to the north and north west; Knowle Hill to the south west; the strategic gap between Topsham and Exeter; and the Valley Parks (Riverside, Duryard, Mincinglake, Ludwell, Alphington to Whitestone Cross, Savoy Hill and Hoopern). These areas, together with the new 'Monkerton Ridge Park', will be subject to the Landscape Setting Areas designation shown on the Proposals Map. This land is to be protected from development because of its intrinsic merit, its contribution to the distinctive landscape setting of the city and its role in preventing the coalescence of Topsham and Exeter.

Proposals for active outdoor recreation in Landscape Setting Areas will be dependent upon establishing that harm would not be caused to the character, amenity or function of the area.

Policy DD29 ensures that only appropriate development is permitted within the Landscape Setting Areas.

DD29: *Development within the Landscape Setting Areas will only be permitted where:*

- (a) *there is no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area; and*
- (b) *it does not contribute towards the urbanisation of these areas; and*
- (c) *it does not contribute towards settlement coalescence between Exeter and Topsham; and*
- (d) *it consists of a replacement dwelling or domestic extension or it is reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation, landscape, educational or biodiversity enhancement, or the provision of green infrastructure; or,*
- (e) *it delivers strategically important infrastructure identified in the Infrastructure Delivery Plan and it can be demonstrated that there is no suitable alternative site with less harmful impacts and it minimises harm to the Landscape Setting Area.*

The Landscape Setting Areas are shown on the Proposals Map.

Green Infrastructure⁴⁵

A Green Infrastructure Study and a Green Infrastructure Strategy have been produced for the Exeter area. The Study sets out a framework to link existing and planned communities through a coordinated and easily accessible Sustainable Movement Network, together with a Biodiversity Network that links green and blue (water) assets within Exeter and surrounding area. The strategic cross-boundary approach aims to coordinate green infrastructure delivery across the growth points. The GI Strategy provides guidance on specific projects⁴⁶ as well as providing detailed

⁴⁵ Green Infrastructure (GI) is a network of high quality green and blue (water) assets and other environmental features; it includes parks, open spaces, playing fields, woodlands, wetlands, grasslands, river and canal corridors, allotments and private gardens. It can also include Historic Parks and Gardens and other historic assets (see policy DD28).

⁴⁶ Details of projects, including the Exe Riverside Valley Park project, the Clyst Meadows project and the Southwest Exeter Country Park, can be found in the Exeter and East Devon Green Infrastructure Strategy (2009) available to view at: <http://www.exeter.gov.uk/index.aspx?articleid=13441>

guidance on frameworks for the strategic growth areas which are reflected in the Masterplans. The GI Strategy takes a joined up approach that allows linked benefits to be recognised.

It is important the existing green infrastructure is protected, that enhancements are made to existing green infrastructure where possible and that new green infrastructure is delivered in accordance with the Green Infrastructure Strategy.

Policy DD30 seeks to ensure that development takes a positive approach to protection, enhancement and delivery of Green Infrastructure:

DD30: *Development, as appropriate to its location, scale and form, must protect or enhance existing green infrastructure and must deliver new green infrastructure in accordance with the Green Infrastructure Strategy.*

Other policies in the Development Plan that will help deliver Green Infrastructure include Core Strategy policies CP16, CP17 and CP18, and Development Delivery policies DD22 Open Space, Allotments and Sport and Recreation Provision, DD25 Design Principles, DD28 Conserving and Managing Heritage Assets and DD31 Biodiversity and Geodiversity. The quantity of new open space provision will be set by the Open Space, Sport and Recreation SPD.

Biodiversity

For its size, Exeter is rich in biodiversity. Internationally, nationally, regionally and locally important nature conservation sites in the city support a wide variety of wildlife, including a number of priority species. The protection of these sites is essential and is inextricably linked to the city's attraction, sense of place, economy, tourism and general environmental quality.

Considerable work has been commissioned to avoid any impacts on the Exe Estuary Special Protection Area (SPA) and other nearby European Sites from increased recreational disturbance due to new residential development. The agreed approach has three elements; funding for the management of recreation on the Exe Estuary, the provision of Suitable Alternative Natural Greenspace (SANGS) which are shown on the Proposals Map, and monitoring of impacts and the effectiveness of measures. The approach will be delivered through a community infrastructure funding mechanism (established by CP18 of the Core Strategy) which will ensure that contributions from development will prioritise the mitigation of recreational impacts on European designated sites (over other infrastructure requirements).

Areas of particular biodiversity and geodiversity importance such as the Exe Estuary Ramsar site, the Exe Estuary SPA, SSSIs⁴⁷, and Regionally Important Geological Sites⁴⁸ (RIGS) are shown on the Proposals Map. The Exeter Local Plan First Review also identified the location of Sites of Nature Conservation Importance (SNCI) and Sites of Local Interest for Nature Conservation (SLINC). Following a review of these sites most have been re-classified as County Wildlife Sites (a terminology commonly used by local authorities to refer to sites with conservation value at a County level). The County Wildlife Sites are shown on the Proposals Map.

The South West Nature Map identifies Strategic Nature Areas which are locations which are important for the conservation and expansion of important habitat types. Exeter's Biodiversity Enhancement Areas draw on this evidence to identify areas where there are local opportunities to preserve, restore and re-create priority habitats and ecological networks for the protection and recovery of priority species. The Biodiversity Enhancement Areas are shown on the Proposals Map.

⁴⁷ There are three Sites of Special Scientific Interest in Exeter – the Exe Estuary, Bonhay Road cliff face and Stoke Woods (which is also designated as Ancient Woodland).

⁴⁸ RIGS are designated in order to protect important earth science and landscape features for future generations (there are a number of such sites in Exeter).

There are a number of Regionally Important Geological Sites (RIGS) shown on the Proposals Map that are designated in order to protect important earth science and landscape features for future generations.

It is important to protect and enhance the natural environment which is not designated, including sites of local biodiversity importance (which may be brownfield as well as greenfield sites). Ecological survey work may be required to establish whether proposed development harms biodiversity. Reference should be made to the Exeter Biodiversity Reference Map⁴⁹, particularly in regard to identifying sites of local importance to biodiversity.

Exeter is implementing a biodiversity offsetting strategy. Biodiversity offsets are conservation activities that are designed to compensate for residual adverse biodiversity impacts arising from development projects, after appropriate avoidance and mitigation measures have been taken. Where a proposal, acting individually or cumulatively, has biodiversity impacts that cannot first be avoided or mitigated, compensation will be required (a biodiversity off-set)⁵⁰. The offset should be undertaken in the vicinity of the site, but where it is demonstrated that this is not possible, offsetting in the Biodiversity Enhancement Areas will be required.

Policy DD32 expands upon elements of Core Strategy (Policies CP16, CP17 and CP18) and provides criteria to ensure all proposals avoid, mitigate or compensate for harm to biodiversity in accordance with the 'mitigation hierarchy' and provide a net gain in biodiversity for the Exeter Area (NPPF, paragraph 109 and 118).

