



# Environmental Health and Licensing Statutory Service Plan 2016 – 2017

A handwritten signature in black ink that reads "R. Norley". The signature is written in a cursive style with a long, sweeping underline.

Robert Norley  
Assistant Director - Environment

Drawn up in accordance with the: -

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

Issued by: Simon Lane, Environmental Health and Licensing Manager

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## SECTION 1 - INTRODUCTION

### 1.1 **Introduction**

- 1.1.1 This document is Exeter City Council's Environmental Health and Licensing Service Plan for 2016/17. It forms the basis of the business regulation enforcement functions for the authority and ensures that national food safety, health and safety, environmental protection and licensing priorities are addressed along with locally identified needs. It demonstrates our commitment to improving public safety, health and environment outcomes, sets out our priorities and planned interventions for the current year and targets them to maximise their impact.
- 1.1.2 The Council has a duty to act as an enforcing authority in premises for which it is responsible. The plan outlines how the Environmental Health and Licensing will undertake that function.
- 1.1.3 It has been produced to ensure that local businesses, employers and employees, members of the public, council officers and Members understand the approach to regulatory enforcement adopted by the Council. The service plan will help to ensure that the actions of the Council are fair, consistent, open and effective.
- 1.1.4 The Council recognises the important role it plays promoting and securing the safety of those who live, work and visit the City. The key aim of this plan is to demonstrate how the Council will fulfil its statutory obligations in accordance with national guidance set out by the respective regulatory agencies. It includes:
- the Council's aim and objectives;
  - information about the enforcement services provided by the Council;
  - details of the Council's performance management systems;
  - information on the performance of Environmental Health and Licensing.

### 1.2 **Access to the Service**

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

## SECTION 2 – SERVICE AIMS AND OBJECTIVES

### 2.1 **Aims and Objectives**

2.1.1 The Council's Corporate Plan 2015-16 sets out 5 key strands which aim to meet the needs of our citizens and customers. The 5 key strands are:

1. Provide services to meet customers' needs
2. Reduce operating costs
3. Invest in the city
4. Grow the economy
5. Support Exeter's Communities

The corporate plan is available by visiting [www.exeter.gov.uk/corporateplan](http://www.exeter.gov.uk/corporateplan).

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

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

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

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

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

2.2.2 Environmental Health and Licensing's role links to 3 key strands of the Council's strategy:

- Provide services to meet customers' needs
- Grow the economy
- Support Exeter's Communities

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

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

## **2.3 Links to Strategic Objectives and Other Plans**

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

- Public Health Indicator 3.1 – Fraction of mortality attributable to particulate air pollution

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

The Devon Health and Wellbeing Board has 4 strategic priorities:

1. A focus on children and families
2. Healthy lifestyle choices
3. Good health and wellbeing in older age
4. Strong and supportive communities

Under these 4 strategic priorities, the key joint health and wellbeing evidence based priorities are: -

- Continuing to reduce health inequalities across Devon
- Improving levels of physical activity and the proportion of people at a healthy weight
- Reducing excessive, harmful alcohol consumption
- Improving mental health and emotional wellbeing
- Working to prevent domestic and sexual violence and abuse and the sexual exploitation of children and young people.
- Increasing social connectivity in communities to reduce social isolation and loneliness and increasing the opportunities we have to improve our own health and wellbeing.

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

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

- The Environmental Strategy
- The Carbon Management Plan
- The Air Quality Strategy
- The Air Quality Action Plan
- The Licensing Act 2003 Statement of Licensing Policy
- The Contaminated Land Strategy
- Exeter City Council Corporate Plan
- The Exeter Community Safety Partnership Strategy
- Low Emissions Strategy
- Gambling Act 2005 Policy
- Street Trading Policy
- Hackney Carriage and Private Hire Policy
- Sex Establishments Policy

## SECTION 3 – BACKGROUND

### 3.1 **Profile of Exeter City Council**

- 3.1.1 The geographical enforcement area is relatively confined in local authority terms covering an area of 4,774 hectares and supporting an estimated residential population of 125,000 persons with 68.6% of working age. There is a total of 4,744 registered businesses for business rates with approximately 35,000 people commuting to Exeter on a daily basis, with an average footfall in the city centre of 800,000 people per month. Exeter comprises of a mix of residential and commercial properties as well as industrial and trading estates. With Exeter being the regional administrative, cultural and educational centre, the City has a significant impact on the adjacent areas of East and Mid Devon and Teignbridge.
- 3.1.2 Although set in a predominantly urban area the City offers only a limited range of industry with the main activities being catering, retail sales, office activities, warehousing and distribution. No significant food manufacturing premises are now located within the City. There is an increasing variety of ethnic eating places and fast food takeaway outlets and the food pattern is dynamic.
- 3.1.3 The City's status as a medical, university, and educational centre means that there are several large institutional catering premises located within the boundary. Exeter's specialisms include the largest number of meteorologists, climate change specialists and volcanologists in the UK being based here. Award winning specialists in diabetes and breast cancer can be found at the RD&E hospital and the University of Exeter has many award winning research fellows.
- 3.1.4 The few Product Specific Premises are small scale operations by modern day standards.
- 3.1.5 Exeter is no longer a port authority.
- 3.1.6 The service embraces the core aims of the FSA's food safety issues (including Imported Food Controls), nutrition and diet issues and sustainability.

### 3.2 **Organisational Structure**

- 3.2.1 Environmental Health and Licensing is within the Office of the Assistant Director Environment and is responsible for delivering this Service Plan. In addition to this Environmental Health and Licensing provides:
- the Food Safety Enforcement function;
  - the investigations of notifiable / infectious disease;
  - the Health and Safety Enforcement function;
  - the Private Water Supply Enforcement function;
  - the Health Act Enforcement function;
  - Sunbed Regulations Enforcement function;
  - Licensing duties in relation to Licensing Act 2003, Gambling Act 2005, taxis and miscellaneous legislation;
  - Regulation of premises under the Environmental Permitting Regulations;
  - Monitoring of the city's air quality;
  - Monitoring and guidance with respect to contaminated land;
  - Investigation of complaints relating to business nuisance;
  - support to functions within the offices of Environment, Public Realm and Housing;
  - Co-ordination of the council's anti-social behaviour function;
  - Co-ordination of the multi-agency Community Safety Partnership

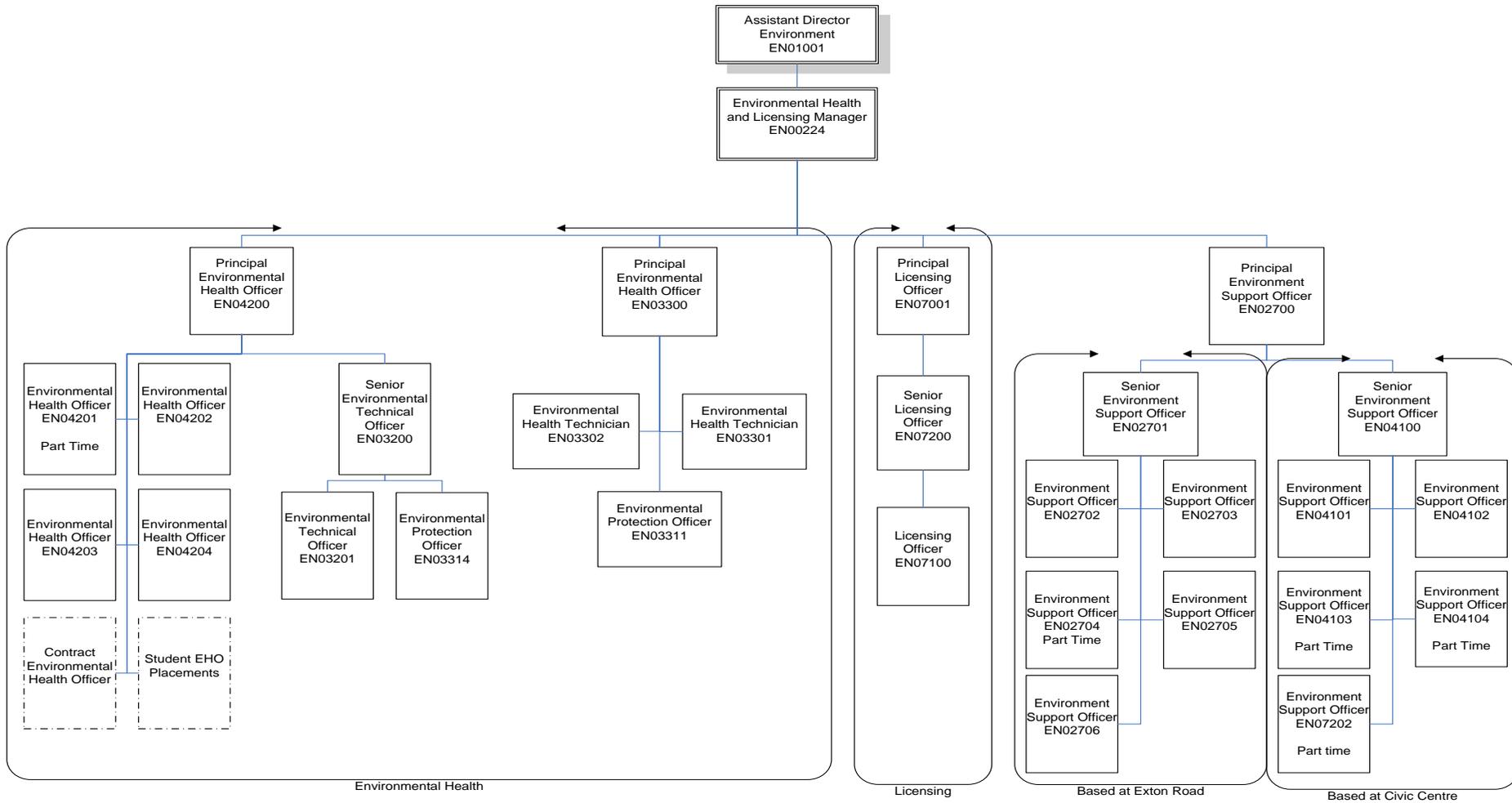
- 3.2.2 Environmental Health and Licensing Services operates under the Assistant Director Environment.
- 3.2.3 The Assistant Director Environment has various delegations to act on behalf of the Council and the Environmental Health and Licensing Manager is delegated as a deputy under the Council's constitution.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

