

SCRUTINY Committee - Community

Date: Tuesday 17 June 2014

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

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

Membership -

Councillors Shiel (Chair), Newby (Deputy Chair), Branston, Brimble, Bull, Clark, Foggin, George, Holland, Mitchell, Morris, Raybould and Robson

Agenda

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

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To sign the minutes of the meeting held on 4 March 2014.

3 Declaration of Interests

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

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

It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

5 Questions from the Public under Standing Order 19

A period of up to 15 minutes will be set aside to deal with questions to the Committee from members of the public.

Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting. Further information and a copy of the procedure are available from Democratic Services (Committees) (01392 265115) also on the Council web site.

<http://www.exeter.gov.uk/scrutinyquestions>

6 Questions from Members of the Council under Standing Order 20

To receive questions from Members of the Council to appropriate Portfolio Holders.

PRESENTATION TO COMMITTEE

7 Dean and Chapter - Roman Bath House

To welcome the Very Reverend Jonathan Draper, Dean of Exeter Cathedral.

8 Portfolio Holders' Statement

Councillors R.M. Hannaford (Portfolio Holder for Housing and Customer Access) and Councillor K. Owen (Portfolio Holder for Environment, Health and Wellbeing) to present priorities for 2014/15. – Report to follow.

ITEMS FOR DISCUSSION

9 Council response on petition in respect of badgers

To consider the report of the Assistant Director Public Realm.

(Pages 5 -

10 Annual Scrutiny Report - 2013/14

To consider the report of the Corporate Manager Democratic/Civic Support. (Pages 9 - 34)

11 Housing Revenue Account - Final Accounts - 2013/14

To consider the report of the Assistant Director Finance. (Pages 35 - 52)

12 Community Services Final Accounts - 2013/14

To consider the report of the Assistant Director Finance. (Pages 53 - 64)

ITEMS FOR EXECUTIVE

13 Review into the policy for allocating social housing - Report of Task and Finish Group

To consider the report of the Assistant Director Customer Access. (Pages 65 - 74)

14 Resourcing Enforcement Services

To consider the report of the Assistant Director Public Realm. (Pages 75 - 80)

15 Environmental Health and Licensing Statutory Services Plan - 2015/16

To consider the report of the Assistant Director Environment. (Pages 81 - 166)

16 Additional Licensing for certain types of Houses in Multiple Occupation

To consider the report of the Assistant Director Housing. (Pages 167 - 170)

ITEMS FOR INFORMATION ONLY

17 Meetings of the Devon and Cornwall Police and Crime Panel

Details of meetings of the Devon and Cornwall Police and Crime Panel are circulated after each meeting to Members of this Committee. Members are requested to confirm that they have no queries on the latest set of

agenda/minutes circulated (those of 2 April and 20 June 2014).

They are circulated in advance to enable Members to raise before Scrutiny Committee meetings, any issues of concern or interest which they may wish to have discussed at the Scrutiny Committee.

Date of Next Meeting

The next scheduled meeting of the Scrutiny Committee - Community will be held on **Tuesday 9 September 2014** at 5.30 pm in the Civic Centre.

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

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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REPORT TO EXETER CITY COUNCIL SCRUTINY COMMUNITY COMMITTEE

Date of Meeting: 17th JUNE 2014

Report of: ASSISTANT DIRECTOR PUBLIC REALM

Title: COUNCIL RESPONSE ON PETITION IN RESPECT OF BADGERS

Is this a Key Decision?

No

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

Is this an Executive or Council Function?

Executive

1 What is the report about?

- 1.1 To consider the recent e-petition calling for Exeter City Council to prohibit badger culling on Council owned land

2 Recommendations:

- 2.1 To continue to comply with the Protection of Badger's Act 1992 and put before Executive any future approaches to include council-owned land in a larger culling area.

3 Reasons for the recommendation:

- 3.1 This will allow the opportunity to understand fully the results from the pilot areas.

4 What are the resource implications including non financial resources.

- 4.1 None

5 Section 151 Officer comments:

6 What are the legal aspects?

- 6.1 The duty to comply with the Protection of Badger's Act 1992.

7 Monitoring Officer's comments:

8 Report details:

- 8.1 On 3 January this year, a campaign was launched to protect Exeter badgers from being culled following calls to the Government to extend the cull area to the whole of Devon and Cornwall. An e-petition on the City Council website called for the Council to prohibit the culling of badgers on council-owned land and to invest in vaccination programmes locally.
- 8.2 232 signed the following petition which ran to 9 May 2014:

We the undersigned petition the council to prohibit the culling of badgers on council-owned land and invest in vaccination programmes locally. We ask this because we believe culling to be inhumane, inefficient and unscientific. This is a national issue which will be of direct concern to the people of Exeter when DEFRA 'rolls out' its culling policy in 2014. The object of the petition is to

ensure that Exeter's badger population is as safe as possible from slaughter and that the already available injectable badger vaccine against bTB is used in as many cases as possible. We ask this because we believe the culling policy is inhumane (DEFRA's measurement of 'humaneness' is to time the screams of wounded badgers), inefficient (previous culls showed an increase in bTB because of badger movement) and unscientific (the majority of scientific opinion hold that a cull will have 'no meaningful result')

- 8.3 The background is that in December 2011 DEFRA announced that badger culling would be allowed to be carried out by groups of farmers and landowners as part of a science-led and carefully managed policy of badger control. Licences would be issued by Natural England under the Protection of Badgers Act 1992.
- 8.4 Applications for culling licences must meet the following criteria:-
- a) All participating farmers are complying, and for the duration of the licence will continue to comply, with current statutory TB controls.
 - b) Reasonable biosecurity measures are being, and for the duration of the licence will continue to be, implemented by participating farmers on their land. For this purpose 'reasonable measures' means measures that in the particular circumstances are practicable, proportionate and appropriate.
 - c) The application must cover an area of at least 150 square km (Exeter is 47 square km and Devon 6,707 square km).
 - d) The area must be composed wholly of land within an annual routine TB testing area at the time of application (i.e. an area within which cattle are subject to annual testing for TB).
 - e) There must be access for culling to at least 70% of the total land area in the application.
 - f) The size and number of areas of inaccessible land within the application area should be minimised, with at least 90% of the land within the application area either accessible or within 200m of accessible land.
- 8.5 During 2013 Natural England issued licences for two pilot areas (West Gloucestershire and West Somerset) to commence culling. It was proposed that if found to be effective the policy would be rolled out more widely with up to ten licences being granted for different areas each year.
- 8.6 However, in April 2014 DEFRA announced that there would be no further roll out of badger culling this year until full lessons from the pilot areas had been learned.
- 8.7 At present, and despite over thirty areas submitting expressions of interest, only one area (Dorset) appears ready to become an additional cull area if the policy is extended in 2015.
- 8.8 It is important to note that culling will not take place on any land without owner's permission even if that land does form part of a future culling area.
- 8.9 There are a number of badger setts on Council owned and managed land throughout the Valley Parks. Badgers and their setts are protected under the Protection of Badgers Act 1992 which makes it an offence to kill or take a badger, except under this

new licence. The Council's current policy is to deal with any badger issues on ECC land within the legislation, subject to any future implementation of an extension of the cull area.