DD31: International Sites (Special Protection Area, Special Area of Conservation and Ramsar sites) benefit from statutory protection. Development that has an adverse impact on the integrity of International Sites will not be permitted.

Development that is likely to have either a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSIs) will not be permitted unless the benefits of the development clearly outweigh both the impacts on the features of the site and any broader impacts on the national network of SSSIs.

Development that is likely to have either a direct or indirect adverse impact on a County Wildlife Site, Ancient Woodland, a Biodiversity Enhancement Area, or a Regionally Important Geological Site will only be permitted if:

- (a) the need for and benefits of the development is sufficient to outweigh biodiversity and/or geological conservation considerations;*
- (b) it can be demonstrated that there is no suitable alternative site with less harmful impacts; and,*
- (c) damaging impacts are avoided or kept to a minimum and appropriate mitigation and compensatory measures are implemented.*

All development will, where relevant, be required to:

- (a) avoid, mitigate or compensate for harm to biodiversity ;*
- (b) take steps to avoid affecting protected species and in all cases ensure that disturbance to wildlife is kept to a minimum;*

⁴⁹ The Biodiversity Reference Map can be found on the Exeter City Council website.

⁵⁰ More information on biodiversity offsetting can be found on the Natural Devon – Devon Local Nature Partnership website. Ecological consultants are encouraged to read the Biodiversity Offsetting Strategy for the Exeter & East Devon Growth Point and use the associated metric to calculate whether an offset is required.

- (c) *preserve, restore and re-create wildlife habitats, corridors and networks and any other features of ecological interest including those related to protected species;*
- (d) *contribute⁵¹ towards measures to mitigate against adverse impacts on the Exe Estuary SPA and other European Sites; and,*
- (e) *wherever possible provide net gains in biodiversity on site and where necessary provide compensation (through biodiversity off-setting or other payments or payments in kind) to ensure a net biodiversity gain for the Exeter area.*

Many sites of importance for biodiversity and geodiversity are shown on the Proposals Map. The Exeter Biodiversity Reference Map is helpful in identifying sites of local importance to biodiversity. The Residential Design SPD provides additional guidance on the Council's approach to some ways of addressing biodiversity issues in residential schemes.

Local Energy Networks

To support the move to a low carbon future Policy CP13 of the Core Strategy sets out the Council's approach to establishing decentralised (or local) energy networks. The policy refers to existing or proposed networks but does not identify these.

The Government has made a legally binding commitment to reduce carbon emissions nationally by 60% by 2030. The strategy for carbon reduction has a significant number of components. A key contributor is low carbon energy generation which makes much more efficient use of energy inputs than centralised power generation in a limited number of very large power stations. On average, centralised power generation is only 30% efficient, whereas decentralised generation is typically twice as efficient.

The greatest efficiencies can be achieved through linking Combined Heat and Power (CHP) plants including Energy from Waste (EfW) plants, to local energy networks. These provide heat and electricity by burning gas, biomass or waste material and distribute the heat via a heat network. The City Council's policy is to ensure that developers use their best endeavours to help deliver CHP plants and heat networks in areas of major new development. To this end, the City Council has already identified three areas where the scale of development or the heat use opportunities are sufficiently great to justify the planning, design and delivery of heat networks.

Policy DD32 identifies those areas where existing evidence suggests local energy networks are feasible and viable and therefore networks are proposed. The policy also requires that new development outside these areas but in reasonable proximity to a network is constructed so as to allow connection (as and when a network is rolled out). Any Local Energy Networks being established adjacent to the City Council's boundary will take account of development proposals in an adjacent authority and be planned and delivered so that a single Energy Network is provided, where that is appropriate and viable.

DD32 *Local energy networks are proposed at the following areas:*

- a) *Monkerton and Hill Barton;*
- b) *The City Centre, Heavitree Road and Wonford;*
- c) *Marsh Barton, Matford, and land South of Alphington; and,*
- d) *In other locations across the City where it is shown that it is feasible and viable to bring forward a local energy network.*

Within these areas, all new development (either new build or conversion) with a floorspace of at least 1,000 square metres, or comprising ten or more dwellings, must be constructed to have heating (water and space) systems compatible with the proposed or existing local energy network and include provision for the necessary pipework from those in-building systems up to the appropriate site boundary to allow connection to the network when available.

⁵¹ The current mechanism is through the Community Infrastructure Levy.

Throughout the city, from the time when there is a contractual commitment for any element of a local energy network to be delivered, all new development (either new build or conversion) with a floorspace of at least 1,000 square metres, or comprising ten or more dwellings, that is within 500 metres of the contracted parts of the network, must be constructed to have heating (water and space) systems compatible with the local energy network and include pipework from those in-building systems up to the appropriate site boundary to allow connection to the network when available.

In any instance, any large-scale residential or non-residential development⁵² must demonstrate that consideration has been given as to whether it is viable and feasible for that development to be part of any Local Energy Network.

The areas where local energy networks are currently proposed (labelled A-C) are shown on the Proposals Map.

Flood Risk

Policy CP12 of the Core Strategy sets out the Council's approach to flooding and the use of Sustainable Urban Drainage Systems (SUDs)⁵³.

Exeter's spatial strategy directed development to those areas at least risk of flooding and sought to avoid those areas at higher risk of flooding. None of the strategic allocations involve development on land at high flood risk. However, in order to achieve the regeneration of the Water Lane area the Core Strategy supports residential development subject to flood risk being addressed through design and site layout. Furthermore windfall sites may come forward in areas that are at a higher risk of flooding. Therefore, it will be imperative that every application for development or change of use is assessed in terms of the potential flood risk.

Policy DD33 indicates how the Council will consider flood risk. In Flood Zone 3 the risk of flooding should be recognised as a key constraint to development. New development or regeneration should be seen as an opportunity to make space for water and hence reduce the causes and impacts of flooding in accordance with the NPPF (paragraph 100).

DD33: *In areas at risk of flooding, development will only be permitted where it is demonstrated that the proposal meets the sequential test and, where appropriate, the exception test⁵⁴. In Flood Zone 3 residential development will only be permitted where it meets the sequential test and the exception test and also contributes to reducing the overall flood risk.*

Proposals should be supported by evidence of flood risk to and from a proposed development and developers are encouraged to enter into early discussions with the Council, Devon County Council (as Lead Local Flood Authority) and the Environment Agency.

Pollution and Contaminated Land

Development has the potential to result in pollution to air, water or land either through release of pollutants during construction or operation, or by disturbance and mobilisation of historical contamination, and development can also be adversely affected by existing pollution. It is important to ensure that all development takes appropriate steps to minimise the risks of creating new

⁵² Large scale development is defined by the Government as non-residential development having a floorspace greater than 10,000 square metres or site area greater than 2 hectares and residential development comprising two hundred or more dwellings or with a site area greater than 4 hectares.

⁵³ From April 2015 the Local Planning Authority has been responsible for approving SUDs in major developments (10 dwellings or more or equivalent non-residential or mixed development)..