# THE OFFICER STRUCTURE IN RESPECT OF ENVIRONMENTAL HEALTH AND LICENSING

5/23/2014

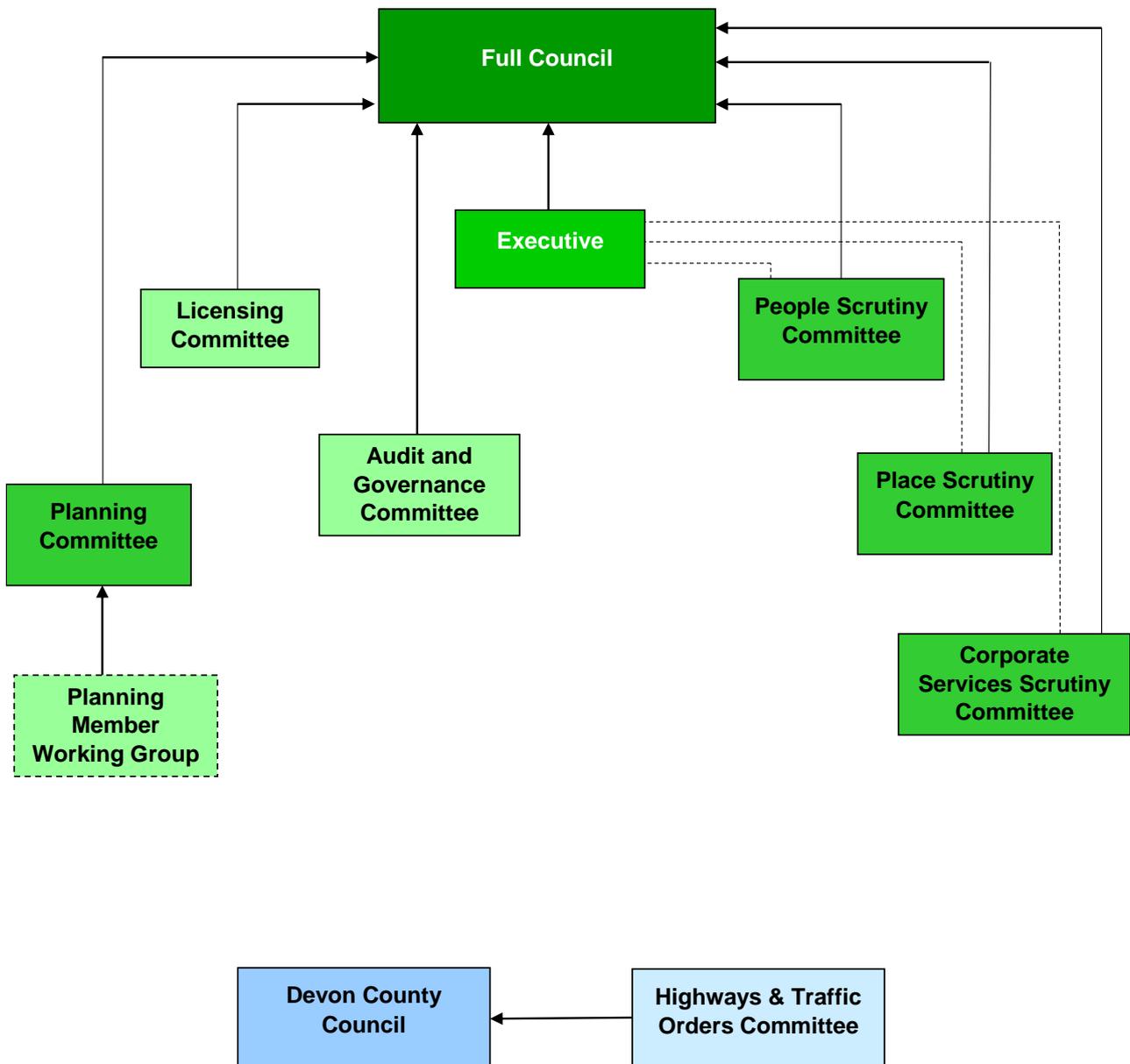
## Office of the Assistant Director Environment Environmental Health and Licensing

Subtitle





## The Council's Committee Structure



## SECTION 4 – FOOD SAFETY

### 4.1 **Scope of the Food Safety Service**

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

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

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

4.1.3 Exeter City Council supports the Food Standards Agency's strategic goal of 'Food We Can Trust' and the 5 principles which are currently being looked at nationally.

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 than they need to be.

### 4.2. **Remit of the Food Service**

#### 4.2.1 Interventions

The Council will:

- carry out a range of official and other food control as set out in the Food Law Code of Practice (England), the Food Hygiene Rating Scheme Brand Standard and other centrally issued guidance;

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

#### 4.2.2 Complaints

The Council will:

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

#### 4.2.3 Primary / Home Authority Principle

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

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

#### 4.2.4 Advice to Business

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

- promote training courses and seminars;
- provide advice during visits and 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.

#### 4.2.5 Food Premises Database

The Council will:

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

#### 4.2.6 Food Inspection and Sampling

The Council will:

- inspect food in accordance with relevant legislation to ensure it meets the legally prescribed standards;
- take appropriate action in cases of non-compliance in accordance with the Council's Enforcement Policy;
- maintain an annual sampling programme taking account of current guidance;
- adhere to the Council's procedures for procurement or purchase etc of samples;

- the Council has appointed Public Analysts Scientific Services (PASS) and the Public Health England Porton Down Laboratory as the Council's Public Analyst and Food Examiner respectively.

#### 4.2.7 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Council will:

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

#### 4.2.8 Food Safety Incidents

The Council will:

- respond to food alerts, product withdrawals and recalls in accordance with the documented procedure;
- maintain a computer system capable of receiving food alerts, product withdrawals and recalls;
- document our response to and the outcome of food alerts, product withdrawals and recalls where intervention is required;
- notify the Food Standards Agency of any serious localised incident or wider food safety problems.

#### 4.2.9 Enforcement

The Council will:

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

#### 4.2.10 Records and Intervention reports

The Council will:

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

#### 4.2.11 Complaints about the Service

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

#### 4.2.12 Liaison with Other Organisations

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

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

#### 4.2.13 Internal Monitoring

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

#### 4.2.14 Audit

The Council will:

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

#### 4.2.15 Food Safety Promotion

The Council will:

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

#### 4.2.16 Other Services

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

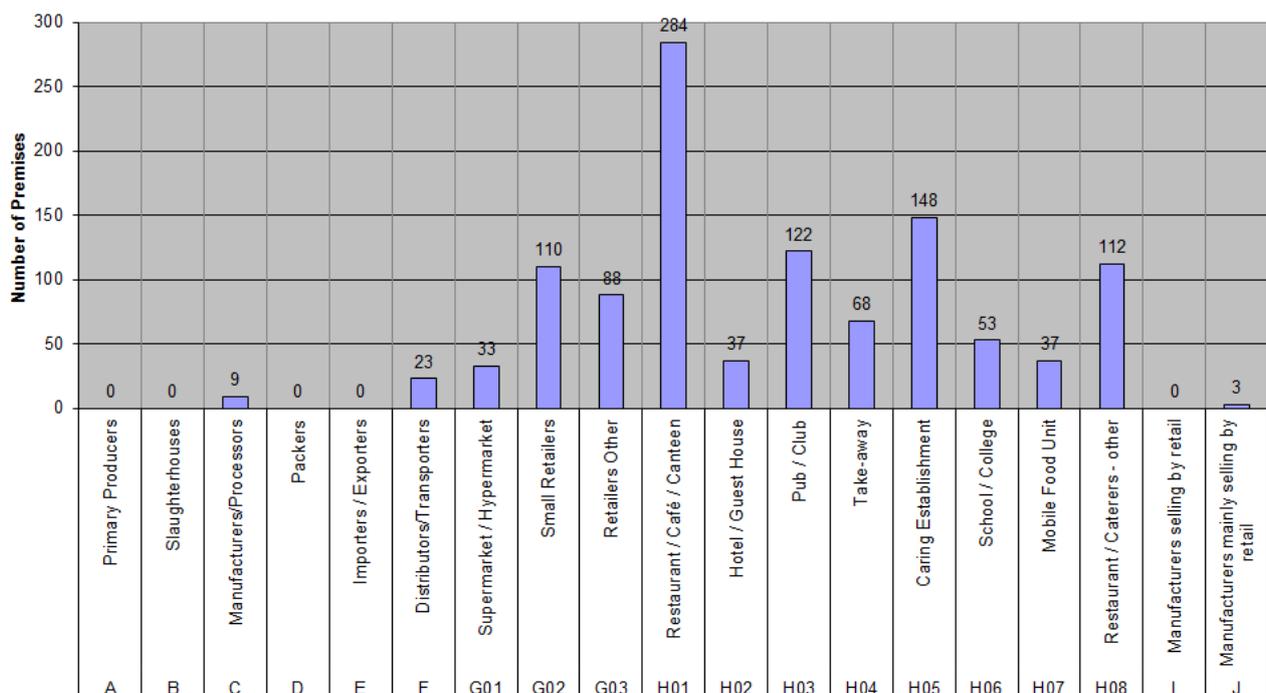
General (non-food related) complaint work will initially be undertaken by the service in accordance with the relevant procedure. Pest control treatment may be undertaken by officers from the section in liaison with the district Environmental Health Officer, but only when it will not comprise future enforcement action.