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

The Corporate Plan is silent on land management and wildlife protection.

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

- 10.1 No risk if ECC continue to comply with national legislation. The Council can withhold permission for culling on its land if approached to be part of a larger culling area.

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

- 11.1 The decision may have some impact on the diverse wildlife environment.

12 Are there any other options?

- 12.1 Rather than waiting to consider the results of the two pilot areas and any potential application for a future area that included Exeter, Members may wish to adopt a definitive policy on this issue.

Assistant Director Public Realm

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

Background papers used in compiling this report:-

None

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

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**REPORT TO Scrutiny Economy, Scrutiny Community, Scrutiny Resources,
Audit and Governance and Executive**

**Date of Meeting: 17/6/14 (Community), 15/7/14 (Executive), 25/6/14 (Audit and
Governance), 26/6/14 (Economy) and 2/7/14 (Resources) and**

Report of: The Scrutiny Programme Officer

Title: Annual Scrutiny Report 2013/2014

Is this a Key Decision?

No

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

Is this an Executive or Council Function?

Executive Function

1. What is the report about?

An update on the progress and work of Scrutiny for the period 2013/2014 in direct relation to the appointment of the Scrutiny Programme Officer in July 2013, to include synopsis of Task and Finish Group investigations, review and proposal for Scrutiny system changes and timetabling/plans for 2014/2015.

2. Recommendations:

- (a) That Members of the Committee consider the content of the Annual Scrutiny Report and are invited to comment as to whether they are content with the progress and direction of Scrutiny over the past year together with the proposals on direction for the forthcoming year.**
- (b) That the Annual Scrutiny Report is approved for public circulation on the Council's website.**

3. Reasons for the recommendation:

- (i) To demonstrate to Members, Officers and the general public how the scrutiny process is working at Exeter City Council in order to provide accountability and transparency and further confidence in the democratic process.**
- (ii) To enhance the profile of scrutiny at Exeter City Council.**

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

None.

5. Section 151 Officer comments:

Not applicable.

6. What are the legal aspects?

Not applicable.

7. Monitoring Officer's comments:

Not applicable.

8. Report details:

See attached document.

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

- **Ensuring a well run Council.**
- **To invoke public confidence that the Council is addressing economic, social and environmental challenges through effective scrutiny to improve the quality of life for Exeter residents (where possible) whilst working with partners to achieve this aim.**
- **To demonstrate that all Councillors and members of staff are committed to delivering high quality services and working for the benefit of the City.**

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

Not applicable.

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

None.

12. Are there any other options?

Not applicable.

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

Background papers used in compiling this report:-

None

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John Street

Corporate Manager, Democratic Services and Civic Support

Contact for enquires: Howard Bassett/Anne-Marie Hawley

Democratic Services (Committees)

Room 2.3

01392 265275

ANNUAL SCRUTINY REPORT 2013/2014

Foreword

The past year has seen many positive changes in the way in which Scrutiny operates at Exeter City Council with the appointment of a dedicated Scrutiny Programme Officer in July 2013. The post was created following recommendation by a cross party Task and Finish Group who identified a strong need for dedicated scrutiny support. The new officer role would primarily assist Councillors with their Scrutiny work, whilst facilitating the role of the Scrutiny Committees by providing specific support to Task and Finish Groups, undertaking research and analysis of information, writing reports and presenting findings to the appropriate Committee (if required) and to review the overall effectiveness of the current Scrutiny function at Exeter City Council. In addition to this, the Localism Act 2011 (Section 9FB) now provided Districts with the legislative authority to designate a “statutory scrutiny officer”.

The Role of Scrutiny

The Scrutiny Committees at Exeter City Council consist of Councillors who do not sit on the Executive Committee. The purpose of the Scrutiny Committees is not only described in the Terms of Reference for those Committees (contained in full within the Council’s Constitution) but must also encompass the following principles to ensure the continued delivery of good and effective scrutiny at Exeter City Council:-

1. To provide a “critical friend” approach to Executive policy and decisions – a constructive, robust and purposeful, non-adversarial challenge, holding the Executive and Council officers accountable for policy and service decisions.
2. To provide a platform for the voice and concerns of the public to be heard.
3. To review issues in an a-political manner.
4. To drive improvement of the Council overall by promoting community well-being and working towards improving the quality of life of Exeter residents.
5. To provide strategic review of corporate policies, plans, performance and budgets.
6. To assist in the joining up of public and other services.
7. To review the effectiveness of budget and service prioritisation.
8. To make an impact on service delivery.
9. To set the Council’s Annual Scrutiny Work Programme.

A Synopsis of the Terms of Reference for the Scrutiny Committees at Exeter City Council

Scrutiny Committee – Economy

The Economy Committee evaluates and monitors the performance of all tourism, economic development, transportation, parking, estates, planning (except purely development control matters), markets and events, leisure and museums and technical (including flooding) services. It also considers draft budget proposals which fall within its remit and reviews strategies and policies emanating from the work and functions of those services which it holds accountable (in accordance with the work plan agreed in consultation with the Council and Executive). Scrutiny Economy also assists in the process for adoption and approval of

the Exeter Local Development Framework and for the preparation of other elements of the Development Plan by the Regional Assembly, Devon County Council and other local authorities.

Scrutiny Committee – Community

The Community Committee works with other agencies on issues such as social inclusion and community safety. It undertakes reviews of appropriate strategies and policies emanating from the work and functions of the community and environment services. It evaluates and monitors the performance of all housing, contracts, community engagement, environmental health (including cleansing), river and canal, parks and open spaces, CCTV/Home Call services and reviews the budget and financial performance within these areas. This Committee also scrutinises the work of the Exeter Community Safety Partnership and monitors the effectiveness of the Council's partnerships with other agencies. Health issues are also scrutinised by this Committee particularly in line with the requirement for an annual review of the Health and Well Being Board.

Scrutiny Committee – Resources

The Resources Committee evaluates and monitors the performance of Human Resources, IT, Business Transformation, Finance and all central and corporate services. It advises Executive on staffing issues including industrial relations, health and safety, equalities and diversity, and draft budget proposals which fall within its remit. It reviews progress made within the Corporate Plan.

