

EXECUTIVE

Date: Tuesday 1 September 2020

Time: 5.30 pm

Venue: Legislation has been passed that allows Council's to conduct Committee meetings remotely.

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 John Street, Corporate Manager Democratic & Civic Support on 01392 265106.

During the Corona Virus outbreak, Executive Committee meetings will be held by virtual means. The [live stream can be viewed here](#) at the meeting start time.

Membership -

Councillors Bialyk (Chair), Sutton (Deputy Chair), Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wright and Wood

Agenda

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

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 7 July 2020.

(Pages 5 -
18)

3 Declarations of Interest

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

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of item 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part I, Schedule 12A of the Act.

5 **Questions from the Public Under Standing Order No. 19**

To receive questions relating to items on the Agenda from members of the public and responses thereto.

Details of questions should be notified to the Corporate Manager Democratic and Civic Support by 10.00am at least three working days prior to the meeting. Further information about speaking at a committee can be found here: [Speaking at a Committee](#)

6 **Food Law and Health and Safety Enforcement Service Plan 2020 - 2021**

To consider the report of the Director (JY).

(Pages 19
- 68)

7 **Financial Assistance Policy for the Better Care Fund**

To consider the report of the Director (JY).

(Pages 69
- 98)

8 **Liveable Exeter Place Board**

To consider the report of the Chief Executive and Growth Director.

(Pages 99
- 126)

9 **Freedom of the City**

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

(Pages
127 - 132)

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

10 **Exeter City Group - recommendations on governance**

To consider the report of the Chief Executive and Growth Director.

(Pages
133 - 138)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 6 October 2020** at 5.30 pm virtually.

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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EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 7 July 2020

Present:

Councillor Bialyk (Chair)
Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wright and Wood

Apologies:

Councillors Leadbetter and K. Mitchell in their capacities as Opposition Leaders.

Also present:

Chief Executive & Growth Director, Director (BA), Director (DB), Director (J-PH), Director (JY), Chief Finance Officer, City Solicitor, Service Lead Housing Assets, Service Lead Housing Tenancy Services, Project Officer, City Development, Principal Project Manager (Strategic Policy) (JD), Corporate Manager Democratic and Civic Support, Democratic Services Officer (SLS) and Democratic Services Officer (HB)

65

MINUTES

The minutes of the meeting held on 2 June 2020, were taken as read, and approved for signing by the Chair as correct at the earliest possible convenience.

66

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

67

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Peter Cleasby, submitted the following question, related to Minute No. 68:-

- What was the total expenditure - including an estimate of staff time costs - on the tendering exercise, including preparatory studies, for the new leisure operator contract?

The Council Leader gave the following response:-

The operator procurement process has been running for a number of years, initially as an exercise for St Sidwell's Point before expanding to cover the whole leisure portfolio.

The tender process for the new operator has in itself been only a proportion of the total spend. The majority of the spend has been on ensuring an operator focus in the design decisions in relation to the St Sidwell's project and, latterly, in developing the estates strategy for the whole leisure portfolio which is essential work that holds the Council in good stead going forward.

The total cost has been £555,106 (ignoring accounting costs and this year) and has been fully funded from New Homes Bonus, not the Council Taxpayer.

Mr Cleasby asked a supplementary question:-

- given the subsequent intention now to insource the Leisure Services do you consider the above expenditure to have been appropriate?

The Leader responded that, in light of the extraordinary circumstances arising from the Covid-19 pandemic, this course of action is deemed the most appropriate and is considered to be the right decision for the city and one which it is hoped will be supported by both the Executive this evening and Council on 21 July 2020.

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POST-PANDEMIC RECOVERY OF LEISURE SERVICES

The Executive received the report on the recovery of the Council's leisure services as a result of the impact of COVID-19 and the requirement to secure a long term future for the Council's leisure services. The report set out a proposal for permanently in-sourcing the leisure service to create a new pathway to rebuild the Council's leisure offer to ensure a viable and sustainable long term future.

The Director (JY) set out the background research, rationale and future scenarios for opting to take the service back in house. Financial modelling for the in house option had been based on the operator's 2018/19 data with particular regard given to the UKactive June COVID-19 Impact Report which, drawing on a body of research including that of Sport England, highlighted future uncertainty given the extreme volatility in the leisure sector. This was anticipated to continue for up to two years. Although there was continuing dialogue nationally within the sector, Government guidance was awaited on a pathway to the safe re-opening of facilities. A resurgence of infections would have a further impact bringing more restrictive lockdown.

With behavioural change anticipated, affecting, for example, budget gyms and a high risk associated with a procurement approach as operators were unlikely to put forward a financially viable bid, the in-sourcing model proposed provided more direct control and was considered to be a safer approach given the high level of uncertainty caused by the pandemic. Many factors had to be taken into consideration in determining a net budget figure such as additional staffing, the need for social distancing of customers and environmental factors including stringent testing of plant to industry standards. This, however was a best estimate given the ever changing dynamic.

The initial transfer of the service would take place on 1 September 2020 with staff transferring to the Council to be under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). A business case for the longer term governance options would be brought to a future meeting of Executive.

During discussion the following points were raised:-

- It is important to recognise other options but these contain a high level of risk for the Council and its finances;
- bringing the service in house was considered an exciting option which provides a greater opportunity to integrate with the Sport England Local Delivery Pilot;
- it was the best deal for the city to ensure the continuation of the service and to support staff within the service; and

- Members welcome the insourcing proposal and commend the swift action of officers in working towards opening the facilities as soon as the centres are safe and can meet Covid-19 secure guidelines.

The following responses were given to Members' queries:-

- a subsidy would be in place for an initial period during the phased opening but, because of the volatility of the sector and uncertainty over the changing landscape of Covid-19, it was not possible to estimate how long the subsidy would continue. The current model was based on an 18 month period and an update report following a detailed assessment of assumptions would be brought to the December Executive meeting;
- it was hoped to reduce subsidies by adopting innovative ideas to better meet the needs of communities; and
- the Government had not identified any specific funding to support the leisure industry but was being lobbied nationally by local authorities and operators.

The Director (JY) also stated that existing strategic work in bringing forward the Physical Activity and Built Facilities Strategies for leisure, which includes significant development plans for the Wonford and Exeter Arena sites, had been accelerated, and business cases were under development which, if successful, offer positive opportunities in the medium and long term future. Similarly, the Council had healthy partnerships with national governing bodies who are assisting in these developments and work was progressing on the flagship St Sidwell's Point Swimming Pool and Leisure Centre and the refurbishment of the Riverside Swimming Pool and Leisure Centre both of which had continued throughout the pandemic with careful control of activity on site to ensure safe social distancing. Current estimates were, in both cases, for a 2021 opening, subject to how the pandemic plays out.

RECOMMENDED that Council:-

- (1) agree to the permanent in-sourcing of the Leisure Services when the current contract terminates on 31st August 2020 and the abandonment of the procurement process;
- (2) agree to officers effecting an expedient transfer of staff and services into the Council and bringing forward a detailed business plan by 31 December 2020 setting out governance options for the future operation of the service;
- (3) support the allocation of a supplementary budget of up to £270,000 to allow the cost recovery agreement to be settled;
- (4) allocate a revenue budget of £1,542,310 to cover the costs of the transfer and the re-launch of the services;
- (5) allocate a capital budget of £330,000 towards the costs of re-opening facilities in a COVID-Secure environment, ICT systems and equipment and re-branding; and
- (6) allocate a capital budget of £1.5 million for the fitting out of St Sidwell's Point Swimming Pool and Leisure Complex.

RESOLVED that:-

- (1) the staged re-opening of leisure services take place from September 2020 when it is safe and cost-effective to do so; and
- (2) the cost recovery payment of £337,833 agreed with Parkwood Leisure which terminates the contract on 31st August 2020 be noted.

69

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2019/20

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2019/20 financial year, which sought approval for the General Fund working balance, a number of supplementary budgets and the creation of a new earmarked reserve.

Members noted:-

- the transfer back to the General Fund Balance of £1.5 million instead of taking £780,000 from the General Fund Balance as had been reported in quarter three;
- the removal of £1.6 million of revenue contributions to capital and replaced with financing through capital receipts;
- the offsetting of statutory repayment of debt against voluntary repayments made in in previous years;
- the improved gain on the Devon Business Rates Pool;
- an increase in bad debt provision.
- transfer from earmarked reserve of £717,000 and transfer of a number of reserves into a single Earmarked Reserve 2020/21 budget to protect the Council's financial position; and
- supplementary budgets totalling £1,198,960 to be added to the 2020/21 budget, these budgets to be financed from Earmarked Reserves of £1,143,440, CIL Administration of £75,000 and the General Fund Working Balance of £118,520, offset by a reduced amount being taken from Neighbourhood CIL. The impact on the projected General Fund Working Balance would be to reduce it to £5,737,729, above the minimum requirement for the Council. Supplementary budgets of £331,670 were proposed but would be held pending certainty over the Council's financial position.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the net transfer of £717,309 from Earmarked Reserves as detailed in paragraph 8.11 of the report;
- (2) the supplementary budgets of £1,198,960 and budget transfers as detailed in paragraph 8.13 of the report;
- (3) the Earmarked Reserves at 31 March 2020;
- (4) the Council Tax account and collection rate;
- (5) the outstanding sundry debt, aged debt analysis and debt write-off figures;
- (6) the creditors payment; and
- (7) the General Fund working balance of £5,856,249 at 31 March 2020.

CAPITAL MONITORING 2019/20 AND REVISED CAPITAL PROGRAMME FOR 2020/21 AND FUTURE YEARS

The Executive received the report, which advised Members of the overall financial performance of the Council for the 2019/20 financial year in respect of the annual capital programme. The report also sought approval of the 2020/21 revised capital programme, including commitments which would be carried forward from 2019/20.

Particular reference was made to:-

- the £40,620,961 capital expenditure in 2019/20 and how it was financed;
- the available capital receipts of £4,333,210 of which £330,000 would help fund the transfer back to the Council of the Leisure Services; and
- a further funding request of £250,000 towards Pinhoe Station Road Playing Field upgrades which would be funded from Section 106 Agreements.

RECOMMENDED that Council approve:-

- (1) the overall financial position for the 2019/20 annual capital programme; and
- (2) the amendments and further funding requests to the Council's annual capital programme for 2020/21.

2019/20 HRA BUDGET MONITORING REPORT - OUTTURN

The Executive received the report, which advised Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2020 in respect of the Housing Revenue Account and the Council's new build schemes. Members were advised that an update on the HRA Capital Programme outturn was incorporated into the report to assist in providing a comprehensive financial update in respect of the Housing Revenue Account.

Particular reference was made to:-

- a small surplus to be added back to the HRA balance standing at £10.329 million with plans to spend much of this on the future capital programme to improve existing assets;
- request for a supplementary budget of £657,000; and
- capital expenditure of £15.7 million in the current financial year of which £7.2 million related to the existing stock and £8.5 million to investing in new Council homes.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the supplementary budgets of £657,040, as detailed in paragraph 8.4 of the circulated report;
- (2) the HRA financial position for 2019/20 financial year; and
- (3) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the circulated report.

TREASURY MANAGEMENT 2019/20

The Executive received the report on the current Treasury Management performance for the 2019/20 financial year and the position regarding investments and borrowings at 31 March 2020.

Particular reference was made to the receipt of £97,000 against an estimate of paying out £216,000 and taking loans at a positive interest rate.

RECOMMENDED that Council note the content of the report.

EMERGENCY BUDGET 2020/21

The Executive received the report on the impact of Covid-19 in relation to the finances of local authorities. Exeter had received £1.379 million of funding from Government, however the scale of income loss and additional expenditure incurred because of Covid-19 and the lockdown was larger than the additional funding received.

The Chief Finance Officer commented on the impact on business rates and the implications for the economy, particularly the key income streams for the city council in relation to the city centre, which were matters that would challenge the medium term financial plan. He highlighted the following details in respect of the need for the Council to make further savings of £5.8 million over the next three years:-

- an extra spend of £2.62 million including support for rough sleepers, creation of the wellbeing hub and providing new refuse vehicles;
- an income loss of £8.56 million;
- Government announcement of additional support anticipated in respect of fees and charges but not commercial rent;
- anticipated irrecoverable losses from sales, fees and charges for the year of £5.5 million with approximately £3.9 million compensation anticipated;
- gap of £11.2 million, representing nearly a third of the Council's gross budget of £35 million. A revised budget for 2020/21 was necessary to address the additional expenditure and loss of income experienced whilst maintaining the General Fund Working Balance above the minimum level of £3 million;
- proposal to help balance the budget included £1.4 million Government grant, £1.2 million from General Fund Working Balance, use of Earmarked Reserves; offsetting repayment of debts against previous re-payments, the receipt of £1.7 million from the RAMM Business Rates valuation appeal and reductions in service expenditure totalling over £1.7 million;
- future pressures included a pay award and supplementary budgets, possible additional costs bringing Leisure Services in house and the extension of rough sleeper support; and
- the District Councils' network was lobbying Government for support to both Leisure Services and the Housing Revenue Account (HRA).

During the discussion, the following points were raised:-

- the immediate action to support rough sleepers came at a cost to the Council of £180,000 but with only £24,000 received in grant;

- overall additional Government support of £500 million likely to be distributed to upper tier authorities and lack of clarity given when the Government announces support;
- the Council was committed to working with local businesses through the Place Board to ensure that Exeter recovers as quickly as possible from the crisis; and
- the Council is committed to maintaining front line services for the city

RECOMMENDED that Council:-

- (1) approves the Council's revised spending proposals in respect of both its General Fund and HRA revenue budgets;
- (2) notes that the future budget monitoring reports will assess the position against the revised budget and further decisions may be required depending on the economic impact being experienced as the year progresses; and
- (3) approves a budget of up to £1 million delegated to the Chief Executive, in consultation with the Leader and Chief Finance Officer. The budget to be used to fund urgent issues arising out of the response to Covid-19 and to offset the reductions in service budgets if required for urgent issues with the funds to be allocated from the income loss compensation announced by the Government.

74

REVIEW OF THE GENERAL BULLER STATUE

The Executive received the report requesting the Council's Scrutiny Programme Board to investigate the continued appropriateness of the statue of General Buller and his horse Biffen on the junction of Hele and New North Road in Exeter. The request was presented in context of the Black Lives Matters movement against systemic racism and discrimination.

Particular reference was made to the recent increase in activism and outrage over all aspects of inequality following the death of George Floyd in America on 25 May 2020, with significant focus around the relevance of prominent statues on public land that personify racism and the glorification of a colonial past. Although Exeter had six statues of prominent white men who played a part in the city's history, the Buller statue was the most conspicuous by way of location and controversy. The recommendation would ascertain if the statue was still appropriate to the people of Exeter today.

Members were advised that a temporary board was being prepared to be affixed close to the statue by the end of the week and which would explain its history, the Black Lives Matter movement and how the Council proposed to respond to representations being received.

The proposal to investigate the significance of the statue would include assistance from the University of Exeter and Professor Todd Gray in fact checking and researching original archives. The Tackling Racial Harassment in the Community Group would also be involved.

During the discussion, the following points were raised:-

- a large number of representations had already been received by email and letter expressing diverging views on the statue;
- it should not be the intention to re-write history, the statue having been erected some 115 years ago;

- as part of the scrutiny process, it would be important to recognise and celebrate the diversity of the city and, as such, involve as wide a cross section of the community in the scrutiny process as possible;
- the remit of the scrutiny process could be widened to consider other inequality issues; and
- consideration by the Scrutiny Programme Board was the appropriate way forward in the first instance with a recommendation to the appropriate Scrutiny Committee which should also set out a timeline.

RESOLVED that the Scrutiny Programme Board be requested to agree the investigation by the relevant Scrutiny Committee of the continued appropriateness of the statue of General Buller and his horse Biffen, and to act accordingly on its findings.

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COUNCIL DEVELOPMENT PROGRAMME

The Executive received the report updating Members on the Council's Social Housing development activity since the approval of the initial phase in October 2019. The report also sought approval for the establishment of a budget for in-year development opportunities where time constraints did not allow for a full Committee and Council reporting process to be followed. The report further sought approval for the acquisition of 3 - three bedroom houses in Anthony Road, Heavitree, Exeter, as part of the HRA Development Programme.

The report updated Members on the progress with the first tranche of development for 100 properties at a cost of approximately £18 million for the following sites:-

- 9 houses at Thornpark Rise;
- 10 houses at Bovemoors Lane;
- 21 flats at Hamlin Gardens;
- 60 flats at Vaughan Road;
- the Extra Care development at Edwards Court under construction to deliver 53 one and two bedroom flats early in 2021;

all delivered to Passivhaus standard by the Council's in-house team in conjunction with Exeter City Living.

- 17 non-traditionally constructed Laings properties had been demolished to be replaced with traditionally constructed dwellings.

The Council was continuing to scope the second phase of social and affordable housing programme, in some cases with Exeter City Living.

Members also noted the acquisition from Exeter City Living in the sum of £900,000 of the three houses in Anthony Road, Heavitree next to the Council's HRA housing estate, North Lawn Court, Exeter, these properties being originally intended for the open market. In order to assist in any future market acquisitions quickly, an additional budget of £3 million was requested.

The Director (BA) also reported a Government announcement of a £3 billion "green" package including a £50 million pilot programme for the retrofit of social housing at scale including elements such as insulation, double glazing and heat pumps. It was considered that the City Council was well placed to make a funding bid to participate in the pilot because of the innovative work already commenced within the Housing Assets and Development Team.

Members noted the:-

- contribution the above developments would make to the Council target of delivering 500 new properties in total within a 10 year period;
- commitment to building to Passivhaus Standards and aligning with the Council's Objectives regarding Carbon Reduction; and
- valuable increase to the City's social housing stock being brought forward in conjunction with the work of Exeter City Living as the Council's other development arm.

RECOMMENDED that Council:-

- (1) note the Housing Revenue Account Development Programme progress update;
- (2) approve the additional capital budget provision of £3 million to allow urgent market opportunities to be pursued and secured where the Committee reporting timescales do not allow a full reporting process to be followed;
- (3) grant delegated authority to the Director (BA) in consultation with the Leader of the Council and the Portfolio Holder for Council Housing Development and Services to spend the £3 million as referred to in paragraph 2.1.2 of the circulated report where in year market opportunities are identified; and
- (4) approve the acquisition of all three, three bedroom houses in Anthony Road, Heavitree, Exeter, as part of the HRA Development Programme at a cost of £900,000.

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THE INTRODUCTION OF A COUNCIL HOUSING AND DEVELOPMENT ADVISORY BOARD

The Executive received the report which sought approval to establish a Council Housing and Development (CHD) Advisory Board to improve oversight and governance of the management and maintenance of Council Social Housing as well as the Council's ambitious Social Housing Development plans.

Particular reference was made to the need to meet regulatory standards set by the Regulator of Social Housing's (RSH) for all Registered Social Landlords and the relevance to the City Council with a housing stock delivering an income via tenants' rent of over £20 million and with assets worth over £240 million. The establishment of this Board was therefore in line with best practice and would represent a valuable addition to the Council's existing scrutiny process.

Members noted the proposed composition of the Advisory Board which would include a wide range of expertise provided by five external advisors/stakeholders, tenant representatives as well as Councillors. The report set out the proposed terms of reference for the Board.