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

### 4.3 Food Business Profile

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

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



4.3.2 Following an inspection/audit, food premises are scored and categorised (i.e. A to E) in respect of the risk to food safety in accordance with the Food Law Code of Practice (England). The categories dictate the interval between inspections. For example category

A, i.e. high-risk premises, are inspected every 6 months, category D premises are inspected every 2 years. The service currently operates an alternative enforcement strategy for category E premises that are outside of the Food Hygiene Rating Scheme, which includes forwarding such businesses a self-inspection questionnaire, and inviting businesses to attend food safety workshops.

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

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>No Cat</b>
01 April 2016	2	47	178	480	351	69

4.3.4 There are approximately 75 food premises in the City where business owners do not speak English as their first language. This can impact on the ability to successfully inspect premises and to effectively promote food safety. Food businesses in the city make great use of migrant food handlers. (The pattern of this is dynamic and robust data is not available.)

#### 4.4 **Enforcement Policy**

4.4.1 The Enforcement Policy includes the principles contained in the Regulators' Code which the Council is committed to incorporating into its regulatory functions. The Enforcement Policy will be subject to periodic review at which time amendments will be made to specifically reflect the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement and other relevant and appropriate guidance.

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

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

#### 4.5 **Food Premises Interventions**

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

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

- establish whether food is being produced hygienically;
- establish whether food is, or will be having regard to further processing, safe to eat;
- to identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food.
- to issue the relevant rating as laid out in the Food Hygiene Rating Scheme Brand Standard, where the premises is part of the scheme

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

- determine the scope of the business activity and the relevant food safety legislation;
- thoroughly and systematically gather and record information;
- identify potential hazards and risks to public health;
- assess the effectiveness of process controls and HACCP based systems;
- identify specific contraventions of food safety legislation;

- consider appropriate enforcement action (proportionate to risk), to secure compliance with food safety legal requirements;
- produce advice and information and recommend good practice where appropriate;
- promote continued improvements in food hygiene standards to meet national / local performance indicators and the relevant Food Standards Agency strategy.
- to issue the relevant rating as laid out in the Food Hygiene Rating Scheme Brand Standard, where the premise is part of the scheme

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

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

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

#### 4.6 **Food Complaints**

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

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

4.6.2 There is an established procedure for dealing with food complaints sets out the action to be taken regarding investigation. Our investigation will be guided by the detailed considerations laid down in the LG Regulation publication "Dealing with Food Complaints".

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

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

#### 4.7 **Primary / Home Authority Partnerships**

4.7.1 Details of Primary and Home Authority Partnerships are detailed in Section 12.

#### 4.8 **Advice to Business**

4.8.1 The full suite of food courses will be promoted to enable local businesses to fulfil their training requirements, including training provision for non English speaking food handlers. In addition the service provides a bespoke 2 hour session to assist new food business operators.

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

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

- 4.8.4 The Council will use local business and other forums as a means to disseminate relevant food safety information to help assess their needs and obstacles to compliance.
- 4.8.5 The service will actively seek participation in or look to co-ordinate appropriate forums to promote food safety and disseminate information.
- 4.8.6 It is estimated that 0.1 FTE qualified food inspectors will be necessary to provide information and advice to food businesses.

#### 4.9 **Food Inspection and Sampling**

- 4.9.1 The Council will ensure that food is inspected in accordance with relevant legislation, The Food Law Code of Practice (England) and the Practice Guidance (England) and centrally issued guidance and ensure that food meets prescribed standards.
- 4.9.2 The food sampling programme for the forthcoming year commencing 1 April 2016 is detailed in section 13 and includes participation in national sampling campaigns co-ordinated by LG Regulation.
- 4.9.3 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Protection Officers. Activity reports will be submitted on a periodic basis. A procedure has been set up and implemented in respect of taking samples and the arrangements made for Analysis and Examination.

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

- 4.10.1 Environmental Health and Licensing's objective, in respect of the control of food related disease is to:

- contain the spread of any outbreak;
- identify the focus of infection;
- identify the causative organism/chemical;
- trace carriers and cases;
- trace the source of infection;
- determine the causal factors;
- recommend practices to prevent recurrence of disease; and
- determine whether criminal offences have been committed.

- 4.10.2 Investigations into outbreaks of food related poisonings are carried out in consultation with and under the direction of Public Health England.

- 4.10.3 The Principal Environmental Health Officer fulfils the role as lead officer in respect of infectious disease control and it is anticipated that adequate resources exist within the full complement of Environmental Health and Licensing to deal with this service demand.

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

#### 4.11 **Food Safety Incidents / Hazards**

- 4.11.1 The Council has and will maintain a computer system capable of receiving food alerts, product withdrawals and recalls and will implement the documented procedure for responding to food alerts and food safety incidents received from the FSA, in accordance with the relevant Food Law Code of Practice (England). The current informal out of hours contact arrangements will be used.
- 4.11.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure.

- 4.11.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer will notify the FSA.
- 4.11.4 It is considered that adequate resources exist within the full complement of Environmental Health and Licensing to deal with this demand.
- 4.11.5 It is anticipated that 0.1 FTE will be required to deal with food hazard alerts.

#### **4.12 Liaison with Other Organisations**

4.12.1 The Council is committed to ensuring the enforcement approach it takes is consistent with other authorities. Regular dialogue on food enforcement matters and food related issues takes place with:

- Primary Authority business partners
- Trading Standards
- Devon Chief Environmental Health Officer Food Sub-Group
- Health Protection Advisory Group
- Exeter and Heart of Devon Hoteliers & other appropriate business forums
- CIEH
- University of Exeter
- Exeter College
- Other services within the Council (e.g. Planning & Building Control)
- Devon and Somerset Better Business for All Partnership

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

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

#### **4.13 Food Hygiene Rating Scheme and Food Safety Promotion**

4.13.1 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. Over 850 businesses fall within the scope of the scheme, with all ratings being published on the national web portal at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) and businesses encouraged to display stickers. The service will continue to promote usage of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events. The service will also continue to encourage at the time of visits voluntary display of rating stickers and certificates at premises that fall within the scope of the scheme.

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

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

#### 4.14 **Food Safety Performance 2015/16**

- There are currently 1,127 food premises registered within the city
- During 2015/16, 508 rated food hygiene inspections were conducted.
- 98% of those inspections that were due within 2015/16 were conducted
- 26 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
- 140 compliance check / advice visits were conducted.
- 179 food poisoning cases were investigated
- The service received 288 service requests / complaints related to food safety

## SECTION 5: HEALTH AND SAFETY

### 5.1 Profile of Businesses in Exeter

5.1.1 Exeter is predominantly an urban area and the area has many small businesses. The Council enforces health and safety in mostly small and lower risk businesses that are predominantly in the service sector and is responsible for around 2577 premises.

### 5.2 Health and Safety Intervention Programme

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

5.2.2 The role of the Council is to support, encourage, advise and where necessary hold to account business to ensure that businesses effectively manage the occupational health and safety risks they create. The service uses the guidance given in HELA Circular (67/2 Revision 5) to risk rate its premises based on a business's health and safety performance. There are 4 categories (A – high risk, B1 and B2 – medium risk, C – low risk). The risk rating is not used to determine proactive inspection interventions – the choice of proactive inspections follows the principles within the National Local Authority Enforcement Code (see Section 5.6) - it does, however, help the Council target other interventions on the basis of risk.

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

### 5.3 Scope of the Health and Safety Service

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

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

5.3.2 In the UK during : 2014/15

- **1.2 million** working people were suffering from a work-related illness
- **142** workers killed at work
- **76 000** other injuries to employees reported under RIDDOR (611,000 injuries at work from the Labour Force Survey)

- **27.3 million** working days were lost due to work-related illness and workplace injury
- Workplace injuries and ill health (excluding cancer) cost society an estimated **£14.3 billion** in 2014/15

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

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

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

- to carry out interventions in line with HELA Circular 67/2 (rev.5), the National Local Authority Compliance Code and the Devon Health & Safety (Enforcement) Sub Group’s annual workplan;
- to take the most appropriate action upon inspection of relevant workplaces including the use of advice, informal correspondence, improvement and prohibition notices and the institution of legal proceedings;
- to educate proprietors of relevant workplaces in health, safety and welfare matters and their legal responsibilities in relation to their occupation by the distribution of leaflets and the provision of advice and information;
- to investigate specific accident notifications;
- to advise on the design of relevant workplace premises prior to and during alterations and construction;
- to liaise and work in partnership with the Health and Safety Executive (HSE), Public Health England and the Fire Authority regarding the enforcement of the legislation;
- to comply with the HSE’S National Local Authority Enforcement Code in respect of inspection programmes;
- seek to promote a simplified risk assessment procedure for low hazard workplaces such as offices and shops through the use of the Devon Local Authority devised toolkit Safer Workplaces, Better Business;
- combine food safety and health and safety inspections where possible to ensure that the burden on business is reduced.