Scrutiny Committee – Audit and Governance

The Audit and Governance Committee monitor performance against the internal audit plan, reviews any revisions to the plan and considers any issues arising from the half yearly audit reports. It comments on the scope and depth of external audit work to ensure value for money and commissions work from internal and external audit. In addition to this, the Committee monitor the Council's regulatory framework including the effective development and operation of risk management and corporate governance; the Council's compliance with its own and other published standards and controls; advises the Council on the adoption of Codes of Conduct as well as the hearing and determining of allegations of misconduct. It also approves the Council's Statement of Accounts. The Audit and Governance Committee could be perceived as providing the Council with an "inward looking" scrutiny function.

What has Scrutiny Achieved for the Year 2013/2014?

Besides the continuation of the work scheduled on the existing Scrutiny Work Programme the following was achieved:-

- Appointment of a dedicated Scrutiny Programme Officer – July 2013.
- Instigation of the Scrutiny Annual Work Programme Meeting involving Chairs and Deputy Chairs of the respective Scrutiny Committees, Party Leaders and Portfolio Holders.

- The Ancillary Work Programme Meeting involving Chairs and Deputy Chairs of each Scrutiny Committee to discuss any outstanding issues following the Annual Scrutiny Work Programme Meeting and to ensure matters are initially progressing in the right direction.
- Regular Scrutiny Review Group meetings with Chairs and Deputy Chairs of Scrutiny Committees to ensure a “rolling review” of the Work Programme, Task and Finish Groups and suggested improvements to the existing Scrutiny system.
- Scrutiny Training for all scrutiny committee members (highlighted as a priority).
- Revision of Members’ handbook in relation to Scrutiny.
- Scrutiny induction training for Members incorporated into the Members’ induction training programme as from 2014.
- Financial Reporting Task and Finish Group (Resources).
- Finance training for Members (highlighted as a specific requirement).
- Cost of Living Forum (to include Housing and Wages sub groups) (Economy).
- Procurement Task & Finish Group (Audit and Governance).
- Housing Allocation (Devon Home Choice) Task and Finish Group (Community)
- Involvement with the South West Scrutiny Network (with future provision to host regional meetings at Exeter City Council) and building links with other Local Authority Scrutiny Departments ranging from local level to across the country. This presents an ongoing opportunity to compare and exchange ideas on the effective running of scrutiny which can only benefit Exeter City Council.
- Provision of an Annual Report on Scrutiny so that Members, officers and the general public are kept informed of the effective progress and the continued evolution of scrutiny at Exeter City Council.
- Structured timetabling for Scrutiny 2014/2015:-
 - 25/04/14 : Officer pre-election work programme meeting.
 - (03/06/14 : Full Council Meeting).
 - 12/06/14 : Scrutiny induction training for Members.
 - (17/26th June and 2nd July – Scrutiny cycle).
 - 14/07/14 : Scrutiny Annual Work Programme Meeting 2014.
 - 29/07/14 : Full Council : Task & Finish Group Member nominations to be secured by this date.
 - 01/08/14 : Commence with new Task and Finish Group workload with an aim to complete at least 8 Groups within the 2014/2015 municipal year.




Scrutiny 2013/2014 has been very much about “setting the scene”, reviewing current systems, identifying Members’ priorities and improving what the Council already has in place; providing dedicated officer support for Members as well as coordinating Task and Finish Groups on particular subjects specifically brought to the forefront of the existing workload by Members.

A more in depth review of the work of Scrutiny during July 2013 to April 2014 (outside the scheduled Work Programme) is detailed below, which demonstrates the benefits of specific and targeted investigation and the importance of re-thinking (and continually monitoring) the scrutiny system and function at Exeter City Council, as a whole, to ensure a high standard of scrutiny is achieved and maintained.

Scrutiny Systems Review 2013/2014

The appointment of the Scrutiny Programme Officer presented an opportunity to review the effectiveness of the current Scrutiny system already in place at Exeter City Council and to consider whether or not the existing system could be enhanced and improved. A series of meetings were held with Chairs and Deputy Chairs of the Scrutiny Committees to develop possible improvements to the Scrutiny function which were put forward to Scrutiny Economy, Resources and Community during the January 2014 cycle of meetings.

These suggestions encompassed the following proposals:-

- That a new format of Agendas should be trialled for the next cycle of Scrutiny Committee Meetings. The new style would include three main sections:-
 -  Items for discussion.
 -  Items for Executive (recommendations).
 -  Items for information only (accompanied by a link on the Agenda).
- That unless requested by Scrutiny Chairs, the Chief Executive or the Deputy Chief Executive, Council Officers would not present their reports at Committee ensuring better time management of meetings.
- If Members had questions regarding Officer Reports, they could notify the relevant Officer and Committee Services Officer of these questions in good time prior to the Committee meeting. Members would then have the opportunity to put these questions directly to the Officer at the Committee meeting.
- The Scrutiny Chairs would take a more pro-active role in the Committee Meeting “pre-meet” specifically to decide what should be included within the Agenda and what should be excluded.
- Portfolio Holders’ Reports could be separated out from the Scrutiny Committee Work Programme/Agendas and extra time given prior to the Full Council Meetings for Members to address the Reports and ask questions of the Portfolio Holders. This would seem to present an ideal opportunity as all 6 Portfolio Holders would already be available to attend the Full Council meeting together with all other Members. This would free capacity on the Scrutiny Work Programme and free further time at Scrutiny Committee Meetings for other issues to be debated.
- That this concept could be trialled at the next Full Council meeting for Members’ approval.
- That the Scrutiny Chairs, Deputy Chief Executive, Corporate Manager of Democratic and Civic Support and the Scrutiny Programme Officer review how effective these new changes are, once trialled, and consider Members’ comments and any further changes or improvements which would enhance and improve the Scrutiny process and system at Exeter City Council; and continue to monitor the contents of the Scrutiny Work Schedule.
- That a list of scheduled Members’ Briefings be circulated to all Members as soon as possible detailing Presentation topics and dates.

Members of Scrutiny Economy, Resources and Community considered that as previous proposed changes to Scrutiny had been considered and recommended through a cross party working group, a similar group should be re-established to consider these latest proposals. This was accepted by the Executive and Full Council. It was also considered that the presentation of the Portfolio Holder reports prior to meetings of Full Council would mean an additional time commitment, particularly for working Councillors which could present a

problem. Whilst Members acknowledged these concerns, they also welcomed the opportunity to meet with all of the Portfolio Holders in a more informal setting and to look at further ways to develop the scrutiny process.

The cross party Task and Finish Group is due to be founded and initiated following the Local Elections in May 2014. The Group will then meet to address the recommendations put forward.

