



## Exeter City Council

To the Chair and Members  
of the Executive

Philip Bostock, Chief Executive

Bindu Arjoon, Assistant Chief Executive

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Our ref:

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A meeting of the **EXECUTIVE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter at **5.30 pm** on **TUESDAY 17 JUNE 2008** to consider the following business. If you have an enquiry regarding any items on this agenda, please contact Rowena Whiter, Member Services Manager on **Exeter 265110**.

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

Pages

### AGENDA

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

1

#### MINUTES

To sign the minutes of the meetings held on 18 March, 8 April (Special) and 15 April 2008.

2

#### DECLARATIONS OF INTEREST

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of items 15 and 16 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

4

**FOOD LAW ENFORCEMENT PLAN 2008/09**

To consider the report of the Head of Environmental Health Services. The full Plan can be viewed on the Council's website <http://www.exeter.gov.uk> or on request to Member Services.

1 - 4

Scrutiny Committee – Community considered the report at their meeting on 3 June 2008 and their comments will be reported.

(Report circulated)

5

**HEALTH AND SAFETY SERVICE PLAN ANNUAL REVIEW**

To consider the report of the Head of Environmental Health Services. The full Plan can be viewed on the Council's website <http://www.exeter.gov.uk> or on request to Member Services.

5 - 6

Scrutiny Committee – Community considered the report at their meeting on 3 June 2008 and their comments will be reported.

(Report circulated)

6

**LOCAL AIR QUALITY MANAGEMENT - AIR QUALITY ACTION PLAN**

To consider the report of the Head of Environmental Health Services. The full Plan can be viewed on the Council's website <http://www.exeter.gov.uk> or on request to Member Services.

7 - 12

Scrutiny Committee – Community considered the report at their meeting on 3 June 2008 and their comments will be reported.

(Report circulated)

7

**HOMELESSNESS STRATEGY 2008-2013**

To consider the report of the Head of Housing Services. The full Strategy can be viewed on the Council's website <http://www.exeter.gov.uk> or on request to Member Services.

13 - 16

Scrutiny Committee – Community considered the report at their meeting on 3 June 2008 and their comments will be reported.

(Report circulated)

8

**PRIVATE SECTOR HOUSING STRATEGY - ANNUAL REVIEW**

To consider the report of the Head of Housing Services.

17 - 20

Scrutiny Committee – Community considered the report at their meeting on 3 June 2008 and their comments will be reported.

(Report circulated)



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

15

**LEISURE AND MUSEUMS RESTRUCTURE**

To consider the report of the Head of Leisure and Museums on proposals for the restructuring of the Leisure and Museums Unit. 55 - 66

Scrutiny Committee – Community considered the report at their meeting on 3 June 2008 and their comments will be reported.

(Report circulated to members)

16

**HOUSING LANDLORD SERVICE RE-STRUCTURE**

To consider the report of the Head of Housing Services on proposals for the restructure of the Housing Landlord Service. 67 - 74

(Report circulated to Members)

**DATE OF NEXT MEETING**

The next scheduled meeting of the Executive will be held on **Tuesday 1 July 2008** at 5.30 pm in the Civic Centre.

***A statement of the executive decisions taken at this meeting will be produced and made available as soon as reasonably practicable after the meeting. It may be inspected on application to the Customer Service Centre at the Civic Centre or by direct request to the Member Services Manager on 01392 265110. Minutes of the meeting will also be published on the Council's web site as soon as possible.***

***Membership -***

Councillors Fullam (Chair), S Brock, Cole, Edwards, R M Hannaford, Mrs Henson, Mitchell, Mrs Morrish and Wadham

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

**Individual reports on this agenda can be produced in large print on request to Member Services on 01392 265111.**

## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – COMMUNITY 3 JUNE 2008

EXECUTIVE  
17 JUNE 2008

#### FOOD LAW ENFORCEMENT PLAN 2008/9

#### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the Council's performance against the previous years Food Law Enforcement Plan.
- 1.2 To seek approval for the adoption of the Food Law Enforcement Plan 2008/9, which sets out the Council's regulatory function in respect of food safety over the forthcoming year. A draft copy of this is available in the Members' Room, on the Council's website or available on request.

#### 2. BACKGROUND

- 2.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan), which has the key aim of demonstrating how the Council will fulfil its regulatory obligations in respect of its food safety service.
- 2.2 The Enforcement Plan incorporates:
  - the service aims and objectives;
  - information about the food safety enforcement and related services provided by the Council;
  - details of the service's performance management systems;
  - comprehensive information to compare the current and past performance of the food safety service;
  - the Food Service Delivery Plan 2008/9 detailing the actions and improvements for the service over the forthcoming year; and
  - the annual food sampling programme which outlines the actions to fulfil the aims of the Council's Food Sampling Policy which is also posted on the Council's website and subject to periodic review.

#### 3. KEY OUTCOMES OF THE FOOD SAFETY SERVICE 2007/8

##### 3.1 Programmed Inspections

The service inspected 455 out of a targeted of 461 food businesses, and used Self Inspection Questionnaires (SIQ's) as an alternative enforcement strategy for 20 low risk businesses and to ensure resources are directed towards high-risk activities. SIQ's have proved to be a cost effective means of maintaining contact with this group as well as providing the business with a useful means of keeping up to date with changes in law and other related issues affecting their business.

### **3.2 Service Requests**

The food safety team dealt with 324 service requests during the year, representing 51% of the 635 service requests handled by the Commercial Section, which also includes health and safety regulation, infectious disease control, and provision of health promotion and training activities for businesses.

### **3.3 Food Sampling**

The authority participates in national and local food-sampling initiatives to monitor the quality of food on sale in the City. Additional samples are taken in response to food complaints and where it is alleged a premises or foodstuff is implicated in a food poisoning incident. Our annual target is 250 samples. During the last year, 255 food samples were analysed, and investigations followed in respect of 43 unsatisfactory and 2 unacceptable results. In one case, a national alert followed, when a sample of dried seaweed was found to be contaminated with Salmonella.

### **3.4 Control and Investigation of Outbreaks and Food Related Infectious Diseases**

A total of 126 cases of food related infectious diseases were officially notified to the service. On investigation, no cases were found to be linked to food establishments in the city or elsewhere.

### **3.5 Enforcement Action**

A total of 93 formal written warnings and 293 informal written warnings were issued to secure satisfactory standards in food businesses in the city. These figures are comparable to the number of warnings issued in recent years.

One business was served a Hygiene Emergency Prohibition Notice which temporarily closed the business until the proprietor had removed the health risk whilst another business was successfully prosecuted following a history of non-compliance, and was fined £3,700, with £1,097 costs.

### **3.6 Food Safety Training**

A key component of the Government's drive on better regulation is assisting business compliance through advice, information and training. In total, 525 staff from local food businesses gained a nationally recognised food safety qualification last year, through courses organised by the Council.

## **4. BETTER REGULATION**

4.1 Regulatory Services have been the subject of considerable review in recent years. The conclusions of influential reports are now being interpreted and applied to regulatory services by their respective governing bodies overseen by the newly appointed Local Better Regulation Office (LBRO). An outline of the key issues affecting local authority regulatory enforcement in the context of better regulation was reported to this committee in September 2007.

4.2 In respect of food safety, the Food Standards Agency will reflect these changes through amendments to the Food Law (Code of Practice) England and Food Law (Practice Guidance) England which is expected at the end of April 2008.

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

## **5. PROPOSED KEY ACTIVITIES FOR 2008/9**

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

### **Intervention Strategy**

The strategy to improve compliance with food law and maintain a high level of compliance will be further developed following release of the Food Law (Code of Practice) England, and include:

- programmed inspections of 551 food premises, based upon risk;
- targeting non-compliant business with effective use of appropriate enforcement tools;
- trialling the web based facility “Scores on the Doors”, which allows consumers to access information on the standards of hygiene in any food business in the City, with the hygiene rated as a visual score such as a series of star;
- setting up forums/focus groups to target specific businesses to enable an exchange of information and gain an understanding of the obstacles some businesses face in complying with food law;
- running management of food safety workshops as a recognised intervention tool to support compliance in non-compliant, and smaller businesses.

### **Partnership working**

As part of a Devon-wide pilot to work with Devon Primary Care Trust to help develop a Healthy Workplace Toolkit. The proposed trial would potentially work with one medium/large employer in the city as a means of accessing a large number of “at risk” consumers to address issues around obesity and diet. The pilot will be evaluated to measure the positive health outcomes, and potential for extending to other businesses.

### **Sustainability**

To gather information on the extent of sustainable food use in the City during a sample of programmed inspections. The evidence gathered may be used to establish appropriate interventions to promote sustainability in the future, (e.g. to add this as a component of any Scores on the Doors scheme).

## **6. RESOURCE IMPLICATIONS**

- 6.1 The Food Law Enforcement Plan will be carried out within existing resource allocations for 2008/9.

## **6. RECOMMENDED**

That Scrutiny Committee - Community supports and Executive approves:

- 1) the Food Law Enforcement Plan 2008/9;

- 2) the Head of Environmental Health to authorise changes to the Enforcement Plan in the light of centrally issued guidance and /or to meet operational needs.

## HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:LP/Committee/608SCC4 v2  
20.5.08

## COMMUNITY AND ENVIRONMENT DIRECTORATE

### **Local Government (Access to Information) Act 1985 (as amended) Background papers used in compiling this report:-**

- 1) Service Plan for Food Law Enforcement 2007/8

## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – COMMUNITY 3 JUNE 2008

#### EXECUTIVE 17 JUNE 2008

#### HEALTH & SAFETY SERVICE PLAN - 2008/09

### **1 PURPOSE OF REPORT**

- 1.1 This report seeks approval of the Health & Safety Service Plan for 2008/2009 which sets out the Council's functions for regulating health and safety in businesses for the forthcoming year. A draft copy of the Plan is available in the Members' Room, on the intranet, or available on request.