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

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

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

<b>Highest hazard/Risk</b>	A	3
<b>Intermediate hazard/Risk</b>	B1	43

	B2	379
<b>Lowest hazard/Risk</b>	C	1447
<b>Uncategorised</b>	U	720

- 5.3.10 In accordance with HELA Circular 67/2 (rev.5), these risk ratings are not used to determine proactive inspection interventions but health and safety issues may be addressed during food, and licensing inspections or following complaints or accidents.
- 5.3.11 External consultants may be used to undertake other intervention strategies of low risk premises. The decision to employ contractors is taken by the Environmental Health and Licensing Manager in consultation with the Principal Environmental Health Officer and will be subject to the following criteria:
- there is a direct need to ensure statutory performance targets are met;
  - external contractors must meet the requirements of HELA Section 18 guidance;
  - the cost of the work can be met within existing budgets; and
  - previous knowledge of the competency and quality of the consultants.
- 5.3.12 The Council still has a duty to enforce health and safety standards in intermediate and low risk premises and we will work with such businesses and/or their representatives to improve health and safety standards through the promotion of a Safer Workplace Better Business pack that has been devised by all Local Authorities in Devon.
- 5.3.13 The performance analysis for the last year is detailed at the end of this section. There has been a reduction in proactive inspections, reflecting national priorities regarding better regulation.
- 5.3.14 The database will be continually updated in conjunction with the Environment Support Team who will assist with a street/district premises audit (4yr programme). A proportion of unclassified premises will be visited, though the active audit (see above) may influence progress as new premises are identified.
- 5.3.15 The health and safety service operates from the Civic Centre between 9.00am and 5.00pm Monday to Friday. Evening and weekend inspections are carried out as determined by the risk based inspection programme and the premises opening hours.
- 5.3.16 Emergency health and safety issues are currently directed initially to a 24 hour central control team and then onto senior officers as required. In addition the Council's continually revised website is used to provide information about health and safety services for consumers and businesses and also provides a direct email address for service requests.

#### **5.4 Complaints / Requests for Advice / Advice to Business**

- 5.4.1 In addition to this programme there are also approximately 720 businesses currently on the health and safety database which are unclassified. A proportion of these will be newly opened businesses, which is a constant aspect of the commercial sector. Whilst many of these premises have been inspected due to changes in the recording of the rating system they have not yet been classified. Therefore as part of the routine maintenance of the database such premises will be given a desktop health and safety rating, in accordance with LAC 67/2.
- 5.4.2 Additional interventions will also arise during the year by virtue of complaints, new business start-ups, change of use, major alterations/refurbishments and request for inspection. A revisit will always be carried out where statutory notices have been served, in all other cases the officer will make a professional judgement as to the requirement for a revisit.

5.4.3 In accordance with the current strategy contained in “Helping Great Britain Work Well: A health and safety system strategy” (HSE, 2016) and HELA Strategy, as outlined in 67/2, 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.

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

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

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

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

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

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

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

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

## **5.5 Statutory Notifications**

5.5.1 Prescribed accidents, dangerous occurrences and occupational diseases are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. Accidents would include fatalities and accidents involving visits to hospital or currently more than 7 days off work. Certain accidents involving employees, the self-employed and members of the public are also reportable.

- 5.5.2 The Council has a duty to investigate accidents to determine whether offences have been committed and to prevent a recurrence. The authority also receives notifications of certain unsafe equipment and must respond and investigate such notifications. Decisions as to which accidents require a full investigation are made by the Principal Environmental Health Officer.
- 5.5.3 The service has a formal policy and procedure covering the type of accident, industrial disease notification or related service request, which the authority will investigate. This was revised during 2009 following new national guidance issued by the HSE. The Council is committed to reducing workplace accidents.
- 5.5.4 As a 'responsible authority' for the purposes of the Licensing Act 2003 and the Gambling Act 2005 the section has a duty to respond to premises licence applications etc. A number of applications will require scrutiny, some of which may require amendments by negotiation.
- 5.5.5 Liaison with other organisations is essential in order to achieve consistency and effectiveness of the health and safety service. The service is represented on the Devon CEHOs Health and Safety (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.

## 5.6 National Local Authority Enforcement Code

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

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

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

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

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

## 5.7 Monitoring

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

## 5.8 Enforcement

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

## 5.9 Staff Resources

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

- 5.9.2 The Council's Principal Health and Safety Officer is also a very experienced and specialist officer for Health and Safety and will be available to the team for specialist advice on the health and safety function.
- 5.9.3 All Environmental Health Officers will undertake some health and safety duties along with their other functions which include food safety, training, health initiatives, some licensing duties and infectious disease control.
- 5.9.4 The staff resources allocated to the functions is currently deemed adequate to fulfil the Council's duties. Officers will vary their approach to the health and safety intervention programme to enable them to meet Performance Indicators by targeting resources on high-risk premises and national priorities.

## **5.10 Staff Skills**

- 5.10.1 The section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full health and safety duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. As part of the annual Regulator Development Needs Assessment all staff who undertake health and safety duties are mandated to complete this assessment, which is subject to review as part of the annual appraisal process. Any training and development needs identified at the 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.
- 5.10.2 Work toward ensuring full alignment with the new national local authority enforcement code will continue during the year.
- 5.10.3 All officers have completed Regulators Development Needs Analysis to identify areas where they can benefit from development activities, and training has been provided throughout the year. Further details are contained within section 15.

## **5.11 Consultation with Stakeholders**

- 5.11.1 The Health and Safety at Work etc Act 1974 places general duties on all employers to protect the health and safety of their employees and those affected by their work activities. Its goal-setting approach makes clear that those who create risks are best able to manage them. We will make clear that effective health and safety management is a collective responsibility in which individuals too must play their part.
- 5.11.2 Experience shows that many organisations do not contact us. Some may be fearful of contact, which deters them from seeking advice. We will make a special effort to explore new ways to establish and maintain an effective health and safety culture, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.
- 5.11.3 We will aim to demonstrate the moral, business and economic case for health and safety. Appropriate health and safety management is an integral part of effective business management and, we will promote it as an enabler and not a hindrance.
- 5.11.4 We will explore ways to promote greater access to authoritative health and safety advice and guidance and we will continue to offer advice in the course of our other enforcement activities where appropriate.

## 5.12 Health and Safety Performance 2015/16

- In total 90 premises have been the subject of a health and safety intervention.
- The service has dealt with 59 health and safety service requests / complaints
- 191 accident reports have been received and looked into by the service
- A joint initiative took place with a number of partners including the Police and Immigration Enforcement looking at hand car wash operations within the city. This included looking at welfare facilities, health and safety and whether those working at the establishments were doing so of their own accord. As a result of this operation one person was identified as not being at the establishment through choice and is being helped by the relevant agencies.
- The service has also identified two other premises as a result of routine inspections where there is a concern over individuals working within these premises. This is being followed up by the relevant agencies.
- The service conducted an investigation alongside the Police into a tragic death that occurred in a city venue. Conclusions were that it was a tragic accident and the premise concerned was not at fault.
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## SECTION 6: PRIVATE WATER SUPPLIES

### 6.1 Scope of Private Water Supply Regulations

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

### 6.2 Main Provisions of the Private Water Supply Regulations

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

### 6.3 Enforcement

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

### 6.4 Staff Resource

- 6.4.1 At present the most economical and practical method is to contract out the inspection of private water supplies and private distribution networks to a neighbouring authority who is willing to provide a qualified Environmental Health Officer to conduct the necessary risk assessment and report. As the cost is borne by the owner of the private water supply or private distribution network, this is done at no cost to the authority.
- 6.4.2 The arrangement for microbiological and chemical sampling and analysis which is a countywide arrangement has currently been awarded to an accredited laboratory.

## **6.5 Staff Skills**

- 6.5.1 The Section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full private water supply duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. As part of the section's procedural requirements all staff who undertake private water supply duties are subject to an annual appraisal which identifies training and development needs. These individual training needs are then linked into the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.
- 6.5.2 At present no member of staff within the section have received training to undertake all of the requirements of the Private Water Supply Regulations.

## **6.6 Legal Implications**

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

## **6.7 Private Water Supply Performance 2015/16**

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

## SECTION 7: LICENSING

### 6.1 Introduction

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

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

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

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

## **6.2 Aims and Objectives of Licensing**

- 6.2.1 The key aim of the Licensing Committee and the Licensing Team is to contribute to the growth of Exeter by improving public safety and thereby public confidence in licensing, by raising standards of people, vehicles and premises licensed in Exeter.
- 6.2.2 To protect public health and animal welfare, reduce crime and disorder and ensure awareness of the licensing requirements through enforcement of legislation and the provision of advice information and education by:
- Fulfilling the Council's Statutory Duties under relevant legislation e.g. Licensing Act 2003, Gambling Act 2005, Animal Welfare Act 2005, Local Government (Miscellaneous Provisions) Act 1982 etc.
  - Responding to public complaints and other requests for service and investigating within service standards.
  - Delivering educational initiatives and awareness campaigns.
  - Fulfilling the Council's statutory duty under the Crime and Disorder Act 1998.
  - Working in partnership or in co-operation with the Police, Fire Authority, Social Services, Public Health Team, Community Safety Partnership and other external agencies.
- 6.2.3 To actively promote the Licensing Act 2003 licensing objectives by encouraging applications which contribute to a more mixed and family friendly night time economy, through dialogue with applicants and statutory consultees to ensure appropriate licence conditions are added, and through supporting voluntary schemes such as Beat Bar None and the LVA.
- 6.2.4 To promote and support the taxi trade through regular dialogue with the trade representatives, through promotion of the standards contained in the updated taxi policy, and by enforcement and disciplinary proceedings in line with departmental and local government enforcement policies.

## **6.3 Service Delivery**

- 6.3.1 During the course of the year, a percentage of all categories of premises that are licensed will be inspected for compliance, greater emphasis will be placed on ensuring that every premises about which a complaint or Request For Assistance or relevant intelligence is received will receive an inspection visit.
- 6.3.2 The service conducts intelligence led inspections will mean that our resources are focussed towards problem traders and that our enforcement practices comply with government policy on cutting red tape and reducing burdens on business (Better Regulation principles).
- 6.3.3 There is a particular focus on the night time economy within the city. Evening compliance visits will be conducted in known problem areas.