RECOMMENDED that Council:-

- (1) approve the creation of a Council Housing and Development (CHD) Advisory Board, with the composition and terms of reference detailed in sections 9 and 10 of the circulated report;

- (2) agree the terms of reference set out in paragraph 9 of the circulated report and the Council's Constitution be amended accordingly;
- (3) request the Independent Remuneration Panel to consider the position of Chair of the CHD Advisory Board and whether it should attract a Special Responsibility Allowance (SRA) and, if so, the level of SRA, and recommend this to Council accordingly;
- (4) approve a budget of up to £16,000 to cover the cost of an additional resource, if required, and a budget of up to £10,000 for the Special Responsibility Allowance, if required.

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GREATER EXETER STRATEGIC PLAN: DRAFT POLICIES AND SITE OPTIONS CONSULTATION

The Executive received the report which sought approval to consult on the Greater Exeter Strategic Plan (GESP) draft policies and site options consultation document and associated reports, to hold a further 'call for sites' to inform the plan making process and to increase the staff resources in the GESP team.

The Director (BA) advised that the approval to go out to consultation was being considered by the GESP constituent councils of Exeter, East Devon, Mid Devon and Teignbridge District Councils. She invited George Marshall from the GESP team to give the presentation, <https://app.box.com/s/ge36i69xsgjoaetuer7csc3e27edty6> which would be made to each of the Councils, taking Members through the development process with the aim of providing a strategic planning document covering the period 2020 to 2040. The GESP would be strategic in nature and would include:-

- an overarching vision;
- the planning strategy and strategic policies for:
 - Climate emergency;
 - Prosperity and homes;
 - Movement and communication
 - Nature; and
 - Quality places and infrastructure; and
- site allocations for strategic scale development: housing and employment.

Local Plans would need to sit alongside the GESP.

A series of evidence documents would be part of the plans for consultation which include the:

- Sustainability Appraisal: Environmental, social and economic assessment;
- Initial Habitat Regulations Report: Assessment of potential implications for European wildlife sites;
- Issues consultation: Consultation statement: How the responses from the previous consultation have been used to progress the GESP; and
- Equality Impact Assessment: Assessment of the potential impact of GESP content on protected groups.

Also associated with the GESP is a Joint Statement of Community Involvement, (Joint SCI) setting out the way authorities would jointly consult on the GESP. The Joint SCI had been consulted on in 2017 and had been updated to reflect the commentary received though that process (see Minute No. 78 below for further

detail). Approval of the consultation documents was taking place during July and August, with a leadership meeting in August to discuss any minor amendments before consultation commencement. Subject to approval from all four Councils, the eight week consultation would run from 21 September to 16 November 2020 with the responses informing the preparation of the Plan going forward. There would also be further opportunities to shape the plan post-consultation through the Member Reference Forum and Leadership meetings. Additional public consultation would be held as the plan progresses.

During the discussion, the following points were raised:-

- the consultation would be far ranging allowing everyone to have the opportunity to fully engage in the consultation process; and
- comments had already been received by Members from the public who would be encouraged to use the consultation process once this starts in September.

The Portfolio Holder City Development and Planning referred to Exeter's continued commitment to this programme and welcomed the opportunity for the Leader, the Chief Executive & Growth Director working with him to agree the changes depending on the decisions of the other local authorities to ensure that the financial commitment would be made to full effect.

RECOMMENDED that Council approve the GESP team being brought up to eight full time equivalent members of staff and that local planning authority staff resources be provided equitably to the team through equalisation arrangements. Subject to future confirmation of the additional GESP staff roles that will be required for Exeter City Council this would likely equate to a total contribution of approximately £62,000 per annum towards staff costs, or an additional £33,330 per annum on top of existing staff contributions.

RESOLVED that:-

- (1) the Greater Exeter Strategic Plan (GESP) Draft Policies and Site Options consultation document be approved for public consultation;
- (2) the GESP Draft Policies and Site Options Sustainability Appraisal Report be approved for public consultation;
- (3) the Initial Habitat Regulations Assessment Report be approved for public consultation;
- (4) the content and conclusion of the GESP Equality Impact Assessment Screening Report be noted;
- (5) delegated authority be given to the Chief Executive & Growth Director in consultation with the Leader and relevant Portfolio Holder to agree changes to the documents presented at the meeting, following decisions made by the other GESP authorities and before they are published for consultation;
- (6) a 'call for sites' process be approved, alongside the consultation on the GESP Draft Policies and Site Options document presented at the meeting;
- (7) the content of the consultation statement for the 2017 Greater Exeter Strategic Plan Issues consultation be noted.

GREATER EXETER STRATEGIC PLAN: JOINT STATEMENT OF COMMUNITY INVOLVEMENT

The Executive received the report on the Joint Statement of Community Involvement (Joint SCI) prepared for the Greater Exeter Strategic Plan (GESP). This document would be considered by the four Greater Exeter local planning authorities of Exeter City, East Devon District, Mid Devon District and Teignbridge District. The report included the proposed approach to public consultation for the GESP as it progresses through its statutory plan-making stages towards adoption. The Director (BA) stated that there was no legal requirement to consult on an SCI, but a draft had been subject to public consultation in 2017. It had been amended following the responses and to take account of the emerging Covid-19 situation and restrictions on social interaction. Every effort had been made to include flexibility in the statement of community involvement to enable full and meaningful consultation irrespective of Covid-19.

RESOLVED that:-

- (1) the contents of the Joint Statement of Community Involvement (Joint SCI) that has been prepared for the GESP be approved; and;
- (2) delegated authority be given to the Chief Executive & Growth Director in consultation with the Leader of the Council and the relevant Portfolio Holder to agree changes to the Joint SCI arising from decisions by the other Greater Exeter local planning authorities and approve it as a Local Development Document, noting that it will apply jointly to East Devon District, Exeter City, Mid Devon District and Teignbridge District Councils.

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 the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

POST-PANDEMIC RECOVERY OF LEISURE SERVICES

The report on the recovery of the Council's leisure services as a result of the impact of COVID-19 and the requirement to secure a long term future for the Council's leisure services was taken in Part I of the agenda (Minute No. 68 above refers).

RESOURCES REQUIRED TO DEVELOP EXETER'S LOCAL PLAN

The Executive received the report which set out the staff resources required within the City Development Service for the development of Exeter's Local Plan and outlined the budget required to finance the evidence requirements associated with bringing forward the Exeter Local Plan.

Particular reference was made to ensuring that the Local Plan Team could meet the authority's statutory duty to produce an up-to-date Exeter Local Plan as well as all other statutory forward planning functions.

RECOMMENDED that Council approve the allocation of funding required for the evidence requirements associated with bringing forward the Exeter Local Plan.

RESOLVED that:-

- (1) the resources required to develop the Local Plan, including the proposed structure, roles, anticipated grades and financing and to proceed with the setting up of the new proposed team and the granting of delegated authority to the Director (BA), in consultation with Human Resources, to agree job descriptions and personal specifications for the new posts be approved; and
- (2) the recruitment of the Local Plan Lead and Project Officer posts and the granting of delegated authority to the Director (BA), in consultation with the Chief Finance Officer and the Leader of the Council to progress the appointment of other posts when the Council's financial position permits it be approved.

82 **EXETER CITY GROUP - RECOMMENDATIONS ON GOVERNANCE AND OPERATING MODEL**

The Chair reported that this item had been withdrawn.

83 **EXETER CITY LIVING LTD BUSINESS PLAN 2020/21**

The Executive received the report which sought approval of the Exeter City Living Business Plan 2020/21, with the associated expenditure of previously drawn down loans for funding of business operations and development activity during the financial year 2020/21.

The proposals represented an upscaling of Exeter City Living's activities and would make a significant addition to the Council's ambitions for the city in line with the Exeter Vision 2020. Members noted the aspirations identified for particular sites across the city and welcomed the contribution that would be made to providing much needed, quality housing and the economic, social and environmental benefits that would accrue, now of even greater relevance as a result of the current Covid-19 pandemic.

RECOMMENDED that Council:-

- (1) approve the use of the previously approved Exeter City Council loans to Exeter City Living to fund the matters identified in the Exeter City Living Business Plan 2020/21;
- (2) approve Exeter City Living proceeding with the activities outlined and detailed in the Exeter City Living Business Plan 2020/21 and to include the operational activities and development works identified;
- (3) note that further requests for loans and/or expenditures may be submitted during the course of the financial year, should viable projects to progress ahead of the schedule in the Business Plan 2020/2021, or new opportunities which require funding in excess of the loans approved by the Council to date; and

- (4) note that some of the schemes currently being considered for feasibility review/further investigation may prove unviable and agree that these could be replaced/substituted with other schemes should the Board of Exeter City Living believe they are appropriate for expenditures/investment in the feasibility and pre-planning stage.

(The meeting commenced at 5.30 pm and closed at 8.07 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council.

REPORT TO EXECUTIVE

Date of Meeting: 1 September 2020

REPORT TO COUNCIL

Date of Meeting: 20 October 2020

Report of: Director – Communities, Health and Wellbeing, Sport and Leisure

Title: Food Law and Health and Safety Enforcement Service Plan 2020 - 2021

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council Function

1. What is the report about?

- 1.1 To seek approval for the adoption of the Food Law and Health and Safety Service Plan 2020-21. This statutory plan sets out the Council's regulatory function in respect of food safety and health and safety over the forthcoming year.

2. Recommendations:

- 2.1 That Executive supports the Food Law and Health and Safety Service Plan 2020-21
- 2.2 That Council approves:
- a) the Food Law and Health and Safety Service Plan 2020/21; and
 - b) the Service Lead – Environmental Health and Community Safety being authorised to change the plan in the light of national 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 Food Law and Health and Safety Service Plan Statutory Service Plan incorporates:

- the service aims and objectives;
- the Action Plan for 2020/21; and
- the financial arrangement for providing the service.

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

4.1 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 2019/20.

4.2 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 for Council to consider contained in 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.

7. Monitoring Officer's comments:

This report raises no issues of concern to the Monitoring Officer.

8. Report details:

Key Achievements in 2019/20:

8.1 Value for Money

Environmental Health and Community Safety is delivered at a net cost of 85p per head of the population for food safety and 85p per head of the population for health and safety.

8.2 Programmed Interventions

The service inspected 569 food businesses during the year. Out of those targeted for inspection 93.74% (569) were inspected. Due to COVID-19 and the necessary lockdown measures being introduced, the remaining inspections were unable to be completed before the end of the financial year.

8.3 Service Requests

Environmental Health and Community Safety is responsible for investigating complaints relating to food safety, health and safety regulation, infectious disease control and also for providing health promotion and training activities for businesses. 954 such requests were received by the service during 2019/20.

8.4 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 intelligence led food sampling programme led to 6.9% of the 72 food samples taken being found to be unsatisfactory or borderline. This programme has led to the service intervening at an early stage to help businesses produce food safely.

8.5 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.

Whilst the service has adequate resources to deal with its workload on a day to day basis large scale outbreak requiring an extensive investigation put pressures on the service which can have an impact on the completion of the annual service plan. COVID-19 has resulted in resources being diverted away from food safety and health and safety enforcement. It is likely that this will have an impact on the successful completion of the planned programme of inspections and sampling set out in the service plan without additional resources being allocated.

8.6 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 advice visits accompanied by translators and a joined up approach to health and safety, occupational health and public health with businesses throughout the city.

During 2019/20, 132 delegates attended food and health and safety education and awareness sessions run by the service.

8.7 Primary Authority

The service currently has 5 active Primary Authority Partnerships.

8.8 Audit of Food Safety Service

During February 2020 the Food Standards Agency conducted an audit of the Council, with a particular focus on approved premises. The Authority was selected for audit primarily because it had not been audited by the Food Standards Agency in at least 5 years.

The auditor's key finding were:

The Authority had a range of policies and procedures detailing the delivery of official food controls, demands of the service delivery and included information about approved establishments. These policies and procedures; along with the Environmental Health and Licensing Statutory Service Plan, provided the details as required in the Framework Agreement on Official Feed and Food Controls by Local Authorities.

The Authority had implemented an officer competency assessment system in accordance with the Food Law Code of Practice. Although the Authority was keen on officer Continuous Professional Development (CPD) full documentary evidence was not available for all Authorised Officers.

The Authority had an appropriate documented procedure for the approval of establishments, which followed the Food Law Code of Practice and the Approval of Establishments Guidance for Local Authority Authorised Officers 2016 (FSA Approvals Guidance). Following the criteria specified in the Approvals Guidance, the Authority had carried out a suitable assessment of approved establishments within the borough and all of them required to be approved.

Interventions at approved establishments had been carried out at the frequency prescribed in the Food Law Code of Practice.

The audit made 3 recommendations with respect to

1. competency assessments being appropriately signed, officers' authorisations detail the specific regulations in line with their competency assessments and that the authority ensures that records of continuous professional development are maintained
2. ensuring Food Business Operators were carrying out microbiological sampling of food, processing areas and equipment, as required by (EC) Regulation No. 2073/2005.
3. develop and implement an internal monitoring procedure covering all the elements of the service delivery in order to meet the Framework Agreement requirements.

The auditors also highlighted an area of good practice in the use of a digital cloud-based information management system for the dissemination of the Authority's procedures.

8.9 Proposed key activities for 2019/20

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

- Implementation of the transfer to a new Environmental Health Computer System, implementing a more streamlined customer reporting system and removing unnecessary administrative burdens through a more integrated and digitalised approach.
- Maintain high standards in food safety by
 - Continuing to maintain high level (>97%) of broadly complaint food businesses in the city.
 - Enhanced coaching/sampling/training for non-complaint businesses, with caution/prosecution as final action for those who continually flout the law.
 - Continue with intelligence led food sampling programme
- Promoting Safer Workplaces by
 - Inspecting premises regarding the duty to manage asbestos interventions
 - Continue to provide advice and guidance to business to ensure high COVID-19 standards are being maintained
 - Continue to conduct water quality sampling of swimming pools and other water areas
- Co-ordinate multi-agency visits where migrant worker/modern slavery issues are suspected or identified
- Provide support to Public Health England and Public Health Devon in the implementation of the Local COVID Outbreak Management Plan should it be required.

- To look at options to recommence the Environmental Health Training Course programme in a COVID secure way.
- To investigate further Primary Authority Partnership opportunities for the service
- To conduct a review of the Food Safety and Health and Safety Enforcement Policies and Procedures

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

9.1 The Food Law and Health and Safety Service Plan 2020-21 contributes to all aspects of the Council's Corporate Plan.

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

10.1 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. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

12.1 There are no carbon footprint implications identified in this report.

13. Are there any other options?

13.1 The Food Law and Health and Safety 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.

Jo Yelland - Director

Authors: Simon Lane - Service Lead – Environmental Health and Community Safety

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

Background papers used in compiling this report:-

- 1) Legislative and Regulatory Reform Act 2006
- 2) Food Law Code of Practice
- 3) Standard for Health and Safety Enforcing Authorities
- 4) HSC Enforcement Policy Statement
- 5). The Regulatory Enforcement and Sanctions Act 2008
- 6). Regulator's Compliance Code

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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Equality Impact Assessment: Financial Assistance Policy for the Food Law and Health and Safety Service Plan

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

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

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name & date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 1 September 2020 Council 20 October 2020	Food Law and Health and Safety Service Plan	Adoption of service plan	The Service Plan forms the basis of the business regulation enforcement functions for the authority and ensures that national food safety and health and safety priorities are addressed along with locally identified needs. It demonstrates our commitment to improving public safety and health outcomes, sets out our priorities and planned interventions for the current year and targets them to maximise their impact.

			<p>Exeter City Council has a duty to act as an enforcing authority in premises for which it is responsible. The plan outlines how the Council will undertake that function.</p> <p>It has been produced to ensure that local businesses, landlords, 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.</p> <p>The Council recognises the important role it plays promoting and securing the safety and health 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:</p> <ul style="list-style-type: none"> • 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 performance
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Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive		The Service Plan applies equally to all residents of Exeter irrespective of disability. Our service does seek to positively support those with disabilities through ensuring safe workplaces
Sex/Gender	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.
Gender reassignment	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The	Positive		We believe that this service plan will have a positive impact that are improved as a result of our intervention.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
age categories are for illustration only as overriding consideration should be given to needs).			
Pregnancy and maternity including new and breast feeding mothers	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.
Marriage and civil partnership status	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.

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

The Council will consider Equalities and protected characteristics at all stages of any intervention.

All Authorised Officers will ensure that all persons dealt with receive fair and equitable treatment irrespective of their background or protected characteristics, as defined by the Equality Act 2010.

Officer: Simon Lane - Service Lead – Environmental Health and Community Safety

Date: 03 August 2020



Exeter
City Council

Environmental Health and Community Safety

Food Law and Health and Safety Enforcement Service Plan

2020 – 2021

Drawn up in accordance with the: -

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

Issued by: Simon Lane, Service Lead – Environmental Health and Community Safety

Issue date: June 2020

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1 Introduction

1.1 Introduction

1.1.1 This document forms the basis of the business regulation enforcement functions for the authority and ensures that statutory provision for food law and health and safety enforcement is addressed along with locally identified needs.

1.1.2 The Council has a duty to act as an enforcing authority for food safety and health and safety in premises for which it is responsible. The plan outlines how the Council will undertake that function.

1.1.3 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 and health 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 around enforcement services provided by the Council;
- details of the Council's performance management systems;
- information on the performance of the Council

1.2 Access to services

1.2.1 The Environmental Health and Community Safety service is based in the Civic Centre, Paris Street. Service users may contact officers on site or by leaving a message in the following ways:

- online via the Council website
- in person by appointment at the Customer Service Centre in Paris Street.
- by telephone, 01392 265193 between 09:00am 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

2 Service aims and objectives

2.1 Aims and objectives

2.1.1 The Council's Corporate Plan sets out priorities which aim to meet the needs of our citizens and customers. The priorities are:

- Tackling congestion and accessibility
- Promoting active and healthy lifestyles
- Building great neighbourhoods
- The corporate plan is available by visiting www.exeter.gov.uk/corporateplan.

2.1.2 In respect of Food Safety and Health and Safety the objectives of the Council are to:

- undertake appropriate and meaningful regulatory interventions at business and residential 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 and current good practice. Businesses will be targeted, focusing resources on those 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 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 wellbeing of persons living, working or visiting the City;
- provide technical advice to City Development on the environmental and health impacts of development.

2.2 Links to corporate purposes and other local and national strategies and plans

2.2.1 The Environmental Health and Community Safety service 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 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
- 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;

- continue to develop new ways to establish and maintain an effective health and safety culture in the city so that all employers take their responsibilities seriously, the workforce is fully involved, risks are properly managed and employees are not being protected;
- 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 Health and Wellbeing Priorities and Other Plans

2.3.1 The Devon Health and Wellbeing Board has 4 strategic priorities:

- Create opportunities for all-inclusive economic growth, education and social mobility
- Healthy, safe, strong and sustainable communities creating conditions for good health and wellbeing where we live, work and learn.
- Focus on mental health building good emotional health and wellbeing, happiness and resilience
- Maintain good health for all supporting people to stay as healthy as possible for as long as possible.