The Annual Work Programme Meeting : 25th July 2013

This newly devised meeting presented an opportunity for Members to review, prioritise and adapt the existing Scrutiny Work Programme Schedule and to identify those areas and subjects which they felt were of particular concern and to highlight topics which they felt were of sufficient importance to merit Task and Finish Group investigation. All Members were given the opportunity to comment and provide their suggestions prior to the meeting and these ideas and requests were put forward by the Chairs and Deputy Chairs of the Scrutiny Committees, Party Leaders and Portfolio Holders (at the meeting) for consideration and prioritisation.

Task and Finish Groups

Through the Annual Scrutiny Work Programme Meeting, Councillors identified and prioritised various issues for Task and Finish Group investigation which were not already included on the Scrutiny Work Programme. The Scrutiny Programme Officer arranged, initiated and coordinated these Groups.

Financial Reporting (Scrutiny Resources)

Councillors identified a need for clarity within the current financial reporting format which would enable them to have a better understanding of the reports presented to them and would allow them to more easily identify the key issues upon which they needed to take important decisions.

Membership:-

Cllr Baldwin (Chair)
Cllr Ruffle
Cllr Pearson
Cllr Owen
Cllr Donovan
Mark Parkinson, Deputy Chief Executive
Dave Hodgson, Assistant Director of Finance

Remit:-

1. To review the current regime of reporting financial matters.
2. To review the current presentation of financial reports – can they be presented in a more meaningful and user friendly way?
3. Is there any flexibility to alter the presentation of financial information presented?
4. Can reports be simplified whilst still adhering to current statutory requirements and current Council policy?
5. To provide examples of alternative presentation of financial reporting.
6. To clarify figures relating to budget and spend so that it would be easier for Members to identify issues from financial reports which may need attention (for example,

review of management in a particular area or an increase in need which may lead to a budget review).

7. To enhance and simplify financial reports.

This piece of work linked with Council aims and priorities of ensuring a “well run” Council whilst enhancing accountability and transparency.

The Group identified four main areas of specific interest:-

- Budget
- Spend
- Variance
- Income – is income being generated?

The Assistant Director of Finance produced a list of financial reports and confirmed that there would be more flexibility to alter the monitoring financial reports rather than the Statutory reports. Various reports were reviewed by the Group, which included:-

Treasury Management Strategy, Treasury Management Half Year Update Report, Treasury Management Outturn Report, Prudential Code Indicators, Council Tax Base and NNDR1 Report, Annual Governance Statement, Statement of Accounts, Budget Monitoring Reports – general overview, Budget Monitoring Report (30th June 2013), Scrutiny Committee (Resources) Outturn Report April 2012 to March 2013, Overview of General Fund Report, Outstanding Sundry Debts, Creditor Payments Performance, Overview Report, Revisions to Capital Programme, Capital Monitoring to September 2012

Councillors generally placed great emphasis on accuracy, relevance, clarity and simplicity together with a need for Members’ finance training with the overall priority being that all Members should be able to easily identify the information of high concern and should not feel alienated by the way in which the information was presented.

The views of all Councillors were sought and the Task and Finish Group considered that the following points were of particular importance:-

- Significant over and under-spends need to be highlighted.
- There should be comparisons with similar reporting periods in the previous financial year which would help Councillors see how the current situation equates with final out-turn.
- There should be a more obvious tracking of borrowing.
- That Members’ grasp and understanding of the financial reports should be paramount.
- That there should be less use of jargon which can lead to confusion.

Subsequently, the format of the monitoring financial reports was altered to highlight the key variances in the budget monitoring reports and the areas of budgetary risk. The reports were also refined (where possible) and a “key issues” section (particularly within the Statutory reports) was included for the benefit of Members, which highlighted those areas requiring key decisions. The changes to the financial reports were trialled during the September 2013 cycle of Scrutiny Committee meetings so that all Members would have the opportunity to comment upon the new style of financial reporting. Feedback was obtained from Members who commented that the changes implemented to financial reporting so far were very helpful and made the documents much clearer to understand.

In addition to this the Executive Committee commented that:-

- The new style of financial reporting was much easier to understand.
- It would be helpful to have an analysis available over a preceding 5 year period so that any trends could be identified. It was felt that this would be useful information to have for informal budget meetings.
- It would be helpful if visual (colour) charts could be used to relay trend information so that Members could easily identify differences and fluctuations.

It was also suggested that a glossary of financial terms (limited to one page) should be attached to every financial report which would provide further clarity.

Subsequently, the Treasury Management update report (due for submission to Scrutiny Resources in November 2013 and then to Executive in December 2013) was altered so that borrowing and investment figures were reported in a clearer way to ensure that the borrowing figures in particular, were highlighted. Two specific aspects which were seen as requiring particular clarity were:-

- (a) The physical cash borrowed.
- (b) Accounting classification of the borrowing, for example, fixed assets –v- finance.

Further comments were obtained from Members in relation to the new financial reporting format following the January 2014 cycle of Committee meetings and the subsequent Full Council meeting. Members' comments were positive and all agreed that the change in the format of financial reporting was of great benefit and provided much needed clarity.

In addition to the changes already implemented, the following suggestions received from the Assistant Director of Finance were also considered by the Group in order to achieve further improvement:-

- That the half yearly Treasury Management Report should be simplified and adopt a more tabular form, also trialling the inclusion of trend data.
- A front sheet summary should be attached to the Budget Book in respect of each area and movement in budget which would also set out the changes so that Members could focus on what really has changed and the trend data.
- Fees and charges information should remain the same and the format of reporting/information should remain unaltered.
- A key issues page should be introduced in the form of a covering report, in relation to the Statutory Reports (which cannot be altered in content). This would highlight areas of importance and whereabouts in the main document Members could find the necessary information.
- A clearer explanation would be provided to the Audit and Governance Scrutiny Committee in 2014 in respect of the Statement of Accounts. The main area of importance highlighted to Members was identified as the Auditors' report. If Members were not happy with a particular aspect then they would have the opportunity to say so.

It was agreed that because of the nature of some reports (eg, the annual reports) the changes to the format and style of financial reporting would be a work in progress. The key reports for Members to focus upon should relate to budget monitoring.

As a direct result of this Task and Finish Group, financial reporting at Exeter City Council has undergone a successful review and reports have been adapted to clarify information so that Members can easily identify the key issues upon which they need to concentrate so that they can make well informed key decisions. As a result of this Task and Finish Group it was also highlighted that all Members would benefit from finance training and subsequently training was arranged by the Scrutiny Programme Officer who also ensured that Finance training for Members was incorporated into the Annual Induction Training Programme available to all Councillors as from 2014.