### **2 BACKGROUND**

- 2.1 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Commission (HSC), now amalgamated with the HSE, requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). LAs are generally responsible for enforcement at premises in which non-industrial activities are undertaken (eg retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.
- 2.2 Towards the end of 2005 the HSC set a new strategic direction for the health and safety system in Great Britain. As a result, the HSE and the Council have been working better together and, in particular, targeting limited resources to the greatest local risks with a determination to make a difference as the way to securing benefits for the community.
- 2.3 The projects listed in the service plan are those where the Council currently has a responsibility or because the projects will deliver greater outcomes by close collaboration and partnership working.
- 2.4 These projects involve a mixture of interventions such as stakeholder partnership, motivating senior managers, employee involvement, education/awareness campaigns, recognising good performance, as well as targeted inspections. This new approach meets many of the objectives of the better regulation agenda.

### **3 PARTNERSHIP BETWEEN HEALTH AND SAFETY EXECUTIVE AND LOCAL AUTHORITIES**

- 3.1 This past year there have been rapid developments aimed at establishing closer partnership working arrangements with the HSE. A number of joint initiatives have been shared to respond to the report of the Hampton Review on better regulation, such as the "Safety and Health Advice Days" for workers in the hairdressing and entertainment industry.

3.2 To overcome poor synchronisation of planning cycles between HSE and LAs, which has been a problem in the past, better integration of work programmes has taken place. The Health and Safety Service Plan incorporates the provisions of the Fit for Work, Fit for Life, Fit for Tomorrow Strategic Programme (known as FIT3).

#### **4 HEALTH AND SAFETY SERVICE PLAN 2008/09**

4.1 In formulating the service plan for 08/09 the Council has committed to participating in a number of national projects aimed at meeting Public Service Agreement (PSA) targets for health and safety in addition to undertaking a programme of targeted inspections and other interventions, which take account of the better regulation principles. They enable the targeting of proactive health and safety regulatory resources to contribute to the national targets and local corporate objectives.

#### **5 RECOMMENDED**

That Scrutiny Committee – Community supports and Executive approves the Health and Safety Service Plan 2008/09.

### HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:PA/LP/ Committee/608SCC7  
20.5.08

COMMUNITY & ENVIRONMENT DIRECTORATE

**Local Government (Access to Information) Act 1985 (as amended)**  
**Background papers used in compiling this report:**

## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE - COMMUNITY 3 JUNE 2008

EXECUTIVE  
17 JUNE 2008

#### LOCAL AIR QUALITY MANAGEMENT: AIR QUALITY ACTION PLAN

#### 1. PURPOSE OF REPORT

- 1.1 To update Members on the Council's duties relating to local air quality management and the outcome of the consultation exercise for the proposed Air Quality Action Plan (AQAP).
- 1.2 To seek approval of the Air Quality Action Plan for Exeter.

#### 2. BACKGROUND

- 2.1 The Environment Act 1995 requires local authorities to carry out periodic reviews of air quality in their areas, and to assess present and predicted future air quality against the objectives within the Air Quality Regulations 2000 and (Amendment) Regulations 2002. Where an exceedence of any objective is identified, the local authority must declare an Air Quality Management Area (AQMA) and produce an AQAP. The Action Plan should contain measures intended to reduce pollutant concentrations, and should work towards achieving compliance with the air quality objective. The AQAP must be submitted to Department of Environment, Food & Rural Affairs (DEFRA) for their assessment and approval. A copy of the AQAP is available in the Members' room.
- 2.2 In Exeter, five separate AQMAs were declared in 2005 as a result of high levels of nitrogen dioxide (NO<sub>2</sub>) along busy roads, in particular the five arterial routes into the city. These were replaced in 2007 by a larger, single AQMA covering the majority of the main routes in the city, a copy of a plan showing the single AQMA will be displayed at the meeting or can be viewed on the Council's website <http://www.exeter.gov.uk/index.aspx?articleid=4291> . Further reports for these AQMAs have been undertaken, which have reached the same conclusions; that the exceedences of the NO<sub>2</sub> objective are the result of high levels of traffic emissions, caused by high vehicle flow and low average speeds. Emissions from Heavy Goods Vehicles (HGVs) and Public Service Vehicles (PSVs) were also identified as contributing significantly to overall concentrations in some locations. Both these reports have been scrutinised by DEFRA and accepted without amendment.
- 2.3 Consultation has been undertaken with transportation planning officers within the Environment Directorate of Devon County Council at every stage leading up to and including the declaration of the AQMAs and the drafting of the AQAP.
- 2.4 The Government guidance for the production of both AQAPs and Second Round Local Transport Plans states that 'local authorities responsible for local air quality management should integrate AQAPs, where transport is the primary factor, into the Local Transport Plan (LTP) covering their area. Government strongly recommends this approach, because this integration should enable air quality problems to be dealt with in a more corporate and multi-disciplinary way.' In drafting the AQAP, officers have

had close regard to the LTP, and in particular included those measures to reduce air pollution in Exeter.

2.5 In Exeter the main sources of NO<sub>2</sub> pollution are traffic related therefore many of the most significant mitigation measures in the Action Plan come from the LTP. Other actions have been drawn from the Environment Strategy for Exeter, or from Exeter's Climate Change and Air Quality Strategies. This Air Quality Action Plan brings together all of these measures that will reduce NO<sub>2</sub> concentrations, and includes some additional measures that the City Council could implement that may also have a beneficial effect, such as:

- Encourage reduced engine idling in stationary vehicles
- Roadside emissions testing
- Lobby government to encourage the development and uptake of cleaner vehicles

2.6 The Action Plan contains an assessment of the cost-effectiveness of each measure, in terms of the air quality improvements that they will provide. It also discusses the other benefits or dis-benefits that may arise from the implementation of the measures, such as health benefits from increased cycling, or road safety problems from increased traffic speeds.

2.7 As the majority of the measures in this Action Plan are included in other plans and strategies, many have already been programmed for implementation. This package is predicted to work towards achieving the objective level for NO<sub>2</sub> by 2012. Those measures that are new within this Action Plan have been prioritised, based on their cost-effectiveness. These additional measures will be considered for implementation at each annual review, should further air quality benefits be required, beyond those delivered by the package of existing measures.

2.8 Progress with the implementation of this plan, and any consequent improvements in air quality, will be monitored against a series of targets, and reported on annually in an AQAP Progress Report. Given that the majority of the measures are drawn from the LTP this will require input from Devon County Council (DCC). The guidance on LTP Progress Reports, which have to be submitted by the County Council, recommends the following:

*'That all authorities with local transport-related AQMAs take the opportunity offered by the 2008 Progress Reports to have an Air Quality Action Plan integrated within their LTP2 and report on their progress of this plan and, if relevant, its implementation.'*

Therefore, discussions are underway with DCC to ensure the integration of the Action Plan into future LTP Progress Reports.

### **3. CONSULTATION PROCESS**

3.1 The majority of identified measures in the AQAP are included in other plans and strategies, which have already been subject to a consultation process, involving the public, various agencies and statutory bodies. Therefore, consultation on the draft AQAP was confined to the statutory consultees for comment, namely:

- Devon County Council – Environment Directorate
- East Devon District Council
- Mid Devon District Council

- Teignbridge District Council
- Environment Agency
- Highways Agency
- Health Protection Agency

3.2 The responses to the comments received are detailed in Appendix I, with recommended amendments identified.

#### **4. FINANCIAL IMPLICATIONS**

4.1 The City Council has been actively monitoring air quality for a number of years through continuous air quality monitoring at two sites in the city, RAMM and Alphington Street and a network of 59 passive diffusion tubes throughout the city. No additional resources are therefore needed for this work to be continued.

4.2 The majority of the identified mitigation measures will be funded by DCC via the LTP process.

#### **5. RECOMMENDED that:**

- 1) Scrutiny Committee - Community support and Executive approve Exeter's Air Quality Action Plan 2008-11.

### **HEAD OF ENVIRONMENTAL HEALTH SERVICES**

S:PA/LP/ Committee/608SCC11  
20.5.08

#### **COMMUNITY & ENVIRONMENT DIRECTORATE**

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

#### **Background papers used in compiling the report:-**

Exeter Local Air Quality Review, incorporated Detailed Assessment and Further Assessment – 2006

Detailed Assessment for New North Road (between Longbrook Street and the railway bridge), Holloway Street, North Street, Queen Street, Magdalen Street, South Street, Church Road (Alphington) and Pinhoe Road – 2006

Exeter Air Quality Source Appointment Assessment for Eleven Locations in Exeter and Further Assessment of Air Quality - 2007

Air Quality Strategy for England – Defra

Air Quality Regulations 2000 and (Amendment) Regulations 2002

LAQM.PG(03) Policy Guidance for Local Air Quality Management – 2003

LAQM.PGA(05) Addendum to Local Air Quality Management Guidance – 2005

LAQM.TG(03) Technical Guidance for Local Air Quality Management (as amended) - 2003

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Consultee	Comments Received	Outcomes
Health Protection Agency	Add St Thomas Station, St Loyes and RNID to Tables 2 and 3	These have been added
Highways Agency	Agree that an integrated approach to managing air quality is most appropriate and concur with ECC's views on consultation	N/A
Environment Agency	No response received	
Devon County Council	<p>The LTP2 addressed only the original five AQMA areas. The situation has changed since the publication of this plan, in that the new single AQMA now contains fifteen individual areas of exceedence.</p> <p>The improvements in the original five areas were anticipated to occur as a result of changes in traffic fleets as well as specific schemes intended to improve air quality in these areas.</p> <p>There has been significant investment in new bus fleets but monitoring data has not shown the expected improvements.</p> <p>The highways schemes that were intended to address the original five AQMA areas have not, in all cases, been delivered at the pace that was originally anticipated (as a result of increased DfT requirements for major scheme bids).</p> <p>The above factors mean that it is unclear whether the air quality targets will be met by 2011, particularly within the additional areas that have now been included within the single AQMA.</p> <p>The LTP schemes are continually being monitored and revised and will be refocused for the remainder of the current LTP period. DCC will seek to focus resources in areas where the greatest impact on air quality will be made.</p>	These concerns have been reflected in the text.
Mid Devon District Council	No response received	
Teignbridge District Council	No response received	
East Devon District Council	No response received	

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## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – COMMUNITY 3 JUNE 2008

EXECUTIVE  
17 JUNE 2008

#### HOMELESSNESS STRATEGY 2008-2013

#### 1. PURPOSE OF THE REPORT

- 1.1 To seek Members' endorsement of the content of the revised Homelessness Strategy.