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 Council Enforcement Policy
- The Environmental Strategy
- The Carbon Management Plan
- The Air Quality Strategy
- The Air Quality Action Plan
- The Licensing Act 2003 Statement of Licensing Policy
- Exeter City Council Corporate Plan
- The Exeter Community Safety Partnership Strategy
- Gambling Act 2005 Policy
- Street Trading Policy

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 an estimated residential population of 130,500 persons with 72.8% of working age.

3.1.2 There are a total of 4,877 registered businesses for business rates.

- 3.1.3 Approximately 35,000 people commuting to Exeter on a daily basis, with an average footfall in the city centre of 1,364,000 people per month.
- 3.1.4 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.
- 3.1.5 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 food outlets and fast food takeaway outlets and the food pattern is dynamic.
- 3.1.6 The City's status as a medical, university, and educational centre means that there are several large institutional catering premises located within the boundary.
- 3.1.7 The few Product Specific Premises are small scale operations by modern day standards.
- 3.1.8 Exeter is no longer a port health authority.
- 3.1.9 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 Community Safety is within the Portfolio of Services overseen by the Director for Communities, Health, Wellbeing, Sport and Leisure, with the Service Lead -Environmental Health and Community Safety responsible for delivering this Service Plan. The Environmental Health and Community Safety Service 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 for Waste Operations and Fleet, Public and Greenspaces, and Private Sector Housing;
 - Co-ordination of the council's anti-social behaviour function;
 - Co-ordination of the multi-agency Community Safety Partnership
 - Regulation of Private Sector Housing which includes Mobile Home Parks
 - Housing Grants and Loans
 - Fuel Poverty Strategy
- 3.2.2 Environmental Health and Community Safety Service operates under the Director for Communities, Health, Wellbeing, Sport and Leisure.

- 3.2.3 The Service Lead - Environmental Health and Community Safety has various delegations to act on behalf of the Council, with delegated deputies appointed 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 in Appendix A and the Council's committee structure is detailed in Appendix B.
- 3.2.5 In consultation with the Director (City Solicitor), the Service Lead – Environmental Health and Community Safety is authorised to deal with the provisions and enforce compliance with legislative areas delegated to the post. This includes 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 Director (City Solicitor) 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, South West Water and Somerset Scientific Services.

4 Performance

4.1 Food Safety performance

4.1.1 During 2019/20, the service:

- Conducted 569 rated food hygiene inspections
- 93.74% of those inspections that were due within 2019/20 were conducted
- 6 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
- 162 compliance checks / advice visits were conducted
- 190 food poisoning cases were investigated
- 231 service requests / complaints relating to food safety were received
- 87 delegates attended food safety training with a 98.9% pass rate
- 72 food samples were conducted with 6.9% found to be unsatisfactory or borderline.

4.2 Health and Safety performance

4.2.1 During 2019/20:

- 76 premises have been the subject of a health and safety intervention.
- 269 health and safety service requests / complaints were dealt with
- 132 accident reports have been received and looked into

- Joint initiatives took place with partners including the Police where there was a concern for staff welfare, health and safety and whether those working at the establishments were doing so of their own accord.
- 45 delegates attended health and safety training with a 93.3% pass rate.
- 59 pool samples were taken with 5% found to be unsatisfactory.

5 Food Safety

5.1 Scope of the Food Safety Service

5.1.1 The Food Safety Service :

- Undertakes programmed food hygiene interventions and revisits;
- approves of food businesses
- monitors the database
- undertakes food sampling
- investigates food complaints;
- assists Public Health England in investigation of food poisoning and infectious disease outbreak control;
- responds to Food Standards Agency Food Alerts, product withdrawals and recalls;
- provides of export food certificates;
- inspects food;
- runs advisory and training services for businesses;
- promotes food safety

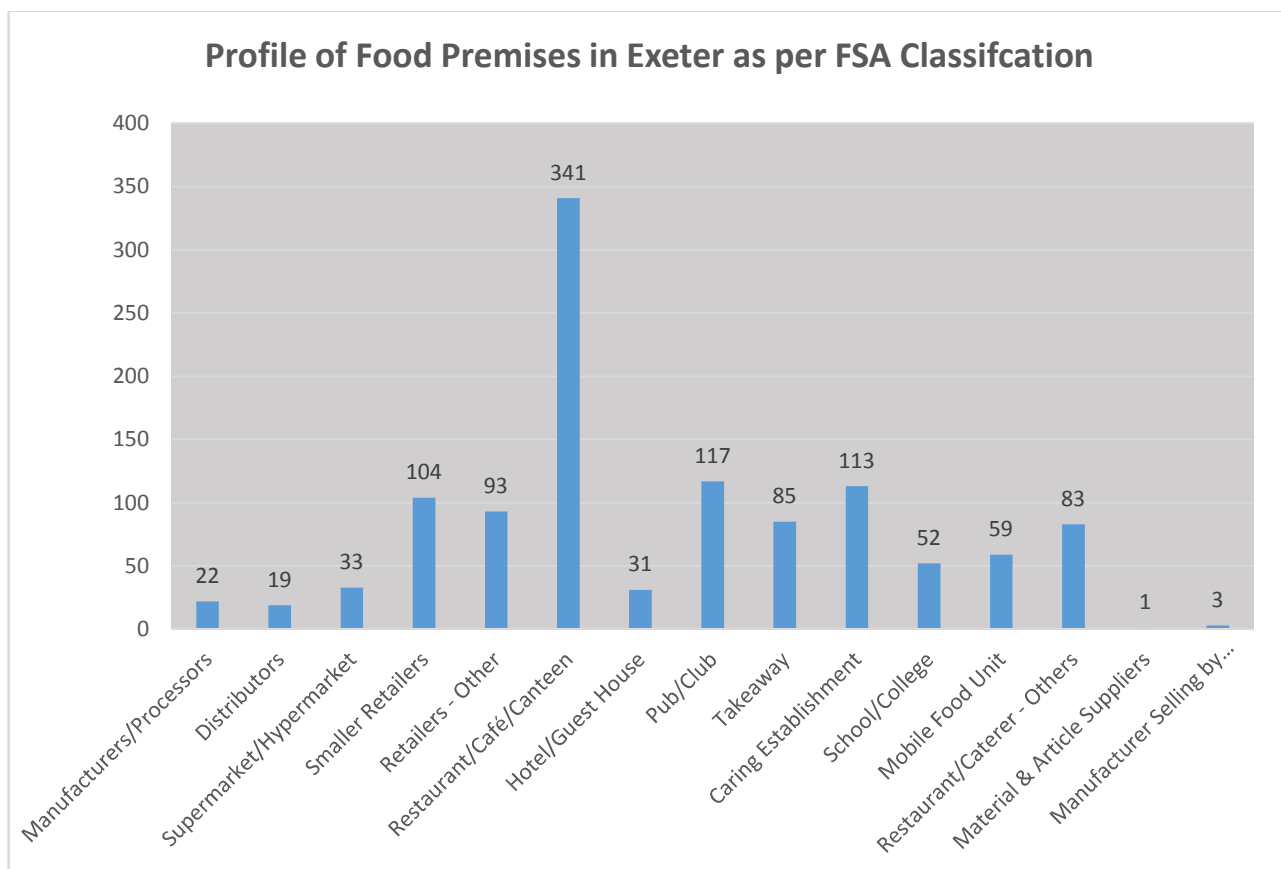
5.1.2 The Council believes in fair regulation and the team uses a variety of means to ensure that individuals and organisations meet their responsibilities including education, negotiation, advice, guidance, warning letters, formal notices and prosecution. Overall the service seeks to work in collaboration with businesses while avoiding unnecessary bureaucracy in the way it works.

5.1.3 The Council supports the Food Standards Agency's strategic goal of 'Food We Can Trust' and its 5 underpinning principles which are currently being looked at nationally, namely:

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of information.
2. Decisions should be tailored, proportionate and based upon a clear picture of UK food businesses.
3. The regulator should take into account all available sources of information.
4. Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not.
5. Businesses should meet the cost of regulation, which should be no more that they need to be.

5.2 Food Business Profile

5.2.1 The current (as at 1 April 2020) profile of food premises in the City as per Food Standards Agency classification is illustrated below:



5.2.2 Following an inspection/audit, food premises are scored and categorised (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 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.

5.2.3 The current profile of food premises in terms of risk category are shown below Needs to be updated before publication

	A	B	C	D	E	U	Total
01 April 2020	0	32	182	592	318	32	1156

5.2.4 There are a small number of 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. The Food Standards Agency provides food hygiene information in a number of languages to which food business operators will be signposted whenever appropriate. The Council also aims to provide food hygiene training in other languages if sufficient demand arises (for example, a Level 2 food hygiene course in Cantonese and Mandarin is offered on an annual basis).

5.2.5 Some food business operators employ a number of migrant workers. Where appropriate, inspecting officers will look for evidence of modern slavery or inadequate accommodation/working conditions and share this intelligence with the appropriate agencies (Police, Immigration etc.). A migrant workers group meets on a regular basis, bringing together all relevant regulatory bodies to discuss these issues.

5.3 Interventions

5.3.1 The Council will:

- carry out a range of official and other food controls 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 issued guidance;
- liaise with the 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.

5.4 Complaints

5.4.1 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.

5.4.2 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.

5.4.3 The number of food complaints/service requests received annually has been at a constant level over the last few years.

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

5.5 Primary Authority Principle

5.5.1 Where the Council acts as Primary 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.

5.6 Advice to Business

- 5.6.1 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 other official 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.
- 5.6.2 It is estimated that 0.1 FTE qualified food inspectors will be necessary to provide information and advice to food businesses.

5.7 Food Premises Database

- 5.7.1 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.

5.8 Food Inspection and Sampling

- 5.8.1 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;
- 5.8.2 The Council has appointed Public Analysts Scientific Services (PASS) and the Public Health England Porton Down Laboratory as the Council's Public Analyst and Food Examiner respectively.
- 5.8.3 The Council's sampling priorities are detailed in Section 13.
- 5.8.4 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Technical Officer. 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.

5.9 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 5.9.1 The Council'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.

5.9.2 Investigations into outbreaks of foodborne illness are carried out in consultation with and under the direction of Public Health England.

5.9.3 A Single Case Management Plan has been drawn up between PHE SW and Local Authorities. The plan outlines who will take the lead for investigating single cases of various notifiable diseases and the appropriate method in each case (letter, phone call, visit etc.). Case questionnaires have also been standardised across the district and are available on the Environmental Health Computer System.

5.9.4 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 Community Safety to deal with this service demand.

5.9.5 It is estimated that 0.1 FTE qualified food inspectors will be required to investigate outbreaks and food related infectious diseases.

5.10 Food Safety Incidents

5.10.1 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.

5.10.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure.

5.10.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer will notify the Food Standards Agency.

5.10.4 It is considered that adequate resources exist within the full complement of Environmental Health and Licensing to deal with this demand.

5.10.5 It is anticipated that 0.1 FTE will be required to deal with food hazard alerts.

5.11 Enforcement

5.11.1 The Council will carry out food law enforcement in line with the Council's Enforcement Policy.

5.12 Records and Intervention reports

5.12.1 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.

5.13 Complaints about the Service

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

5.14 Liaison with Other Organisations

- 5.14.1 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 and Somerset Trading Standards and periodic meetings will be held with the local business forums & interested groups to provide advice and promote good practice. The Health Protection Advisory Group provides a forum for regular liaison with Public Health England.
- 5.14.2 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.

5.15 Internal Monitoring

- 5.15.1 Internal monitoring procedures to verify conformance with this Service Plan are well established and will be exercised. These include senior officer auditing, peer review and consistency exercises.

5.16 Audit

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

5.17 Food Safety Promotion

- 5.17.1 The Council will actively promote food safety issues through award schemes, campaigns, dissemination of information and support to schools, colleges and targeted groups.

5.18 Other Services

- 5.18.1 Environmental Health and Community Safety has responsibility for undertaking a parallel role in respect of other Environmental Health related legislation in commercial premises.
- 5.18.2 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 Environmental Health Officer, but only when it will not comprise future enforcement action.
- 5.18.3 The service seeks to work in partnership with relevant agencies to promote business regulation related matters in the wider context of public health.

5.19 Enforcement Policy

- 5.19.1 The Council's Enforcement Policy includes the principles contained in the Regulators' Code which the Council is committed to incorporating into its regulatory functions.
- 5.19.2 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.
- 5.19.3 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.

5.20 Food Premises Inspections

5.20.1 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.

5.20.2 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food business operators, 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;
- identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food;
- to issue the relevant rating as laid out in the Food Hygiene Rating Scheme Brand Standard, where the premises is part of the scheme

5.20.3 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.
- to issue the relevant rating as laid out in the Food Hygiene Rating Scheme Brand Standard, where the premises is part of the scheme

5.20.4 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.

5.20.5 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)

5.20.6 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.

5.21 Food Complaints

- 5.21.1 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.
- 5.21.2 There is an established procedure for dealing with food complaints which sets out the action to be taken regarding investigation. Our investigation will be guided by the detailed considerations laid down in the LG Regulation publication “Dealing with Food Complaints”.
- 5.21.3 The number of food complaints/service requests received annually has been at a constant level over the last few years.
- 5.21.4 It is estimated that 0.2 FTE qualified inspectors will be required to deal with food complaints.

5.22 Primary Authority Partnerships

- 5.22.1 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.
- 5.22.2 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)
 4. HK4 (Food Safety, Health and Safety and Licensing)
 5. KM Innovations Ltd (Food Safety)

5.23 Advice to Business

- 5.23.1 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. In addition, the service provides a bespoke 2-hour session to help new food business operators understand their duties under food law. The session focusses on those elements required to attain a good food hygiene rating.
- 5.23.2 Inspectors provide advice during routine interventions and respond to queries from the public and food businesses.
- 5.23.3 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.

- 5.23.4 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.
- 5.23.5 The service will actively seek participation in or look to co-ordinate appropriate forums to promote food safety and disseminate information.
- 5.23.6 It is estimated that 0.1 FTE qualified food inspectors will be necessary to provide information and advice to food businesses.

5.24 Food Inspection / Sampling

- 5.24.1 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.
- 5.24.2 Public Health England's Coordinated National Sampling projects are determined following consultation on various options with stakeholders. Local sampling studies are also organised via the Devon Food Sub Group.
- 5.24.3 The Council's sampling priorities are detailed in Section 7.
- 5.24.4 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Technical Officer. 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.

5.25 Control and Investigation of Food Poisoning Outbreaks and Food Related Infectious Disease

- 5.25.1 Environmental Health and Community Safety'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.
- 5.25.2 Investigations into outbreaks of foodborne illness are carried out in consultation with and under the direction of Public Health England.
- 5.25.3 A Single Case Management Plan has been drawn up between PHE SW and Local Authorities. The plan outlines who will take the lead for investigating single cases of various notifiable diseases and the appropriate method in each case (letter, phone call, visit etc.). Case questionnaires have also been standardised across the district and are available on the Environmental Health Computer System.
- 5.25.4 The Principal Environmental Health Officer (Business Regulation) 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 The Environmental Health and Community Safety service to deal with this service demand.

5.25.5 It is estimated that 0.1 FTE qualified food inspectors will be required to investigate outbreaks and food related infectious diseases.

5.26 Food Safety Incidents

5.26.1 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.

5.26.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure.

5.26.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer (Business Regulation) will notify the FSA.

5.26.4 It is considered that adequate resources exist within the full complement of Environmental Health and Community Safety to deal with this demand.

5.26.5 It is anticipated that 0.1 FTE will be required to deal with food hazard alerts.

5.27 Liaison with Other Organisations

5.27.1 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
- Chartered Institute of Environmental Health (CIEH)
- University of Exeter
- Exeter College
- Other services within the Council (e.g. Planning & Building Control)
- Devon and Somerset Better Business for All Partnership

5.27.2 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;
- identify funding opportunities;
- development of food hygiene training;
- providing focused training sessions on nutrition;
- other food related subjects.

5.28 Food Hygiene Rating Scheme and Food Safety Promotion

5.28.1 The service utilises many methods to promote food safety and increasingly is led 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. 1045 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.

5.28.2 Food businesses rated 4 or below can request a revisit to rescore, for which a fee of £160 is payable. Once the completed application and fee is received, officers will carry out an unannounced inspection within three months.

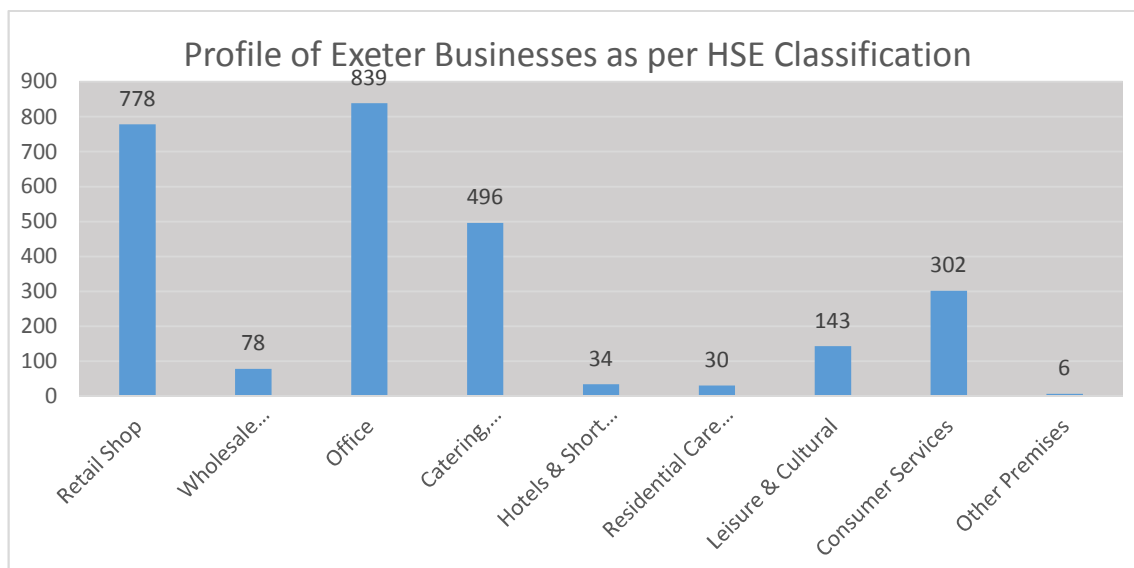
5.28.3 Numerous promotional activities also occur during the course of a typical year usually in response to need/requests from the different communities in Exeter, for example:

- 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;
- Food hygiene awareness sessions targeted a new food business operators.

6 Health and Safety

6.1 Health and Safety Business Profile

6.1.1 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 **2706** premises.



6.2 Health and Safety Intervention Programme

6.2.1 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.

6.2.2 The role of the Council is to support, encourage, advise and where necessary hold to account businesses to ensure that they effectively manage the occupational health and safety risks they create. The service uses the guidance given in HELA Circular (67/2 Revision 9) to set its priorities and target its interventions. Businesses are risk-rated from category A (high risk), through B1 and B2 (medium risk) to C (low risk). These ratings are *not* used to determine proactive inspection interventions – the choice of proactive inspections follows the principles within the National Local Authority Enforcement Code (see Section 8.6) – they do, however, help the Council target other interventions on the basis of risk.

6.2.3 As a result of current national and local drivers for change 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 will continue to concentrate on specific topic areas during proactive interventions and reactive investigations, rather than complete all-encompassing inspections. The areas focussed on have been identified nationally and locally as contributing to the highest rate of accidents/incidents and ill health at work, across all health and safety enforcing authorities.