Cost of Living Forum (Scrutiny Economy)
(incorporating Wages and Housing Sub Groups)

The Cost of Living, in specific relation to Exeter, was flagged as a high priority subject for further investigation and of particular cross party interest. The overriding objective was to work with a wide range of partners to establish exactly how the Council might assist Exeter residents, with specific attention to the subject of wages (and implementation of the living wage), housing and affordability. Reliable statistical information and research findings were identified as being of paramount importance to the Forum and its ability to consider strategies and solutions in order to provide recommendations to its parent committee (Scrutiny Economy). With the approval of Executive in March 2014, Marchmont Observatory (Exeter University) in partnership with the Forum, are now conducting a local research programme to provide accurate (statistical) information as part of the next stage of investigation. The Forum's work is ongoing and will stretch across the parameters of the local elections in May 2014 with a focus on concluding what practical, innovative steps can be taken by the Council to tackle the difficulties faced by Exeter residents in relation to the cost of living.

Membership:-

- Cllr R.Denham (Chair for Forum and Wages Sub Group)
- Cllr P. Bialyk
- Cllr L. Robson
- Cllr R. Crew (Chair of Wages Sub Group)
- Cllr T. Wardle
- Cllr Mrs Henson
- Cllr A.Leadbetter
- Cllr S. Brock
- Ms Sue Parr (Job Centre Plus)
- Mr Peter Lacey (Lay Lead at University of Exeter on Infrastructure and the Capital Programme, External Affairs and Corporate Social Responsibility and Environmental Sustainability).
- Mr Steve Barriball representing Citizens Advice Bureau.
- Post Graduate Student (University of Exeter/Science Dept.)
- Mr Mark McSheehy representing South West TUC.
- Mr Simon Bowkett representing Exeter CVS.
- Mr Richard Ball (Assistant Director – Economy)
- Ms Nicola Forsdyke (Housing Options Manager)
- Ms Laura Fricker (Housing Benefits Manager)
- Ms Jayne Hanson (Mobile Benefits Training Officer)
- Ms Dawn Rivers (Community Involvement and Inclusion Officer – Policy)
- Ms Melinda Pogue-Jackson (Policy Officer)

Remit:-

- To gather evidence to establish a baseline on wages and cost of living in the City of Exeter.
- To gather and analyse evidence on the impact that low wages and high relative cost of living has on residents in the City of Exeter (taking a broad perspective on impacts and to include Health and Wellbeing).
- To gather and analyse evidence on particular problems (for example, the impact of students on private sector rents).
- To explore (in partnership with a broad range of stakeholders) strategies and solutions to problems identified following the gathering of evidence for this Forum.

Since its inception, the Forum established that it was crucial to identify the potential benefits of the work it could do together with a clear indication of the positive outcomes that could be achieved. The goal of the Forum was to conduct research and investigations so that this piece of work could be used to:-

- Better inform (through the gathering of evidence and multi agency/organisation participation) the City Council and other agencies involved of the difficulties faced and possible solutions relating to the Cost of Living in direct relation to regional wages in contemplation of existing Policies and any proposed Policy changes.
- Improve and enhance the collaborative effort on a cross agency and organisational basis, against continual reduced funding for the public sector.
- Provide innovative ways in which to tackle the difficulties faced by Exeter residents in direct relation to the Cost of Living and reduced public sector funding.
- Build relationships with cross agency partners, organisations and stakeholders, to provide an opportunity to discuss the issues and provide practical coping strategies and solutions (for example, to discuss with local businesses the Living Wage and associated issues with a view to encouraging local businesses to adopt the Living Wage)

With that said, the Forum was still conscious that just because this topic was of substantial cross party interest and currently generated specific public and media interest, it remained important to justify undertaking this work in line with the Council's existing aims and priorities. This point was addressed at the first meeting of the Forum on the 24th October 2013 where it was agreed that this project did comply with those aims and objectives, particularly:-

- ❖ To enhance Exeter as the regional capital and to work in partnership to improve the quality of life for all people living, working and visiting the City. (Vision 20:20/Community Plan).
- ❖ "Help me get back to financial independence" (Corporate Plan 2012 – 2014).
- ❖ "Help me find somewhere suitable to live" (Corporate Plan 2012 – 2014) – *Affordable Housing/set fair and affordable Council Rents/improve access to affordable private sector tenancies/provide financial assistance to those most in need to make private sector homes fit for habitation, safe and decent.*
- ❖ The Core Strategy - 3.4 (The Sustainable Community Strategy) which states that:- 'Sustainable communities are places where people choose to live and work. They are safe places, offering opportunities for everyone, where the environment is respected and with the housing, amenities, schools, hospitals, and transport links that people need to live well. To become a sustainable city, Exeter must balance the economic, social and environmental aspects of the Community'.

The Economy Projects Officer provided the Forum with a brief presentation of statistical data currently available relating to wages and housing trends. However, the Group soon established that the data was unreliable with issues as to accuracy and did not embrace the specific locality of Exeter. Therefore it was of very limited use, but was the only data available at the present time.

The Forum Members identified a wide range of areas which they proposed should be investigated such as:-

- ✚ How do people feel?
- ✚ Equalities.
- ✚ Underemployment/zero hours and the links to part time work.
- ✚ Wages/low pay.
- ✚ People moving out of affordable housing.
- ✚ Sectors and types of employment (jobs by skill/sector).
- ✚ Affordability of housing by sector – growth of private rented sector/housing association (welfare reform action group).
- ✚ Energy/utilities.
- ✚ Transport.
- ✚ Debt – helping people with financial problems.
- ✚ Management of money.
- ✚ Static wages – Chamber of Commerce data
- ✚ Is our skills agenda keeping up or are people outside the City coming in?
- ✚ Econometrics study.
- ✚ Customer service centre data.
- ✚ “Who lives where?” relative to job type and the impact on communities.
- ✚ Impacts such as mental health issues.
- ✚ Access to affordable credit.
- ✚ People moving out of the City for affordable housing.

Members of the Forum suggested that the next meeting should provide an opportunity to explore the definition of poverty and deprivation in Exeter, what this means and to what extent Exeter is affected. It was also agreed that a representative from the research department at Exeter University should be invited to participate together with a representative from the Chamber of Commerce.

The second meeting of the Forum took place in November 2013. Since the first meeting information had been sourced from The Joseph Rowntree Foundation concerning the definition of poverty and the importance of distinguishing between “relative” versus “absolute” poverty was highlighted. Available research on the Living Wage had also been provided by South West TUC; representatives had been invited from Devon County Council and Exeter University together with an Exeter City Council employee currently in receipt of a low wage and a representative from the Federation of Small Businesses.