⁵⁴ The sequential test and the exception test are explained in NPPF, 2012 (paragraphs 100-104)

sources of contamination and mitigates the risks from historical contamination where necessary. Developers must therefore consider the potential effects of pollution on human health and safety, the environment and the amenity of adjacent or nearby land users. Environmental Health legislation provides a means to regulate many forms of pollution should it arise, but it is clearly preferable to ensure new development is appropriate for its location and hence prevent conflict arising in the first place. In this way unacceptable risks from pollution can be prevented in accordance with the NPPF (paragraph 120).

Air quality in Exeter is generally good, but monitoring of nitrogen dioxide has resulted in the designation of an Air Quality Management Area (AQMA) along major roads. The AQMA is shown on the Core Strategy's key diagram. Measures to reduce pollution and meet air quality objectives in the AQMA will be brought forward through the County Council's Local Transport Plan and the City Council's Air Quality Action Plan. The City Council has also begun to produce a Low Emissions Strategy, principally aimed at reducing transport based emissions. Development should support and not be detrimental to delivery of these plans. The effects of development (including cumulative impacts) and existing pollution levels should be taken into account when deciding whether new development is appropriate for its location. Air pollution includes odour, and both existing and potential new sources of odour (such as kitchen extraction systems), will be a material consideration in considering planning applications.

Exeter is crossed by a number of water courses and the area is also underlain by rock formations designated by the Environment Agency as Principal and Secondary Aquifers. These aquifers contain potable groundwater and groundwater discharging from aquifers supports flows in watercourses. Therefore there is the potential for development to affect the quality or quantity of water in rivers and aquifers and thus affect water dependant habitats and private water supplies. New development must not have an adverse impact upon water quality (for example by an increase in sewage effluent discharge or mobilisation of contamination within ground or surface waters) or water quantity (for example by preventing recharge to aquifers, or lowering of groundwater levels). The Council will support initiatives that result in an improvement to water quality (as required by the European Union Water Framework Directive).

Light and noise pollution arising from new development or affecting new development can individually and cumulatively have a damaging impact upon people's health, living environments and wildlife. Whilst lighting is desirable for safety, recreation and the enhancement of some buildings, inappropriate lighting can cause sky glow, nuisance and light trespass and wastes energy. Inappropriate levels of noise can affect people's use and enjoyment of their homes, their ability to work or learn and their health.

Land contamination from former uses is also a key consideration as it has the potential to cause harm to the environment and public health and safety. Unless dealt with appropriately it can inhibit the re-use of otherwise suitable sites and cause property blight. It is important that potential contamination is identified early to ensure that appropriate remediation measures are identified and incorporated into the scheme. Remediation should remove unacceptable risk and make the site suitable for its new use. Additional advice for developers on the process for assessing contaminated sites and information on remediation works is set out in the Council's Contaminated Land Strategy. As explained in this Strategy, voluntary remediation (particularly through development) will be encouraged as a means of dealing with any contamination legacy.

Policy DD34 sets out the criteria against which development proposals will be considered.

DD34: *All development proposals should minimise and where possible reduce emissions and other forms of pollution, including light and noise pollution, and ensure no unacceptable deterioration in air and water quality and quantity. Proposals on land affected by contamination will only be permitted where the land is, or can be made, suitable for the proposed use.*

Proposals will only be permitted where, individually or cumulatively, taking account of proposed mitigation, remediation and future monitoring, there are no unacceptable impacts on:

- *the natural environment and general amenity;*
- *public health and safety;*
- *air quality;*
- *noise levels⁵⁵;*
- *surface and ground water quality and quantity;*
- *land quality and condition; and*
- *the need for compliance with statutory environmental quality standards;*

Proposals that are potentially subject to existing pollution will only be permitted where:

- *the potential for adverse affects is avoided or mitigated through design, layout, engineering solutions or the use of planning conditions/obligations; and,*
- *the proposed development does not place unreasonable restrictions on the future operation of existing businesses.*

The Council encourages pre-application discussions where pollution is or might be an issue. All applications for development must contain sufficient information to enable the Council to make a full assessment of potential pollution and hazards. Development proposals on land affected by contamination (or where there is reason to suspect contamination) must include an assessment of the extent of the contamination and any possible risks.

Developers need to demonstrate prior to determination that it is technically and economically viable to resolve any issues and that the resulting development will have, or will result in, a satisfactory standard of amenity and no unacceptable risks to human health or the environment will remain. This will need to involve adequate assessment by a competent person.

Activities (including traffic) during the construction and operational phases of development can also have adverse impacts and it may be necessary to submit a Construction and Environmental Management Plan. For certain types of development an Environmental Impact Assessment (EIA) will be required to ensure that the environmental impacts are comprehensively considered.

⁵⁵ Including both ambient or totally encompassing noise levels, and background noise levels.

9. MONITORING AND REVIEW

The Development Delivery DPD policies will be subject to monitoring in order to assess their impact and to ensure their delivery. Monitoring will assess the extent to which the policies are achieving the vision and objectives set by the Core Strategy. Monitoring will also help to identify if a review of the document is needed and what policies are in need of review.

Monitoring will be appropriate and proportionate. Whilst certain allocation/delivery policies will be the subject of close monitoring, other policies (including many of the development management policies within the Development Delivery DPD) will be the subject of a watching brief to ensure they are achieving the aims and objectives set by the Core Strategy.

Where monitoring suggests a failing, further investigation will be undertaken to establish the extent of the failing and to establish what action should be taken.

The table that follows sets out indicators and targets in relation to allocation/delivery policies:

Policy	Indicator	Target
DD2: Employment Land Provision	Total amount of employment competed by type (B1, B2, B8) and area	5 hectares at Exeter Business Park 16 hectares at Newcourt
DD3: Retention of employment land or premises	Loss of employment land in established employment areas	No loss of employment land except where it is not viable or creates amenity problems (in accordance with policy)
DD7: Allocated Housing Sites	Number of new homes granted planning permission and completed on allocated sites Housing	Indicative capacity (identified in policy DD7)
DD8: Housing on unallocated sites	Number of new homes granted planning permission and completed on unallocated sites	Monitored against SHLAA anticipated windfall rates
DD14: Bus and Coach Station Area	Percentage of scheme delivered	A new bus station, alongside retail and leisure floorspace
DD17: Hotels	Hotel bedrooms delivered at Sandy Park	Around 120 bedrooms
DD22: Open Space, Allotments and Sport and Recreation Provision	Hectares of new open space, allotments sport and recreation facilities	Assessed against standards in Open Space, Sport and Recreation SPD

Policy	Indicator	Target
DD31: Biodiversity	Biodiversity off-setting payments/payments in kind Contributions to mitigate adverse impacts on the Exe Estuary SPA and other European Sites	Monitored against Biodiversity Off-setting Strategy Monitored against CIL
DD32: Local Energy Networks	Customers/buildings connected to the local energy networks	100 connections by end of 2016

Authority Monitoring Report

The results of monitoring will be reported in the Council's Authority Monitoring Report (AMR). The AMR will report on progress with Local Plan preparation, report any activity relating to the duty to cooperate and shows how the implementation of policies in the Local Plan is progressing. The AMR will also report on the Community Infrastructure Levy (CIL) contributions made by development and how these contributions have been used.