6.3 Scope of Health and Safety Service

6.3.1 With regard to health and safety, the Council will be directed by the Health and Safety Executive's National Local Authority Enforcement Code issued under Section 18 (4)(b) of the Health and Safety at Work etc. Act 1974. 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;

6.3.2 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.

6.3.3 The service comprises a range of key functions, namely:

- to carry out interventions in line with HELA Circular 67/2 (rev.9), the National Local Authority Enforcement 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;
- to focus on emerging issues such as modern slavery and migrant workers, through liaison with the police and immigration authorities.

6.3.4 Proactive aspects of the health and safety service are often delivered jointly with other proactive services such as food hygiene inspections. For example, a current Devon Health and Safety Sub Group initiative is raising the awareness of the duty to manage asbestos. This matter is therefore discussed (where relevant) during food hygiene interventions. The reactive aspects of the service, for example accident investigations, are responded to along with other complaints and requests for service.

6.3.5 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.

6.3.6 The premises profile according to the inspection rating scores is as follows:

Highest hazard/Risk	A	2
Intermediate hazard/Risk	B1	38
	B2	314
Lowest hazard/Risk	C	1325
Uncategorised	U	1027

6.3.7 In accordance with HELA Circular 67/2 (rev.9), 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.

6.3.8 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 Community Safety Service Lead 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.

6.3.9 The Council still has a duty to enforce health and safety standards in those premises to which it is assigned under the Health and Safety (Enforcing Authority) Regulations 1998 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.

6.3.10 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.

- 6.3.11 The database will be continually updated and a street/district premises audit (4yr programme). A proportion of uncategorised premises will be visited, though the active audit (see above) may influence progress as new premises are identified.
- 6.3.12 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.
- 6.3.13 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.

6.4 Complaints / Requests for advice / Advice to Business

- 6.4.1 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.
- 6.4.2 In accordance with the current strategy contained in *Helping Great Britain Work Well: A health and safety system strategy* (HSE, 2016) and HELA Strategy, as outlined in LAC 67/2 (rev. 9), the focus of inspection activity within the planned programme will concentrate on:
- **Acting together:** Promoting broader ownership of health and safety in Great Britain
 - **Tackling ill health:** Highlighting and tackling the costs of work related ill health
 - **Managing risk well:** Simplifying risk management and helping businesses to grow
 - **Supporting small employers:** Giving SMEs simple advice so that they know what they have to do
 - **Keeping pace with change:** Anticipating and tackling new health and safety challenges
 - **Sharing our success:** Promoting the benefits of Great Britain's world class health and safety system.
- 6.4.3 The *Statement of Commitment between Local Authority and HSE Regulatory Services* (March 2019) sets out a shared vision for co-regulatory partnership of this strategy.
- 6.4.4 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.
- 6.4.5 Given the scale of work-related stress (15.4 million working days lost; cost to GB's economy of £5bn per year); we will look at how certain sectors deal with the issue, focussing on our Primary Authority partners and the leisure industry.
- 6.4.6 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, Licensing 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 and Community Safety service, in addition to responding to complaints.

- 6.4.7 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 Regulatory Delivery and Health and Safety Executive.
- 6.4.8 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.
- 6.4.9 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.
- 6.4.10 No complaints have been received regarding the service provision of the Authority.
- 6.4.11 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.
- 6.4.12 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.

6.5 Statutory Notifications

- 6.5.1 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.
- 6.5.2 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, based on HSE's *Incident Selection Criteria Guidance*.
- 6.5.3 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.
- 6.5.4 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.
- 6.5.5 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 (Enforcement) Sub 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.

6.6 National Local Authority Enforcement Code

- 6.6.1 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.'
- 6.6.2 Appendix C contains a 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.
- 6.6.3 The work of The Environmental Health and Community Safety service will address other issues when undertaking visits/developing initiatives in workplaces; health at work is an important issue. Interventions with regard to compliance responsibilities to reduce exposure to occupational tobacco smoke will continue to be considered.
- 6.6.4 LAC 67/2 (rev.9) also includes a number of national priorities, including
- Duty to manage asbestos – which will continue to be discussed (where appropriate) during food hygiene interventions
 - Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins – work which can be carried out as part of our on-going initiative to ensure that commercial waste is being correctly presented.
 - Inflatable amusement devices – ensuring adequate ground anchorage, measurement of wind conditions, documentation from a competent inspection body to show compliance with BS EN 14960 and annual inspection by a competent person.
 - Falls from height – work on/adjacent to fragile roofs/materials.
- 6.6.5 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.
- 6.6.6 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.

6.7 Monitoring

- 6.7.1 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, based upon the sample results.

6.8 Enforcement

- 6.8.1 Enforcement (or the fear of enforcement) is an important motivator for employers. Evidence confirms that enforcement is an effective means of securing compliance and promoting self-compliance.

- 6.8.2 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.
- 6.8.3 The scope of these activities will continue to be evidence-based and are clearly set out in the Council's Enforcement Policy.

6.9 Staff Resources

The national local authority enforcement code requires the Council to have sufficient capacity to undertake our statutory duties. Exeter City Council

- 6.9.1 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.
- 6.9.2 The staff resources allocated to the functions is currently deemed adequate to fulfil the Council's duties. 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.

6.10 Staff Skills

- 6.10.1 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 individual skills. As part of the annual Growth and Development Review all staff who undertake health and safety duties are subject to an assessment of competency. Any training and development needs identified at the Growth and Development Review process are added to the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.

6.11 Consultation with Stakeholders

- 6.11.1 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.
- 6.11.2 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.
- 6.11.3 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.
- 6.11.4 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. We will listen to business's health and safety concerns and assist (by the provision of appropriate guidance, advice, training etc.) as much as is practicable.

7 Sampling Programme

7.1 Purpose of Sampling

- 7.1.1 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.

7.2 Requirement to Sample

- 7.2.1 The sampling programme operates on a total sampling allocation of 10 samples per 10,000 population. This will require approximately 128 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.
- 7.2.2 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.
- 7.2.3 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.

7.3 Sampling Methodology

- 7.3.1 Primary 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.
- 7.3.2 Devon & Cornwall Chief Officers Food Sub Group: The food sub group produce a 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.
- 7.3.3 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.
- 7.3.4 Complaints: Food samples may be taken when investigating consumer complaints, either to confirm suspected contamination or in undertaking enquiries resulting from complaints.
- 7.3.5 Statutory Samples: We have a statutory obligation to monitor water distributed by SWWS Ltd and to a limited extent premises with private water supplies.
- 7.3.6 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.

7.3.7 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.

7.4 Budget Provision

7.4.1 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.).

7.5 Resources

7.5.1 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 5 of this report will be maintained throughout the year.

Year	2020								2021			
Months of sampling	A	M	J	J	A	S	O	N	D	J	F	M
Public Health England Studies												
Study 70 - Legionella												
Study 70 – TBC												
South West Co-ordinated & Exeter Specific Sampling Programme												
Ready to eat chilled foods												
Takeaway food												
Christmas pate and parfait												
Non-compliant premises sampling / ATP swabs												
Swimming Pool Sampling												
Legionella in hot tubs and spa pools												
Private Water Supply Sampling												

8 Environmental Health Training Service

8.1 Scope of the Training Service

8.1.1 The service has established a robust cost effective training service for Exeter and the surrounding area.

8.2 Main Provisions of the Training Service

8.2.1 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.

8.2.2 The Environmental Health training services provision has been at the forefront of training since the establishment of the first formal courses. Over the 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.

8.2.3 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.

8.2.4 The service is currently achieving a 97% pass rate for its training courses.

8.3 Access to Training

8.3.1 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.

8.3.2 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.

8.4 Financial Implications

8.4.1 The service is run on a cost neutral basis to the authority.

8.4.2 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.

9 Resources

9.1 Financial Matters

9.1.1 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.

9.1.2 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.

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

9.2 Budget Allocation Figures for 2020/21 – Food Safety Function

	Salary (+)	Equipment	Travel
<u>Commercial F020</u>	221,740	9,450	770
Proportion allocated to Food Safety Function (40%) Analysis (max) Purchase of Samples	88,696	3,780 260 300	308
Environmental Protection Sampling Technician	2,244		

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.

9.3 Budget Allocation Figures for 2020/21 – Health and Safety Function

	Salary (+)	Equipment	Travel
<u>Commercial F020</u>	231,170	9,450	770
Proportion allocated to Health & Safety Function (40%)	88,696	3,780	308

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.

9.4 17.1.6 Budget Allocation Figures for 2019/20 – Training Provision

	Salary (+)	Equipment	Travel
<u>Health Education F018</u>	2,570	16,140	-
Proportion allocated to Health & Safety function (20%)	514	3,228	-
Proportion allocated to Food Safety function (80%)	2,056	12,912	-

9.5 Staffing Allocation

9.5.1 The Environmental Health and Community Safety service is managed by the Environmental Health and Community Safety Service Lead.

Title	Qualification	Role
Service Lead – Environmental Health and Community Safety	BSc / Msc Environmental Health	Head of Service

9.5.2 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 an Environmental Technical Officer and Project and Support staff.

Title	Qualification	Role
Environmental Health and Community Safety Manager	BSc / Msc Environmental Health	Manager
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
Technical Officer	Educated to 'A' level or equivalent	Sampling and Monitoring

9.5.3 There are currently 3 FTE staff providing a project and support service for The Environmental Health and Community Safety service.

Title	Qualification	Role
Principal Projects and Support Officer	Educated to A level standard	Service Support
Projects and Support Officer	Educated to A level standard	Service Support
Contract Tutors	CIEH/RIPH and/or Highfield Registration	Deliver training courses run by the service

9.5.4 It is currently the approach 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.

9.6 Self-Development Plan

9.6.1 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.

9.6.2 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 competence based needs assessments;
- identification of training needs during annual performance appraisal to meet current targets to assist and improve upon performance against current job requirements.

9.6.3 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.

10 Quality Assessment

- 10.1.1 The Environmental Health and Community Safety Manager and Principal Officer 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.
- 10.1.2 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 Service Lead - Environmental Health and Community Safety or Principal Officer.
- 10.1.3 Any formal complaints made against the service are investigated and monitored in accordance with Council's Complaint Policy.
- 10.1.4 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 and Public Health groups as well the Infection Control group organised by Public Health England
- 10.1.5 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.
- 10.1.6 The Council will continue to monitor and report on Customer Satisfaction with interventions and enforcement conducted by the service.
- 10.1.7 The Principal Environmental Health 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 and inspecting officer.

11 Review

- 11.1.1 Quarterly Performance Indicators on progress in implementing this Service Plan will be made by the Service Lead - Environmental Health and Community Safety to the Director.
- 11.1.2 An annual review against the Service Plan will be made by the Executive Committee.
- 11.1.3 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.
- 11.1.4 The Executive will support and Council 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.
- 11.1.5 Information on our targets and progress towards meeting these will be published and publicised as part of the Council's Performance Plan.

11.2 Targets

- 11.2.1 Service Performance Indicators for 2020/2021:
- Percentage of food premises broadly compliant with food hygiene law (annual figure provided to FSA and APSE as part of annual return)
 - Number of food safety Interventions (annual figure provided to FSA and APSE as part of annual return)
 - Number of health and safety Interventions (annual figure provided to HSE and APSE as part of annual return)
 - Percentage of samples taken found to be satisfactory
 - Number of delegates engaging with health education initiatives (can be provided quarterly or on an annual basis)
 - Percentage staff absence (annual figure provided to APSE as part of annual return)
 - Net cost of food hygiene service per head of the population (annual figure provided to APSE as part of annual return)
 - Net cost of Health and Safety service per head of the population (annual figure provided to APSE as part of annual return)
- 11.2.2 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.

11.3 Review of performance

- 11.3.1 Achievement of these improvements will be monitored by the Service Lead - Environmental Health and Community Safety and where there are significant performance issues, reports will be made to the Director.

12 Conclusion

- 12.1.1 This service plan demonstrates that the Council has organised its food safety and health and safety 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 Food Standards Agency, Health and Safety

Executive, Drinking Water Inspectorate and other related legislation that the section has responsibility for enforcing.

13 Glossary of terms

GLOSSARY	
CCG	Clinical Commissioning Group
CIEH	Chartered Institute of Environmental Health
DEFRA	Department for Environment, Food and Rural Affairs
EHO	Environmental Health Officer
EHORB	Environmental Health Officers Registration Board
EHT	Environmental Health Technician
FSA	Food Standards Agency
HACCP	Hazard Analysis and Critical Control Points
HECA	Home Energy Conservation Act
HoS	Head of Services
LGR	Local Government Regulation
MHCLG	Ministry of Housing, Communities and Local Government
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

14 Action Plan 2020-21

- 14.1.1 Implementation of the transfer to a new Environmental Health Computer System, implementing a more streamlined customer reporting system and removing unnecessary administrative burdens through adopting a more integrated, digitalised approach.
- 14.1.2 Maintain high standards in food safety by
- Continuing to maintain high level (>97%) of broadly complaint food businesses in the city.
 - Enhanced coaching/sampling/training for non-complaint businesses, with caution/prosecution as final action for those who continually flout the law.
 - Continue with intelligence led food sampling programme
- 14.1.3 Promoting Safer Workplaces by
- Inspecting premises regarding the duty to manage asbestos interventions
 - Continue to provide advice and guidance to business to ensure high Covid-19 standards are being maintained
 - Continue to conduct water quality sampling of swimming pools and other water areas
- 14.1.4 Co-ordinate multi-agency visits where migrant worker/modern slavery issues are suspected or identified
- 14.1.5 Provide support to Public Health England and Public Health Devon in the implementation of the Outbreak Management Plan should it be required.

- 14.1.6 To look at options to recommence the Environmental Health Training Course programme in a Covid secure way.
- 14.1.7 To investigate further Primary Authority Partnership opportunities for the service
- 14.1.8 To conduct a review of the Food Safety and Health and Safety Enforcement Policies and Procedures

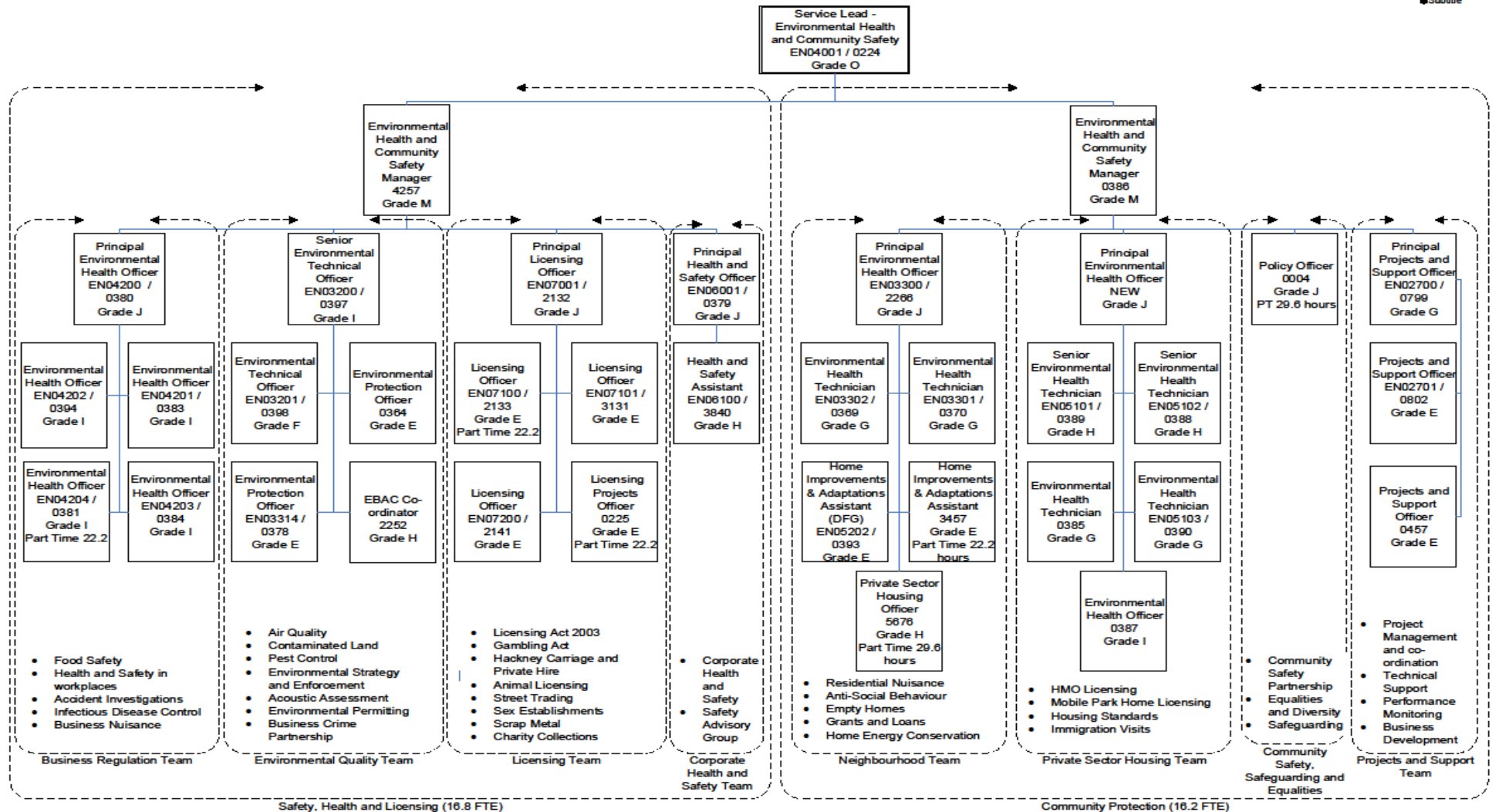
Appendix A – Service Structure

7/28/2020

Structure of Environmental Health and Community Safety – 34 FTE

Subtitle

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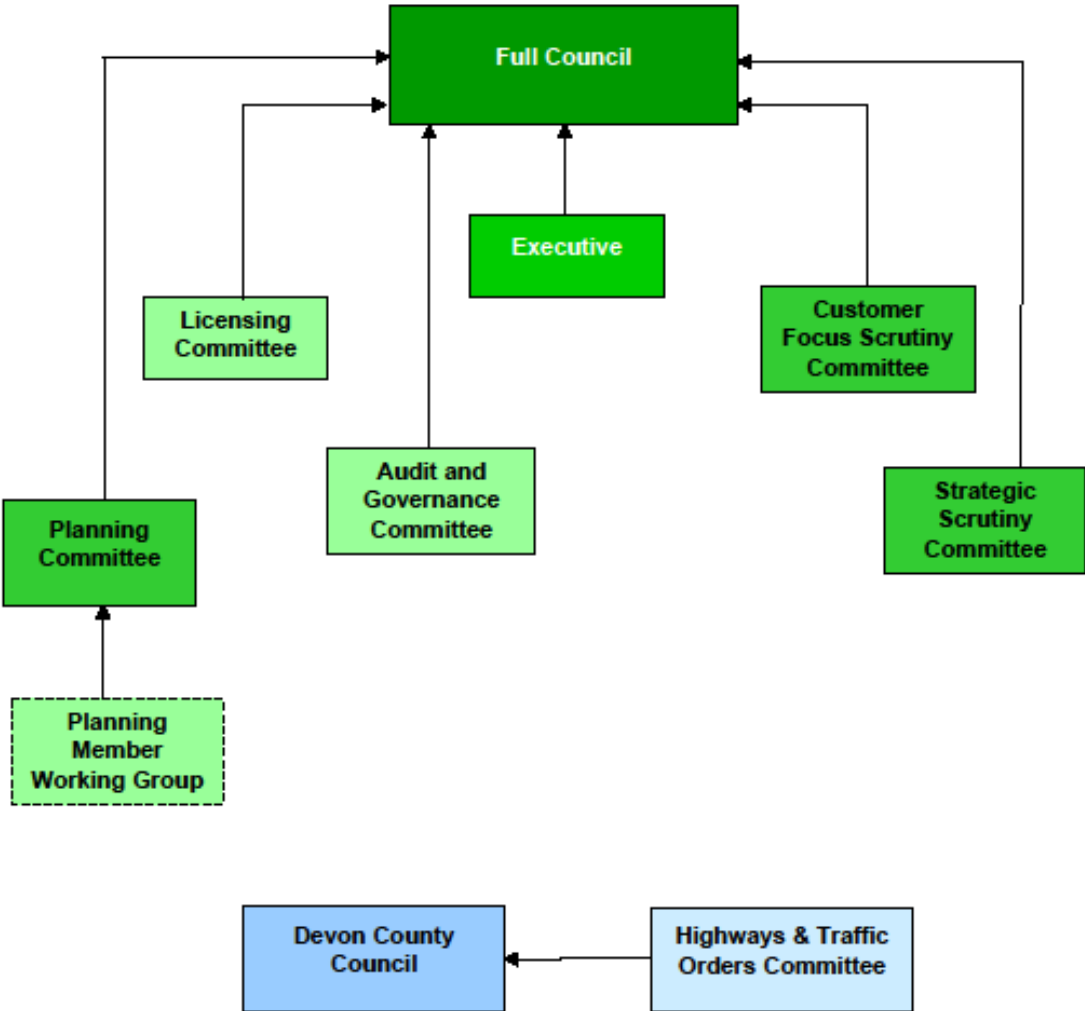