The Forum was particularly interested to hear from the Council’s employee to understand what life was like for him and what difficulties he faced as a direct result of receiving a low wage coupled with the cost of living. They could also explore what it would mean to this individual if he were in receipt of the Living Wage and what impact this would have for him and his family. This employee felt that the Living Wage should be pushed forward and implemented as it would benefit everyone on a low wage. He commented that the cost of

living is always rising but his wage, in comparison, has not. His input to the Forum, which demonstrated the practical difficulties of his situation, proved extremely helpful and provided Members of the Forum with first hand information and the opportunity to ask many questions.




It was becoming increasingly apparent that the Forum should concentrate on where the Council as a whole (and its partners) could make a difference to Exeter residents and this would involve prioritising the main areas to be investigated whilst also considering impact and baseline.

The priority areas were identified as **Housing** and **Wages**.






It was agreed that two working “sub groups” would be created from the existing Forum Members to discuss and identify research areas whereupon they would feed back their findings to the main Forum.

The specific (but not exclusive) remit of each sub group was defined as:-

Housing

-  Cost of private sector rental and issues surrounding that.
-  Mortgages and issues around other housing options such as affordable housing.
-  Fees and charges.

Wages

-  Are jobs not paid enough and need to be paid better? (Low wages).
-  Availability of higher skilled jobs? (Higher skilled jobs usually equate to higher paid jobs).
-  Underemployment – zero hours contract.
-  Pressure on employers – the impacts and pressures affecting decision making.
-  The impact that the living wage could have in Exeter.

The Forum concluded that there was a specific need to encompass an “Evidence Based Review” and to consider Business Rates and costs which formed part of the equation.

The Housing Sub Group

The Housing Sub Group met in December 2013 and identified the following issues for research and consideration:-

- The cost of private sector rental.
- Whether students are influencing private sector rental and whether they are better able to afford the cost?
- Condition of rental properties.
- Should Exeter University build further student accommodation this would have an effect on the private rental sector within Exeter.
- What is the standard of living for the individual who lives in Exeter?

- What makes people decide to live in or out of Exeter when they work in Exeter? It was considered that there could be reasons such as family base or schools for children

The Group considered that it would be important to view the whole picture rather than concentrate on isolated areas only but that accurate and local research was required on which the Forum could confidently recommend a way forward.

It was ascertained that two questions should be considered by the main Forum:-

- (a) How far should we go with the research on Housing?
- (b) How much should the Council consider spending on obtaining that research?

Exeter University representatives agreed to provide research recommendations and a costing which the main Forum could consider. They would also formulate research questions based on the Forum's aims and objectives and the information from meetings so far, so that the Forum Members could identify the important questions and ascertain where the Council and respective organisations could make a difference.

The Group highlighted that the Housing Report (which was due to be placed before the Executive Committee in February 2014) dealt with research as to housing need in Exeter, taking into account investing in new housing and the way forward over the next 10 years in this respect. This was viewed as presenting an ideal opportunity for the Cost of Living Forum to feed into this piece of work.

Reference was made to the Welfare Reform Action Group Report which Devon County Council had produced (and which had been circulated to Forum members).

In summary, the Group agreed that an assessment was required as to:-

- *What the housing need and demand is in Exeter and how they differ.*
- *How do we measure that and how do we use this measurement?*
- *Are we meeting need?*
- *How is housing functioning in Exeter and how can we improve it?*

Wages Sub Group

The Wages Sub Group met in January 2014 and was initially provided with an overview on business rates and reliefs by the Senior Rates Officer. This was of particular benefit given that business rates have the potential to greatly influence the relationship between business and wages and more particularly whether employers are in a position to pay higher wages to their staff.

The Group highlighted that employee costs and fixed premises costs are the main expense for businesses and considered whether it would be possible to use the Living Wage to balance out business rates.

It became apparent that there was a real need to investigate what was happening at the lower end of the wages bracket (ie, the lowest 10% as their earnings have not risen since 2004 based on the statistical information available). Zero hours contracts were also discussed in the context of people being unable to obtain mortgages or satisfy private sector

rental prices and there was a concern that this current situation would not promote economic growth.

The Group agreed that they needed to concentrate their efforts on reviewing the situation for people with no options who were in receipt of the minimum wage. Another area which the Group felt could be influenced was encouraging an environment where more money is generated within the Exeter economy which would be good for businesses and therefore the people of Exeter.

It was recognised that Islington, York and Brighton Councils respectively had carried out a lot of work in persuading their local businesses to implement the Living Wage and it would be helpful for the Forum to hear from representatives of these Councils so that they could explain how they have achieved that.

It was agreed that the provision of the Living Wage really depended upon what employers could currently afford and it was recognised that the current margins for small businesses are very tight. However, when the economy starts to recover, and businesses start to do better, how could Exeter City Council encourage this benefit to be passed through to wages?

Following discussion of these points the Group was able to decide that further information was required in the following areas:-

- ✚ Wages data was essential but needed to be presented in a more “broken down way”.
- ✚ People in both the business community and working individuals should be asked whether zero hours contracts work for them.
- ✚ A need to establish what the real impact is in respect of low pay.
- ✚ Find out what the cost of low pay is to the City, economy and local services.
- ✚ Find out what the counter benefits are of higher pay.
- ✚ Establish what the pro’s and con’s are of the Living Wage, bearing in mind that one aspect to consider is that some companies will say that they can’t afford to pay the Living Wage.
- ✚ What areas can Exeter City Council influence in respect of pay?
- ✚ Employers need to be provided with evidence as to why it would be of benefit to introduce the Living Wage.
- ✚ A need to look at household income in tandem with the Living Wage.
- ✚ Obtain specific data regarding the wages of people who live in the City of Exeter.
- ✚ Survey a section of Exeter residents to find out if they work in Exeter and how many are paid below the Living Wage.
- ✚ Find out what the negative impacts of low pay are on businesses, individual and the public sector.
- ✚ Survey businesses to find out the cost of doing business and their thoughts around wages – particularly paying higher wages.
- ✚ Identify a Council that has already addressed these issues - could they visit the Forum to talk about their experiences and what they have done to resolve the issues?
- ✚ Produce an annual survey on earnings.

At the third meeting of the Forum, Members were able to hear from a representative of the Exeter branch of a national company regarding the Living Wage (which had recently been implemented by the company in its London outlets). The representative explained that the reason why they implemented the Living Wage (in London) was because they discovered that a lot of their staff were working three jobs at once – most people employed by them worked on part time contracts and implementation of the Living Wage was seen as allowing their employees to focus on one job and so that they could afford to eat properly. Feedback from staff in receipt of the Living Wage currently indicates that they are now able to concentrate on the one job and they can afford to look after themselves better. The company have also seen a reduction in the figures relating to sickness absence for employees and staff turnover. However, they hadn't rolled out payment of the Living Wage on a national level because it would prove too expensive. The main reason related to premises costs which currently ran at 26%. Taking this into consideration together with the expense of paying the Living Wage, the concept would fall "out of balance". The company would then be in a position where, if they paid the Living Wage nationally, they would be paying their staff more but wouldn't be able to afford the cost of the premises so shops would have to shut.