Specifically in relation to local plan policies the Authority Monitoring Report will:

- Identify where policies are not being implemented, explain why and if necessary set out the steps to be taken to ensure that the policy is implemented in the future
- Identify any policies that become obsolete due to changes in regulations, legislation and national guidance
- Suggest whether a review of the Plan is necessary

A key element of the monitoring will be the Strategic Housing Land Availability Assessment (SHLAA). The Council will maintain an up-to-date SHLAA which will include the five year housing land supply position and a housing trajectory. The housing trajectory presents past housing completions and expectations for future delivery over the plan period.

The Council has adopted a 'Development Delivery Policy Statement' that aims to ensure that the focus on delivering good housing development is maintained. This document also includes actions that will be taken if monitoring identifies serious or sustained failure to deliver.

GLOSSARY

Acronym	Term	Description
	Affordable Housing	Social Rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Affordable housing must remain at an affordable price for future eligible households or include provision for the subsidy to be recycled for alternative affordable housing provision.
AQMA	Air Quality Management Area	A designated area where national air quality standards are not being met and where action is required to address the matter.
	Ancient Trees	An ancient tree is one that has passed beyond maturity and is old, or aged, in comparison with other trees of the same species.
	Ancient woodland	An area that has been wooded continuously since at least 1600 AD.
	Article 4 Direction	A direction which withdraws automatic planning permission granted by the General Permitted Development Order
AMR	Authority Monitoring Report	The Authority Monitoring Report assesses progress with, and the effectiveness of, the Local Plan.
CHP	Combined Heat and Power	An efficient method of generating heat and electricity simultaneously.
	Community Facilities	Building or meeting places that provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community.
CIL	Community Infrastructure Levy	A charge levied on developers to contribute to the provision of infrastructure.
	Designated heritage asset	A Scheduled Monument, Listed Building, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
	Development	The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
	Development Plan	The Statutory Development Plan for Exeter includes the Core Strategy, the Development Delivery Development Plan Document (DPD), The St James Neighbourhood Plan, any other Neighbourhood Plans that come forward, and Devon County Council's Mineral and Waste DPDs.
	Devon County Council	The County authority for Devon, excluding Plymouth and Torbay.
	Employment Land	All land and buildings which are used or designated for purposes within Use Class B1 (Business), Class B2 (General Industrial), and Class B8 (Storage and Distribution) and other uses of employment character or which generate substantial employment or economic benefits and which may include sui generis uses such as car showrooms.
	Green Infrastructure	A network of, often interconnected, waterways, woodlands, wildlife habits, parks and other natural areas and green spaces which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities by encouraging sustainable movement, recreational opportunities and/or climate change mitigation.
	Heritage Asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and non-designated heritage assets identified by the local authority including local listing.

	Local Centres	A range of small shops of a local nature serving a small catchment area.
	Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. For Exeter the Local Plan includes the Core Strategy and the Development Delivery DPD.
	Local Energy Networks	Local (or decentralised) energy networks consists of a system of pipes and/or cables that connect a number of energy users in a locality to a generated supply of renewable or low carbon energy.
	Low and zero carbon infrastructure	Infrastructure that employs technology which emits low levels of CO ₂ emissions, or no net CO ₂ emissions
	Neighbourhood Plan	A plan prepared by a Neighbourhood Forum for a particular neighbourhood area made under the Planning and Compulsory Purchase Act 2004
	Older People	People over retirement age, including the active, newly retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.
	Open Space	All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.
	People with disabilities	People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health problems.
	Planning condition	A condition imposed on a grant of planning permission in accordance with the Town and Country Planning Act 1990
	Planning obligation	A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.
	Pollution	Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.
	Previously Developed Land	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

	Primary and Secondary frontages	Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.
	Ramsar sites	Wetlands of international importance, designated under the 1971 Ramsar Convention.
	Setting of a heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
	Sites of Special Scientific Interest	Sites designated by Natural England under the Wildlife and Countryside Act 1981.
	Special areas of Conservation	Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitat and Conservation of Species Regulations 2010.
	Special Protection Areas	Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.
	Specialist Housing	Specialist housing includes wheelchair accessible housing and housing that meets the needs of older people such as sheltered housing, residential care homes, 'extra care' housing and continuing care retirement communities.
SPD	Supplementary Planning Documents	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
	Transport Assessment	A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.
	Travel Plan	A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.
TTWA	Travel to work area	Travel to work areas (TTWAs) are defined to reflect areas where the bulk of the resident population also work within the same area. The current Exeter and Newton Abbot travel to work area is defined by the ONS based on 2001 census data. The ONS will publish updated TTWAs, using the 2011 Census data, in 2015.
	Windfall Sites	Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available.

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REPORT TO EXECUTIVE

Date of Meeting: 23 June 2015

Report of: Assistant Director City Development

Title: Habitat Mitigation – Proposed Joint Committee with Teignbridge District Council and East Devon District Council

1 What is the report about?

- 1.1 This report seeks approval for formal establishment of the new Joint Committee according with the detail set out in the 'Governance Arrangement for Managing European Site Mitigation' as set out in Appendix 1 to this report

2 Recommendations:

- 2.1 That this Council sets up a Joint Committee, with Teignbridge AND East Devon District Councils, to agree on detailed habitat mitigation schemes and the prioritisation and funding of mitigation projects to offset recreational impacts on European wildlife sites resulting from increased housing and tourist accommodation within the three authorities' areas.
- 2.2 That the Joint Committee is set up and operates according to the proposed 'Governance Arrangement for Managing European Site Mitigation' (see Appendix 1) and also that the Officer Working Group and Mitigation Delivery Officer work together and with the Joint Committee according to the proposed 'Governance Arrangement'

3 Reasons for Recommendation:

- 3.1 To implement proposals for a joint committee as agreed at Executive on 7 October 2014:

'That the proposals to establish a joint committee with East Devon and Teignbridge District Councils to oversee and prioritise funds for mitigation projects be agreed. A detailed report would be brought back early in 2015 to agree how the committee would operate.'

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

- 4.1 The proposed approach will have implications for future decisions on the use of Community Infrastructure Levy funding. The proposed approach (including joint committee) would be resourced using funds from the mitigation moneys that are being secured.

5. Section 151 Officer comments:

- 5.1 There are no additional financial implications for the Council contained in this report.

6. What are the legal aspects?

It is a statutory requirement for the Council to mitigate the impacts of new development on European Sites. The approach of using a Joint Committee seems a logical and justifiable approach to ensuring that the impacts on all of the European Sites are properly and fairly mitigated. There are specific legal requirements in terms of establishing such a committee (set out in Section 102 of the Local Government Act 1972 and associated Regulations) which will need to be adhered to when setting up the Committee and formulating its remit/terms of

reference. In that regard the Council (along with the partner authorities) needs to formally delegate the appropriate powers to it.