#### 2. BACKGROUND

- 2.1 The Department of Communities and Local Government (CLG) requires all local authorities to produce a Homelessness Strategy. As the existing strategy expires at the end of July 2008 a new strategy is required to take us forward.
- 2.2 The new strategy is an opportunity to include key action points which are particularly timely with the LAA priorities being finalised; the undertaking of a strategic review of the Homelessness Sector by Supporting People and the CLG's increasing focus on Housing Options and tackling worklessness. The CLG target for local authorities to halve the number of clients residing in temporary accommodation by 2010 is significant and whilst we are making good progress towards the target a refocusing through the new strategy will help to ensure the target is met.
- 2.3 A copy of the revised Homelessness Strategy document is available on the web-site and in the Members' room.

#### 3. CONSULTATION

- 3.1 Public consultation was conducted on our behalf by a voluntary sector organisation. A client consultation exercise was undertaken with a wide range of over 200 service users. A questionnaire was developed and six focus groups convened to discuss a number of relevant issues. The results and recommendations from this consultation can be found in the background papers.
- 3.2 Consultation with partner agencies was based upon a questionnaire and 2 consultation events held across two days. The draft of the strategy has also been placed on the website for further comment. Council staff were also invited to take part in the consultation.
- 3.3 A Homelessness Strategy Review Working Group including Council officers and relevant partners has been meeting regularly to oversee the progress of the strategy and the associated action plan.
- 3.4 Consultation results showed client need for better access to supported housing, co-location of key services and the need for early intervention in preventing homelessness. The partners' responses suggested an expansion of support to secure and maintain private rented accommodation and a willingness to provide a joint approach to moving a client on through accommodation by offering a range of housing options for clients leaving supported accommodation, rather than just social housing.

- 3.5 An Equalities Impact Assessment of the Homelessness Strategy has been carried out as part of the review. As a result the revised Strategy places more emphasis upon diversity, equality and accessibility.

#### **4. KEY PROPOSALS**

- To see a greater priority, and therefore emphasis, given to those households who are threatened with homelessness in preference to those households already in temporary accommodation.
- To streamline the route through supported / temporary accommodation to create a 'pathway' for clients with the opportunity and intention to move from high to low support rather than the one-off jump into independent living.
- To increase the options for clients leaving supported accommodation to include viable private rented options and also to link in with training and employment opportunities
- To create and implement a housing need client focus group, involving representatives from various stages of the housing need process to consult on the development of the Homelessness Strategy.
- To work with Devon-wide partners to create access to accommodation across the county of all tenures and employment / training opportunities through the proposed Devon Home Choice Scheme.
- To produce in collaboration with the Housing Corporation and our partner RSLs a joint homelessness action plan to prevent and tackle homelessness as a partnership. This would be the first example of such a scheme outside of London.
- To improve inter-agency working by inviting social services, community mental health teams and other statutory agencies to join the assessment panels for moves into and out of supported accommodation.
- To make better use of existing supported accommodation in the city which is not at present accessible by Exeter City Council by offering rights to move on in exchange for referral opportunities.
- To secure the LPSA (local public service agreement) reward money earned by Exeter's good performance from Devon County Council and see it reinvested into a mediation scheme targeted at young people leaving the family home and into emergency 'cooling off' accommodation for young people leaving home.
- To reappraise Council's, the housing advice service and look at the opportunity to move more in line with central government's drive for an enhanced housing options approach by including employment / training advice as part of a housing needs assessment.

#### **5. RECOMMENDED**

That Scrutiny Committee – Community supports and Executive agrees:

- 1) to adopt the revised Homelessness Strategy document 2008-2013.
- 2) That an annual report is submitted outlining progress against the strategy's action plan

HEAD OF HOUSING SERVICES

COMMUNITY & ENVIRONMENT DIRECTORATE

**Local Government (Access to Information) Act 1985 (as amended)**  
**Background papers used in compiling this report:**

Homelessness Strategy 2003-2008

Homelessness Strategy Draft Paper 2008-2013

Homeless Collaboration Report on the views of Homeless and Vulnerably Housed People in Exeter

Housing Strategy 2008-2013

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## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE - COMMUNITY 3 JUNE 2008

EXECUTIVE  
17 JUNE 2008

#### PRIVATE SECTOR HOUSING STRATEGY – ANNUAL REVIEW

#### 1. PURPOSE OF THE REPORT

- 1.1 This report proposes specific changes to the Private Sector Housing Renewal Policy in order to address local needs, as identified in the on-going private sector house condition survey.

#### 2. BACKGROUND

- 2.1 One of the Council's priority objectives is to safeguard and improve the private sector housing stock in Exeter, which is made up of 39,500 dwellings in the owner-occupied and privately rented sectors. At nearly twice the national average, Exeter has a large private rented sector (22% of the private stock) and large number of houses in multiple occupation (HMOs), estimated at 2700 or 7% of the private stock. It is this sector, particularly HMOs, where the poorest housing conditions are found.
- 2.2 Under the Housing Act 2004, the Council also has a legal duty to remove or reduce Category 1 Hazards (eg excess cold, severe dampness, and overcrowding) from dwellings in its area, and a discretion to deal with Category 2 Hazards. It has a range of enforcement tools to deal with poor and dangerous conditions in homes.
- 2.3 In addition to enforcement, the Council offers financial assistance in the form of means-tested grants to assist and encourage home-owners to improve their properties and remove hazards. This financial assistance helps home-owners repair and adapt private sector houses, funds energy efficiency grants for low income households through Warm-up Exeter and PLEA (Private Landlord Energy Action) grants, and supports ExtraLet and private sector leasing by means of private sector renewal grants.

#### 3. PERFORMANCE IN 2007-08

##### Financial assistance to improve or adapt homes

- 3.1 105 Disabled Facilities Grants (DFGs) with a total value of £540,000 were awarded ensuring that clients could remain living independently in their own homes. All adapted properties are brought up to the decent home standard as a condition of grant assistance. This is 15 fewer adaptations than were achieved during 2006-07 but demonstrates that there continues to be a strong need for adaptations in the home.
- 3.2 A total of 92 Renovation Grants with a total value of £650,000 were awarded to address hazards in private sector houses and to undertake improvements to ensure that dwellings meet the decent home standard. This represents a significant increase over the 57 grants administered in 2006-07 which had a value of £241,000.

- 3.3 There was also an increase in the number of Private Sector Renewal Grants which were administered, with 43 grants, compared with 30 in the previous year, being awarded. The value of these grants was nearly double the previous year at £114,000. Private Sector Renewal Grants are used to bring dwellings up to an appropriate standard either for private sector leasing or to be let through the ExtraLet scheme.
- 3.4 A total of 926 households benefited from Warm-up Exeter Grants, an increase of 54 over the previous year, which resulted in 1113 energy efficiency measures (loft or cavity wall insulation) being installed.
- 3.5 A disproportionate number of households in the privately rented sector suffer from fuel poverty but 140 of which 82 were priority households (over 60 years old or low income) in privately rented dwellings were able to benefit from the provision of insulation measures, together with either the installation of central heating or the replacement of old, inefficient boilers, through the PLEA Grants issued.

### **HMO Licensing**

- 3.7 705 of the larger, higher-risk HMOs within the city have been issued with mandatory HMO licences (minute 85/05 refers). These properties have been prioritised on the risk they present to tenants and 123 were inspected and brought up to standard during the year.

## **4. PROPOSED CHANGES TO THE RENEWAL POLICY**

- 4.1 The Private Sector Housing Renewal Policy retains the range of financial assistance packages currently available, which will continue to be administered as they are at present. All financial assistance, apart from mandatory DFGs, will be funded by the Regional Housing Pot allocation, set at £583,000 for 2008-09, a reduction of nearly £300,000 on the 2007-08 allocation.

### **Financial assistance maxima**

- 4.2 Following a review by Communities and Local Government, the maximum level for mandatory DFGs has been increased from £25,000 to £30,000 with immediate effect. Very few DFGs have exceeded the £25,000 limit in the past so it is not anticipated that this higher limit will have a significant effect on the number of disabled households that will be assisted within the £450,000 budget set for 2008-09, although it is likely to constrain the total number.
- 4.3 The increased maximum has not only been introduced to reflect rising building costs but also to enable mandatory DFG funds to be used to provide disabled applicants access to their gardens which up until now has not been the case.
- 4.4 Another welcome result of the review is that a mandatory DFG of over £5,000 can be registered as a local land charge for a period of 10 years. The maximum charge is limited to £10,000. This means that if the property is sold within that period the Council will have discretion to reclaim the charge and recycle the money into the DFG programme. It is proposed that all mandatory DFGs over £5,000 are registered as a local charge for the value of the grant, up to a maximum of £10,000
- 4.5 The maximum level for Home Repair Assistance Grants was increased to £1000 in the 2007 Private Sector Housing Renewal Policy. It is now proposed to increase the maximum to £1200. It is also proposed to permit this grant to be used to fast-track

the installation of reconditioned stairlifts, where following the normal DFG procedure would seriously disadvantage the disabled applicant. It is estimated that 15 clients may be assisted in this way in 2008/09.

#### **Assistance where all owners are not in agreement**

- 4.6 At present when an application for assistance is received it is the practice to undertake a means test of all the people named on the deeds of the property concerned. Since this amendment was introduced into the Private Sector Housing Renewal Policy it has become clear that this is not practical in all cases, particularly where the name of ex-partners remain on the deeds and where there is a reluctance to co-operate with the partner in occupation. In those cases where there are Category 1 and/or Category 2 hazards which need addressing, but which cannot be programmed due to refusal of one or more owners, then it is proposed that the necessary works will be dealt with by service of an Improvement Notice on all owners, requiring the necessary works to be carried out.
- 4.7 The necessary works would then be carried out on the default of the Notice, and a primary charge placed on the property to safeguard the cost of the works. It is also proposed that the funding for these works will be taken from the Renovation Grant budget, following approval by the Head of Environmental Health Services, in each case.