## 6.4 Licensing Performance 2015/16

- A review of the Gambling Act 2005 Statement of Licensing Policy was drafted, consulted upon and then adopted by the Council. Exeter is also the only licensing authority in Devon and Cornwall to have already published its Local Area Profile.
- The policy and procedures of Private Hire and Hackney Carriage Licensing were updated in line with changes adopted by the Licensing Committee
- Best Bar None scheme in Exeter was at 61 members at the end of the first year. It received highly commended in the categories of Best New Scheme and Best Overall Scheme at the National Best Bar None Awards
- The multi-agency helpzone which runs on a Saturday night continues to reduce demand upon Accident and Emergency
- The team supported the pilot of Club Hosts who aim to look after the welfare of patrons in clubs, in one establishment in the city. Club Hosts are specially trained staff who work in bars and clubs to reduce drunken anti-social behaviour and help keep people safe. Working in pairs, the club hosts will have a presence in the venue throughout the night, talking to customers at the start of the evening when a queue is forming, supporting customers who are vulnerable due to alcohol and ensuring guests leave safely after the venue has closed
- The Street Trading and Sex Establishment Policies were amended to prohibit the sale of New Psychoactive Substances.
- 230 Compliance checks were conducted in relation to premises licensed under the 2003 Act. In addition to this regular night time working was conducted to improve the evening and night time economy.
- All 24 premises licensed under the Gambling Act were also inspected.
- The computer based taxi knowledge test has been comprehensively updated and amended including consultation with Trade Representatives..
- A pilot training seminar for the taxi trade on child sexual exploitation has been held, with further sessions planned.
- The first additional Hackney Carriage plate has been issued since derestriction of taxi numbers (since derestriction an additional 8 vehicles have been issued with a plate).
- The roll out of the new Hackney Carriage livery continues, with the first liveried vehicle licenced in August 2015.
- During the Rugby World Cup, Environmental Health and Licensing were tasked to work with other partners to identify and respond to all potential threats within a 500 meter radius of Sandy Park and the Fanzone. 18 months of work went into developing the operation plan which saw multi agency teams deployed consisting of officers from Environmental Health and Licensing, Police and Trading Standards. During the tournament the following issues were dealt with:-
  - Street Sellers (selling scarf's, tee shirts etc) had their documentation checked and were advised as to how to operate legally under the provisions of a Pedlars Licence.
  - Ambush Marketing – preventative work went into this area to advise businesses prior to the tournament starting what could and couldn't be done. Largely this proved beneficial .

We did have advertising put up in a prominent location on the Friday that the tournament commence which was dealt with swiftly by colleagues in City Development. On the day of the first game leaflets were being handed out by a business baring the RWC logo and officers were dispatched to speak to the business and seize the leaflets that had been printed.

- Taxis – after the first game an issue was found with respect to the taxi trade entering the Sandy Park complex obstructing the bus movement on the site. The Rights Protection Team were assigned to preventing taxis from entering the site after the last two games.

- Ticket Tout – One ticket tout was found trying to sell tickets to Australia v Fiji which was a game held at the Millennium Stadium a week before! Officers were later informed that the ticket tout was being filmed undercover by a BBC documentary team working on the show 'Barely legal Grafters'.

- Food Safety and Health and Safety – the rights protection team were also responsible for ensuring that food vendors within the fanzone were operating in a safe manner. Throughout the tournament regular checks were conducted and high standards were observed.

## SECTION 8: ENVIRONMENTAL PERMITTING REGULATIONS

### 8.1 Introduction

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

### 8.2 Regulated Installations in Exeter

- 8.2.1 The table below shows all of the Part B, A(2) and A(1) installations in Exeter that were permitted in April 2015.

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

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

### **8.3 Implementation of the EP Regulations**

- 8.3.1 Permit applications - The operator of a new installation must apply for a permit before starting to operate. There is an application fee, which is set annually by DEFRA to cover the regulator's costs. The application must contain sufficient information for the Council to consider whether or not to approve it. The Council is required to consult relevant members of the public and other organisations.
- 8.3.2 If the Council decides to issue a permit, it must include conditions. These conditions will say how pollution is to be minimised. DEFRA publish guidance for each type of installation which says what are likely to be the right pollution standards. Under the law, the standards must strike a balance between protecting the environment and the cost of doing so. The Council must have regard to the guidance and consider local circumstances.
- 8.3.3 There is a right of appeal if a permit application is refused, or if an operator does not agree with some or all of the conditions which have been included in a permit.
- 8.3.4 Once a permit is issued, the operator must comply with the permit conditions and pay an annual charge. This charge is set by DEFRA to cover the regulator's costs in checking that the permit is complied with.
- 8.3.5 The Council uses a risk assessment process to determine how often an installation should be inspected to check for compliance with the permit. Installations are rated as high, medium or low risk, based on two things. Firstly, what the environmental impact would be if something went wrong and secondly, how reliable and effective the operator of the installation is. The annual charge is lower for low- and medium-risk installations.

8.3.6 The EP Regs give the Council powers if a business does not comply with its permit or operates without one, such as service of notices or prosecution.

#### **8.4 Investigation of Complaints**

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

#### **8.5 Enforcement**

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

#### **8.6 Business Support**

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

#### **8.7 Consultation**

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

#### **8.8 Environmental Permitting Performance 2015/16**

- 34 Part B and 9 Part A(2) inspections were conducted
- 5% of premises required additional interventions
- One A(2) application was received for a timber treatment process operated by Jewsons. This was not a new process, but a change in the regulations brought in under the scope of the regulations. The new permit was issued before the deadline set in the regulations.
- 11 variation or permit transfer applications were received. No applications for substantial change were received during the year.
- 36 complaints were received relating to authorised processes.
- The JL Thomas liaison committee continues to meet bi-annually.

## SECTION 9: AIR QUALITY

### 9.1 Introduction

- 9.1.1 The Environment Act 1995 requires local authorities to review air quality, and to assess this against national objectives. Where an exceedence of an objective is identified, the authority must declare an Air Quality Management Area (AQMA) and produce an Air Quality Action Plan (AQAP), which must work towards achieving the objective level within the AQMA.
- 9.1.2 Exeter City Council declared an AQMA in 2007 because levels of nitrogen dioxide (NO<sub>2</sub>) exceeded the annual average objective level at various locations. The area covers all of the main traffic routes in the city. This boundary was determined using the NO<sub>2</sub> concentration data, which are highest beside busy roads. Further studies showed that the high NO<sub>2</sub> concentrations are caused by traffic emissions along congested routes.
- 9.1.3 In April 2011 the AQMA order was amended to include exceedence of the short-term objective for NO<sub>2</sub> as well as the annual average objective. This occurred at a few locations within the existing area because of localised high traffic emissions. Exeter City Council's two Further Assessment Reports provide greater information on the local scale of the exceedences, specific sources of emissions and the type of improvements needed in order to meet the objective level. There are large-scale maps of each part of the area in the 2015 Updating and Screening Assessment Report. This, and Exeter City Council's other air quality reports are available at:  
<http://exeter.gov.uk/clean-safe-city/environmental-health/pollution-control/air-pollution/>

### 9.2 Air Quality Action Plans

- 9.2.1 The first Exeter AQAP covered the period 2008-2011. Because the source of the NO<sub>2</sub> emissions is traffic on the local road network it drew heavily from the Devon County Council (DCC) Second Local Transport Plan (LTP2, 2006-2011). Air quality was one of the four national shared priorities within the LTP2 and progress against Action Plan targets was generally good.
- 9.2.2 With the replacement of LTP2 in 2011, the AQAP also needed updating. The AQAP2, published in 2012, reflects the changed priorities in LTP3 along with changes in national, regional and local policy that have occurred since 2008. The measures are proportionate to the funding and resources within LTP3 and from partners. Another key change since the first AQAP is the significant upward pressures on NO<sub>2</sub> emissions which will result from the proposed development in the greater Exeter area. In recognition of this contemporary context, the AQAP2 sets four key objectives, which are listed below.

#### Action Plan Aims:

1. To describe the impact of predicted growth and existing plans on NO<sub>2</sub> concentrations within the AQMA.
2. To identify where further improvements are required, how these could be achieved and where multiple benefits can be realised.
3. To provide a process for assessing the air quality aspect of the sustainability of future plans and policies.
4. To provide tools to engage local communities in air quality issues alongside wider sustainability issues.

- 9.2.3 The AQAP2 explains what actions the City Council will take with partners to meet these aims as part of delivering sustainable development. It identifies that current plans and policies will have a low positive impact on air quality, although it is accepted that there is some uncertainty associated with this. This is a modest predicted change, but should be set against the background of significant development in the city and therefore significant upward pressure on emissions.
- 9.2.4 The AQAP also proposes three areas of further work. These are the development of a Low Emissions Strategy and feasibility study for a Low Emissions Zone, the development of closer links between air quality and climate change work, and the need to increase understanding of the health impacts of poor air quality. Programs of work in these areas are included in the annual Action Plan Progress Reports. They connect air quality to two key national and local policy imperatives; the low carbon agenda and the creation of local Health and Wellbeing Boards at the upper tier local authority level (DCC).
- 9.2.5 Because of uncertainty over funding, delivery of development, policy context and future legislation the AQAP2 contains relatively little detail on specific measures which will implement the actions described. Instead the annual Action Plan Progress Reports (AQAP PRs) have previously contained detailed information on the recent progress and intended direction of particular measures. This annual reporting mechanism allowed for the program to be updated regularly, as DCC and other partners updated their schemes. This was seen as the most efficient way of ensuring that the AQAP remains relevant. The approach worked well from the first AQAP Progress Report in 2012, to last year.