Appendix B – Committee Structure



Exeter City Council

The Council's Committee Structure



Appendix C – List of activities / sectors for proactive inspection by Local Authorities

No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures, including premises that have: -not yet demonstrated their ability to manage their legionella risk in a sustained manner; includes new cooling towers/evaporative condensers; or -relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.
2	Explosion caused by leaking LPG	Community/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
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	High volume Warehousing/Distribution	Poorly managed workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries.	Industrial retail/wholesale premises	Poorly managed workplace transport/work at height/cutting machinery /lifting equipment.
6	Industrial diseases (occupational deafness/ occupational lung disease – silicosis)	Industrial retail/wholesale premises	Exposure to excessive noise (steel stockholders), Exposure to respirable crystalline silica (retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)
7	Occupational lung disease (asthma)	In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products.	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.

8	Musculoskeletal Disorders (MSDs)	Residential care	Lack of effective management of MSD risks arising from moving and handling of persons
9	Falls from height	High volume Warehousing/Distribution	Work at height
10	Manual Handling	High volume warehousing/distribution	Lack of effective management of manual handling risks
11	Unstable loads	High volume warehousing/distribution Industrial retail/wholesale premises	Vehicle loading and unloading
12	Crowd control & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue.
13	Carbon monoxide poisoning and gas explosion	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances.
14	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off licences/hospitality) and where intelligence indicates that risks are not being effectively managed.	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign.
15	Fires and explosions caused by the initiation of explosives, including fireworks	Professional Firework Display Operators	Poorly managed fusing of fireworks

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REPORT TO EXECUTIVE

Date of Meeting: 1 September 2020

REPORT TO COUNCIL

Date of Meeting: 20 October 2020

Report of: Director – Communities, Health and Wellbeing, Sport and Leisure

Title: Financial Assistance Policy for the Better Care Fund

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 The Council's Environmental Health and Community Safety Team has statutory responsibility under the Housing Grants, Construction and Regeneration Act 1996 to provide Disabled Facilities Grants (DFGs) to eligible residents.
- 1.2 The Better Care Fund is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing, and live independently in their communities for as long as possible.
- 1.3 Councils are required to produce a policy stating the basis on which they will allocate Better Care Fund resources, including financial assistance falling outside the mandatory DFG requirements.
- 1.4 In formulating the policy, reference was made to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and Better Care Fund guidance.
- 1.5 With this in mind, the policy is reviewed regularly so that the assistance available is appropriate to ensure that those vulnerable individuals, both inside and outside of the mandatory Disabled Facilities Grant system, are able to access appropriate help.

2. Recommendations:

- 2.1 That Executive supports the adoption of the revised Financial Assistance Policy for the Better Care Fund; and
- 2.2 That Council adopts the revised Financial Assistance Policy for the Better Care Fund

3. Reasons for the recommendation:

- 3.1 Local authorities are required to publish a policy setting out their approach to the provision of financial assistance.

3.2 This revised policy (Appendix A) is updated to ensure consistency within the County Council area (where appropriate) and to reflect the priorities of the service in the context of the annual financial settlement received through Devon County Council as the Upper Tier Authority.

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

4.1 The introduction of this policy will enable the Council to focus on those areas that contribute toward the overall aims of the Better Care Fund, including (but not limited to):

- Avoiding delayed hospital discharge
- Providing adaptations to improve independence and care
- Improving private housing stock to reduce ill-health and potential hospital admission
- Working proactively to reduce the future burden on services

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?

6.1 The policy is compliant with the general principles and objectives of appropriate regulations and national guidance.

6.2 The policy clearly states that the mandatory Disabled Facilities Grant has priority over other discretionary funding.

7. Monitoring Officer's comments:

It is imperative that Exeter City Council has a clear Policy setting out what assistance is available for members of the public and the terms under which such grant assistance is given. This policy is clear on both matters and therefore recommended to Members for approval.

8. Report details:

8.1 The key changes in this updated policy are as follows:

- The introduction of the discretionary 'stairlift grant'. The process of approving a grant for a stairlift has been streamlined, with the removal of the financial test of resources. This has almost doubled the number of stairlift installations, ensuring that this vital adaptation is accessible to all ECC residents. A pilot of this grant conducted under delegation led to the doubling of the number of stairlifts installed within a 12 month period.

- A widening of the assistance available to tackle delayed hospital discharges from hospitals. There has always been provision to provide adaptations and equipment for this purpose. The policy is now extended to cover a wider range of property conditions, including infestations and neglect.

8.2 Where appropriate, the policy compliments regulatory enforcement activities, particularly those around private rented accommodation, where loans are available to landlords where an officer from the service identifies a defect with the dwelling.

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

9.1 The Financial Assistance Policy for the Better Care Fund contributes to all aspects of the Council's Corporate Plan.

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

10.1 The revision of the Financial Assistance Policy for the Better Care Fund ensures the Council is able to effectively discharge its statutory functions and that discretionary aspects are tailored to support the goals of the service.

10.2 The policy will enhance the certainty and consistency of the Council's activities around the provision of financial assistance and will reduce the risk of process failures and will manage expectations around eligibility, available funding and the extent of funded measures.

11. Equality Act 2010 (The Act)

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

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

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

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

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

12. Carbon Footprint (Environmental) Implications:

12.1 In addition to the Warm Up Grant, funding traditional insulation projects which reduce fuel poverty and energy consumption, there has been a focus over the last 12 months on funding renewable energy adaptations. This has particularly been the case in those properties where electricity is the only source of heating, which has allowed solar panels to be installed.

12.2 There has also been a change in policy which means the Council funded Wessex Loans scheme can now be utilised for renewable energy/energy efficiency works such as:

- Solar Panels
- Solar Thermal Systems
- Air Source Heat Pumps
- Ground Source Heat Pumps
- Biomass Heating Systems
- Solid Wall Insulation

13. Are there any other options?

13.1 The Council is required to have a Financial Assistance Policy for the Better Care Fund. The council could decide not to accept the changes to the policy proposed and therefore keep the existing policy that is in place.

Jo Yelland - Director

Authors: Simon Lane - Service Lead – Environmental Health and Community Safety

Philip Gilbert – Environmental Health and Community Safety Manager

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

Background papers used in compiling this report:-

- 1) Legislative and Regulatory Reform Act 2006
- 2) Food Law Code of Practice
- 3) Standard for Health and Safety Enforcing Authorities
- 4) HSC Enforcement Policy Statement
- 5) The Regulatory Enforcement and Sanctions Act 2008
- 6) Regulator's Compliance Code

Contact for enquires: Democratic Services (Committees)01392 265275

Equality Impact Assessment: Financial Assistance Policy for the Better Care Fund

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

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

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name & date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 1 September 2020 Council 20 October 2020	Financial Assistance Policy for the Better Care Fund	Adoption of policy	<p>The Financial Assistance Policy for the Better Care Fund is primarily concerned with the provision of mandatory Disabled Facilities Grants. Therefore, the protected characteristics falling within the disability group are most likely to be impacted.</p> <p>That said, the policy also provides for financial assistance to low-income households, households in fuel poverty, and to those whose dwelling poses a risk to their health and safety. For this reason, there is potential to impact all groups.</p>

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive		It is envisaged the Financial Assistance Policy will have a positive impact on this protected characteristic through provision of adaptations and home improvements for disabled persons. There are additional provisions in this policy to address the issue of delayed discharges. This is not only tackled by the Disabled Facilities Grant, but also the Healthy Homes Grant; addressing issues with the dwelling to ensure a property is suitable to return to.
Sex/Gender	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive.
Gender reassignment	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive		It is envisaged the Financial Assistance Policy will have a positive impact on this protected characteristic through provision of adaptations and home improvements for elderly residents. The policy also has specific provisions for adaptations for children, in that the mandatory Disabled Facilities Grant is not means tested for children assessed as requiring adaptations.
Pregnancy and maternity including new and breast feeding mothers	Positive		The policy aims to provide financial assistance to vulnerable groups and to those who may need adaptations to properly undertake or access care. This includes adaptations for new mothers of children with disabilities.
Marriage and civil partnership status	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p> <p>The Council will consider Equalities and protected characteristics at all stages of any financial assistance being offered.</p> <p>Any adverse impact will be judged and mitigated as far as possible in the early stages of an application. This will ensure that the policy is applied in line with the Equality Act 2010 and the Human Rights Act 1998.</p> <p>All Authorised Officers processing applications for financial assistance will ensure that all persons dealt with receive fair and equitable treatment irrespective of their background or protected characteristics, as defined by the Equality Act 2010.</p>			

Officer: Simon Lane - Service Lead – Environmental Health and Community Safety
Philip Gilbert – Environmental Health and Community Safety Manager

Date: 23 July 2020



Exeter
City Council

Financial Assistance Policy

For the Better Care Fund

Date: August 2020

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1 Introduction

1.1 Purpose

- 1.1.1 This policy is required under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002ⁱ. The Order provides councils with the discretion to develop schemes to provide financial assistance to deal with a range of housing issues.
- 1.1.2 This policy sets out the areas on which Exeter City Council will focus Better Care Fund resources in order to improve housing conditions across the district. With limited resources available it is essential that funding is targeted to those areas that contribute to the delivery of the Better Care Fund, and local district council priorities.
- 1.1.3 This policy provides Exeter City Council with the flexibility and discretion to provide appropriate assistance to meet the aims and priorities set out in section 3 below and has been developed in association with Devon County Council and all the district councils in the county.

1.2 Review

- 1.2.1 This policy will be reviewed as required by regulatory changes and/or financial allocations.

1.3 Funding

- 1.3.1 The assistance contained within this policy is only available subject to the availability of funding. Where funding is limited priority for spend will be given to the Mandatory Disabled Facilities Grant.

2 Context

2.1 Housing and Health

- 2.1.1 Housing is a key determinant of health, and by promoting good quality housing this policy can contribute to reducing health inequalities for the residents of Exeter.
- 2.1.2 In 2002, flexibilities were introducedⁱⁱ enabling councils to use government grant that has been allocated for disabled facilities grants to be used more intelligently to deliver adaptations for disabled people outside of the mandatory grant regime.

- 2.1.3 Research has shown that there is a direct impact on the health and well-being of residents resulting from the homes in which they live; therefore, poor housing can contribute to poor health.
- 2.1.4 Each year hazards in the home result in unnecessary injuries, episodes of ill-health, and harm to mental health and in many cases the occupiers do not link the poor condition of their homes with a potential negative impact on their health. The poorest housing stock can be found in the private sector, and in some cases residents who own their own home are not able to maintain them and as a result hazards can develop.
- 2.1.5 An estimated 50,100 excess winter deaths were recorded in England and Wales in 2017/18 as reported by the Office of National Statistics (ONS)ⁱⁱⁱ. Many of these people die unnecessarily as a result of living in cold homes.

2.2 Better Care Fund

- 2.2.1 In 2015 the government introduced the Better Care Fund in an attempt to bring health and social care together in an integrated way. The fund is a combination of government funding from the Department of Health and the Department for Communities and Local Government and includes the grant allocation for Disabled Facilities Grants (DFG). The 2017-19 Integration and Better Care Fund policy framework document lists the conditions that the better care fund must be used to address.
- 2.2.2 These are:
- **Condition 1:** Plans to be jointly agreed – The plan to use the Better Care Fund allocation must be jointly agreed and signed off by the Health and Wellbeing Board, and constituent councils and clinical commissioning groups. The local housing authority must also be involved due to the inclusion of the Disabled Facilities Grants allocation, which forms part of the fund
 - **Condition 2:** NHS contribution to social care is maintained in line with inflation.
 - The funding must be used to contribute to the maintenance of adult social care services in each local authority, which also has a health benefit. However, beyond this broad condition, the Department of Health and Social Care (DHSC) wants to provide flexibility for local areas to determine how this investment in adult social care services is best used.
 - **Condition 3:** Agreement to invest in NHS commissioned out of hospital services, which may include 7 day services and adult social care. This should be achieved by funding NHS commissioned out-of-hospital services, which may also include 7-day services and adult social care, as part of the agreed Better Care Fund plan.
 - **Condition 4:** Managing Transfers of Care - Plans should set out how local partners will work together to fund and implement transfers of care effectively.
- 2.2.3 More detail can be found in the Integration and Better Care Fund Policy Framework.

2.2.4 Based on these broad conditions, Devon County Council and the District Councils have identified an opportunity to provide additional grant and loan products to meet these conditions and deliver against the Devon Health and Wellbeing Board priorities.

2.3 Delayed transfers of care.

2.3.1 Delayed transfers of care, occur when a patient is medically ready to leave in patient care but is still occupying a bed. According to NHS England, a patient is ready to depart when:

- a. A clinical decision has been made that the patient is ready for transfer AND
- b. A multi-disciplinary team decision has been made that the patient is ready for transfer, AND
- c. The patient is safe to discharge/transfer.

2.3.2 In 2016/17 there were 2.3 million delayed days in England with 1.3 million of these attributable to the NHS, averaging around 6,200 delayed transfers of care per day with around 3,600 of these attributable to the NHS.

2.3.3 The longer a person stays in hospital the more detrimental this can be in terms of morale, mobility, and an increase in the risk of hospital-acquired infections.

2.3.4 Older people are particularly susceptible to negative effects around mobility with studies suggesting that a wait of more than two days negates the benefit of intermediate care, and a wait of seven days or more is associated with a 10% decline in muscle strength.

2.3.5 Delayed transfers of care are also costly for hospital trusts as insufficient beds can mean elective procedures need to be cancelled, resulting in the hospital trust losing these as a source of income.

2.3.6 A survey in 2015 by the Guardian found that at least 10% of beds were occupied by patients who were ready to be discharged and the NHS providers' audited accounts for 2016/17 estimated that delayed transfers of care cost £173 million.

2.3.7 Much of the recent debate around delayed transfers of care attributes rising numbers to pressures in social care.

2.3.8 The number of delayed days attributable to waits for care packages or equipment and adaptation is over 500,000; up around 50% from the previous year (based on 2016/17 data).

3 Priorities

3.1 General

3.1.1 In Devon, the Better Care Fund priorities aim to achieve the following outcomes:

- Reduced admissions to residential and nursing care homes
- Reduce delayed transfers of care
- Reduce avoidable emergency admissions
- Increase dementia diagnosis rates

3.1.2 To meet these priorities this policy aims to focus on the following areas:

- **Objective 1** - Assist disabled residents to remain in their own homes through supporting the provision of adaptations (so far as this is necessary, appropriate and reasonably practicable) to prevent admissions to care and to assist with delayed transfers where possible.
- **Objective 2** – Safeguard the health and well-being of vulnerable residents by removing unnecessary hazards to health and safety in the home to reduce avoidable emergency admissions
- **Objective 3** – Provide adaptations that are suitable for the future by ensuring the scheme of works is dementia aware.
- **Objective 4** – Assist vulnerable people to afford to heat their homes through appropriate energy efficiency and heating measures.

4 Mandatory Disabled Facilities Grants

4.1 Background

4.1.1 The delivery of the disabled facilities grant programme is mandatory and a statutory function of the local housing authority. The delivery of this function is governed by the Housing Grants, Construction and Regeneration Act 1996.

4.2 Eligibility

4.2.1 Any disabled resident seeking financial assistance with the cost of adaptations to their home must be assessed by an Occupational Therapist (OT) working on behalf of, or approved by Devon County Council.

4.2.2 For the purposes of the Disabled Facilities Grant a person is considered disabled if they meet any of the following criteria:

- their sight, hearing or speech is substantially impaired,
- they have a mental disorder or impairment of any kind, or
- they are physically substantially disabled by illness, injury, impairment present since birth, or otherwise.

4.2.3 A person under the age of eighteen shall be considered disabled if:

- they are on a register of disabled children maintained under paragraph 2 of Schedule 2 to the Children Act 1989, or
- they are in the opinion of the social services authority a disabled child as defined for the purposes of Part III of the Children Act 1989 (local authority support for children and their families).

4.2.4 All owner-occupiers, tenants, licensees or occupiers who meet the above criteria are eligible to apply for a Disabled Facilities Grant.

4.3 Conditions

4.3.1 All grants other than those for children are subject to a test of financial resources, which is prescribed by The Housing Renewal Grants Regulations 1996.

4.3.2 The grant maximum is £30,000

4.3.3 The disabled person must intend to occupy the property as their only or main residence for a period of five years after the works are complete (or such shorter period as the person's health or other relevant circumstances permit).

4.3.4 In order to make an application the client must supply the following:

- A completed and signed application form
- Evidence of financial situation
- Evidence of ownership of the property or the right to reside at the property
- Permission for the works to be carried out (if applicable)
- For more complex works; a detailed schedule of works and plans that must be agreed by the council
- Any planning or building regulation approvals
- Tenders for the works unless using an agreed procurement framework.