7. Monitoring Officer Comments:

7.1 This report raises no issues to concern the Monitoring officer.

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

8.1 The joint committee would make decisions relating to conserving natural habitats and wildlife that would contribute towards implementation of the Green Infrastructure Strategy.

9 Background

8.1 European legislation, translated into UK law by the Conservation of Habitats and Species Regulations 2010, provides for specific protection of the most important European wildlife sites. Under Regulation 61 Local Planning Authorities must not grant planning permission for developments that, alone or in-combination with other developments, would have a negative impact on a European wildlife site.

8.2 Working in partnership, Exeter City Council, East Devon District Council, Teignbridge District Council and Natural England have gathered evidence of negative impacts from recreation use on the Exe Estuary Special Protection Area (SPA), Dawlish Warren Special Area of Conservation (SAC) and the Pebblebed Heaths SPA/SAC. The evidence demonstrates that housing and tourist accommodation developments within 10km of these European sites will result in more recreational use by residents/occupiers and greater adverse impacts on the designated sites.

8.3 The partners have developed a Joint Approach to offsetting these impacts through a suite of mitigation measures to be delivered by the Councils/partners. The measures are to be funded by developers through a per-dwelling contribution (to be taken from CIL). The Joint Approach was agreed at executive in October 2014. It was also adopted by Teignbridge and East Devon District Councils in summer 2014.

9. The Joint Committee

9.1 S102 of the Local Government Act 1972 sets out the legal basis for the establishment of local authority Joint Committees. Since summer 2014 an Officer Working Group has developed a protocol for the working of the Joint Committee that complies with S102 (see Appendix 1).

9.2 It is a legal requirement that a local planning authority does not grant planning permission for any development that would negatively impact a European Site, unless full mitigation is secured. The Mitigation Strategy identifies the mitigation measures needed and the Joint Approach sets out the means to secure funding for these measures. The Joint Committee will be responsible for ensuring the delivery of the mitigation measures and so for ensuring the authorities' Habitat Regulations obligations are met in this matter.

- 9.3 The Joint Committee protocol detailed in Appendix 1 ensures that the proposed committee will meet the legal requirements for establishing such a committee as set out in Section 102 of the Local Government Act 1972 and associated Regulations.
- 9.4 The Joint Committee is intended to ensure transparent and democratic decisions are made concerning the spending of developer contributions to secure legally required mitigation measures. The developer contribution is calculated to cover the cost of the mitigation measures and their delivery.
- 9.5 Discussions have taken place with Legal Services and Democratic Services across the City Council and East Devon and Teignbridge District Councils. Natural England and a representative of the Dorset Heathlands Interim Planning Framework have also advised on the operation of Joint Committees in relation to Habitat Regulations mitigation delivery. The Mitigation Strategy and Joint Approach are therefore informed expert input.

10 Time Scale for Committee Formation and initial Meetings

- 10.1 Equivalent authority to establish the joint committee in accordance with the protocol at Appendix 1 is currently being sought in Teignbridge and East Devon.
- 10.2 In summer 2015 the intent is that the inaugural meeting of the new Joint Committee will be held. This will be an opportunity for the new committee members to meet the relevant officers and for Natural England/council officers to explain the legislation, evidence, mitigation measures and Joint Approach.
- 10.3 In autumn 2015 the intent is that the next meeting of the committee will consider officer proposals for the five year Delivery Programme and one year Business Plan.

Assistant Director City Development

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Appendix 1

Governance Arrangements for Managing European Site Mitigation

In discharging their obligations under the Conservation of Habitats and Species Regulations 2010, East Devon District, Exeter City and Teignbridge District Councils have all resolved to form a joint committee that makes expenditure decisions on mitigating recreational impacts of new development. Following more than two years of officer working group collaboration assembling evidence and an outline mitigation programme, this document sets out proposals for operation of the joint committee. It is anticipated that respective local authority Executive/Cabinet committees will formally agree these proposals.

Proposals

Purpose of the Joint Committee

In response to the South East Devon European Site Mitigation Strategy and the emerging Pebblebed Heaths Management Plan the Joint Committee will ensure timely and efficient mitigation of the recreational pressures arising from new development in the area of local European Sites, namely:

- Exe Estuary Special Protection Area (SPA) and Ramsar site;
- Dawlish Warren Special Area of Conservation (SAC); and
- East Devon Pebblebed Heaths (SAC and SPA)

Functions of the Joint Committee

The functions of the joint committee include the following:

- Agree and prioritise a 5 year programme for delivery of recreation mitigation measures and monitoring
- Agree and implement an annual Business Plan
- Allocate budget accordingly, taking account of other arising mitigation opportunities
- Secure the cooperation of all stakeholders
- Monitor risks, progress and effectiveness of delivery
- Monitor effectiveness of mitigation and agree changes where necessary
- Identify, lobby for and secure complementary funds

Structure of the Joint Committee

Composition and decisions

Portfolio holders for sustainable development, strategic planning, environment or similar function. One Councillor per authority, each with an equal stake and all decisions to be made by consensus.

Other interested parties will be invited to attend Joint Committee meetings in an advisory capacity. In particular, it is anticipated that Natural England will attend every meeting as they hold the expertise to comment on the suitability of proposed Joint Committee decisions. The Chair of the Green Infrastructure Board will also be invited

to attend to ensure potential synergies with the delivery of the Green Infrastructure strategy can be taken forward.

Nominees

Portfolio holders may send nominees in their absence. Any nominee must also be an Executive member.

Meetings

The Joint Committee should meet quarterly. This frequency can be adjusted to suit the nature, amount and urgency of business.

Meetings must be held in public and therefore they should be conducted at publicly accessible buildings, which also enable disabled access. It is therefore proposed that the venues for meetings of the Joint Committee are the three Councils' offices, hosted on a rotational basis.

Although meetings are to be held in public, it is still possible to discuss exempt and confidential matters in Part II. This is subject to the usual resolution procedure and the same criteria set out in sections 100A and 100I and schedule 12A of the Local Government Act 1972. These provisions enable the public and press to be excluded from meetings and from access to reports and are equally applicable to the Joint Committee.

Chair

As with the venue, the Portfolio Holders will rotate chairmanship of each meeting to be appointed for not more than 12 months unless otherwise agreed by the Joint Committee. The Chair shall not have a casting vote.

Clerk

The Clerk will rotate with the Chair, with the same local authority providing both for up to a year.

Quorum

Decisions must be taken on a unanimous basis and so a meeting of the Joint Committee is quorate with three voting members present. The presence of non-voting officers will not affect whether a meeting of the Joint Committee is quorate.

Powers

The Joint Committee will have delegated to it all those powers which, in the absence of the Joint Committee, would be held by the respective Executives to enable delivery of mitigation measures in accordance with the Habitat Regulations 2010.

Call-in

Members of the three local authorities will have call-in rights over Joint Committee decisions, equivalent to those for other committee decisions within the authorities.

Scrutiny

Scrutiny arrangements should be managed at a local authority level. If Members of the Joint Committee sit on the relevant scrutiny committee, they should declare an interest if European site mitigation issues are discussed. In Exeter, Economy

Scrutiny Committee will conduct scrutiny arrangements, in Teignbridge and East Devon, respective Overview and Scrutiny Committees.