#### **Reduction of the 3 year residency rule**

- 4.8 Under the current policy applicants for Renovation Grants must either be first time buyers or have been resident in the property to which the application relates for at least 3 years.
- 4.9 First time buyers very rarely qualify for assistance as they 'fail' the means test. However young families and divorcees, who in many cases move house as a result of their personal circumstances, are often in financial need but are ruled out from applying for a grant as they have not been resident for 3 years.
- 4.10 All renovation grants are secured by a 25 year repayment condition and registered as a local land charge which will ensure that any grant monies, together with interests in certain circumstances, is re-paid if the property is sold. As a result it is proposed that the 3 year residency rule is replaced with a 1 year residency term.

#### **Private sector renewal grants**

- 4.11 For the past four years Private Sector Renewal Grants have been funded through the Renovation Grant budget. These grants have been used to support the Extralet Scheme. Unlike other forms of financial assistance 70% of the value of these grants is clawed back over the period of the lease.
- 4.12 During the period that these grants have been operated sufficient money has been clawed back to enable this grant scheme to be self-funding. It is therefore proposed that these grants are no longer supported by the renovation grant budget.

## **5. PROPOSALS FOR SPENDING THE FINANCIAL ASSISTANCE ALLOCATION**

- 5.1 It is proposed that Renovation, Home Repair Assistance and HMO Grants will continue and that £500,000 of the £750,000 overall budget is allocated to renovation grant budget. It is further proposed that discretionary funding for DFGs will be met from this budget.
- £500,000**
- 5.2 It is proposed that funding for Warm-up Exeter Grants is increased from its present level of £100,000 to £130,000 to assist the Council in achieving its targets in relation to decent homes and to support the expected increase in applications as a result of the introduction of the Exeter Warmzone.
- £130,000**
- 5.4 It is proposed that funding for Private Landlord Energy Action (PLEA) grants continues to fund energy efficiency measures, including the provision of central heating, the replacement of old boilers with energy efficient boilers, and insulation measures in privately rented properties, up to a maximum of £2000 per application. These grants will also support the work of the Exeter Warmzone.
- £120,000**

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The amended policy will be funded from the 2008-09 budget allocation. The financial implications of the changes will be closely monitored and the information used to inform the next review of the policy.

## **7. RECOMMENDED that**

- 1) Scrutiny Committee - Community supports, and Executive agrees to adopt the changes to the Private Sector Housing Renewal Policy outlined in this report;
- 2) the expenditure of the single pot allocation is monitored and that the proposed financial allocation to each of the schemes proposed or further schemes can be developed with the approval of the Portfolio Holder for Housing & Social Inclusion;
- 3) the Policy is reviewed annually, or sooner if needs be, in order to ensure that it addresses local needs and/or government policy.

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:LP/Committee/608SCC6  
20.5.08

COMMUNITY & ENVIRONMENT DIRECTORATE

**Local Government (Access to Information) Act 1985 (as amended)**  
**Background papers used in compiling this report:**

## EXETER CITY COUNCIL

EXECUTIVE  
17 JUNE 2008

### CANAL BASIN REGENERATION AREA

#### 1.0 PURPOSE OF REPORT

- 1.1 To agree the appropriation of the Canal Basin Regeneration Scheme area for planning purposes to facilitate the delivery of the Scheme.

#### 2.0 BACKGROUND

- 2.1 The Council is in the process of negotiating the disposal of sites in the Scheme by way of Development Agreements to private developers to bring forward individual elements of the Scheme. Unfortunately, the Council's title deeds are not complete and, in order to achieve greater certainty concerning the potential exercise of easements and other rights over the land of which the Council is not presently aware, it is intended to use the powers granted to local authorities under Section 237 of the Town and Country Planning Act 1990 to over-ride any such rights on payment of adequate compensation.
- 2.2 In order for Section 237 to operate, however, the land must have been acquired or appropriated for planning purposes. The land in question is mainly held by the City Council as ancient corporate property and has been used for a variety of purposes over time. It is thought necessary to agree the formal appropriation of possible development sites within the Canal Basin area for planning purposes of facilitating the area's regeneration. Section 237 will then be applicable.

#### 3.0 PROPOSAL

- 3.1 That the sites shown shaded on the attached plan within the Canal Basin area be appropriated for planning purposes to facilitate the Canal Basin Regeneration Scheme.

#### 4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications in this proposal.

#### 5.0 RECOMMENDED that

The sites shown shaded on the attached plan within the Canal Basin area be appropriated for planning purposes to facilitate the Canal Basin Regeneration Scheme.

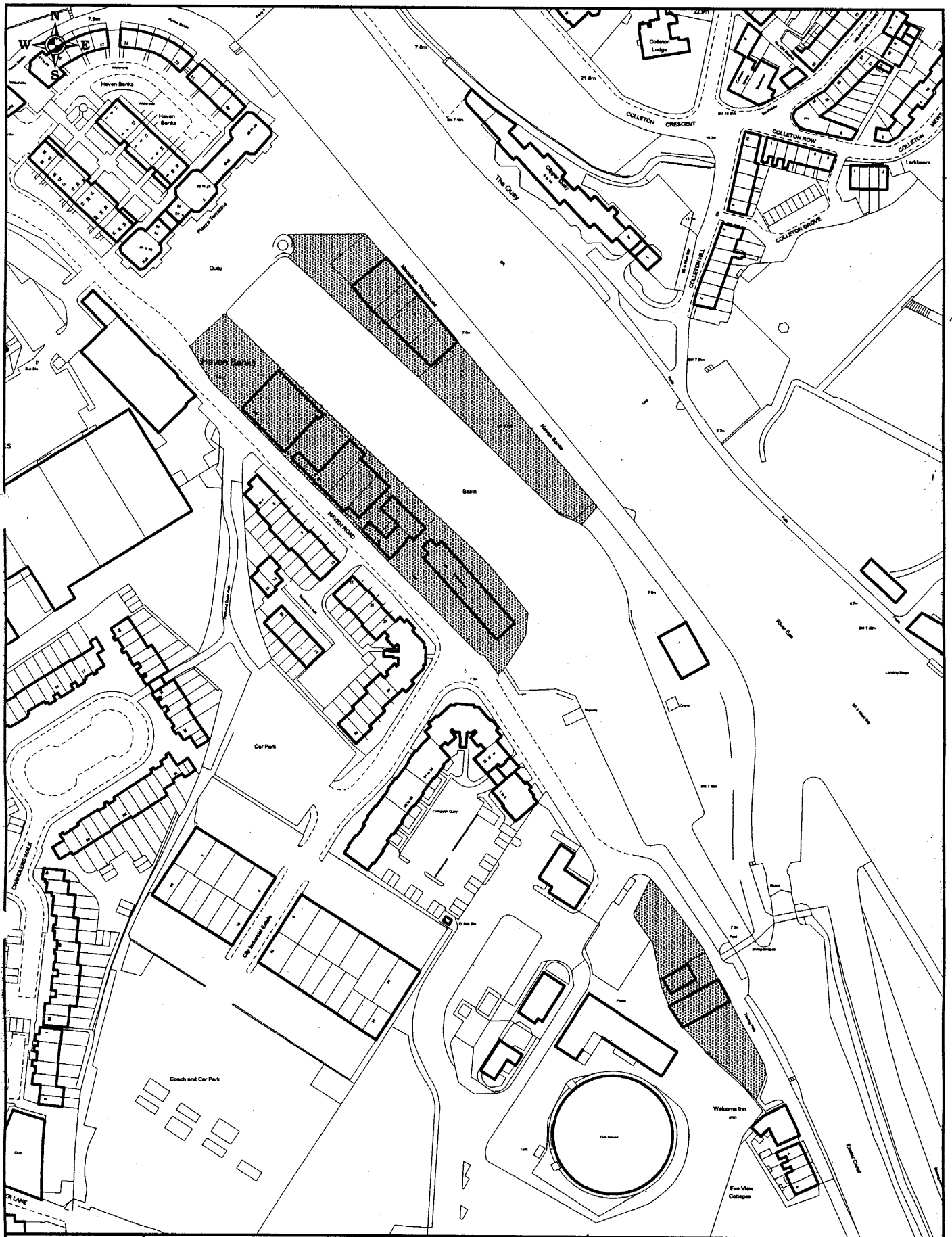
**DAVID PROSSER**  
**HEAD OF ESTATES SERVICES**  
**ECONOMY & DEVELOPMENT DIRECTORATE**

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

Background papers used in compiling this report:-

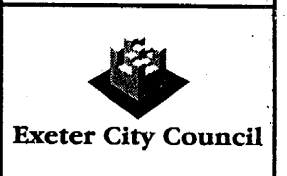
None

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**CANAL BASIN REGENERATION SCHEME APPROPRIATION PLAN**



**Head of Estates Services, Directorate of Economy and Development, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN.**

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## EXETER CITY COUNCIL

### EXECUTIVE

17 JUNE 2008

#### DRAFT ALPHINBROOK CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

#### **1 PURPOSE OF REPORT**

- 1.1 To agree the draft Alphinbrook Conservation Area appraisal and management plan for the purpose of public consultation.

#### **2 BACKGROUND**

- 2.1 Exeter has twenty conservation areas that have been designated because of their special architectural or historic interest. The Council has a duty to preserve and enhance the character of these areas. Seventeen conservation areas in Exeter currently have adopted appraisals.
- 2.2 The Government and English Heritage recommend the preparation of appraisals and management plans to identify what contributes to the character of Conservation Areas. The documents assist development control and facilitate a programme of environmental enhancements.
- 2.3 The appraisal document has been prepared on the basis of the existing designated conservation area. Proposed amendments to the boundary are listed below; the final document will incorporate adopted amendments.

#### **3 CONSULTATION**

- 3.1 Executive is asked to agree the draft document as a basis for consultation. There will be a period of about six weeks for public comment and due to the small scale of the proposed area and lack of suitable venue, all residents will receive a copy of the draft appraisal and it will be advertised in the local press. The consultation will enable the appraisal of the character of the area to be finalised and additional ideas for the enhancement of the area to be identified and formulated into the management plan. Residents have shown an interest in similar exercises conducted elsewhere.
- 3.2 The results of the consultation will be reported to Planning Member Working Group for comment and then to Executive for adoption.
- 3.3 The draft document in black and white is in the Members' room. The published document will include colour plans that will be easier to interpret.