4.3.5 Only the works agreed by the council will be covered by the grant.

4.3.6 If the grant is approved there are 12 months to complete the works.

4.3.7 The works must be completed by the contractor stated on the approval document

- 4.3.8 No grant works should proceed until the grant application has been processed and all relevant planning, Building Regulation or landlord approval has been obtained.
- 4.3.9 If the applicant has a financial contribution towards the cost of adaptations they must ensure they have funds in place to cover their share of the costs before the work begins on site.
- 4.3.10 Subject to conditions, a loan from Wessex Resolutions Community Interest Company may be available to cover an assessed financial contribution to a grant. See section 8 for further details.
- 4.3.11 Unforeseen and additional costs will only be paid for where they are necessary to complete the adaptation and must be agreed by the council before they are undertaken.
- 4.3.12 Any increase in the grant may have an impact on the charge placed against the property (see 4.3.18)
- 4.3.13 Applicants who are successful in their application for assistance will be required to maintain the adaptation.
- 4.3.14 The contract for the works is the responsibility of the applicant.
- 4.3.15 In all but the most exceptional cases, Exeter City Council will seek to pay any approved grant funds directly to contractors on satisfactory completion of works.
- 4.3.16 No grant will be paid until a satisfactory invoice has been received and the works have been carried out to the satisfaction of the Council.
- 4.3.17 Only works falling within the mandatory elements, as specified in 11.2, will be covered by the grant^{iv}.
- 4.3.18 Where the grant is in excess of £5,000 a local land charge will be placed on the property for the amount over £5,000 up to a maximum of £10,000. This charge will remain on the property for a period of 10 years and will remain repayable in full for this period. Charges are placed on properties in these circumstances in line with the Housing Grants, Construction and Regeneration Act 1996 (General Consent issued in 2008). Full details of any charges that apply in specific cases will be laid out in the grant approval paperwork.
- 4.3.19 Where the cost of the work exceeds the mandatory grant limit of £30,000 the applicant may be eligible to an Accessible Homes Grant (see section 5), subject to available funds.

5 Accessible Home Grants

5.1 Background

5.1.1 The Accessible Homes Grant is available as a top-up to the mandatory Disabled Facilities Grant. The Accessible Homes Grant is subject to available funding.

5.1.2 This grant is available in the following circumstances:

- Where a mandatory grant has been approved but the cost of the work exceeds £30,000
- Where there are works that may not be covered by the Disabled Facility Grant in relation to adapting the home and making it safe or in relation to fees associated with feasibility works to determine if the adaptation can proceed
- Where the means test identifies that a contribution is required.
- Where moving house more appropriate than adapting the existing property.

5.2 Eligibility

5.2.1 To be eligible for this grant the applicant must meet the following:

- The applicant must be eligible to apply for a mandatory Disabled Facilities Grant

5.2.2 All applicants are subject to a means test including the parents and/or guardians of a disabled child. Adult clients will have been means tested as part of the formal Disabled Facility Grant application. In the case of a child's application the means test will be applied to the parents or guardians of the disabled child before an application for a discretionary grant can be made.

5.2.3 As an alternative to the adaptation of an applicant's home, consideration will be given to the option of re-housing to more appropriate or adapted accommodation.

5.2.4 An applicant will only be eligible to apply for additional grant to cover any identified contribution where the amount the client has to pay represents at least a third or more of the applicant's savings. For example:

An applicant has a means tested contribution of £1500.00. If the applicant has savings of £4500 or less, they will be able to access additional grant to cover the contribution; subject to grant limits and finance availability.

5.3 Conditions

5.3.1 The grant maximum is £20,000. Anything over £20,000 will not attract any further public grant.

5.3.2 Where additional funding is required to cover either a contribution or the cost of works over £50,000 (£30,000 from the Disabled Facilities Grant and £20,000 from the Accessible Homes Grant), then a Home Improvement Loan application can be made (see section 8).

- 5.3.3 Evidence supplied by the Disabled Facility Grant applicant will be used to support the application for the Accessible Home Grant.
- 5.3.4 A local land charge will be placed on the property for the full value of the grant which will be repayable if the property is sold, assigned or transferred within 10 years of the grant being completed.
- 5.3.5 Only the works agreed by the council will be covered by the grant
- 5.3.6 If the grant is approved there are 12 months to complete the works
- 5.3.7 The works must be completed by the contractor stated on the approval document
- 5.3.8 No grant works should proceed until the grant application has been processed and all relevant planning, Building Regulation or landlord approval has been obtained.
- 5.3.9 Unforeseen and additional costs will only be paid for where they are necessary to complete the adaptation and must be agreed by the council before they are undertaken.
- 5.3.10 Any increase in the grant may have an impact on the charge placed against the property.
- 5.3.11 Applicants who are successful in their application for assistance will be required to maintain the adaptation.
- 5.3.12 The contract for the works is the responsibility of the applicant.
- 5.3.13 The grant will normally be paid direct to contractors in all but the most exceptional cases.
- 5.3.14 The council will only offer grant for those works that are considered appropriate to meet the needs of the disabled person.
- 5.3.15 In all but the most exceptional cases, Exeter City Council will seek to pay any approved grant funds directly to contractors on satisfactory completion of works.
- 5.3.16 No grant will be paid until a satisfactory invoice has been received and the works have been carried out to the satisfaction of the Council.

6 Accessible Homes Grant – Stair lift Grant

- 6.1.1 This grant provides internal and external straight track or curved track stair lifts without a means test for the applicant.

6.2 Eligibility

- 6.2.1 To be eligible for this grant the following must be in place:

- Any disabled resident seeking financial assistance with the cost of adaptations to their home must be assessed by an Occupational Therapist (OT) working on behalf of, or approved by Devon County Council.
- Where additional works are required to install the stair lift these will be covered as part of this grant.
- Where a client requires multiple adaptations in addition to the stair lift, the stair lift will be provided through this grant and the other adaptations through the DFG or accessible homes grant where the client is eligible.

6.3 Conditions

- 6.3.1 The applicant must have permission from the owner of the property for the work to be carried out. The council will require an owners certificate if the property is rented.
- 6.3.2 The applicant agrees to live in the property as the only or main residence for the period of 5 years or for a shorter period as health or other relevant circumstances permit.
- 6.3.3 The contractor must be sourced from the stair lift company determined by the Devon Framework agreement. Where the Council does not use the framework it should be sourced in a manner determined by them.
- 6.3.4 Only the works agreed by the Council will be will be covered by the grant.
- 6.3.5 If the grant is approved there are 8 weeks to complete the works.
- 6.3.6 The works must be completed by the contractor stated on the approval document
- 6.3.7 No grant works should proceed until the grant application has been processed and all relevant planning, Building Regulation or landlord approval has been obtained.
- 6.3.8 Unforeseen and additional costs will only be paid for where they are necessary to complete the adaptation and must be agreed by the council before they are undertaken.
- 6.3.9 Applicants who are successful in their application for assistance will be required to maintain the stair lift and have it regularly serviced.
- 6.3.10 The contract for the works is the responsibility of the applicant.
- 6.3.11 The grant will be paid direct to the stair lift contractor.
- 6.3.12 In all but the most exceptional cases, Exeter City Council will seek to pay any approved grant funds directly to contractors on satisfactory completion of works.
- 6.3.13 No grant will be paid until a satisfactory invoice has been received and the works have been carried out to the satisfaction of the client and Council.

7 Accessible Home Grants: Moving Application

7.1 Background

7.1.1 This grant may be available to assist a disabled person to move to more suitable accommodation subject to available funding.

7.2 Eligibility

7.2.1 An applicant will be eligible for this grant where:

- Where the Occupational Therapist and/or the Council consider re-housing to be more appropriate than adapting the existing accommodation.
- Where the landlord has refused permission for any adaptation works to be carried out and therefore it is no longer feasible for the occupier to remain in the property.
- Where it is possible to carry out works at the existing property the total cost incurred in the eligible 'moving on' expenses and any estimated eligible adaptation costs at the 'new' property should not be greater than the cost of adapting the applicant's current home.
- The 'new' property shall in the opinion of the Council provide a long term, sustainable home for the person for whose benefit the works are required.
- If the property is within a neighbouring authority covered by this policy then the new authority will need to ensure the new property is suitable. This should also be agreed with the occupational therapist. The applicant must ensure that the relevant council's officers and Occupational Therapist have been consulted.

7.2.2 In determining the 'reasonable expenses' regard shall be had to the following criteria:

- The cost of the eligible works at the applicants existing property are not deemed reasonable, or;
- The eligible works at the applicants existing home are not technically feasible, or;
- The adaptation of the applicants existing property does not provide a sustainable, long term solution for their housing needs, or;
- The landlord of the property refuses to give permission for the necessary works to be carried out.

7.3 Eligible Expenses – owner occupier

7.3.1 The expenses that can attract grant under this section may include the cost of:

- Any arrangement fee charged by a lender to cover the formation of a mortgage.
- Conveyancing fees.
- Land Registry Fee
- Local Authority Searches
- Stamp Duty
- Valuation, Homebuyers or Full Structural Survey
- Professional or other removal costs
- Estate Agent Commission.

7.3.2 The maximum grant payable for eligible expenses under this heading for an owner occupier is £10,000.

7.4 Eligible expenses – tenant

7.4.1 For a tenant the expenses that can attract grant under this section may include the cost of:

- Allowable fees associated with letting a property
- Rent deposit
- Professional or other removal fees

7.4.2 The maximum grant payable for eligible expenses under this heading for a tenant is £5,000.

7.5 Conditions

7.5.1 Grant assistance is only payable to an owner occupier upon the successful completion of the purchase of the 'new' property and the disabled person then occupying that property as their only and main residence.

7.5.2 When moving to rented accommodation the applicant must obtain permission from the landlord for any adaptations to be carried out before the grant will be paid.

7.5.3 To qualify for this grant the applicant must have been resident in the property for at least 2 years prior to making an application to move.

7.5.4 The applicant must agree to live in the property as their only or main residence for a period of 5 years (or such shorter period as the person's health or other relevant circumstances permit).

7.5.5 For owner occupiers a local land charge will be placed against the property for a period of 5 years.

8 Healthy Homes Grants

8.1 Background

8.1.1 The Healthy Homes grant is a flexible grant to provide urgent/essential repairs to the home to ensure the health, safety and welfare of the occupier.

8.1.2 This includes assisting an occupier with infestations and accumulations (hoarding) where the condition of the dwelling will lead to a delayed transfer of care (hospital discharge) or potential avoidable hospital admission.

8.2 Eligibility

8.2.1 Only those works agreed by the Council as urgent or essential will be eligible for this grant. A loan application will be required for all other types of works and repairs.

8.2.2 To qualify for this grant the applicant must be in receipt of one of the following benefits:

- Housing benefit
- Disability Living Allowance
- Personal Independent Payment with the daily living component
- Attendance Allowance
- Guarantee Pension Credit
- Income support
- Council tax benefit (not the single person discount)
- Universal Credit

(Universal Credit replaces the following means tested benefits: Housing Benefit, income related Employment Support Allowance, Income based Job Seekers Allowance, Child tax credit, working tax credit and income support)

8.3 Conditions

8.3.1 Households are able to apply for a 'Healthy Homes grant' on multiple occasions; the maximum grant available being £5,000 in any two year period.

8.3.2 For owner occupiers a local land charge will be placed against the property for 5 years.

8.3.3 For tenants the grant may only be available to assist with repairs to address immediate risks to health and safety (i.e. remove an assessed category 1 hazard). However, the landlord remains responsible for the general repair of the

property and the Council may choose to take other action requiring the landlord to carry out works as appropriate; whether in addition to grant-funded works, or instead of.

- 8.3.4 An applicant can apply for a loan for any substantial work beyond removing the immediate health and safety risk. See section 9 below.

9 Home Improvement Loans

9.1 Background

9.1.1 Lendology CIC (Formerly Wessex Resolutions Community Interest Company (LENOLOGY CIC)) is a not-for-profit company contracted by Exeter City Council to deliver loans to residents in the city.

9.1.2 Exeter City Council subsidises the interest for the period of all loans. This ensures a reasonable fixed rate of interest is offered to make funding available for certain improvements.

9.1.3 LENOLOGY CIC administer loans within the requirements of this policy. Home Improvement Loans are flexible and can be used for the following purposes:

- Home repairs and improvements to bring the dwelling up to the Decent Homes Standard.
- Adaptation works where grant is not available
- To cover a client contribution to a grant
- To cover the cost of the work over the Disabled Facilities Grant or Accessible Homes Grant maximum.
- To bring empty homes back into use
- For renewable energy enhancements and energy efficiency improvements
- For landlords to carry out repairs or improvements to rented accommodation to address either:
 - a. Assessed failures of the Decent Homes Standard, or;
 - b. Works to meet requirements of the Management Regulations, or;
 - c. Works to meet requirements of other regulations placing duties on managers of rented accommodation

9.2 Eligibility

9.2.1 This will vary and is based on the individual circumstances of each client. Loan advisors from LENOLOGY CIC will carry out an assessment and provide

independent advice on ethical and responsible lending and the most appropriate product to suit their needs.

9.3 Conditions

9.3.1 Conditions may vary depending on the loan product selected and the individual circumstances of each applicant.

9.3.2 Typical 4.2% APR, loans are subject to status. Lendology CIC may insist on loans being protected at the Land Registry by a Title Restriction. Missing payments could affect your credit rating and ability to obtain credit in the future.

10 Warm Up Grants

10.1 Background

10.1.1 These grants, up to a maximum £2,000 per property, provide top up funding for energy efficiency measures where energy providers are part funding energy efficiency measures under their Energy Company Obligation (ECO) or to fund energy efficiency measures which do not attract Energy Company Obligation, for example insulation to mobile homes and the installation of central heating for the first time.

10.1.2 Works will generally include:

- Mains gas boiler replacement
- Insulation measures (e.g. loft, cavity wall, solid wall, flat roof & room in roof)
- Non-gas boiler replacements
- Replacement storage heaters
- Renewable installations (e.g. solar panels and air-source heat pumps)
- Energy efficiency works

10.2 Eligibility

10.2.1 Applicants must have been identified through the Council's Energy Company Obligation flexible eligibility Statement of Intent which can be found on the council's website.

10.2.2 To qualify for the top up a survey must be carried out by the energy provider, a local installer, or an agent and qualifying works identified. Provisions will be in place to ensure value for money.

10.2.3 For owner occupiers and private landlords a maximum of up to £2,000 is available.

10.2.4 If more than £2,000 is needed then the client should apply for a LENDODOLOGY CIC loan (see section 8) subject to availability and eligibility

10.3 Conditions

10.3.1 Once a 'Warm up grant' has been awarded to a household, no further 'Warm up grant' will be available for the same household in the same property for a period of 4 years.

10.3.2 The contract for the works is the responsibility of the applicant.

10.3.3 In all but the most exceptional cases, Exeter City Council will seek to pay any approved grant funds directly to contractors on satisfactory completion of works.

10.3.4 No grant will be paid until a satisfactory invoice has been received and the works have been carried out to the satisfaction of the client and Council.

11 Miscellaneous

11.1 Exceptions to this policy

11.1.1 Exeter City Council accept that applications may be received for adaptations not covered by the circumstances listed above which will need to be formally determined.

11.1.2 Any such application will be referred for assessment by the Environmental Health and Community Safety Service Lead in consultation with the Director.

11.1.3 Such applications will be determined with reference to relevant priorities as laid out in Exeter City Council Policies.

11.1.4 Disabled Facilities Grants that meet the following criteria will not be subject to a test of financial resources:

- Grants for community equipment (aids and minor adaptations) if the cost of the adaptation is £1,000 or less^v.

11.2 Appeals and complaints

11.2.1 Where the applicant has a complaint about the manner in which Exeter City Council is applying this policy, then they should follow the Council's formal complaints process.

11.2.2 Where the complaint is in respect of works, the complaint should be made to the contractor in the first instance, if this does not resolve the problem then the Exeter City Council should be contacted for advice.

12 Appendix A: Eligible works

12.1 Disabled Facilities Grant and Accessible Homes Grant

- 12.1.1 An assessment by an agreed Occupational Therapist must be carried out. The Occupational Therapist will then recommend the type of adaptation required.
- 12.1.2 Minor works are assessed by the Occupational Therapist and may be dealt with outside of the grant process.
- 12.1.3 In order to decide on an eligible scheme there is a two stage process:
- a. The Occupational Therapist assesses what is 'necessary and appropriate' to meet the needs of the disabled occupant.
 - b. The Environmental Health and Community Safety service assess what measures are reasonable and practicable to meet the identified needs in practice.
- 12.1.4 During both of the stages of this process the Occupational Therapist and Environmental Health and Community Safety service will work closely with the applicant to ensure, as far as possible, that their input is taken into account.

12.2 Purposes for which a grant must or may be given

- 12.2.1 The following (11.2.3 – 11.2.14) are the purposes for which a mandatory Disabled Facilities Grant are available, as contained in legislation.
- 12.2.2 Each adaptation criteria is provided with an example. The examples are intended to give a brief idea of the type of work available. In each case, the eligible works will be decided through the process laid out in 12.1, above.
- 12.2.3 Facilitating access by the disabled occupant to and from the dwelling, or the building in which the dwelling or, as the case may be, flat is situated;
- *For example, ramping and/or handrails to the main external door.*
- 12.2.4 Making the dwelling safe for the disabled occupant and other persons residing with them;
- *For example, upgrading of the electrical installation, where the current installation is considered unsafe for the disabled occupant.*
- 12.2.5 Facilitating access by the disabled occupant to a room used or usable as the principal family room;
- *For example, alterations to facilitate wheelchair access to a living room.*
- 12.2.6 Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- *For example, alterations to facilitate wheelchair access to a bedroom.*

- 12.2.7 Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;
- *For example, installation of a stairlift to facilitate access to a first floor WC.*
- 12.2.8 Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;
- For example, installation of a level-access shower.
- 12.2.9 Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility;
- *For example, provision of an accessible wash hand basin, including any alterations necessary to facilitate access.*
- 12.2.10 Facilitating the preparation and cooking of food by the disabled occupant;
- *For example, installing low-level food preparation areas.*
- 12.2.11 Improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;
- *For example, upgrading/replacing of boilers/radiators where the property has been extended as part of a wider adaptation.*
- 12.2.12 Facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
- *For example, alterations to the height and/or position of light switches and power points to make them accessible to the disabled person.*
- 12.2.13 Facilitating access and movement by the disabled occupant around the dwelling in order to enable them to care for a person who is normally resident there and is in need of such care;
- *For example, widening of doorways.*
- 12.2.14 Facilitating access to and from a garden by a disabled occupant; or making access to a garden safe for a disabled occupant;
- *For example, providing access to an area of the garden suitable for the disabled occupant.*

13 Notes:

ⁱ Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Available from:
<http://www.legislation.gov.uk/uksi/2002/1860/article/4/made>

ⁱⁱ The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Available from:
<http://www.legislation.gov.uk/uksi/2002/1860/contents/made>

ⁱⁱⁱ Office for National Statistics, 2020. Available from:
<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/excesswintermortalityinenglandandwales/2017to2018provisionaland2016to2017final>

^{iv} Section 23 of the Housing Grants, Construction and Regeneration Act 1996. Available from:
<http://www.legislation.gov.uk/ukpga/1996/53/section/23> **AND** regulation 3 of The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008. Available from:
<http://www.legislation.gov.uk/uksi/2008/1189/article/3/made>

^v Regulation 4 of the Care and Support (Preventing Needs for Care and Support) Regulations 2014. Available from:
<http://www.legislation.gov.uk/uksi/2014/2673/made>

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REPORT TO EXECUTIVE

Date of Meeting: 1 September 2020

Report of: Chief Executive & Growth Director

Title: Liveable Exeter Place Board

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 This report informs Executive of the progress that has been made on establishing the governance structure for the Liveable Exeter Garden City programme, and sets out the terms of reference and membership of the Board.