Relationship with the Green Infrastructure Board

An existing Green Infrastructure Board, which is supported by its own officer working group and delivery officer, has also been established for the area. Its roles and responsibilities encompass a broad range of GI management and delivery issues. Given the legislative requirements of the Habitat Regulations, it was considered necessary to form a focussed Joint Committee whose role is limited to delivering and monitoring European Site mitigation projects rather than subsume these responsibilities into those of the GI Board. Nevertheless, there will be a close relationship between the roles of the two. It is anticipated that respective Delivery Officers will work together (being based at the same growth team) and advise both the Joint Committee and GI Board with a view to collaboration where appropriate.

The Habitat Regulations Officer Working Group

The Officer Working Group will consist of relevant officers from each of the Local Authorities and Natural England. LA representatives may include officers with planning, ecology, ranger, harbour authority or beach safety remits. The Group will also include appropriate officers/representatives from key stakeholders including the RSPB, the Exe Estuary Management Partnership and the Pebblebeds Conservation Trust. The Officer Working Group will meet at least quarterly, prior to Joint Committee meetings.

The Officer Working Group will:

- Provide expert advice to Delivery Officer and Joint Committee from their areas of expertise.
- Provide support and regular management input to the Delivery Officer.
- Work with Delivery officer to prepare agendas and reports to Joint Committee
- Continue in planning/delivery interface role

The Habitat Regulations Delivery Officer

A Delivery Officer has been appointed to ensure delivery of habitat mitigation projects. With support from the existing officer working group and drawing on the finalised South East Devon European Site Mitigation Strategy, this will involve:

- identifying projects that can come forward in a timely manner and will result in cost effective mitigation benefits
- bringing projects to a stage where they are ready for final design/delivery in close collaboration with relevant authorities, landowners and delivery agents
- estimating costs and timescales
- drafting a 5 year programme for delivery and 1 year Business Plans
- identify mitigation opportunities that aren't in the programme for delivery and, if appropriate, recommended to the Board as valid 'departure' projects
- managing projects and the completion of works in accordance with the current Business Plan
- overseeing effective management of mitigation measures to ensure their long-term effectiveness

- coordinating monitoring of European Site integrity
- Reporting to the Joint Committee on progress with project implementation, monitoring outcomes and any resulting recommended action.

Delegation to the Delivery Officer

It is suggested that the Joint Committee delegates to the Delivery Officer all of the powers that are delegated to the Joint Committee, except for decisions relating to:

- Agreeing the 'delivery programme' and 'Business Plans';
- Any expenditure not contained within the approved Business Plans.

Delivery Programme

The Delivery Officer will prepare a Delivery Programme setting out the most effective proposed mitigation projects for the following 5 years. This will include anticipated costs and timescales. Once agreed by the Joint Committee, the Programme will provide certainty to other stakeholders and any funding partners. At 5 years, the Programme will provide stakeholder certainty without extending so far into the future as to become unreliable. Projects should not therefore be removed from the programme unless all relevant stakeholders agree.

Business Plan

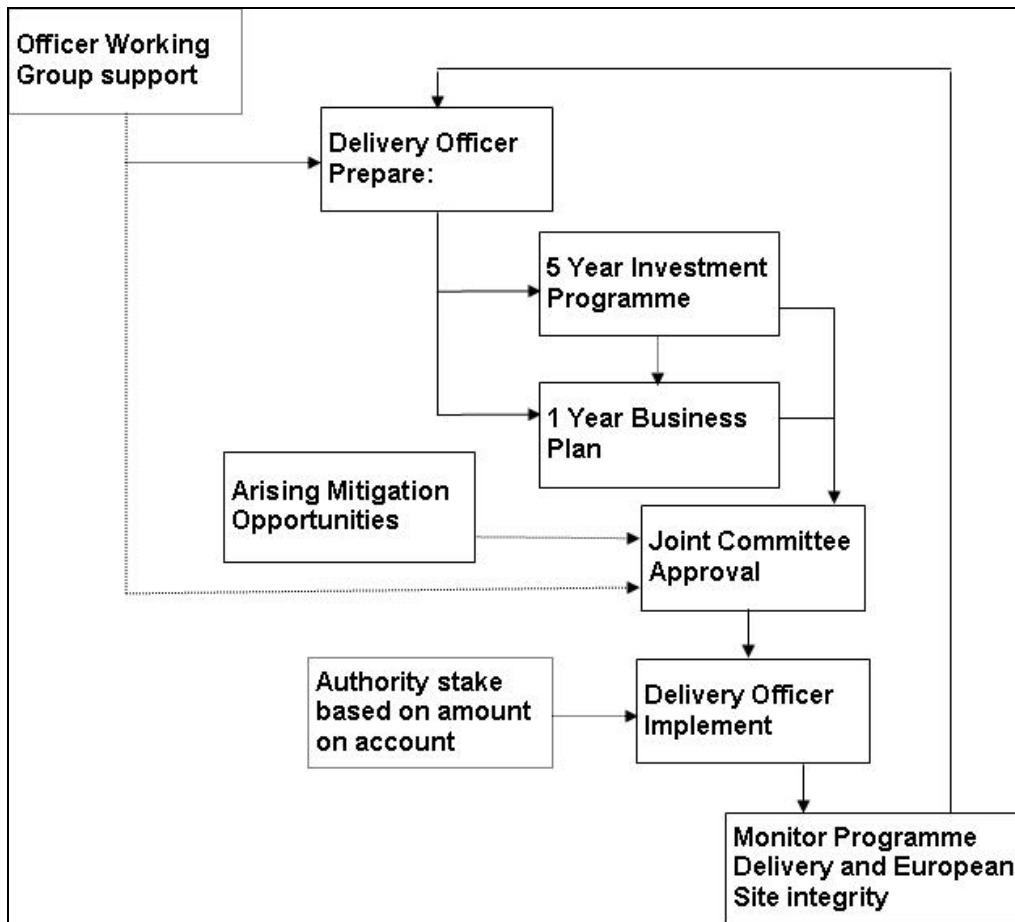
The Delivery Officer will work up delivery programme projects to a stage where they are ready for funding. Projects should then enter the draft Business Plan. It may be that design costs enter the plan in year 1 with project implementation coming forward in the following period(s). The Business Plan may involve making savings in one year in order to pay for large delivery programme projects in subsequent years.

Management of Funds

The Delivery Programme and Business Plans will be formulated on the basis of projected income from new development. If development is delayed the plan and programme will need to adjust accordingly. The Delivery Officer will maintain a record of:

- number of houses/other relevant development built;
- mitigation income each local authority has received;
- mitigation funds in the pipeline (from approved developments);
- funds allocated;
- funds committed;
- funds spent.

Project invoices should be shared across the three local authorities proportionate to how much is on account for each European site and bearing in mind the need to deliver mitigation for the houses/other developments which have been built.