#### **4 PROPOSED AMENDMENTS TO BOUNDARY**

- 4.1 A set of criteria has been developed to ensure consistency in the evaluation of changes to the boundaries of Conservation Areas. These are attached at Appendix One.

4.2 There are two distinct and important areas of urban development set within open countryside, most of which is land designated within the Local Plan as Valley Park and a Site of Nature Conservation Importance.

4.3 The purpose of conservation area designation is primarily concerned with the protection of the historic built environment and the open space immediate affecting that setting. Whilst the character of this area is unusually rural within the confines of the city boundary, conservation area designation is not necessary or intended to protect the wider landscape setting of the Alphinbrook and therefore it is proposed to retain just two small conservation areas and delete the remaining open countryside.

- **Area 1 - Twisted Oak**

With Twisted Oak junction at the centre, this proposed conservation area includes the properties in the immediate vicinity and east to Balls Farm, taking in adjacent fields for the setting of the conservation area.

- **Area 2 - Crabb Lane**

The proposed Crabb Lane conservation area includes the historic properties of The Briars and The Elms, and continues east along Balls Farm Road to the junction with Cowick Lane. It is also proposed to include the frontages onto Cowick Lane and the listed cross on the corner of Alphington Road as an extension to the existing conservation area.

4.4 It is proposed to delete the rest of the current conservation area. The Alphington Spur has severed a small but unremarkable part of Ide Lane from the remainder of the area and it also includes modern highways including an underpass alien to the essentially arcadian character and appearance that defines Alphinbrook.

4.5 At the west end of the area, from the rear of the Twisted Oak pub to Rolls Bridge between the A30 and Doctor's Walk are several low lying fields featureless apart from a large agricultural building and a group of stables of no architectural or historic merit.

4.6 North of Doctor's Walk there is a large area of rough grassland that rises steeply towards the ridge at the rear of Perridge Close and Dunsford Road properties. These are mainly mid 20<sup>th</sup> century properties with no consistency of design. The rough grassland runs along the hillside to Little John's Cross Hill where a corrugated metal shed can be seen from the roadside. There are no listed or locally listed buildings in this area, nor are there any obvious architectural or historic elements requiring preservation.

4.7 The attached plan shows the proposed alterations to the boundary creating two smaller conservation areas.

## **5 PLANNING MEMBER WORKING GROUP**

5.1 On 8 April, Planning Member Working Group discussed the issues raised in the appraisal, particularly the proposed boundary alterations. In response to Members' questions, it was confirmed that a new small strip of land containing Alphington Cross would be included in the proposed Crabb Lane

conservation area and that an area of land being considered as a potential Park and Ride site which would not be covered by the new conservation areas was already subject to Valley Park and Site of Nature Conservation Importance policy designation.

**6 RECOMMENDED**

- 6.1 Members are recommended to agree the proposed boundary amendments outlined in section 4 above and the draft Conservation Area Appraisal and Management Plan for public consultation.

**RICHARD SHORT  
HEAD OF PLANNING SERVICES**

**ECONOMY AND DEVELOPMENT DIRECTORATE**

**Local Government (Access to information) Act 1985 (as amended)**

Background Papers used in compiling the report:-

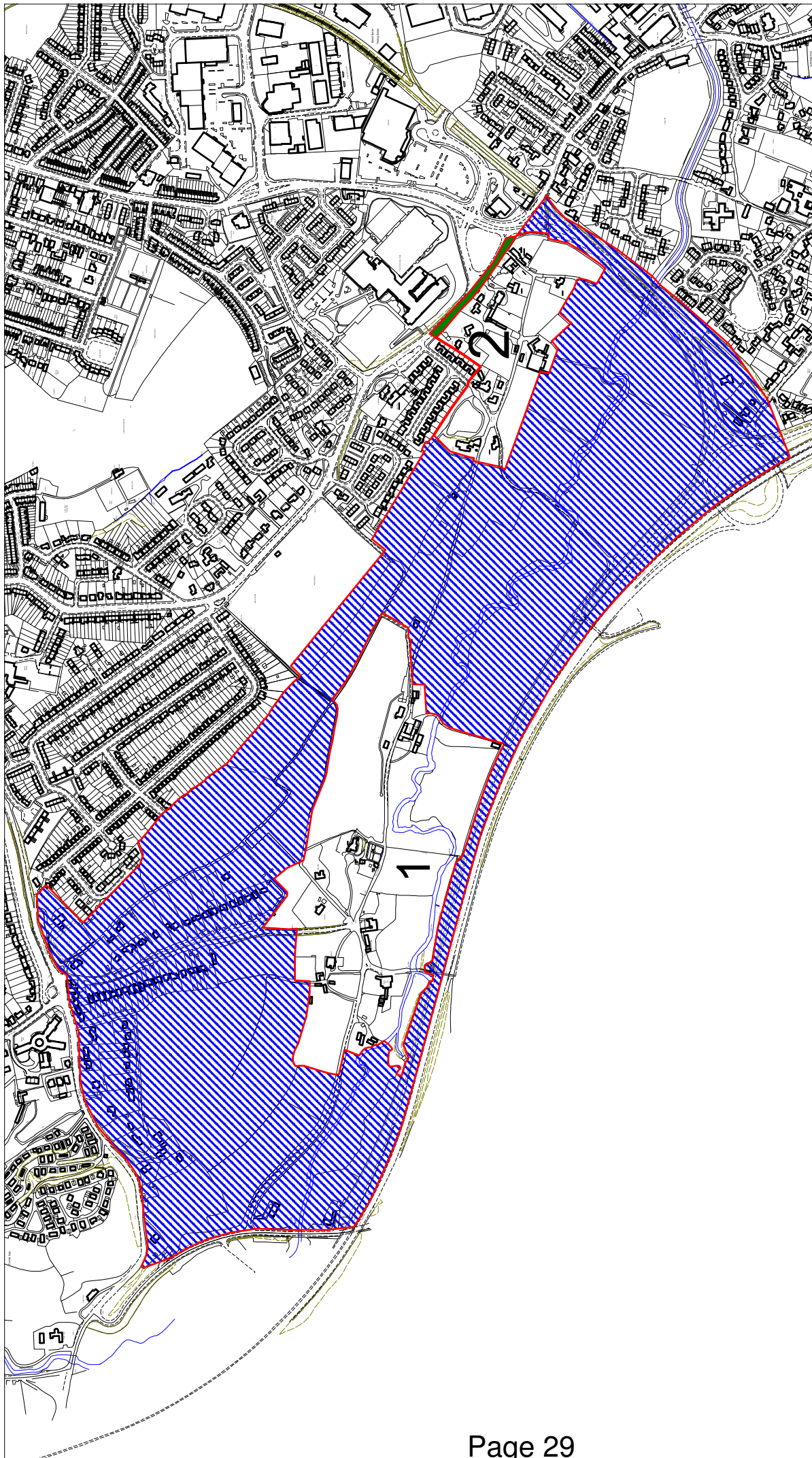
None

## ***APPENDIX I***

### **CONSERVATION AREA APPRAISALS CRITERIA FOR PROPOSED BOUNDARY AMENDMENTS**

The starting point should be a presumption against altering boundaries unless there is a strong case based upon the appraisal.

1	Conservation Area boundaries should be drawn to include relevant building groups that have coherence and similarities in either materials, periods or styles and open spaces surrounding these that form an integral part of the building groups (with regard to the fact that CA's are primarily about buildings and their related land not open spaces).
2	Boundaries should still exist on the ground and make sense.
3	The setting of important features should be adequately protected.
4	Changes in attitude to architecture and history should be addressed.
5	The impact of any changes in legislation should be addressed.
6	There must be a compelling case for deleting areas that were previously designated.
7	Areas that lack character (holes) lying within the proposed Conservation Area may be included where there is a reasonable probability that a substantial part of the area will be redeveloped within 5-10 years and the designation can therefore influence the quality of development. (It is assumed that CA's will have a life of 5-10 years between reviews). Where a substantial redevelopment scheme has already been approved and is likely to proceed, the decision should rest on whether there is a clear case that the approved scheme will enhance the character of the area.
8	Holes characterised by substantial areas of relatively modern or mundane development where redevelopment is unlikely should be excluded.
9	Where existing areas of a Conservation Area are considered in the appraisal to have more in common with an adjoining Conservation Area, it should generally be removed from the area being appraised and appended to the adjoining area in order to be fully appraised when that area undergoes its next appraisal.
10	Existing Conservation Areas should only be amalgamated or subdivided if there is a clear case that the proposed amendment more accurately reflects the appraised character.



18/03/2008

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Scale ↑

**Alpinbrook Conservation Area Boundary Alterations**

-  Proposed to be deleted
-  Proposed to be included

- 1** Proposed Twisted Oak Conservation Area
- 2** Proposed Crabb Lane Conservation Area

Plan 4



Exeter City Council

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 Planning Services: Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

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## EXETER CITY COUNCIL

EXECUTIVE  
17 JUNE 2008

### CORPORATE PLAN 2007-2010 (2008/09 UPDATE)

#### 1 PURPOSE OF REPORT

- 1.1 To present and seek Members approval of the Council's Corporate Plan 2007-10 (2008/09 update).

#### 2 BACKGROUND

- 2.1 The Council first published a Corporate Plan in 2007.
- 2.2 The Council's Corporate Plan 2007-2010 sets out the Council's three year priorities, or strategic objectives. The purpose of the Corporate Plan is:
- To promote understanding and ownership of the Council's priorities and to enable a more effective link between strategic objectives, service plans and individuals' objectives;
  - To set out the annual priorities for the Council under each of the strategic objectives;
  - To shift to a focus on outcomes and evidence of how the Council is making a difference to the people of Exeter;
  - To set out a clear rationale behind the Council's priorities;
  - To explain how the Council is responding to community need;
  - To enable reporting on progress.
- 2.3 Although the Corporate Plan has replaced the Best Value Performance Plan, the Council is still required to report outturn performance data on the 2007/08 BVPIs and certify that individual contracts entered into in 2007/08 comply with best value requirements including workforce requirements in the Code of Practice. These requirements will be met by 30 June 2008.