2. Recommendations:

- 2.1 That Executive note the terms of reference and membership of the Liveable Exeter Place Board; and
- 2.2 That the Leader of the City Council regularly report back to the City Council, in whatever is the most appropriate form, matters arising from the Liveable Exeter Place Board and issues for consideration at the Liveable Exeter Place Board.

Reasons for the recommendation:

- 3.1 On 9th July 2019 Executive recommended that Council approve the establishment of a board to oversee the Liveable Exeter Garden City programme, the proposed composition of the Board and the draft terms of reference to be delegated to the Chief Executive & Growth Director in consultation with the Leader of the Council and to be reported back to Executive at a future meeting of Executive. Council on the 23rd July 2019 approved the recommendations.
- 3.2 There have been a number of amendments to the original terms of reference included in the report to Executive in July 2019. At the first meeting of the Liveable Exeter Place Board, the Board approved the Exeter Vision 2040 Vision statement. The draft statement has been incorporated into the Council's Corporate Statement for 2018-2021. The Place Board amended the statement in two respects: To include reference to Net Zero 2030 and include reference to the UNESCO City of Literature status and the role of culture.
- 3.3 The most significant change has been to include reference to the Sport England Local Delivery Pilot. As a city wide initiative Sport England supported the proposal to request the Place Board act as the strategic board for the local delivery pilot. This would ensure the council's partner organisations across the city have a role in

shaping and steering the strategic response to supporting active and healthy lifestyles and active travel.

3.4 The active design principles are core to the Garden Community programme vision for Liveable Exeter and therefore widening the terms of reference to include the local delivery pilot anchors the Place Board with a national programme committed to realising the Liveable Exeter Vision.

3.5 At the outset of the exercise in putting together a Place Board it was hoped that we would get buy in from the leading organisations within the city. There can be a tendency for some partnership meetings for leaders to send middle managers rather than the CEOs to meetings. Not all organisations prioritise local community impact as being mission critical to their business. Therefore we did not know when we embarked on this initiative whether organisations and their leaders would support this initiative. It is therefore pleasing to report to members the composition of the board reflects a fulsome and generous support from all the leading organisations within the city and from key national bodies that have a role in shaping the agenda for the city. The Membership of the Board is shown in the attached document. One place is being held for the University of Exeter's new Vice-Chancellor Lisa Roberts.

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

4.1 This report does not seek any further funding.

5. Section 151 Officer comments:

5.1 There are no financial implications contained in this report.

6. What are the legal aspects?

6.1 None identified

7. Monitoring Officer's comments:

7.1 This report makes very clear that any matter that requires a decision by Exeter City Council will be reported through the Councils' Executive arrangements in the usual way. Given that, the Monitoring Officer is supportive of the approach taken.

8. Report details:

8.1 Council approved the establishment of the Liveable Exeter Place Board giving the Chief Executive & Growth Director delegated power, in consultation with the leader of the city council, to agree the terms of reference and membership of the board. Over the 12 months since that decision was taken the CE&GD and Leader have been working with the Chair of the Place Board, Sir Steve Smith, on assembling the Board. Because of Covid-19, the anticipated working pattern has necessarily changed to reflect the important management of the crisis and the recovery phase. Virtual meetings have been convened and partners have been encouraged to meet frequently, often fortnightly, to draw up a recovery plan for the city. The Crisis has demonstrated the value in having such a vehicle in place for the city. Rapidly we have been able to take the pulse of the city and we have brought national and regional agents to focus on city issues. The turn out from leaders across the city has been impressive. However, the Crisis has necessarily taken the immediate focus away from the Liveable Exeter transformational housing programme as everyone has been impacted by the crisis. The Chair of the Board assigned Board members to 7 work streams forming the recovery plan and the Board has urgently gone about the role of developing a response. This response has shaped the terms of reference and was instrumental in rethinking the role of steering the work of the Sport England Local delivery Pilot.

Place Board Members

- 8.2 The Liveable Exeter Place Board has brought together an impressive body of civic, community, business and national leadership focused on making Exeter a stronger city, guided by a long term vision for Exeter 2040.

Chair of the Liveable Exeter Place Board is Sir Steve Smith,
The Government's International Education Champion and current VC of the University of Exeter

The Right Honourable
Ben Bradshaw
MP for Exeter (Labour)

The Right Honourable
Simon Jupp
MP for East Devon (Conservative)

Cllr Phil Bialyk
Leader, Exeter City Council

Cllr John Hart
Leader, Devon County Council

The Right Reverend
Robert Atwell
Bishop of Exeter

Shaun Sawyer
Chief Constable, Devon & Cornwall Police

Suzanne Tracey
Chief Executive, Royal Devon & Exeter NHS Foundation Trust

Lord Charles Courtenay
Earl of Devon

Dinah Cox
Chair of Trustees, Devon Community Foundation

John Laramy
Principal & Chief Executive, Exeter College

Lee Elliot-Major
Professor of Social Mobility, University of Exeter

Ian Cameron
Business Group Director, Met Office

Claire Kennedy
Licensee and Curator, TEDxExeter

Kalkidan Legesse
Social entrepreneur and Managing Director at Sancho's

Paul Crawford
Chief Executive Officer, LiveWest

Steve Hindley
Chairman, Midas Group, & Great South West

Glenn Woodcock
**Director
Oxygen House**

Charles Johnston
Executive Director of Property, Sport England

Tony Rowe OBE
Chief Executive & Chairman, Exeter Rugby Club

Julian Tagg
Chairman ECFC, Chairman City Community Trust

Sarah Crown
Director of Literature' Arts Council England

Lady Lucy Studholme
Chair of Board of Trustees, Exeter Northcott Theatre

Mike Watson
Managing Director – Stagecoach South West

Mike Gallop
Western Route Director, Network Rail

Matthew Golton
Interim Managing Director, GWR

Matt Roach
Chairman Exeter Chamber of Commerce & MD Exeter International Airport

Karime Hassan
Chief Executive & Growth Director, Exeter City Council

University of Exeter
One place is being held for the University of Exeter's new Vice-Chancellor Lisa Roberts.

The Membership of the Board is included in the terms of reference document *Appendix 1*.

- 8.3 These individuals and organisations have responded to our request to work together specifically in pursuit of the original draft terms of reference. This was primarily focused on the Liveable Exeter Garden City programme. At the heart of this programme is the challenge of how we secure the funding and investment required to build up to 12,000 homes, largely on brown field sites where the infrastructure costs are likely to be high, and build in such way that we deliver the quality outcomes captured in the Exeter Vision 2040 vision. This focus on quality and outcomes is critical if we are to succeed in learning the lessons of the past.

Exeter Vision 2040

- 8.4 The Exeter Vision 2040 statement is a vision for the city and expresses outcomes that go beyond the scope of a district council's primary responsibilities; for example the Vision statement includes the following strategic outcomes:
- Exeter will be healthy and happy
 - Health, care and wellbeing services will be designed and delivered in partnership with the communities who use them
 - A high quality and accessible built environment and green spaces, with great arts and cultural facilities, will encourage healthy and active lifestyles.
 - A comprehensive network of safe routes will ensure that most everyday journeys are made by walking and cycling
 - Access to: world class education and training, meaningful high-quality employment and fair wages
 - Recruit and retain talent, attract the best global talent
 - Keeping more money in the local economy
 - A global leader in addressing social, economic and environmental challenges of climate change and urbanisation
- 8.5 The Liveable Exeter Place Board provides a forum to collaborate across the city in pursuit of these outcomes. The Council's convening power in bringing people together only goes so far, but it is a good start in shaping and influencing other organisations to work towards our collective ambitions for the city. This place shaping role is a discretionary service not taken into account when Government calculates our funding requirement, but it goes to the heart of what residents and businesses assume the role a council should play in stewardship of the city. In the past, until 2011, the Government imposed a duty on all councils to set up a sustainable communities partnership and sustainable communities plan, and it was envisaged as the vehicle to bring organisations together. In practice austerity put an end to that sustainable communities agenda.
- 8.6 The Government is currently focused on building homes and will shake up the planning system in support of this aim. National funding will flow to those places that support housing growth and a strong governance framework is generally seen as essential to give confidence to Government that plans are credible and that a culture of tackling barriers to delivery is in place. Access to national funding is always a competitive process and, therefore, it is usually good advice to heed messages from national bodies. The Place Board will give confidence in support of the transformational housing programme, and the calibre of individuals sitting on the board is a powerful statement on behalf of the city.

Transport

- 8.7 The presence of key transport bodies such as Devon County Council, GWR, Network Rail, Stagecoach, and Exeter Airport provides a great opportunity to focus on the transport needs of the city and sub-region, and for those leaders to understand the transport needs in a wider place shaping role. An example of this is active travel and the work being done by the Sport England local delivery pilot; this is engaging the major employers in the city, the schools and the community. Active travel initiatives provide the construction and development companies with confidence that when the city council talks about car free developments that practical steps are being taken to progress non-car forms of transport in the city. It is also a requirement in support of the next local plan. The County have set a target of 50% of all journeys originating and ending in the city to be by walking or cycling. Therefore the city will need to engage our residents and businesses in support of active travel. The City Council is

not the transport authority and therefore the council has to work with others to secure the outcomes identified by members. It is also necessary to state the financial context we are working within. A decade of cuts, with a further £5.8m to find over the next three years, means that we have literally no officers employed to work on transport - a county council function - but we leverage Exeter City Futures, the Sport England Local Delivery Pilot and our network through the Place Board to work with us in pursuit of this ambitious transport goal. Resolutely focused on the vision we necessarily have to be flexible and embrace innovation in our tactics and actions. It is important that members recognise the financial context within which we are having to work. When we have no direct statutory responsibility for transport, and we have no staff or limited funding other than CIL payments to contribute to transport, our partnership work is critically important to bring about change. We want greater influence over the transport agenda but we have to begin by recognising our ability to influence requires us to work differently and in partnership with those bodies that have the responsibility for transport.

Net Zero Exeter

- 8.8 In a similar fashion having the Met Office and University of Exeter on board discussing the city's Net Zero ambitions (both organisations with a world class expertise in climate sciences) allows a widespread appreciation of the issues to inform the thinking of the leaders across the city; and gives credibility to the City's ambitions. The city council will take the decisions it needs to take in respect of the council's own estate and services but our Net Zero Plan relates to the city as a whole and therefore other organisations need to be involved and we need to understand the issues they are addressing in responding to the challenge. The Board has yet to consider the Net Zero Plan, but given the Board insisted in including Net Zero Exeter 2030 in the Exeter Vision, it should anchor the deliberations of the Board in a credible delivery programme for the Vision statement. Council has adopted the Net Zero Plan 2030 and it would support city wide initiatives if the Board members could socialise the Plan among their organisations and at the appropriate time consider whether their bodies would be prepared to adopt the plan. The Place Board now provides a mechanism to have such conversations.

Culture

- 8.9 The Board acts as the governance structure for the cultural compact. A partnership with Arts Council England and many of the institutions in the city. The Cultural sector has been hit particularly badly by the Covid-19 crisis and having Sarah Crown, a national director with Arts Council England, on the Board has been most valuable. The UNESCO designation should place culture at the heart of everything we do in the city. The Place Board gives the Cultural Partnership a mechanism for addressing matters that require a city perspective rather than an institutional perspective. Previously this would have been a series of one to one meetings possibly leading to a meeting between the principal funding partners, now we have the opportunity to have regular strategic conversations across a wider set of parties bringing different perspectives.

Sport England Local Delivery Pilot

- 8.10 It would be fair to say that the role of the Liveable Exeter Place Board shifted as a result of the pandemic, meeting fortnightly, the Place Board became the driving force behind the recovery process for the city. This created a powerful and engaged senior leadership forum, well placed to provide strategic oversight of the Sport England Local Delivery Pilot (LDP). A number of the Place Board members sat on the original LDP Programme Board. In consultation with Sport England, an opportunity was taken to reflect on the governance of the programme, and it was felt that the role of the Place Board as a steering board for Liveable Exeter would provide the right strategic fit with

the role of providing vision and strategic direction for the programme to ensure the LDP is aligned with strategic and system priorities. Simply put the Place Board acts as a steering board to maintain a common purpose across the city, assess options and evaluate progress. It does this for the housing programme, active design and culture, and therefore it makes sense to do this in support of active lifestyles and active travel, e.g., the LDP.

Engagement with the work of the Liveable Exeter Place Board

- 8.11 Now that the Board has been established and it is meeting at a pace and frequency that it is determined by the Board, the City Council's role is primarily to support Sir Steve Smith, the Chair, in organising and hosting the meetings. This is discharged by the Project Director for Liveable Exeter. The meetings of the Liveable Exeter Place Board are not city council meetings. The agenda is set by the Chair and therefore it is appropriate that consideration be given to reporting back to the City Council Executive matters that may need to be considered (The Place Board is a non-decision making body in relation to the city council) and the Leader of the City Council as the representative on the Board has indicated he will be reporting regular updates to members through Executive and Scrutiny Committee as appropriate.
- 8.12 The effectiveness of the Place Board in confronting issues that need to be addressed so as to remove obstacles to delivery requires a level of candour and confidence for leaders to confide among each other in a constructive and positive tone. It is difficult to have such conversations in a public setting, quite simply leaders will not reveal things in public that they would in a more private setting. For understandable reputational reasons trust is generally a prerequisite for frank and candid conversations. We have declared a climate emergency and we need to work at pace. Therefore whilst acknowledging members desire to have matters discussed in a public fashion, if the Board is to be able perform its role effectively, the Board must be allowed to work in the manner it determines appropriate.
- 8.13 Clearly any matter that requires a council decision will be report through the councils reporting mechanisms in the usual manner. All funding and policy decisions require Executive and Council approval. There may be issues that relate to the cultural agenda, skills, community & wellbeing that will be necessary to report to the portfolio holder for consideration. Any such matter will be progressed in accordance with council policy and procedure.

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

- 9.1 The Liveable Exeter Place Board provides a mechanism to support the delivery of the City Council's corporate priorities. The Corporate Plan's Focus is on three strategic programmes that address the current, major challenges facing the city:
- Tackling congestion and accessibility
 - Promoting active and healthy lifestyles
 - Building great neighbourhoods
- 9.2 The Council's priorities reflect the City Council's vision for Exeter 2040. This vision statement addresses key outcomes: "a city that is inclusive, healthy and sustainable – a city where the opportunities and benefits of prosperity are shared and all citizens are able to participate fully in the city's economic, social, cultural and civic life." The city council as a district council with little statutory responsibilities for these outcomes has to work in partnership with other institutions and businesses to achieve.

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

- 10.1 The level of engagement with senior leaders cannot be assumed as a matter of right. It can be common for strategic partnerships to dilute over time as leaders delegate attendance to others in the organisation. If leaders believe they are not getting anything out of the meetings they will vote with their feet. Should the number of meetings become too much of a burden leaders may drop out. We recognise these risks and therefore this plays an important duty on the officers and Chair of the meetings to get the right balance for the agenda. The current Chair is superb at running meetings and has a gravitas that is difficult to match. The meetings are positive and constructive and this engenders leaders feeling they get something out of the meetings. Speaking candidly we need these organisations to help the city deliver against our agenda for active and healthy life styles, building great neighbourhoods, net zero Exeter, tackling congestion, building an inclusive and healthy city, delivering world class education and training, and putting culture at the heart of everything. Recognising that we can't do this on our own, we have to give up a bit of control to gain greater influence, to leverage the organisations in the city in pursuit of Exeter 2040.
- 10.2 In acknowledgement of the risk that the membership of the Board does not reflect the demographic composition of the city or that females or BAME communities are under-represented on the Board, significant efforts have been made to form a diverse Board which can represent the interests of all citizens. Membership of the Board will be kept under review to ensure that it is fully representative, whilst also maintaining attendance from key partner and stakeholder organisations.

11. Equality Act 2010 (The Act)

- 11.1 This report informs Members about governance arrangements that have been put in place to oversee the transformational housing programme and in support of active and healthy lifestyles. The work of the Board is focused on building homes and achieving an inclusive and healthy city. This will assist with equality and diversity impacts. Social justice/social inclusion is something we will wish to build into the programme. In time, individual development briefs and schemes will require assessment against policy and design guidance to take into account the equality and diversity impacts. This will be particularly important when looking at transport options and how the built environment impacts on all members of society. The governance arrangements are designed to bring a critical friend challenge into the strategic process to improve the quality of what is delivered. The Place Board will be presented at a future meeting with Net Zero Exeter 2030 this will raise issues for consideration such as:
- 11.2 Age - The road map/action plan could have relevance to the age equality strand due to different patterns of car ownership, different concerns over accessibility of public transport and different abilities to walk and cycle as an alternative mode of transport. Environmental information needs to be accessible and terminology used needs to encourage and not disincentives people to take action. Further, the need to take forward different energy efficiency measures in the home to alleviate fuel poverty. In relation to children and young people, the road map could have a positive impact of increased opportunities for walking and cycling which could have additional benefits of tackling obesity and encouraging healthy living. Further the very young are most at risk from thermal extremes.
- 11.3 Disability - The road map/action plan will have relevance to the disability equality strand due to different patterns of car ownership, different concerns over accessibility of public transport. In addition, the need to take forward different energy efficiency measures in the home to alleviate fuel poverty. The design and condition of the built environment has a significant impact on the quality of life of disabled people.

Although, the potential impact of reducing emissions will result in benefits for respiratory illnesses, the hotter weather may exacerbate air quality. Flood risk information will need to be publicised and made available in a range of languages and formats. Emergency plans need to address the requirements of disabled people.

- 11.4 Gender Identity - The road map/action plan could have relevance to the gender identity equality strand due to climate change having different impacts on men and women, with adverse effects disproportionately affecting women. Issues affecting for example different patterns of car ownership, different concerns over accessibility of public transport and different abilities to walk and cycle as an alternative mode of transport. There is a need to ensure energy efficient measures alleviate fuel poverty.

12. Carbon Footprint (Environmental) Implications:

- 12.1 The Liveable Exeter Place Board has amended the Exeter Vision 2040 to include explicit reference to Net Zero Exeter 2030 and is therefore expected to be supportive of the Council's plans for achieving a net zero Exeter by 2030. The Board provides a mechanism for leaders across the city to work together in pursuit of the carbon agenda. Therefore this initiative should be a positive step to addressing the Net Zero agenda.

13. Are there any other options?

- 13.1 Not applicable. Council approved the establishment of a Board to oversee the Liveable Exeter Garden City programme, the proposed composition of the Board and the draft terms of reference was delegated to the CE&GD in consultation with the Leader of the Council. This report informs Executive what has happened to date.

Karime Hassan
Chief Executive & Growth Director

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

Background papers used in compiling this report:-

Report to Executive, Date of Meeting: 9 July 2019, Report of: Chief Executive & Growth Director, Title: Liveable Exeter Garden City

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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Equality Impact Assessment: Liveable Exeter – update on membership of the Exeter Place Board and Terms of Reference

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

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

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive	Liveable Exeter – update on membership of the Exeter Place Board and Terms of Reference	To note the progress made in forming the Place Board, its membership and the Terms of Reference under which it operates.	No impact is foreseen – but consideration has been given to the impacts upon those with any of the 9 protected characteristics.