REPORT TO Executive

Date of Meeting: 14 July 2015

Report of: Corporate Manager, Democratic & Civic Support

Title: FREEDOM OF THE CITY

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1.1 What is the report about?

- 1.1 This report sets out a proposal to offer the Freedom of the City to Mr Michael Caines in recognition of his outstanding services to the field of cookery which has led to Exeter's name being known around the world as one which supports cookery.

2. Recommendations:

- 2.1 That in accordance with Section 249 of the Local Government Act 1972, an Extraordinary meeting of the Council be arranged, on the rising of the Ordinary meeting of the Council on 28 July 2015, to consider granting the Freedom of the City to Mr Michael Caines.

3. Reasons for the recommendation:

- 3.1 Section 249 of the Local Government Act 1972, gives Councils the power to grant "Freedom of the City" to any individual who it feels has given eminent service to the City.
- 3.2 To this end, an Extraordinary meeting of the full Council must be convened to specifically consider this matter, with two thirds of those present, voting in favour.
- 3.3 If the recommendation contained in this report is accepted by The Executive and subsequently adopted by full Council, an Extraordinary meeting of the Council will therefore be organised immediately after the ordinary meeting of the Council scheduled for 28 July 2015, when Members will be asked to consider granting the Freedom of the City to Mr Michael Caines.
- 3.4 The following nomination has been received in accordance with the following recently agreed criteria against which nominations would be considered:-
- 1. For those who have achieved national, international or world recognition for excellence in their particular field of expertise.**
 - 2. For those who have promoted Exeter during their career so as to significantly raise the profile of the City on a national, international or world basis.**

"Michael was adopted at birth and from an early age took an interest in cooking. His catering career started at Exeter College, and from there he worked under some of the great French chefs. Eventually he arrived at Gidleigh Park and in 1999 was awarded a second Michelin Star. His business has expanded from there, but his roots are still very

much in Exeter where the Michael Caines Academy was established in 2011. No doubt some aspiring chefs will graduate from here in the future. Michael is also a Patron of "Family for Children Trust" an adoption agency.

3.5 Comparing this nomination against the above agreed criteria, it is considered that it can be recommended for approval.

3.6 In response to this nomination, Mr Caines has stated:-

"It's a great honour to be awarded The Freedom on City Award and such an honour that is steeped in history. This is something that makes me feel proud to be from Exeter and know that the contribution I have made is well received. This inspires me to continue to serve the community and support Exeter in the manner that I have."

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

4.1 Other than a small cost in preparing a suitable ceremonial scroll and hosting a small reception, there are no resource implications.

5. Section 151 Officer comments:

5.1 There are no additional financial implications contained in this report.

6. What are the legal aspects?

6.1 Section 249 of the Local Government Act 1972, gives Councils the power to grant "Freedom of the City" to any individual who it feels has given eminent service to the City.

7. Monitoring Officer's comments:

7.1 This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 The Council is asked to consider bestowing the honour to Mr Michael Caines in recognition of his achievement in putting Exeter very much on the world food map particularly via his work at both the Royal Clarence Hotel, and with Exeter College.

8.4 It is felt appropriate that Mr Caines is awarded the honour now, in the light of the above reasons, and also to reflect the Council's on-going commitment to supporting and recognising entrepreneurial individuals from within the City

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

9.1 This decision will help promote the City as a regional capital and one which supports those who support and promote the City as such.

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

10.1 There are no risks associated with the proposals.

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 None applicable with this decision

12. Are there any other options?

12.1 The Council could decided not to make the award, although it is felt that this would be against the recently approved criteria.

John Street
Corporate Manager, Democratic & Civic Support

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

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REPORT TO Executive

Date of Meeting: 23rd June 2015

Report of: Corporate Manager, Democratic & Civic Support

Title: HONORARY ALDERMAN

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1.1 What is the report about?

- 1.1 This report sets out a proposal to offer the position of Honorary Freeman of the City to Mr John Winterbottom in recognition of his outstanding service to the Council over his 15 years of office on the Council, including his time as Lord Mayor in 2009.

2. Recommendations:

- 2.1 That in accordance with Section 249 of the Local Government Act 1972, the Right Worshipful the Lord Mayor be requested to convene an Extraordinary meeting of the Council, on the rising of the Ordinary meeting of the Council on 28 July 2015, to consider granting the position of Honorary Alderman of the City to Mr John Winterbottom.

3. Reasons for the recommendation:

- 3.1 Section 249 of the Local Government Act 1972, gives Councils the power to grant the position of Honorary Alderman of the City to any individual who it feels has given eminent service to the City.
- 3.2 To this end, an Extraordinary meeting of the full Council must be convened to specifically consider this matter, with two thirds of those present, voting in favour.
- 3.3 An Honorary Alderman shall be entitled to the following rights and privileges:
- To enjoy the courtesy title of Alderman and to be so addressed.
 - In the event of the Council deciding to give some badge, robe or emblem to Honorary Alderman, to wear such badge, robe or emblem on civic occasions.
 - At each meeting of the Council to have seats reserved in the public gallery for the use of Honorary Aldermen.
 - To receive a copy of each Council summons and a copy of the Council Year Book and Diary.
 - To received invitations to all civic and social events to which Members of the Council are invited.
 - To walk in civic procession in a position immediately senior to serving Members.
 - To enjoy such other privileges as the Council may confer upon them from time to time.
- 3.4 If the recommendation contained in this report is accepted by The Executive and subsequently adopted by full Council, an Extraordinary meeting of the Council will therefore be organised immediately after the ordinary meeting of the Council

scheduled for 28 July 2015, when Members will be asked to consider granting the position of Honorary Alderman of the City to Mr John Winterbottom.

- 3.5 The nomination shown below has been received in accordance with the following agreed criteria against which nominations would be considered:-

A person shall be deemed eligible to be enrolled as an Honorary Alderman provided that the person:

- Is not a serving member of Exeter City Council
- Has served as a Member of the City Council for at least 12 years in total
- Has given exceptional service during that period

"Having served for fifteen years as a member of the City Council, John more than meets the criterion for length of service. He served as Lord Mayor for 2009/10, during which he was more than willing to do what he could to further the city's bid to become a unitary authority. Throughout his term he consistently supported the Mayor and Lord Mayor in the fulfilment of their civic functions and I am confident he would become a 'working' Alderman. As an ambassador for the city, he is well liked and respected by communities across the city (and indeed beyond) and is popular across all the political groups represented on the City Council."

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

- 4.1 Other than a small cost in preparing a suitable ceremonial scroll and hosting a small reception, there are no resource implications.

5. Section 151 Officer comments:

- 5.1 There are no additional financial implications contained in this report.

6. What are the legal aspects?

- 6.1 Section 249 of the Local Government Act 1972, gives Councils the power to grant Honorary Alderman status to any individual who it feels has given eminent service to the City.

7. Monitoring Officer's comments:

- 7.1 This report raises no issues for the Monitoring Officer.

8. Report details:

- 8.1 The Council is asked to consider bestowing the honour to Mr John Winterbottom, due to his services to the Council during his 15 years of service as a Councillor, particularly during his term of office as Lord Mayor in 2009/10, and his on-going and continual support for the Mayoralty and civic events.