#### 3 CONTENT, FORMAT AND AUDIENCE OF THE CORPORATE PLAN

- 3.1 The Corporate Plan is organised around the Council's revised strategic objectives. It sets out the challenges faced by the Council over the next three years, the Council's recent key achievements and what it will achieve in the future, an overview of the Council's finances, an outline of the performance management framework and an overview of how the Council manages its risks.
- 3.2 The achievements and planned actions contained in the Corporate Plan are set at a high, over-arching level and responsibility for achieving the planned actions has been allocated to Directors. This is so that the Plan maintains a strategic focus. Service Improvement Plans will provide an overview of achievements and actions at a service level.
- 3.3 A full summary of our Best Value Performance Indicator and Local Indicator results and progress against the Council's Comprehensive Equality Scheme are reported as an appendix to the Corporate Plan.
- 3.4 As with last year, the Corporate Plan will be primarily web-based and published on the Council's website for easier access and navigation. The Plan will also be

available in bound hard copies in libraries and at the Council's Customer Service Centre. Council Members will be sent a hard copy on request.

- 3.5 The target audience will be elected members, SMT, heads of service, auditors, inspectors and grant/award providers, staff, together with external audiences (central government, local government organisations, other local authorities, partners and local businesses). Whilst the plan will also be available for residents, the summary document which accompanies Council Tax Bills will continue to relay summary information about the Council's priorities, performance and value for money.

#### **4 RECOMMENDATIONS**

- 4.1 That the draft Corporate Plan 2007-10 (2008/09 update) be endorsed and that any necessary drafting amendments before publication be delegated to the Chief Executive, in consultation with the Leader of the Council.

#### **STRATEGIC MANAGEMENT TEAM**

June 2008

## EXETER CITY COUNCIL

EXECUTIVE  
17 JUNE 2008

### EXETER CITY COUNCIL VEXATIOUS COMPLAINTS POLICY AND GUIDANCE

#### 1 PURPOSE OF REPORT

- 1.1 To seek approval for a policy on dealing with vexatious complaints from customers.

#### 2 BACKGROUND

- 2.1 Vexatious complaints are those where the customer persists unreasonably with their complaint or corresponds with the Council in such a way as to make it difficult for staff to do their work and provide a service to others. Although the Council experiences very few vexatious complaints when they occur they can make disproportionate demands on staff time.
- 2.2 Each vexatious complaint is currently dealt with on an individual basis by the director responsible for the service that is the subject of the complaint. However it is recognised that it would be helpful for the public as well as staff, if there were guidance available to make the procedure clearer.
- 2.3 The attached policy statement and guidance note has been drafted with regard to best practice from other councils and guidance from the Local Government Ombudsman. It includes an option to restrict contact with a customer when all other avenues in the complaints process have been exhausted and the level and nature of correspondence is having an impact on staff ability to do their work.
- 2.4 The final approved policy and guidance will be placed on the Council's web pages with the Corporate Complaints information.

#### 3 RECOMMENDED

- (1) That the Executive support and approve the corporate Vexatious Complaints Policy

ASSISTANT CHIEF EXECUTIVE

CHIEF EXECUTIVE SUPPORT UNIT

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

Background papers used in compiling this report:-

None

4 June 2008

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## **EXETER CITY COUNCIL VEXATIOUS COMPLAINTS POLICY AND GUIDANCE**

### **1. Introduction**

- 1.1 Exeter City Council is pleased to hear from its customers when services are appreciated, but we also want to know when things go wrong. We are committed to dealing with complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service the Council does not normally limit the contact that customers have with its officers.
- 1.2 However, a very small minority of customers make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Council rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again. The frequency of contact with the Council can hinder the consideration of their complaints and the ability of officers to provide a quality service to customers as a whole.
- 1.3 How we manage these customers will depend upon their nature and extent. If their persistence adversely affects our ability to do our work and provide a service to others, we may need to address unacceptable behaviour by restricting contact with our offices.

### **2. Exeter City Council's Policy commitment**

- 2.1 The Council recognises that it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are simply being difficult. We acknowledge that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.
- 2.2 Similarly, even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered, and a decision made as to whether it is vexatious or genuine.

### **3. Aim and scope of the Policy**

- 3.1 This policy and guidance covers all Corporate Complaints made to the Council including those related to Freedom of Information requests. It sets out the Council's approach to dealing with vexatious complaints so that both staff and customers can be clear what to expect.
- 3.2 Appendix 1 lists a range of situations that the Council may consider to be vexatious.
- 3.3 This policy should be used in conjunction with:
  - Corporate Complaints Procedure <http://www.exeter.gov.uk/index.aspx?articleid=700>
  - Harassment Policy <http://www.exeter.gov.uk/index.aspx?articleid=4752>

- Step Away Policy (*link to be included*)
- Freedom of Information Process, Procedure and Guidance  
<http://www.exeter.gov.uk/index.aspx?articleid=804>

#### **4. Review**

- 4.1 This policy and the guidance will be reviewed by the Complaints Monitoring Group annually or when an incident occurs. This will help us ensure that these documents are up to date and fit for purpose.

#### **5. Guidance for staff**

##### How to handle different types of vexatious complaints

##### **Complaints about the same matter**

If the customer:

- refuses to pursue the complaint to the next stage; or
- the Corporate Complaints and Ombudsman processes have been exhausted; and
- the customer continues to correspond; then

the correspondence must be read by an officer familiar with the complaint. If it raises no significant new matters and presents no new information, the Head of Service will write to the customer to warn them that the Council will not enter into any further correspondence about the matter.

If the customer still does not take this advice, the Head of Service may decide that any further correspondence that does not raise any significant new matters or present any new information may be filed with no acknowledgment sent.

If the complaint does contain new information of a material nature, this must be evaluated by the officer dealing with the complaint and a response should then be sent to the customer. The complaint will then re-enter the complaints procedure at an appropriate Stage.

##### **Complaints about similar matters**

The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity. A decision will have to be made as to whether or not the matters are sufficiently different to justify being considered as a new complaint (see below).

##### **Complaints about different matters**

If a customer keeps making complaints about different matters, each complaint should normally be considered in the usual way under the complaints procedure. The following are potential exceptions to this rule:

- If the volume of correspondence starts to impact on council resources even if the staff involved are in different services or directorates, it may be useful to hold a meeting with the complainant to find if there is a more effective way for

the correspondence to be dealt with. This may bring to light an underlying, common cause for the various complaints.

- If the new complaints are about entirely trivial matters, or matters that have clearly not caused the customer any injustice, it may be appropriate to close down the complaint at Stage 1. This should only be done with the agreement of the Director concerned, in consultation with the Assistant Chief Executive. The customer should be told this, and there is no need to provide any right to appeal other than to the Ombudsman. Subsequent complaints should then simply be noted.
- A complaint to the Council does not have to be made in writing. However, if a customer keeps telephoning either to discuss an existing complaint or to make a new complaint, and this is proving time consuming and disruptive, it may be reasonable to consider restricting future contact.

### Freedom of Information

Complaints related to Freedom of Information (FOI) are dealt with through the Corporate Complaints Procedure up to and including Stage 3. If they continue after Stage 3, instead of being referred to the Local Government Ombudsman, FOI complaints are referred to the Information Commissioner's Office.

The FOI policy officer will need to be involved in any discussions with Heads of Service and Directors around contact restriction with FOI complainants.

### Restricting contact

Any restrictions will be agreed by the relevant Director and will be appropriate and proportionate to the nature of the complainant's contacts with the council at that time. The following are examples of the types of restriction which may be used:

- Placing time limits on telephone conversations and personal contacts
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week)
- Limiting the customer to one medium of contact (telephone, letter, e-mail etc)
- Requiring the customer to communicate only with a named employee
- If a complaint is currently going through the council's complaints procedure, asking the customer to enter into a written agreement about their future conduct if the complaint is to be progressed
- Requiring any personal contacts to take place in the presence of a witness
- Closing the investigation into a complaint
- Refusing to register and process further complaints providing the customer with acknowledgements only of further letters, faxes, or e-mails received after a particular point

- Banning a customer from some or all of the Council's premises
- Involving the police in cases where we believe the customer has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the customer refuses repeated requests to leave council premises.

Where this policy is applied, the customer will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements, the length of time that these restrictions will be in place and what they can do to have the decision reviewed.

There should never be a blanket ban for an unspecified period of time.

Wherever possible, we will apply restrictions in a way that allows a complaint to progress to completion through our complaints process. We will try to maintain at least one form of contact. In extreme situations, we will tell the customer in writing that their name is on a 'no personal contact' list contained in the council's Awareness Register. This means that they must restrict contact with our office to either written/taped communication or through a third party advocate or representative.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other customers and our employees do not suffer any disadvantage and the resources of the council are used as effectively as possible. When a Head of Service or Director feels that it is appropriate to include a customer on the Awareness Register, they need to complete the form attached at Appendix 2 and pass it to the Assistant Chief Executive as a final check on proportionality. The details will then be entered on the register by the relevant Complaints Monitoring Officer. Appendix 3 sets out the procedure in a flowchart.

Where it is decided to restrict contact, a note will also be made in the relevant files and computer records relating to that customer.

All information held on the Awareness Register will be reviewed every twelve months as part of the evaluation and review process for the effectiveness of the policy unless the Director has stipulated a shorter period in their referral. When a review is due the Policy Unit will contact directorate Complaints Monitoring Officers who will request a review from their relevant Heads of Service. Heads of Service will respond within 28 days to requests for review of information held on the Register.

A customer can appeal a decision to restrict contact by contacting the Local Government Ombudsman.

Restricting contact by the customer does not mean that their correspondence will not be read at all. Any further letters, faxes or e-mails from the customer will need to be read in case they contain any significant new information.

When persistent complainants make new complaints about new issues these will be treated on their merits and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

## Threatening and Abusive Complainants and Harassment

Exeter City Council believes that everyone has the right to be treated with dignity and respect and that harassment is totally unacceptable. The Council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include the following:

- Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power or authority that attempts to undermine or injure an individual or group of individuals.
- Discrimination/victimisation is essentially any act of inappropriate differential treatment, intentional or otherwise, direct or indirect, which is based on an individual's identity.