### **9.3 Annual Progress Reports**

- 9.3.1 DEFRA have consulted on a new template annual air quality report which local authorities must use from 2016 onwards. The final template report has not been released and so the Council has not yet published its air quality data for 2015. This will be done soon after the template is available.
- 9.3.2 The most recent published data is therefore the 2014 data, summarised in the Updating and Screening Assessment Report. An initial review of the 2015 data shows that NO<sub>2</sub> concentrations have generally declined since 2010 such that only four monitoring locations now exceed the annual average objective. The concentration at East Wonford Hill in 2015 was below 60 ug/m<sup>3</sup> for the first time since monitoring began there in 2003. This level is important because it is a proxy for exceedance of the short-term objective. If levels remain below 60 ug/m<sup>3</sup> for three years the Council could remove exceedance of the short-term objective from the order which determines the AQMA.
- 9.3.3 The 2015 AQAP Progress Report discussed each of the measures from the AQAP2 in turn, explaining what they involve, how they will be implemented and by whom. No target or trajectory for air quality improvements is set in the AQAP2 or AQAP PR. This is because the impact of many of the measures either has not or cannot be accurately quantified at this time. Instead, the annual reports have previously summarised data on the actual air quality change over the previous year, as well as a series of other key indicators such as the use of sustainable travel modes, car use, completion of developments etc.
- 9.3.4 The 2015 AQAP PR shows that work is largely on track with measures to implement the AQAP. It also reports on a reduction in peak time traffic levels in the last ten years, but it is not possible to categorically link cause and effect between this and any air quality change.
- 9.3.3 The new DEFRA template report will incorporate the AQAP Progress Report. Depending on how the template is worded, this might make it difficult to include the level of detail that has

previously been in Exeter's AQAP Progress Report. A decision will be made on how this information is best presented in future.

## **9.4 Low Emissions Strategy (LES) Project**

### **Background to the Project**

9.4.1 The LES project delivers significant aspects of the AQAP 2, in particular it aims to ensure that planned development is delivered as sustainably as possible, improve connections between air quality work and the public health agenda, ensure that air quality and climate change policy is integrated and empower local communities to make sustainable transport decisions. It recognises that additional stress will be placed on emissions by significant planned growth both in Exeter and its surrounding area. This is estimated to increase the population of greater Exeter by some 50% by 2026, and increase the potential for travel into the city, particularly through;

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

### **LES Introduction and Strategic Aims**

9.4.2 The Exeter Low Emission Strategy for 2015 to 2018 identifies actions that will reduce transport emissions of nitrous oxides (NO<sub>x</sub>) and contribute towards meeting the EU limit values for NO<sub>2</sub>, whilst also reducing emissions of particulates, noise and carbon dioxide (CO<sub>2</sub>). These actions can be undertaken by Exeter City Council and various stakeholders including Devon County Council to ensure that the city continues to grow and prosper, and that planned development is delivered as sustainably as possible. The strategy aims to improve connections between the work done by air quality officers and public health specialists. It considers both local air quality and climate change issues to ensure that policies are beneficial to both.

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

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

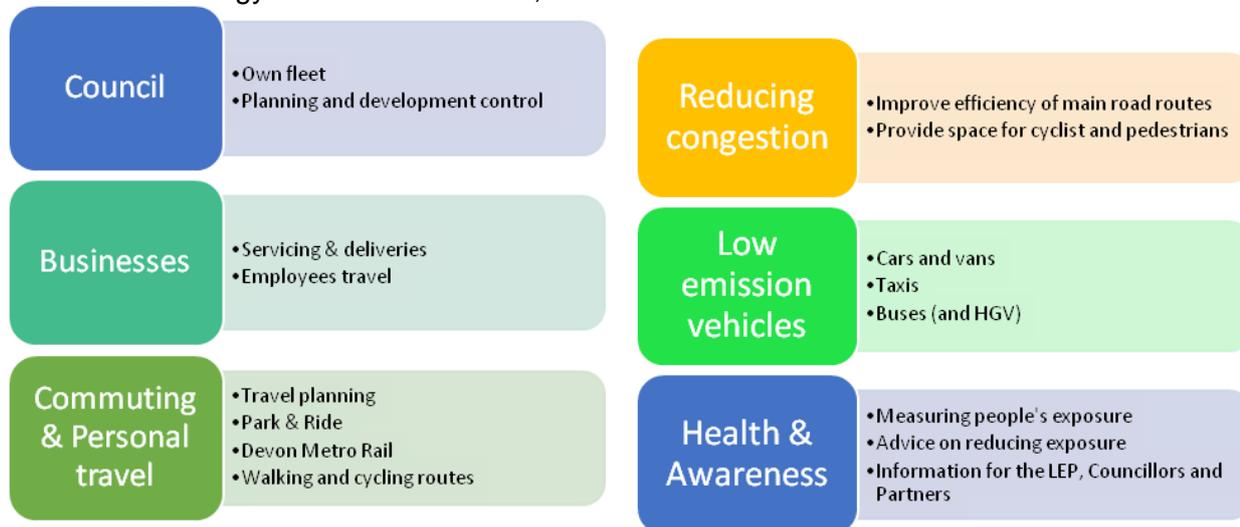
9.4.5 The strategic aims of the Low Emission Strategy are:

1. To take actions that will reduce emissions from transport in Exeter and support sustainable development.
2. To reduce emissions from all classes of vehicles, and to work with all groups who travel or who generate traffic, including emissions from the council owned fleet and staff vehicles (driven for business use).
3. To improve the understanding of air pollution as an issue that should be considered during the development of policy, and to influence decisions made in the Greater Exeter area.

4. To actively seek funding opportunities to implement stretching and innovative measures, especially opportunities to increase the use of ultra-low emission vehicles.
5. To evaluate the success of the strategy and report annually. To use the lessons learned during the strategy period to develop a strategy for 2018 onwards.

### LES Themes and Actions

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



The full descriptions of the actions, with implementations plans are available in the LES document at

<http://exeter.gov.uk/clean-safe-city/environmental-health/pollution-control/air-pollution/>

### 9.5 Proposed Changes to local Air Quality Management

- 9.5.1 As discussed above, DEFRA have proposed a new template annual report that Local Authorities must use to report on their monitoring and AQAP actions. Once the template has been finalised, a decision will be made on whether there is a need or desire to present additional information for Exeter, and if so in what form.
- 9.5.2 The proposed changes also place a responsibility on local authorities to take action to reduce concentrations of PM<sub>2.5</sub>. There is no local objective for PM<sub>2.5</sub> and based on the consultation version of the new LAQM guidance it will be left to authorities to decide what action is appropriate for their area. This could include monitoring and setting a locally based objective. Exeter City Council will develop a policy that will be published in the 2016 annual report.

### 9.6 Air Quality Performance 2015/16

- 62 enquiries / complaints were received during the year.
- Delivery of the Low Emissions Strategy Project.
- 94% of roadside monitoring locations do not exceed NO<sub>2</sub> objective levels.
- The average extent by which objective level is exceeded at monitoring locations where an exceedance has been identified was 8 µg/m<sup>3</sup>
- The maximum extent by which objective level is exceeded at monitoring locations where an exceedance has been identified was 19 µg/m<sup>3</sup>

## SECTION 10: CONTAMINATED LAND

### 10.1 Introduction

- 10.1.1 Land affected by contamination from either natural or anthropogenic sources is widespread throughout the UK. It is often only when a risk assessment determines that the level of contamination is or is likely to cause significant harm to a receptor that regulatory intervention is required.
- 10.1.2 The definition of significant harm is based on the pollutant linkage being present. A pollutant linkage consists of three parts:
- A "contaminant" is a substance which is in, on or under the land which has the potential to cause harm or to cause pollution of controlled waters.
  - A "pathway" is one or more routes or means by, through, which a receptor is being exposed to, or affected by, a contaminant, or could be so exposed or affected.
  - A "receptor" (as specified in the relevant guidance for the regulatory regime involved).
- 10.1.3 The level at which harm becomes significant depends on the regulatory regime being implemented and how precautionary it is.
- 10.1.4 Local Authorities are the primary regulators for the majority of the legislation which relates to contaminated land, although the Environment Agency is also involved in some circumstances. Environmental Health and Licensing provides specialist support and technical advice to other parts of the Council in the discharge of their relevant duties, including the management of Council owned sites which are affected by contamination. The Council has adopted a Contaminated Land Strategy which describes its approach to all these areas of work, as summarised in the following sections.

### 10.2 Environmental Protection Act 1990 Part 2A

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

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

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

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

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

(a) strategic inspection, for example collecting information to make a broad assessment of land within an authority's area and then identifying priority land for more detailed consideration; and

(b) carrying out the detailed inspection of particular land to obtain information on ground conditions and carrying out the risk assessments which support decisions under the Part 2A regime relevant to that land.

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

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

### **10.3 Town and Country Planning**

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

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

Planning policies and decisions should also ensure that:

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

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

### **10.4 Other Regulatory Regimes**

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

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

- 10.4.3 Environmental Permitting Regulations 2010. Some sites permitted by either the Local Authority or the Environment Agency are required to submit a Site Condition Report which provides baseline evidence on ground conditions when a permit is first issued. The site must be returned to this state if the permit is surrendered. The regulators also have powers to control contaminative activities at some permitted sites.
- 10.4.4 Water Resources Act (WRA) 1991 – The WRA 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters, which could occur as a result of land contamination.
- 10.4.5 Environmental Damage Regulations 2009 - The EDR implement the European directive on Environmental Liability. They are based on the "polluter pays principle", so those responsible prevent and remedy environmental damage, rather than the taxpayer paying for it. Environmental damage has a specific meaning in the regulations covering only the most serious cases, and including damage to land.