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

- 9.1 This decision will help promote the City as a regional capital and one which supports those who support and promote the City as such.

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

10.1 There are no risks associated with the proposals.

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 None applicable with this decision

12. Are there any other options?

12.1 The Council could decide not to make the award, although it is felt that this would be against the approved criteria.

John Street
Corporate Manager, Democratic & Civic Support

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

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EXETER CITY COUNCIL

REPORT TO EXECUTIVE

23 JUNE 2015

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 vacancies due to replacement of retiring Councillors and those Councillors who were not re-elected. The list also includes appropriate representation by Portfolio Holders. In addition to appointing new representatives, the full list is also reported to this, the first Executive meeting in the Municipal Year, in order for remaining appointments to be re-affirmed for the following 12 months.

At Executive in June 2014, it was resolved to grant delegated powers to the Corporate Manager Democratic and Civic Support to appoint representatives in consultation with the Group Leaders where vacancies occur during the course of the year. This was agreed to remove the need to report to Executive and Council which delays the appointment process and will continue. All appointments can be viewed on the City Council website.

Exeter Municipal Charity are looking to convert the operation of the charity to a corporate trustee model and, as part of this change, a reduction in the City Council's nominated trustees from four to two has been requested by the Charity. The proposals are still under discussion and, if necessary, will be presented separately at a future date.

2. Recommendations:

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

2.2 agree to the reduction in the number of the Council's nominated representatives on the Exeter Municipal Charity from four to two and to note the proposed change in name of the Charity to Exeter Homes Trust Ltd.

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)

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<u>BODY</u>	<u>CURRENT REPRESENTATIVES</u>
Age Concern	Vacancy
Barnfield Theatre Board	Cllr Branston
Central Exeter Relief in Need Charity	P Brock Prof. R. Snowden
Councillor Development Steering Group	Portfolio Holder for Enabling Services (Cllr Pearson) Cllr Baldwin Cllr Brimble Cllr Leadbetter Cllr Spackman Vacancy
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 Conservation Forum	Cllr Bialyk
Devon and Cornwall Food Association	Portfolio Holder for Health and Place (Cllr Owen)
Devon and Cornwall Police and Crime Panel	Deputy Leader (Cllr Sutton)
Devon Authorities Waste Reduction and Recycling Committee	Portfolio Holder for Health and Place (Cllr Owen)
Devon County Agricultural Association	Cllr Leadbetter
Devon Historic Buildings Trust	Portfolio Holder for City Development (Cllr Sutton)
Devon Homeless Partnership	Portfolio Holder for Customer Access (Cllr Morris)
Exe Estuary Management Partnership	Cllr Baldwin
Exeter and Heart of Devon Growth Board	Leader (Cllr Edwards)
Exeter Allotment Forum	Portfolio Holder for Health and Place (Cllr Owen) Exeter City Councillors representing Wards with allotments sites
Exeter Area Rail Project Working Party	Portfolio Holder for City Development (Cllr Sutton) Cllr Leadbetter Cllr Wardle
Exeter Business Centre Board	Cllr Mrs Brock Cllr Pearson Vacancy
Exeter Business Improvement District Board	Portfolio Holder for Economy and Culture (Cllr Denham)

Exeter Canal and Quay Trust Ltd.	Portfolio Holder for Economy and Culture (Cllr Denham) Cllr Branston Cllr Crew Cllr Edwards Cllr Foggin Cllr Leadbetter Cllr Pearson Cllr John Harvey
Exeter Council for Sport and Recreation	Portfolio Holder for Economy and Culture (Cllr Denham) Cllr Mottram
Exeter Citizen's Advice Bureau	Vacancy
Exeter Dispensary and in Sickness Fund	Cllr Mrs Brock Mrs YAC Henson
Exeter Fairtrade Steering Group	Cllr Donovan Cllr Pearson Cllr Robson Vacancy
Exeter Health and Well Being Board	Leader (Cllr Edwards) Portfolio Holder for Customer Access (Cllr Morris) Portfolio Holder for Health and Place (Cllr Owen) Cllr Newby
Exeter International Airport Consultative Committee	Vacancy
The Exeter Municipal Charity	The Lord Mayor Cllr Branston Cllr Henson Cllr Robson Alderman Williamson The Charity proposes reducing the number of representatives from four to two and this is presently under discussion.
Exeter Municipal Charities – Church List	The Lord Mayor Alderman Landers Mrs D Baldwin Cllr Shiel Alderman Danks
Exeter Phoenix Arts Centre Board	Cllr Pearson
Exeter River and Canal User Group	Portfolio Holder for Economy and Culture (Cllr Denham)
Exeter SAFE (Stop Abuse for Everyone)	Cllr Choules
Exeter School	Cllr Prowse
Exeter Vision Partnership	Leader (Cllr Edwards)
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) Cllr Leadbetter
Royal Albert Memorial Museum Trust	Cllr Leadbetter Cllr Robson

Royal Devon and Exeter Healthcare NHS Trust - Council of Governors	Cllr Hannaford
SecAnim (J L Thomas) Liaison Group	Cllr Choules (Priory) Cllr Harvey (Alphington) Cllr Shiel (St Leonards) One Councillor each only from the Priory, Alphington and St Leonards wards
South West Councils	Leader (Cllr Edwards)
South West Employers Panel	Leader (Cllr Edwards)
South West Water Liaison Group	Portfolio Holder for Health and Place (Cllr Owen) Cllr Newby (Topsham) Cllr Robson (Priory) One Councillor each only 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 Foundation	Cllr Leadbetter Cllr Hannaford
St Sidwell's Parish Lands and Other Charities	Vacancy 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	Vacancy
Wessex Reserve Forces and Cadets Association - Devon Committee	Cllr Choules

**CORPORATE MANAGER DEMOCRATIC AND CIVIC SUPPORT
12 JUNE 2015**

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Member Champions 2015-16

<ul style="list-style-type: none"> ◇ Responsible for driving forward specific, priority issues. ◇ Not portfolio holders (they do not receive a special responsibility allowance) but they report directly to the Leader and have the right to attend any portfolio holder or senior officer meetings. 	
Champion for Commercialisation of the Council - Councillor Morse	This member is responsible for helping to identify ways in which the council can generate income. Provides officers with a single person they can go to if they have an idea that they would like to explore. This is <u>not</u> about privatising council services.
Champion for Community Engagement - Councillor Bull	This member supports the Leader of the Council, finding ways to improve our community engagement as a council, with a particular focus on exploring ways that communities can help to design and deliver services. With the coming cuts from Government it is inevitable that we will have to do this, and we need to be well prepared for it. This member supports the leader in preparing for Community Rights in Exeter, on major grants, New Homes Bonus, and community grants incl. Community infrastructure Levy (CIL) allocation to communities.
Champion for Sport and Physical Activity - Councillor Bialyk	This member is responsible for taking forward the council's promotion and development of sport and activity across the city and working towards the aim of Exeter being the most active city in the South West by 2018.

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