If staff are subjected to any threatening or abusive complaints the Council's Harassment Policy and Step Away Policies should be consulted in order to protect staff.

At the same time a restriction on contact by the customer may be imposed with immediate effect at the discretion of the Head of Service in consultation with the Director. Depending on the nature or severity of the incident the Director may also call in the Police.

**Some examples of the behaviour of persistent complainants**

- Refusal to specify the grounds of a complaint, despite offers of assistance with this from Council staff
- Refusal to co-operate with the complaints investigation process or insistence on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making what appear to be groundless complaints about the employees dealing with the complaints or attempting to use the complaints procedure to pursue a personal vendetta against an employee or team
- Making unnecessarily excessive demands on the time and resources of Council staff whilst a complaint is being looked into
- Refusal to accept information provided, for no apparent good reason
- Changing the basis of the complaint as the investigation process goes on and/or denying statements he/she made at an earlier stage
- Making statements or providing manufactured 'evidence' the customer knows are incorrect or persuading others to do so
- Raising at a late stage in the process, significant new information which was in the customer's possession when he or she first submitted a complaint
- Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure
- Refusal to accept that issues are not within the remit of a complaints procedure or demanding outcomes which the complaint procedure cannot in itself provide such as the overturning of court decisions, dismissal or criminal prosecution of staff
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved
- Pursuing a complaint or complaints with the Council and at the same time with a Member of Parliament/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman
- Seeking to coerce, intimidate or threaten staff or other people involved, whether by use of language, tone of voice or behaviour including body language
- Submitting repeat complaints, after the complaints process has been completed, essentially about the same issues, with additions/variations which the customer insists make these 'new' complaints which should be put through the full complaints procedure
- Using valid new complaints to resurrect issues which were included in previous complaints
- Persistence in contacting the Council and demanding responses or action long after the council has closed the investigation into a complaint and all rights of review and appeal have been exhausted

**Restricted Contact Awareness Register  
Database Entry Request**

*To be completed by Head of Service or Director*

**Details of person to be placed on register**

Last name:	First Name:
Also known as:	Contact details:
<p>Details of application:</p> <p>Describe the reason why you consider the complainant should be added to the register. Include information on</p> <ul style="list-style-type: none"> <li>• The length of time you/colleagues have been in contact with the complainant</li> <li>• The amount of correspondence exchanged</li> <li>• The nature of the complaint(s)</li> <li>• The steps that have already been taken to resolve the situation</li> </ul> <p>Attach copies of any relevant documentation</p>	
Name and contact details of officer(s) dealing with complainant:	

Authorising Head of Service name:	
Signed:	Date:
Authorising Director name:	
Signed:	Date:
Assistant Chief Executive signature:	
Date:	
Nature of contact restriction:	

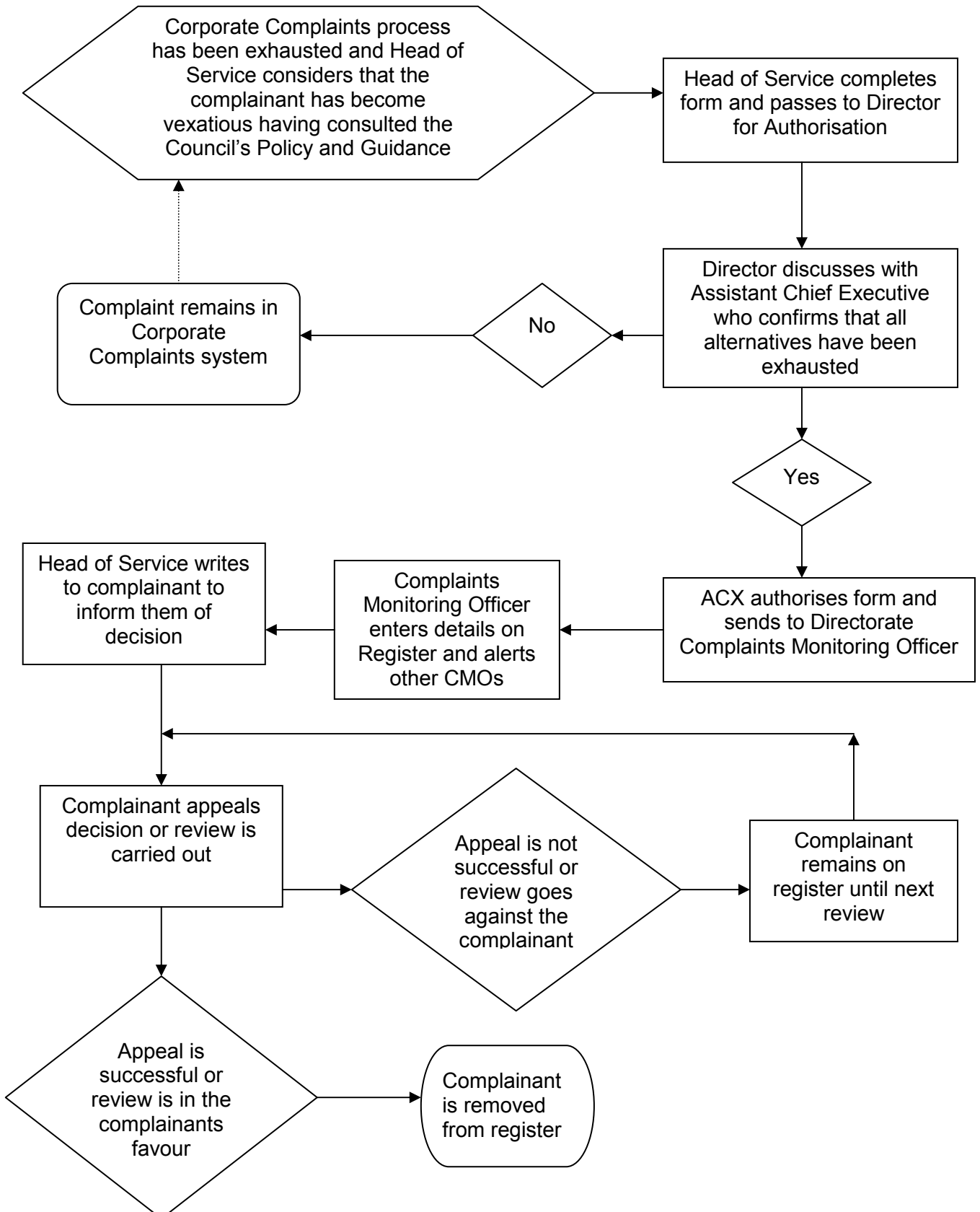
**Please forward to Directorate Complaints Monitoring Officer**

**For Complaints Monitoring Officer use only:**

Date entered onto Awareness Register:	By:
Awareness Register reference number:	

*Note: All entries on the Register will be reviewed after 12 months and the entry deleted if it is no longer necessary to retain the information for legal or operational reason*

Procedure for restricting contact with Vexatious Complainants



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EXETER CITY COUNCIL

EXECUTIVE  
17 JUNE 2008

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

<u>BODY AND TERM OF OFFICE</u>	<u>CURRENT REP(S) AND EXPIRY OF APPOINTMENT</u>	<u>NUMBER OF MEETINGS PER ANNUM</u>	<u>TERMS OF REFERENCE</u>
City Centre Management Partnership 1	(Cllr Edwards) Cllr PA Smith CLLR FULLAM NOMINATED AS LEADER  17.06.2008	4	Improves the quality of the City Centre for residents, businesses and visitors by developing strategies and opportunities to maximise the Centre's vitality and viability. Supports the development of the City of Exeter as the Regional Capital of the South West, to encourage new investment and to provide an economic "engine" for the City and the County of Devon.
Community Safety Partnership 1	(Cllr Edwards) CLLR FULLAM NOMINATED AS LEADER  17.06.2008	11	The Partnership established following the Crime and Disorder Act 1998 which placed a joint responsibility on local authorities and the Police to reduce Crime and Disorder in local areas.



<p>Devon Playing Fields Association</p> <p>From 17.06.2008</p>	<p><b>(Cllr Boyle)</b>  <b>CLLR MITCHELL</b>  <b>NOMINATED AS PORTFOLIO</b>  <b>HOLDER FOR</b>  <b>ENVIRONMENT AND</b>  <b>LEISURE</b></p>	<p>4</p>	<p>Independent charitable body offering information, advice, support and small grants to its Members. Helps provide playing fields for all sections of the community and properly equipped playgrounds for children. Encourages the full use of all recreational activities.</p>
<p>Exeter and Heart of Devon Economic Partnership</p> <p>1</p>	<p><b>(Cllr Edwards)</b>  <b>CLLR FULLAM NOMINATED</b>  <b>AS LEADER</b></p> <p>17.06.2008</p>	<p>5</p>	<p>Promotes the economic development of the sub-region comprising Exeter, Mid Devon, East Devon and Teignbridge.</p>
<p>Exeter Archaeological Advisory Committee</p> <p>1</p>	<p><b>Former Cllr Moore (Chair)</b>  Cllr D.J. Morrish  Cllr Shiel  Cllr Wadham</p> <p>17.06.2008</p>	<p>3</p>	<p>Committee of City Council Members, professionals and academics from the University and Institutions receiving detailed reports from the AFU on archaeological investigations carried out in Exeter.</p>
<p>Exeter Area Rail Project Working Party</p> <p>1</p>	<p>Cllr D.J. Morrish  <b>(Cllr Shepherd)</b>  <b>CLLR WADHAM</b>  <b>NOMINATED AS PORTFOLIO</b>  <b>HOLDER FOR</b>  <b>SUSTAINABLE</b>  <b>DEVELOPMENT AND</b>  <b>TRANSPORT</b>  Cllr P.A. Smith</p> <p>17.06.2008</p>	<p>3</p>	<p>Promotes the use of local rail services in the Exeter area and hinterland.  Makes recommendations to operators of local train services and lobby them for improvements  Develops infrastructure projects at stations, to improve access and waiting facilities for all passengers</p>
<p>Exeter Arts Council</p> <p>From 17.06.2008</p>	<p><b>(Cllr Sheldon)</b>  <b>CLLR MRS S.R. BROCK</b>  <b>NOMINATED AS PORTFOLIO</b>  <b>HOLDER FOR ECONOMY</b>  <b>AND TOURISM</b>  Cllr Wadham</p>	<p>6</p>	<p>Independent group funded by the City Council with membership drawn from the major arts and cultural organisations in the City. It encourages creative activities in Exeter, both individuals and groups by providing financial support.</p>