## **10.5 Voluntary Remediation**

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

## **10.6 Council Owned Land**

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

## **10.7 Contaminated Land Strategy**

- 10.7.1 The Council published its first Contaminated Land Strategy in 2001. It was reviewed and an updated strategy published in 2014 to reflect the recently updated Part 2A Statutory Guidance and the changed circumstances of the last ten years. Following publication, the Strategy will be kept under periodic review to ensure it remains up to date, especially in the event of further changes to the Statutory Guidance. The Council will aim to review the Strategy at least every five years.
- 10.7.2 The updated strategy describes how the Council will implement Part 2A, but also how it will apply alternative regimes when relevant. Decisions about the most appropriate regime in any particular case will be handled through consultation between the Council and the Environment Agency. The Council will take a strategic approach to carrying out its duties. This approach will be rational, ordered and efficient, and it will reflect local circumstances in Exeter. The Council will take a precautionary approach to the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case or placing unnecessary burdens on businesses or individuals. The aim will be to consider the various benefits and costs of taking action, with a view to ensuring that the intervention produces net benefits, taking account of local circumstances in each case.

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

## **10.8 Mincinglake Valley Park**

10.8.1 During 2015/6 works were undertaken by a contractor at Mncinglake Valley Park in order to maintain an effective network of monitoring boreholes. A review of the effectiveness of the water treatment system is also in the process of being completed. This will advise the Council on how best to maintain the settlement pond and reedbed, as well as making recommendations for further work, if required.

## **10.9 Contaminated Land Performance 2015/16**

- The service commented on 316 new planning applications during the course of the year.
- 33 new sites were entered onto the service's contaminated land database.
- The methane, stream water and groundwater monitoring results were reported upon and reviewed.

## SECTION 11: Anti Social Behaviour and Nuisance

### 11.1 Anti-Social Behaviour

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

#### **ASB can include:**

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

#### **ASB is not:**

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

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

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

### 11.2 Nuisance and Health

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

11.2.2 The Environmental Protection Act 1990 provides powers to individuals and Local Authorities to take action where a person is subjected to an unreasonable and significant nuisance at their property. There is no definition of a statutory nuisance but in

general terms it could be described as "what an ordinary reasonable person would consider unacceptable". This definition would exclude any personal circumstances being taken in to account when assessing nuisance. It is assessed from the average person's perspective, so matters such as shift work patterns, medical conditions, sensitivities etc, cannot be taken into account.

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

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

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

### **11.3 Objectives**

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

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

### **11.4 Methodology**

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

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

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

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

## 11.5 Nuisance and Health Performance 2015/16

- The service received and investigated 720 noise complaints, 13 of which had noise abatement notices served.
- The service received and investigated 576 complaints relating to other public health issues such as rubbish, drainage and bonfires. As a result 14 notices were served under Public Health legislation.
- The service received and investigated 242 nuisance vehicles.
- 864 requests were made to the Pest Control Service.
- 122 Anti-Social Behaviour cases were dealt with by the service in conjunction with other agencies.
- Reviewed the way that the multi agency Anti Social Behaviour Action Team (ASBAT) functions. (ASBAT) meetings have been re-invigorated under a shared chair arrangement which has led to a re-engagement of a number of key partners.
- Staff from across the service supported the Police, Exeter University, Students Guild, Residents and Licensed Premises to welcome the new student intake to the city at the start of the academic year. This was largely a proactive engagement to educate, support and prevent issues arising, but where necessary respond quickly to matters when needed. Initiatives included enforcing the Drinking in Public Places Order, joint residential patrols with University Patrol, working with Licence premises to ensure effective management around premises and taking councillors and residents out to see the partnership in operation.
- In addition, it was decided to hold this year's varsity football match and staff from the service supported the multi-agency team to ensure that this was a trouble free event.
- One Community Trigger case has been completed, with another being worked through the multi-agency case review process
- The powers granted under the Anti-social Behaviour, Crime and Police Act 2014 have been used to deal with an increase in flyposting across the city. A number of warnings, notices and Fixed Penalty Notices have been served.
- Work is ongoing with the Police to collated evidence and seek a prosecution against those who have been damaging property with graffiti around the city.
- A consultation took place on the proposed adoption of a Public Spaces Protection Order (PSPO).

## SECTION 12: PRIMARY / HOME AUTHORITY PARTNERSHIPS

### 12.1 Scope of the Primary / Home Authority Partnerships

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

### 12.2 Main Provisions of the Regulatory Enforcement and Sanctions Act 2008

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

## **12.3 Enforcement**

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

## **12.4 Resources**

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

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

## **12.5 Legal Implications**

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

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

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

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

## **12.6 Current Home Authority Partnerships**

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

12.6.2 Home Authority agreements currently exist with:

1. RD+E Foundation Health Services Trust
3. University of Exeter

## **12.7 Current Primary Authority Partnerships**

12.7.1 Primary Authority partnership agreements have been established with:

1. Lloyd Maunder (Food Safety)
2. Devon Norse (Food Safety, Health and Safety and Licensing)
3. Brownsword Hotels (Food Safety, Health and Safety and Licensing)
4. Artigiano Retail Ltd (Food Safety, Health and Safety and Licensing)
5. Shauls Bakery Ltd (Food Safety and Health and Safety)
6. KM Innovations Ltd (Food Safety)

## SECTION 13: SAMPLING PROGRAMME

### 13.1 Purpose of Sampling

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

### 13.2 Requirement to Sample

13.2.1 The sampling programme operates on a total sampling allocation of 12 samples per 10,000 population. This will require approximately 144 samples per year to be taken. The authority is required to provide a statistical return to the Food Standards Agency (FSA) and Drinking Water Inspectorate on its annual sampling activity. All local authorities have an arrangement with the Public Health England Laboratory, which provides a credit allocation to facilitate this work.

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

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

### 13.3 Sampling Methodology

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

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

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

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

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

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

13.3.7 Environmental Swabs: The swabbing of key food contact and hand contact surfaces is seen as an effective means of contributing to the assessment of hygiene standards during routine

food hygiene inspections. Officers will use a combination of swabs sent to the Public Health England laboratory and ones analysed at the time of visit using an ATP meter.

### 13.4 Budget Provision

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

### 13.5 Resources

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

Year	2016												2017			
Months of sampling	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A
<b>New National LGR / Public Health England Studies</b>																
Study 59: Ice																
Study 60: Sauces where caterers refill the bottles																
Study 61: Unpasteurised smoothies/juices																
<b>Exeter Specific Sampling</b>																
Takeaway / Restaurant Evening Sampling focusing on cooked rice																
Non Compliant Premise Sampling / ATP Swabs																
Swimming Pool Sampling																
Private Water Supply Sampling																

### 13.6 Sampling Performance 2015/16

- 85 samples were taken during the year
- 28 samples were taken of food products, with samples taken across all classifications. Of these samples 82% were found to be satisfactory with 18% shown to be unsatisfactory or borderline. All unsatisfactory / borderline results were investigated further by officers.
- 57 samples were taken of swimming / spa and paddling pools. Of these, 82% were found to be satisfactory with 18% having an unsatisfactory / borderline sampling result. Where an unsatisfactory / borderline result was returned by the laboratory, officers worked with pool operators to ensure immediate remedial action was taken.

## SECTION 14: ENVIRONMENTAL HEALTH TRAINING SERVICE

### 14.1 Scope of the Training Service

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

### 14.2 Main provisions of the Training Service

- 14.2.1 Food handlers must receive adequate supervision, instruction and /or training in food hygiene for the work they do. The owner of the food business is responsible for ensuring that this happens. There is an equivalent legal position under Health and Safety legislation and businesses have a legal duty to assess the risks within their operation and the take precautions to minimise that risk.
- 14.2.2 The Environmental Health training services provision has been at the forefront of training since the establishment of the first formal courses. Over the last 5 years, the Environmental Health Training Portfolio has established itself as a primary provider of Environmental Health training courses in Exeter and the surrounding area. The authority aims to provide this service on a cost neutral or profit making basis.
- 14.2.3 The training and education activities are principally directed to workplace and consumer health protection, although increasingly educational establishments and the voluntary sector are using the service. The service embraces the principles of excellence in public services and Better Regulation and looks to make the most effective use of available resources to achieve maximum gain.
- 14.2.4 The service is currently achieving a 95% pass rate for its training courses.

### 14.3 Access to training

- 9.3.1 The service looks to actively encourage delegates who require additional support in terms of, language difficulties, poor literacy or numeracy skills, physical or mental challenges, dyslexia or other literacy problems.
- 14.3.2 Where additional support is required, this can be provided through the provision of language specific course materials, extension of guided learning hours, oral examinations, extended examination period, alterations to the method of instruction or provision of specific courses. The service also provides training in other languages to meet the diverse needs of the business community.

### 14.4 Financial Implications

- 14.4.1 A robust cost effective training service for Exeter has been established and to the same degree this also serves the surrounding area. The service has been innovative and successful in receiving external funding and will apply for funding schemes as and when they become available.
- 14.4.2 The costs of providing training in other languages significantly increases the costs as the service needs to employ the services of a translator or course tutor who can deliver the course in the desired language to ensure that the courses are equally successful.