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

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

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

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Positive	Medium	Positive action has been taken to ensure that the Place Board is representative in terms of race and ethnicity. The Board has diversity in its membership and is in a good position to be able to effect positive change to the benefit of all residents.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive	Medium	The Board, in the course of its work, will consider proposals which will have the potential to impact upon those with disabilities. Whilst all schemes will adhere to statutory requirements, the Board will also have opportunities to positively influence development and projects within the city, to the benefit of disabled residents and visitors.
Sex/Gender	Positive	Medium	The Place Board benefits from having several female members who, with their male counter-parts, will be able to ensure that the Liveable programme creates opportunities and accounts for the needs of those of those of all genders.
Gender reassignment	Neutral	Medium	Although the work of the Place Board is not expected to impact upon gender reassignment, the work of the Board will be wide ranging and opportunities may present during the lifetime of the programme to create positive outcomes around gender reassignment

Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Positive	Medium	The Board include a religious representative who, with other Board members, will be able to represent those of faith and effect positive change.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Positive	Medium	Although the work of the Place Board is not expected to impact upon matters relating to sexual orientation, opportunities may present during the lifetime of the Board to create opportunities for residents.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Positive	High	A key aspiration of the Liveable Exeter programme is to engage with younger residents and members of our community, and to facilitate opportunities for them to engage in the Liveable programme. Work has already been undertaken to ensure this, and the Board will be able to ensure that this work continues. Equally; the programme and the Board will also have opportunities to work for those in other age groups to ensure that all needs are met. It is expected that the programme may also be able to particularly assist with younger older and older people; ensuring that development takes place which accounts for these residents' needs. The Boards oversight of the Sports England Local Delivery Pilot will also facilitate opportunities to embed inter-generational sporting opportunities and ensure that the needs of all are considered.
Pregnancy and maternity including new and breast feeding mothers	Positive	Medium	Although no impact is foreseen, the Place Board and Liveable Exeter programme will be able to consider impacts of those who are pregnant and consider the needs of parents and carers.
Marriage and civil partnership status	Positive	Medium	Although no impact is foreseen, the Place Board and programme will be able to consider opportunities for positive impact.
<u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u>			
<ul style="list-style-type: none"> • n/a 			

Officer: Richard Marsh, Project Director – Liveable Exeter

Date: 29th July 2020

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Liveable Exeter Place Board



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Vision

Exeter’s Vision 2040 is to be recognised as a leading sustainable city and global leader in addressing the social, economic and environmental challenges of climate change and urbanisation.

We are striving to make Exeter the most active and accessible city in England. Exeter City Council’s corporate plan is focussed on tackling congestion and accessibility, promoting active and healthy lifestyles and building great neighbourhoods.

The Liveable Exeter programme represents nothing less than ambitious and long term renewal of the city’s fabric to meet people’s needs for homes, jobs and services in the 21st century. The Board will act as a critical friend of the local authorities, providing a level of robust challenge to ensure the qualitative aspects of good development outlined in the Liveable Exeter vision are achieved.

The Liveable Exeter Garden City Projects are part of a wider garden community programme for the Greater Exeter sub-region. The delivery

of the transformational housing programme is a key component of the wider growth agenda for the sub-region and focus on clean and inclusive growth.

Our Vision is for Exeter to be known nationally and internationally as a city of culture. It will innovate and lead in areas of the environment, well-being, cultural literacy, creative making and heritage innovation to build a living city where everyone thrives.

Exeter’s Vision 2040 envisages an innovative and analytical culture that will support communities, businesses, civil society and public bodies to work together to solve the city’s challenges and achieve its ambitions.

The Board will want to consider the strategy to engage and empower communities with the Liveable Exeter programme and to challenge approaches to engagement when required.

Exeter has been granted UNESCO City of Literature status.

The international recognition of the power and importance of the use of words in the city will be used as a springboard to capitalise on opportunities over the next four years.

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Strategy

- 1 Develop and facilitate collaboration between the constituent authorities in delivering the Liveable Exeter transformational housing agenda
- 2 Support the local authorities in delivering housing, place-making, economic development, strategic planning, clean and inclusive growth, culture and carbon neutral development in the context of supporting the Liveable Exeter programme
- 3 Develop, agree and own a collective vision for Liveable Exeter that aligns with the Heart of the South West Local Industrial Strategy and the golden opportunities for transformational growth and productivity
- 4 Seek agreement on local priorities and targets and advise partners on matters of collective interest
- 5 Contribute to the achievement of active and healthy lifestyles and sustainable development by:

- championing Sport England's principles of Active Design
- ensuring that local people can gain access to employment and housing opportunities
- tackling congestion and accessibility
- enhancing natural capital and protecting wildlife habitats
- transitioning to a carbon neutral city

12,000 new homes by 2040

- 6 Develop the strategy to address social mobility and inclusion, ensuring all residents of the city benefit from Liveable Exeter
- 7 Develop and set joint investment strategies for the city and sub-region and keep them under review
- 8 Oversee a Cultural Compact for Exeter to enhance the delivery aims of the Exeter Cultural Strategy set by Exeter Culture
- 9 Support the delivery of the Liveable Exeter programme by:

- providing a forum at which to consider key strategic and delivery issues collectively
- being responsible for tackling the obstruction to delivery, providing a ringmaster role to address barriers to delivery and funding infrastructure
- ensuring partners have a forum to explore opportunities to problem solve and engage public and private sector partners

Partnership

- 10 Act as a single point of contact with Government and its associated Departments (such as Sport England, Homes England, Arts Council England) and Agencies with regard to Exeter
- 11 Inform the work of the Heart of the South West Councils' in terms of communicating priorities and guiding the delivery of the Local Industrial Strategy and productivity plan
- 12 To positively engage with surrounding local authorities in connection with the preparation of the Greater Exeter Strategic Plan and the wider Greater Exeter Garden Communities programme

Funding & Delivery

- 13 Consider and prioritise bids for external funding, including leading on housing, industrial and other appropriate deals

- 14 Develop an Infrastructure Plan in support of Liveable Exeter and when required, the Greater Exeter Strategic Plan and associated Sub-regional Transport Strategy
- 15 Lead and co-ordinate liaison with Homes England (HE) to develop plans to Exeter's share of HE development programmes and contribute to any related interaction with Government agencies
- 16 Consider, inform and support decision making relating to Exeter and as appropriate, sub-regional investment, including expenditure of external funding within the sub-region
- 17 Develop and encourage a co-ordinated approach within the sub-region to inward investment, skills development and other economic development programmes
- 18 Monitor and guide the implementation of a detailed work programme
- 19 Consider the learning and strategic oversight of the Local Delivery Pilot (LDP); and include a voice for Cranbrook Town Council



Meetings

The Board will meet formally, three times a year, or as agreed by the Chair.

Exeter is one of the fastest growing cities in the UK...

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The Future Place programme

The Future Place programme aims to recognise and support high quality placemaking in England. The scheme is run by the Royal Institute of British Architects (RIBA), alongside the Chartered Institute of housing (CIH), Homes England (HE), Local Government Association (LGA) and the Royal Town Planning Institute (RTPI).



National initiatives involving Exeter

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RIBA 
Royal Institute of
British Architects




Ministry of Housing,
Communities &
Local Government


Homes
England




Cabinet Office


Local
Government
Association



Chair of the Board



Sir Steve Smith

Vice-Chancellor University of Exeter

Liveable Exeter Place Board

The Liveable Exeter Place Board is a high level vehicle for the constituent local authorities (Exeter City Council and Devon County Council) and partners to address collaboratively, issues relating to place-making and housing delivery. This joined up approach will support informed decision making.

It is the principal vehicle through which the city of Exeter will ensure that the desired transformational housing agenda known as Liveable Exeter is achieved.

The Board provides a cross discipline senior strategic board for the city that acts as a central lobby and strategic group for culture and climate change.





Kalkidan Legesse
Social entrepreneur and
Managing Director at Sancho's



Lord Charles Courtenay
Earl of Devon



Suzanne Tracey
Chief Executive, Royal Devon
& Exeter NHS Foundation Trust



John Laramy
Principal & Chief Executive
Exeter College



Paul Crawford
Chief Executive Officer
LiveWest



Cllr Phil Bialyk
Leader
Exeter City Council



John Hart
Leader
Devon County Council



Shaun Sawyer
Chief Constable
Devon & Cornwall Police



Mike Watson
Managing Director, Stagecoach
South West



Lady Lucy Studholme
Chair of Board of Trustees
Exeter Northcott Theatre



Lee Elliot-Major
Professor of Social Mobility
University of Exeter



Steve Hindley
Chairman, Midas Group



Charles Johnston
Executive Director of Property
Sport England



Tony Rowe OBE
Chief Executive & Chairman
Exeter Rugby Club



Sarah Crown
Director of Literature
Arts Council England

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Dinah Cox
Chair of Trustees
Devon Community Foundation



Glenn Woodcock
Director
Oxygen House



Matt Roach
Chairman Exeter Chamber
of Commerce & MD Exeter
International Airport



Julian Tagg
Chairman ECFC
Chairman City Community Trust



Karime Hassan
Chief Executive & Growth Director
Exeter City Council





Matthew Golton
Interim Managing Director
GWR



**The Right Reverend
Robert Atwell**
Bishop of Exeter



Mike Gallop
Western Route Director
Network Rail



Claire Kennedy
Licensee and Curator
TEDxExeter



**The Right Honourable
Simon Jupp**
MP for East Devon (Conservative)



**The Right Honourable
Ben Bradshaw**
MP for Exeter (Labour)



Ian Cameron
Business Group Director
Met Office

“By the time they are an adult, a child born in Exeter today will live in a city that is inclusive, healthy and sustainable - a city where the opportunities and benefits of prosperity are shared and all citizens are able to participate fully in the city’s economic, social, cultural and civic life.”

INNOVATIVE & ANALYTICAL CITY

Exeter will be a model of strong local democracy. Communities will organise themselves and use their assets and resources to reduce inequalities and create a sense of belonging. The city’s anchor institutions will drive local impact. Active, engaged citizens and communities will be empowered to create, share and use data to respond to shared problems and needs. Exeter will be a young people-friendly city and young people will have a meaningful voice in the decisions that affect them and their communities.

An innovative and analytical culture will support communities, businesses, civil society and public bodies to work together to solve the city’s challenges and achieve its ambitions. The city institutions work collaboratively with a coherence in pursuit of the city’s vision.

HEALTHY & INCLUSIVE

Exeter will be healthy and happy and local services will support people to live their lives well, in the ways that matter to them. Every resident will have a home that is secure, affordable and healthy in a balanced and connected neighbourhood that supports wellbeing and reduces social isolation. Access to clean, secure and affordable energy will help to eliminate fuel poverty. Health, care and wellbeing services will be designed and delivered in partnership with the communities who use them.

THE MOST ACTIVE CITY IN THE UK

Exeter will be the most active and accessible city in England - transport will not be a barrier to economic or social activities, and sustainable means of travel will be cheaper, quicker and more convenient than private car ownership. Land currently dominated by driving and parking will be freed up for social, economic and environmental uses and air will be clean and healthy. A high-quality and accessible built environment and green spaces, with great arts and cultural facilities, will encourage healthy, active lifestyles.

A comprehensive network of safe routes will ensure that most everyday journeys are made by walking and cycling.

ACCESSIBLE WORLD-CLASS EDUCATION

Exeter will be agile and innovative, and economic growth will be clean, inclusive and resilient. Local supply chains will be stronger, supporting the city’s businesses and social enterprises and keeping more money within the local economy. All residents will have access to world-class education and training, and meaningful, high-quality employment with fair wages. The life-changing benefits of access to and participation in arts, culture and physical activity will be realised. Employers will be able to recruit, nurture and retain a skilled local workforce as well as attracting the best global talent.

LIVEABLE & CONNECTED

Exeter will be a liveable city, with a thriving city centre, within a network of thriving rural and coastal towns and villages. The impacts of growth will be managed and mitigated and communities will lead development, helping to create a city where everyone has access to the places and services which enable them to meet their needs and lead fulfilling lives. Urban planning will protect and enhance Exeter’s exceptional natural and historic environment, safeguard its iconic landscape setting, and encourage high-quality contemporary design that complements and enhances the city’s heritage.

A LEADING SUSTAINABLE CITY

Exeter will be a carbon neutral city by 2030 and recognised as a leading sustainable city and a global leader in addressing the social, economic and environmental challenges of climate change and urbanisation. The Exeter of the future will have grasped the opportunities ahead of us today.

CULTURE

Exeter will be known nationally and internationally as a city of culture. It will innovate and lead in the area of the environment, wellbeing, cultural literacy, creative making and heritage innovation to build a living city where everyone thrives. Under its UNESCO City of Literature status Exeter will become a destination for writers and a city of readers. The city will use the power of literature and words to pursue a set of wellbeing goals to improve life for all.

Liveable Exeter Place Board



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EXETER
LIVE BETTER

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REPORT TO EXECUTIVE

Date of Meeting: 1 September 2020

REPORT TO COUNCIL

Date of Meeting: 20 October 2020

Report of: Corporate Manager, Democratic and Civic Support

Title: Freedom of the City

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report sets out a proposal to offer the Freedom of the City to Mr Richard Jacobs in recognition of his outstanding service to the City of Exeter as a local businessman and entrepreneur.

2. Recommendations:

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 20 October 2020, to consider granting the Freedom of the City to Richard Jacobs.

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 20 October 2020, when Members will be asked to consider granting the Freedom of the City to Richard Jacobs.
- 3.4 Members are reminded of the following four criteria against which nominations for Freeman of the City are considered:-
 - For those who have extraordinarily served the community over a number of years (minimum of 20 years) in a voluntary or professional capacity;

- For those who have achieved national, international or world recognition for excellence in their particular field of expertise (be it business, entrepreneurial, sport, or any other area);
- 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; and
- For those who have via a particularly extraordinary act, or series of acts, put the safety or wellbeing of themselves secondary to those of others.

3.5 The following nomination has been received in respect of Richard Jacobs:-

- “1. Founder Chair of the Marsh Barton Forum. Founder and chair of the Exeter Business Forum worked with the city council, and supported the appointment of a city centre manager, CCTV in the city centre and the Princesshay development. Also provided a significant assistance with the relocation of the Met Office to Exeter. Worked with the county and other local authorities for the economic development of the city. Went to London with Chester Long and Bernard Frowd to lobby for unitary status for the city.
2. A magistrate in the city for 23 years and chairman of the youth panel for 9 years, working with the youth justice team brought central Devon Magistrates’ court to become the third best in the country for dealing with troubled young people.
3. Encouraged the business community to support Exeter Cathedral over the last 10 years providing significant funding through an annual carol service and supporting the Grand Nave dinner.
4. Founder trustee of the Ted Wragg Trust, originally a governor of St James school. Now the Trust is responsible for all secondary schools in Exeter except St Peters, that is Saint James, West Exe, Isca, St Luke’s and Cranbrook. Also three primary schools. All the above secondary schools were taken over in a very poor state either in need of improvement or in special measures. Most are now in either good or close to good and St James is close to outstanding. The Trust is now a 40 million turnover business and growing rapidly. At the request of the Regional Schools Commissioner the trust is now supporting two schools in Exeter.
5. Worked with Emara Roth and John Street arranging for 400 citizens of the city to go to Plymouth for a tour of HMS Defender also worked with the city for the provision of a table for the captain’s cabin on HMS Defender.
6. Director and major shareholder in EIC Group and Southwest Metal Finishing Ltd., a family owned company employing 190 people, 120 of them in Exeter. Specialising in the metal finishing of aerospace components. Also a significant property holding in Marsh Barton and worked with the city council for the provision of Exeter workshops which for over 30 years has provided workspace for start up businesses. . Has made a significant investment in the Canal and Quay area and the Piazza Terracina. This area has become a major tourist attraction ad has brought new life into that area of the quay. Converted part of

the old Maritime Museum to provide a Cookery School, Bakery and Wedding Dress retailed. Just completed a new building to accommodate the Rockfish restaurant.

3.6 The following additional supporting statements have been received on behalf of the Ted Wragg Trust and Exeter Cathedral

1. "Richard is a founder Trustee of the Ted Wragg Educational Trust. He has been dedicated and committed member of the Board since its inception. The Trust has changed the educational landscape of Exeter, transforming life chances for our children and especially raising aspirations for school children in the most deprived schools. He has not only been a sponsor of many local projects, but also provided real business acumen at the Board level. His commercial experience and awareness has helped us create solid financial foundations and grow to the Trust we are today. We now operate as a financially sound Trust providing education for over 7000 children across Devon. Richard's pride and dedication to the city of Exeter and its children deserves recognition and we are delighted to support this honour as a reflection of the positive effect he has on the educational landscape in Exeter and its hinterland. I am proud to call him a friend and as well as Trustee – and the city should be too!"
2. "Here at the cathedral, we are immensely grateful for Richard's long-term support. Not only has he been very generous personally, but he has been the lynch-pin for our engagement with the Exeter business community. In particular, he has for 10 years helped organise our Christmas Business Carols Service, he has played a key part in inviting local businesses to attend, and in encouraging their donations, both on the evening and throughout the year. He is a kind, generous, and well-known figure at the heart of Exeter, and must deserves public recognition."

3.7 In response to this nomination, Richard Jacobs has stated:-

"This is a huge honour that I am delighted to accept.

I have always tried to support the city and its officers and I am proud of our city's massive achievements in recent years. Thank you so very much. I am also proud of the achievements of the Ted Wragg trust. Having started as a governor of St James School and now a director of a £40 million pounds company providing excellent education and opportunities for the vast majority of children in our state schools."

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

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

5. Section 151 Officer comments:

There are no additional financial implications contained within this report, on the basis that the cost of a ceremonial scroll and reception will be met from approved budgets.

6. What are the legal aspects?

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:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 The Council is asked to consider bestowing the honour of Freedom of the City to Richard Jacobs

8.2 Members are reminded that the way in which such nominations are considered by the Council was changed at the Executive Committee meeting on 10 April 2018 (minute number 46 refers) whereby an Assessment Panel would sit to consider the written submissions received.

8.3 This Panel was to comprise of:-

- The Leader of the Council (or nominee)
- The Leader(s) of other political groups on the Council (or nominee(s))
- The Chief Executive & Growth Director (or nominee from the Strategic Management Board)
- The Corporate Manager, Democratic & Civic Support
- An external representative (Professor Brian Kirby has taken up this role)

8.4 Due to the current coronavirus pandemic, the Panel considered the nomination via email, and felt satisfied that the necessary criteria had been met to forward the nominations to the Executive for acceptance and onward recommendation to an Extraordinary Council meeting, which, it should be noted, that legislation dictates should be convened specifically for this purpose. Statute also dictates that 2/3rds of those attending the Council meeting must vote in favour of the decision.

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

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?

There are no risks associated with the proposal.

11. Equality Act 2010 (The Act)

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

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

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

John Street, Corporate Manager Democratic & Civic Support

Author: John Street, Corporate Manager Democratic & Civic Support

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

Background papers used in compiling this report:-

Nomination

Council's approved process for considering such nominations

Contact for enquires:

Democratic Services (Committees)

Room 4.36

01392 265275

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By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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