The Sub Groups also had the opportunity to report back to the Forum. A recurring theme indicated was a lack of accurate statistical data and further research was required and an issue which both Groups had identified. It had become clear that there were substantial gaps in the information and data currently available to the Forum and it would be unwise to base recommendations upon inaccurate information. In relation to what the Forum could hope to achieve within a reasonable timescale it was evident that a reliable baseline of statistics and information would be required (on a local level) so that trends could be monitored over a period of time. It was agreed that the Forum was ultimately looking for strategies and solutions in line with the key objectives they had set and if targeted, accurate evidence was available, this would allow Members to collectively establish a way forward. It was recognised that the success of Council policy and decision making is reliant upon sound and accurate information so that a balanced and informed view can be reached enabling sound policies to be invoked and good decisions to be reached.

More detailed, accurate and local research information could be achieved with assistance from Exeter University (Marchmont Observatory) and the Forum duly considered the University's research proposal.

The Forum established that the main question to ask was:-

"How much research do we need and what do we want to achieve?"

The main requirements were:-

- ❖ ***To obtain a clear set of indicators that we are confident in - a "Cost of Living dashboard" which can be used to inform policy making and decisions outside of the Forum.***
- ❖ ***To obtain a baseline of information on indicators.***
- ❖ ***To formulate a methodology which may be repeatedly used to collect information so that future trends can be measured.***

The Forum agreed to submit an interim report to Scrutiny Economy Committee requesting a recommendation to Executive for funding for the University research proposal. This research was seen as imperative to the continuation of this piece of work and further progression and ultimately recommendations could not be made without it.

The interim report was placed before Scrutiny Economy Committee on the 6th March 2014 and it highlighted that the results of the research could positively influence Council policy decisions in respect of Housing and Economy by:-

- Encouraging other employers to adopt the Living Wage.
- Driving up economic spend within the City if businesses are persuaded to adopt the Living Wage.
- Persuading employers to pay the Living Wage which could potentially decrease the burden on the State and the tax payer.
- To ascertain if improvements would be possible in respect of the Council's Housing Policy to increase affordability of housing thereby assisting Exeter residents.
- Providing good, reliable statistical information which would provide a sound basis for Council decisions in relation to investment.
- The results of the proposed research could be available to feed into and influence the 2014/2015 Scrutiny Work Programme.

The report recommendation was approved by Scrutiny Economy and on the 18th March 2014 the report was submitted to the Executive Committee which broadly welcomed this initiative. It was therefore resolved that the Executive would approve the research proposal and funding.

The Cost of Living Forum – where next?

The Cost of Living Forum represents an ongoing piece of work with Exeter University beginning their research in June 2014. Once the research has been completed the Cost of Living Forum will meet again to consider the results of the research and what potential impact it has in so far as implications are concerned together with establishing how the Council and its partners can make a direct difference to Exeter residents in respect of housing, wages, living costs and affordability.

Housing Allocation Scheme Task and Finish Group (Scrutiny Community)

The housing allocation system was identified as a priority area for review by Scrutiny Community. It was felt that the current system should be reviewed with consideration given to whether a streamlined and direct system for housing would be preferable to the current system. Exeter City Council could consider what schemes and systems other Local Authorities operated and compare these in order to see what worked well, what didn't and whether Exeter's existing scheme needed changing. Issues identified as causing problems with the current system included multiple bids and how Exeter allocates points. One of the main aims of the review was to ensure that a firm, but fair and robust system was in place which would naturally counteract these issues whilst ensuring that the public held a realistic expectation as to what Exeter City Council could offer.

Membership:-

Cllr Shiel (Chair)
Cllr Mitchell
Cllr Morris
Cllr Hannaford
Cllr Crow
Ms Bindu Arjoon (Assistant Director, Customer Access)
Mr Rupert Warren (Devon Home Choice Coordinator)
Mr Lawrence Blake (Housing Needs Manager)
Ms Sarah Richards (Housing Options Manager)

Remit:-

- Review how the Council allocates social housing stock available.
- What do we want any applicable Policy to achieve for us?
- What is the best model to deliver this objective? Does our current model deliver sufficiently or does the Council need to consider implementing a different model (with consideration given to available resources).

Review of this area would link in with the Councils aims and objectives by:-

- ❖ Meeting Housing Needs (Corporate Plan 2012 – 2014/Message from Leader).
- ❖ “Help me find somewhere suitable to live” (Corporate Plan 2012 – 2014/Our purposes).
- ❖ Ensuring that no-one spends a second night sleeping on the streets. (Corporate Plan 2012 – 2014/Key Actions).
- ❖ Preparing and consulting on the Affordable Housing Supplementary Planning Document to guide provision of affordable housing and the introduction of an increased requirement of 35%. (Corporate Plan 2012 – 2014/Key Actions).
- ❖ Setting fair and affordable council rents and using increased flexibility to decide how housing is allocated in Exeter. (Corporate Plan 2012 – 2014/Key Actions).
- ❖ Bringing privately owned empty homes back into use. (Corporate Plan 2012 – 2014/Key Actions).
- ❖ Encouraging the Private Sector Leasing and Extralet schemes to improve access to affordable private sector tenancies and drive up standards in private rental properties. (Corporate Plan 2012 – 2014/Key Actions).
- ❖ Improving the Council’s existing housing stock to high energy efficiency and sustainability standards. (Corporate Plan 2012 – 2014/Key Actions).
- ❖ “Providing suitable housing” and “Being a good landlord” in line with Portfolio Holder’s priorities.
- ❖ Ensuring that “The supply of housing should meet the needs of all members of the Community” (Core Strategy: Submission Core Strategy Policy CP5: Meeting Housing Needs : page 35).

The Group first met in December 2013 and it was soon established that it would be helpful to hear from a representative of a similar Authority to talk about their housing allocation scheme and how it worked. Firstly, the Group needed to review how the current housing allocation system worked in Exeter and the Devon Home Choice Coordinator was asked to provide a presentation which would encompass the history of the Devon Home Choice Scheme for the Group.

One aspect to consider was that as part of the Devon Home Choice Scheme, Exeter City Council enjoys a good working relationship with other landlords in Exeter (such as Housing

Associations for instance) and if the Council decided to depart from the Devon Home Choice Scheme that working relationship could be affected and this should be taken into account within the overall context of other issues.

The Group also identified a need for absolute statistics on why people are bidding and why they are turning down properties.