#### 14.5 **Education and Awareness Performance 2015/16**

- During 2015/16, 355 delegates have attended education and awareness sessions.
- The Level 2 Award in Personal Licence Holders has been added to the portfolio of training provided.
- A Community Safety Partnership awareness day was organised in conjunction with the Exeter and Heart of Devon Hotels and Restaurant Association. The awareness day was held on 28 January 2016 and covered a wide range in topics including: Fire Safety / Asbestos / Prevent Agenda (terrorism awareness) / Child Sexual Exploitation / Modern Slavery / How to control norovirus / e-coli
- The service facilitated two workshops on behalf of the Community Safety Partnership aimed at frontline officers to up-skill on basic mental health awareness, allowing identification and reporting.
- Drug and alcohol awareness session was hosted by the Community Safety Partnership. RISE and the EDP ran the session which was attended by a number of internal staff, partner agencies and businesses

## SECTION 15: RESOURCES

### 15.1 Financial Matters

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

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

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

#### 15.1.4 **Budget Allocation Figures for 2016/17 – Food Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	224,190	9,780	740	53,010
Proportion allocated to Food Safety Function (40%)	89,676	3,912	296	21,225.60
Analysis (max)		260		
Purchase of Samples		300		
Environmental Protection Sampling Technician	2,200			

**NB:**

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

#### 15.1.5 **Budget Allocation Figures for 2016/17 – Health and Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	224,190	9,780	740	53,010
Proportion allocated to Health & Safety Function (40%)	89,676	3,912	296	21,225.60

**NB:**

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

**15.1.6 Budget Allocation Figures for 2016/17 – Training Provision**

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Health Education F018</u>	1,610	8,000	-	3530
Proportion allocated to Health & Safety function (20%)	322	1,600	-	706
Proportion allocated to Food Safety function (80%)	1,288	6,400	-	2,824

**15.1.7 Budget Allocation Figures for 2016/17 – Licensing**

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Licensing F021 / F022</u>				
Proportion allocated to Taxi Licensing function (F021)	71,630	20,970	100	52,410
Proportion allocated to Premise Licensing function (F022)	94,490	9,250	150	53,780

**NB:**

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

**15.1.8 Budget Allocation Figures for 2016/17 – Environment Permitting and Strategy, Contaminated Land, Air Quality and Business Nuisance Investigations**

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Environmental Strategy F025</u>	114,740	21,530	6,780	50,630

**15.1.9 Budget Allocation Figures for 2016/17 – Anti Social Behaviour, Nuisance Investigations and Pest Control**

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Environmental Protection F001</u>	154,890	9,010	6,200	88,020

15.2 **Staffing Allocation**

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

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

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

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

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

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

	standard in two suitable subjects (Maths and English preferred)	Sampling and Monitoring
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15.2.4 There are currently 3.75 FTE staff that are directly working on Licensing related matters with a significant and increasing support role by other staff within the service.

<b>Title</b>	<b>Qualification</b>	<b>Role</b>
Principal Licensing Officer	Recognised licensing qualification plus 2 years enforcement experience	Licensing process and enforcement
Senior Licensing Officer	Recognised licensing qualification	Licensing process and enforcement
Licensing Officers	Recognised licensing qualification	Licensing process and enforcement
Senior ESO	Educated to 'A' level or equivalent	Assisting with Monitoring and various projects

15.2.5 There are currently 9 FTE staff providing a customer and support service across the whole of the Office of the Assistant Directorate Environment.

<b>Title</b>	<b>Qualification</b>	<b>Role</b>
Principal Environmental Support Officer	Educated to A level standard	Service Support
Senior ESO	Support	Service Support
ESO (x 8.5FTE)	Support	Service Support
Contract Tutors	CIEH/RIPH and/or Highfield Registration	Deliver training courses run by the service

15.2.8 There are currently 4.55 FTE staff that are directly working on Nuisance and Anti Social Behaviour matters such as Noise, Odours, bonfires, defective drains, light, refuse, accumulations and Domestic Pest Control.

<b>Title</b>	<b>Qualification</b>	<b>Role</b>
PEHO	BSc Environmental Health	Lead Professional Officer
Environmental Health Technician	Educated to 'A' level or equivalent	Nuisance Investigations, Sampling and Monitoring
Senior ESO	Educated to 'A' level or equivalent	Assisting with Nuisance and Anti Social Behaviour Investigations, Monitoring and various projects
Environmental Protection Officer	Good general standard of education and to "O" level standard in two suitable subjects (Maths and English preferred)	Domestic Pest Control, Nuisance Investigations, Sampling and Monitoring

15.2.7 It is currently the policy of the Council to engage the services of outside contractors to assist in programmed food hygiene interventions. This will be subject to any agency

contractors meeting the requirements specified in the Code of Practice (England) and the relevant Councils procedure; and the cost of the work being met within existing budgets.

### 15.3 **Staff Learning and Development Plan**

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

15.3.2 The training structure comprises:-

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

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

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

## SECTION 16: QUALITY ASSESSMENT

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

## SECTION 17: REVIEW AND PERFORMANCE

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

### 17.2 Targets

#### 17.2.1 Local Performance Indicators for 2016/2017:

- Percentage of food premises broadly compliant with food hygiene law (annual figure provided to FSA as part of annual return – lots of variance if provided on a quarterly basis)
- Percentage of health and safety Interventions compliant with health and safety legislation (this can be provided quarterly – focus of interventions and intervention projects will change based upon nation HSE direction and local intelligence)
- Percentage of samples taken found to be satisfactory (can be provided quarterly or on an annual basis)
- Number of delegates engaging with health education initiatives (can be provided quarterly or on an annual basis)
- Percentage of premises requiring additional interventions above the programmed statutory Environmental Permitting inspection frequency (can be provided quarterly or on an annual basis)
- The percentage of the population complaining about being affected by business related noise (this is based upon the Department of Health public health indicators – would be better reported on an annual basis)
- Percentage of roadside locations that do not exceed NO<sub>2</sub> air quality objectives (this can only be produced on an annual basis)
- Where exceedance occurs, the average level of NO<sub>2</sub> at sites where exceedances of the objectives are occurring (this can only be produced on an annual basis)

- Where exceedance occurs, the maximum level of NO<sub>2</sub> at sites where exceedances of the objectives are occurring (this can only be produced on an annual basis)

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

### **17.3 Review of performance**

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

## SECTION 18: CONCLUSION

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

## SECTION 19: GLOSSARY OF TERMS

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

## SECTION 20: RECOMMENDATIONS FOR THE SERVICE DELIVERY PLAN 2016/17

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

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

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

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

### **1. Revised Community Safety Strategy**

- Revised Community Safety Strategy that incorporates a refreshed ASB strategy
- Complete the review of Nuisance and ASB, reporting on clear outcomes that have been achieved by the review.
- Build a stronger Anti-Social Behaviour Action Team (ASBAT)
- Revised action plan for EVANTE
- Support the work of the Street Attachment Group
- Best Bar None to 75 members by the end of year 2
- Assist in supporting and developing a sustainable Helpzone
- Work with partners to reduce instances of rogue traders irresponsibly conducting building work and illegally disposing of waste such as asbestos.
- Work with other partners to minimise the impact of the start of the academic year on the residents of the city.
- Strengthen and enhance the role of the Exeter Business Against Crime (EBAC) within the Community Safety Partnership framework.

### **2. Revised Climate Change Strategy**

- Develop a Climate Change Strategy that interweaves with the Council's aim to be an energy neutral council, and is cognisant of the role of the Low Carbon Task Force, Exeter City Futures, Innovation Exeter, Transition Exeter, Exeter Community Energy and other partners in reducing detrimental climate change pollutants.
- Review the Air Quality Action Plan and update on the Low Emissions Strategy

### **3. Enhanced focus on Health and Wellbeing**

- Concentrating on promoting high standards in workplaces through a multi-agency / cross service approach
- Reducing exploitation in the workplace through modern slavery or child sexual exploitation
- Continue to pursue the Better Business for All programme
- Continue to maintain the level of interventions with respect to food safety, ensuring that the level of compliance within the city remains high.
- Work with other partners to develop a clear set of guidance for the prevention of norovirus in catering and hotel settings.

### **4. Re-balancing the Environment Support Team**

- Working with Waste Operations to reduce failure demand on waste operations support in order to build capacity for data analysis in order to carry out preventative interventions across the Environment Directorate.
- Work with Waste Operations to assist in the restructure and reinvigoration of Trade Waste Services
- Reducing unnecessary paper based tasks
- Focusing greater resource on public communication using new media outlets such as twitter, facebook and the web
- With Strata, conduct an appraisal of the IT systems for Environmental Health and Licensing.

## **5. Revising the Environmental Health and Licensing Enforcement Strategy**

- Review the current policy and ensure the new policy to incorporate ASB elements
- Renew the current Enforcement Policy

## **6. Purple Flag Status for the City Centre**

- To work with EVANTE, Best Bar None, the Exeter BID, EBAC and other partners to achieve purple flag status for the city centre.
- Continue to foster a stronger partnership approach to the Evening and Night Time Economy

## **7. Licensing**

- Adoption of an Animal Licensing Policy to bring about higher welfare standards
- To bring about a higher welfare standard in animal licensing
- Review the Taxi Policy, which includes compiling a comprehensive policy as well as enhanced training package and competency testing system.
- Review current Private Hire vehicle licensing conditions to seek higher standards and or greater clarification on age, CCTV, vehicle markings etc.
- Re-tender the contract for the taxi marshal scheme
- Consult and ensure the Council adopts a new Statement of Gambling Policy.

## **8. Revitalisation of our Public Health Training and Awareness**

- Enhanced marketing of the current of the current training portfolio
- Examine potential for cluster arrangements for training
- Register as a BII Centre to conduct Licensing Training
- Promotion of awareness sessions such as:
  - Drugs and Alcohol awareness in conjunction with RISE and EDP
  - Child Sexual Exploitation
  - Modern Slavery
  - Childminders
  - Food Hygiene Ratings
  - Fire Safety
  - Noise at work

## **9. Ensuring a strong service for 2016/17**

- Review of service capabilities - conduct an organisational change process to make small but significant changes to the service to enable it to operate effectively for the next 2 years.
- Growth and Development reviews completed
- Develop a Staff training plan
- Reviewed Service Plan (June)
- Build a strong Licensing function so that there is a greater emphasis on achieving a consistent, transparent and compliance led approach.
- Examine potential for joint-working, cross-warranting with cluster partners.
- Contribute to Devon Chief Environmental Health Officer working groups.