<p>Exeter Business Centre Board</p> <p>1</p>	<p>Cllr Mrs Henson <b>(Cllr Edwards (Chair))</b> CLLR FULLAM NOMINATED AS LEADER (Cllr Sheldon) CLLR MRS S.R. BROCK NOMINATED AS PORTFOLIO HOLDER FOR ECONOMY AND TOURISM Cllr P.A. Smith</p> <p>17.06.2008</p>	<p>4</p>	<p>The Board oversees the affairs of the Business Centre.</p>
<p>Exeter Citizens Advice Bureau</p> <p>From 17.06.2008</p> <p>Exeter Council for Sport and Recreation</p> <p>From 17.06.2008</p>	<p><b>Former Cllr Dixon</b></p> <p><b>(Cllr Boyle)</b> CLLR MITCHELL NOMINATED AS PORTFOLIO HOLDER FOR ENVIRONMENT AND LEISURE Cllr Noble</p>	<p>4</p> <p>6</p>	<p>Committee of Management managing the Bureau. CAB provides advice and guidance to the public.</p> <p>To encourage and promote increased participation in sport, recreation and play in the Exeter district in co-operation with Exeter City Council, Devon County Council and other interested organisations.</p>

<p>Exeter Canal and Quay Trust Ltd.</p> <p>1</p>	<p>Cllr P.J.Brock Cllr Edwards <b>Former Cllr Mrs Evans</b> Cllr Newcombe Cllr Shepherd</p> <p><b>(Cllr Sheldon)</b> <b>CLLR MRS S.R.BROCK</b> <b>NOMINATED AS PORTFOLIO</b> <b>HOLDER FOR ECONOMY</b> <b>AND TOURISM</b></p> <p>Cllr Winterbottom Cllr Wadham</p> <p>17.06.2008</p>	<p>3</p>	<p>The preservation of land, buildings and other features of beauty or historical or architectural interest in or around the Exeter Canal and Quay Basin; The promotion and encouragement of high standards of architecture, building and town planning and the promotion of civic pride in the Area; The promotion and support of musical, artistic, educational and other cultural activities within the Area; and The promotion and support of community participation in any form of healthy recreation involving waterborne sports in the Area.</p>
<p>Exeter College Corporation</p> <p>4</p>	<p>Mr P. Hill (resigned)</p>	<p>5</p>	<p>Governing body of Exeter College - makes strategic decisions affecting the College including strategy, policy, quality, financial probity and monitoring.</p>
<p>Exeter Municipal Charities (General List)</p> <p>4 from 17.06.2008</p>	<p>R.C. Lyons – 17.10.2008 Cllr Branston - 20.10.2008 Ald N.W.F. Long - 20.10.2008 Ald W.H.J. Rowe - 17.10.2008 Cllr Winterbottom -15.10.2008</p>	<p>12</p>	<p>To provide accommodation for people who feel unable to remain in their own homes by reason of failing health or reduced circumstances.</p>
<p>Exeter International Airport Consultative Committee</p> <p>From 17.06.2008</p>	<p><b>(Cllr Sheldon)</b> <b>CLLR MRS S.R.BROCK</b> <b>NOMINATED AS PORTFOLIO</b> <b>HOLDER FOR ECONOMY</b> <b>AND TOURISM</b></p>	<p>4</p>	<p>Consultation with respect to any matter concerning the management or administration of the airport which affects the interests of the users, local authorities and organisations as required by the Civil Aviation Act 1982.</p>

Exeter Phoenix Arts Centre Board From 17.06.2008	<b>(Cllr Sheldon) Cllr MRS S.R.BROCK NOMINATED AS PORTFOLIO HOLDER FOR ECONOMY AND TOURISM</b>	6	To promote, maintain, improve, encourage and provide public education in the arts including the arts of drama, music, singing, dance, painting, sculpture, literature, cinematography and handicrafts.
-Exeter Social, Health and Inclusion Partnership - Member Forum 1	<b>(Cllr D. Baldwin) Cllr R.M. HANNAFORD NOMINATED AS PORTFOLIO HOLDER FOR HOUSING AND SOCIAL INCLUSION</b> Cllr Prowse Cllr P. A. Smith 17.06.2008	4	Oversees the implementation of work associated with health and social inclusion in the City and comprises partners from the public sector, main agencies and voluntary sector working in Exeter.
Exeter Summer Festival Advisory Group 1	<b>Cllr Mrs S.R. Brock nominated as Portfolio Holder for Economy and Tourism (Chair)</b> Cllr Branston Cllr Bond Cllr Mrs Danks Cllr Cole 17.06.2008	4	To advise on the key Festival objectives.
ISCA Bowls and Bridge Centre From 17.06.2008	<b>Former Cllr Dixon</b>	6	Board of Directors

J L Thomas Liaison Group 1	Cllr Choules Cllr Newcombe Cllr Winterbottom 17.06.2008	2	To improve the exchange of information, report upon and monitor instances of nuisance arising from the factory or carriage of waste material and make suggestions for the improvement of the environmental conditions relevant to the operations of the factory.
Local Government Association General Assembly 1	<b>(Cllr Edwards)</b> <b>CLLR FULLAM NOMINATED AS LEADER</b> 17.06.2008	2	Promotes the interests of local authorities and better Local Government.
Local Government Association South West Branch 1	<b>(Cllr Edwards)</b> <b>CLLR FULLAM NOMINATED AS LEADER</b> Cllr M Baldwin <b>Cllr P.A.Smith</b> 17.06.2008	4	South West branch of the Local Government Association.
Lord Mayor of Exeter's Appeal Fund 1	Lord Mayor Cllr Coates Cllr Edwards <b>Cllr P.A. Smith</b> 17.06.2008	n/a	Appeal fund.
Parking and Traffic Regulation Outside London Adjudication Joint Committee 1	<b>COUNCILLOR WADHAM NOMINATED AS PORTFOLIO HOLDER FOR SUSTAINABLE DEVELOPMENT AND TRANSPORT NOMINATION FOR DEPUTY SOUGHT</b> 16.06.2009	At least once a year	Adjudication service for appellants against penalty charge notices including visible independence of adjudicators from the authorities in whose areas they are working.

Royal Albert Memorial Museum Trust From 17.06.2008	<b>Former Cllr H. A. Slack</b>	6	To advance the education of the public by the promotion, support, assistance and improvement of the RAMIM including its galleries, displays, collections, amenities and facilities.
RD&E Healthcare NHS Trust - Council of Governors From 17.06.2008	<b>Former Cllr Dixon</b>	4	To serve the community by the provision of goods and services for the purposes of the health service in England.
St. Edmunds and St. Mary Major, Exeter 4	Cllr Branston - 09.08.2008	2	To receive either generally or individually persons resident in Exeter who are in conditions of hardship, need or distress with a preference to these persons who are resident in the area of the former Parishes of St Edmund on the Bridge, St. Mary Major, St. George the Martyr and St. John.
South West Provincial Council 1	<b>(Former Cllr Dixon) CLLR COLE NOMINATED AS PORTFOLIO HOLDER FOR BUSINESS TRANSFORMATION AND HUMAN RESOURCES</b> From 17.06.2008	2	Joint negotiating machinery for the South West comprising the employers' side and the trade union side and provides a forum for discussion, debate and negotiation on human resources.
South West Regional Assembly 1	<b>(Cllr Edwards) CLLR FULLAM NOMINATED AS LEADER</b> 17.06.2008	4	Partnership representing all Authorities and a range of sectors with a role in the region's economic, social and environmental well-being.

South West Water Liaison Group 1	<b>(Cllr Boyle)</b> <b>CLLR MITCHELL</b> <b>NOMINATED AS PORTFOLIO</b> <b>HOLDER FOR</b> <b>ENVIRONMENT AND</b> <b>LEISURE</b> <b>Former Cllr Mrs Evans</b> <b>Cllr Robson</b>  17.06.2008	3	To improve the exchange of information of the Countess Wear Sewage Treatment Works operated by South West Water and the carrying out of works to improve odour control. Reports upon instances of complaints arising from odours from works and makes suggestions for the improvement of the environmental conditions relevant to the operations of the works.
Topsham Community Association From 17.06.2008	<b>Former Cllr Mrs Evans</b>	6	Community Association
Topsham Mooring Owners Association From 17.06.2008	<b>Former Cllr Mrs Evans</b>	7	Manage moorings in the Topsham area on the basis of a lease of the river bed from the Crown in the best interests of their members who pay to have a licence for the spot to lay a mooring for their boat.
Topsham River Commissioners Under the Exeter Port Dues Act 1840 From 17.06.2008	<b>Former Cllr Mrs Evans</b> Cllr Newby Cllr Sheldon	5	Responsibilities for cleaning and keeping clear the channel leading to and around the public quay at Topsham and improving and preserving the navigation of the river in this area.
Turntable From 17.06.2008	<b>(Cllr D. Baldwin)</b> <b>CLLR V. NEWCOMBE</b> <b>NOMINATED</b>	6	To collect donated furniture and supply to people on low incomes referred to the Project by Social Workers, Health Visitors and other support workers.
Young Single Persons Housing Forum From 17.06.2008	<b>Former Cllr Lyons</b>	4	Independent Forum bringing together agencies concerned with the housing issues of young people.

Where there are no vacancies it will be assumed that, unless otherwise determined by Executive, the sitting Councillor/member of the public will remain as the Council's representative on the respective outside body. Nominations resulting from changes in portfolio holders are emboldened and in capitals with the previous portfolio holder also in bold and with brackets. Also emboldened are nominations sought as a result of changes post the May elections.

#### **ASSISTANT CHIEF EXECUTIVE**

6 June 2008

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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