An overview of the Scheme was provided during the second meeting of the Group where it was explained that Devon Home Choice was a choice based scheme where properties were advertised. The Scheme is overseen by a management board consisting of representatives from all 10 Devon Authorities and 6 of the bigger Housing Authorities and if any changes to policy or approach are suggested the Members of the Board are required to take the proposals back to their individual Local Authority/Housing Association for approval.

The Scheme is meant to allow people the freedom to move around Devon but in actual fact it would appear that most people don't want to do that and would prefer to stay within their locality. Applicants can re-apply as many times as they like and bid for up to three properties a week on line. The Scheme is accessible to all which was construed as a potential flaw in itself because anyone could apply and therefore there are thousands currently on the waiting list. Applicants are placed in "Bands" and although Band E reflects those with no housing need, there had previously been a legal requirement to keep this band. However, since the Localism Act was introduced, this legal requirement became obsolete and therefore the Group considered that this was an aspect that could be changed to save Council resources in dealing with people, when in fact they had no discernible housing need nor chance of successfully bidding for a property.

The Group was interested to hear that other local Councils had recently reviewed this situation in respect of their schemes and some had now decided not to register Band E. Other Local Authorities were currently consulting on this issue particularly since the introduction of the Localism Act.

The figures available indicated that Exeter had more "Band B's" than other Authorities because of the way we assess Health and Well Being in connection with other organisations. It was highlighted that Band B contains a lot of people who are looking to move and contains a lot of "under occupiers", whereas Band A individuals were only in Band A for 4 weeks after which time they are actively reviewed to make sure that they are bidding.

Many aspects were discussed by the Group including preference to those who provide a positive community contribution and those people downsizing because of the tax implications.

It became clear that each individual Local Authority that was party to the Devon Home Choice Scheme could set the criteria of what they wanted as long as it was within the parameters of the Scheme. What became increasingly apparent to the Group was that the Devon Home Choice Scheme for Exeter required tailoring to Exeter's needs.

A representative from the Housing Department at Portsmouth Council attended the next meeting and informed the Group that Portsmouth operated a different housing allocation scheme which they devised themselves on the basis that it would primarily take into account the customers' needs which they felt were not being met under the previous scheme.

Portsmouth's current scheme was described as an "informed choice lettings scheme" working on a "triage" system which came into operation from the customer's first point of contact with the Council.

It was extremely beneficial for the Group to hear from the Portsmouth representative as its Members were able to ask a wide range of questions such as:-

- How does Portsmouth deal with the issue of particular people taking advantage of the system – for instance, people who put in multiple bids and refuse consecutive offers for questionable reasons?
- How does Portsmouth deal with the anti social behaviour issues? Are they tougher on these areas?
- Does Portsmouth have a "Band E"?
- Does Portsmouth award extra points for certain people? For instance, Armed Forces personnel or people in employment?
- How does the Portsmouth system work?
- What are Portsmouth's goals?
- How much interconnectivity is there between housing, council tax support and housing options? How far has Portsmouth gone with this aspect?
- Time taken to house people in relation to Portsmouth.
- How did the Welfare Reform affect Portsmouth?
- What measures do managers focus on at Portsmouth with regards to Housing Options?

As a result of the information provided by the Devon Home Choice Coordinator and the representative from Portsmouth Council, the Group was able to ascertain that Exeter City Council needed to:-

- Correct tenants' expectations to ensure a focus on those with higher need.
- Analyse property needs and housing standards and get the right balance which would be key to the success of the system (as the Council is often battling against limited resources and soaring demand).
- Test the implementation of ideas and changes in a "live" environment so that a proven concept is immediately available to ensure that the proposed changes would be sound. In other words, an absolute knowledge of what will happen is required so that the prospects of success are known beforehand, prior to changes being rolled out on a permanent basis.
- Ask the Customer exactly what they need when they come through the door, obtaining as much information as possible at the outset.
- Stem those who take advantage of the system by placing multiple bids and then refuse consecutive offers for questionable reasons.

The Housing Options Manager (working for Exeter City Council but also in connection with Teignbridge District Council) was able to provide the Group with valuable insight into how a local, neighbouring Authority is dealing with the issues which had been identified by the Group in relation to Exeter.

Following the Group's enquiries, the provision of information and Group discussion it was established that the following recommendations be made to the Scrutiny Community Committee for reference to the Executive for approval:-

- ✚ That the current Housing Allocation model (Devon Home Choice Scheme) should be kept and improved rather than replaced.
- ✚ Band E should be removed.
- ✚ A more efficient, fair, firm and cost effective way of managing the offers should be implemented therefore improving and streamlining service delivery and attracting savings – mainly by speaking with individuals face to face or over the 'phone rather than form filling and duplication of work.
- ✚ A culture change is needed within the Council when dealing with applicants. Changes in the way in which individuals are assessed are necessary, ie, the individual should not solely be assessed for their housing band but have their actual needs assessed and should then be directed towards the right Council Department or Organisation that would be in the best position to assist that individual and meet their "real" needs as this may not necessarily equate to a housing need.
- ✚ Drive towards finding the perfect accommodation for that specific individual first time (as per the Portsmouth model). Refusals are time consuming to deal with from a housing management point of view and finding out far more data at the outset along with multiple viewings should reduce the number of refusals.
- ✚ Three refusals should be the maximum allowed for each individual.
- ✚ The proposed changes should be the subject of a 6 week consultation before implementation, and this could be carried out by utilising mainly on line enquiries to stem the cost of the consultation. The consultation would include external partners such as Devon County Council, voluntary sector agencies, individuals who are on the housing register, partner housing associations and members of staff from whom views would be sought as to the proposed changes.
- ✚ There should be a 2 year residency test in order to establish the eligibility to apply for accommodation (in line with the Government's new Statutory guidance in this respect).
- ✚ Change the way in which properties are advertised – this was suggested as a selective measure rather than a blanket proposal and a change in advertising could be used as a tool with which to keep an area "balanced".
- ✚ Extra points should be made available, for instance, to people if they are able to demonstrate a need to stay in a particular part of the city because it is convenient for work, such as they currently walk or cycle to work, therefore moving would incur extra costs to a low income household, or, in an area/housing complex where there is a high number of long term workless households and the Council needs to help encourage a more balanced and sustainable approach.
- ✚ The Council could amend the current Housing Policy to protect against the concern that an individual could be the subject of

redundancy therefore putting that individual in a “non working” situation which is not of their making and which could, if the Council were not astute, place that individual at a disadvantage for the purposes of the Housing Register.



Utilising local lettings plans so that a balance of different individuals with different needs is maintained.

The Assistant Director, Customer Access and the Housing Needs Manager are currently preparing their report encompassing these recommendations.

Procurement Task and Finish Group (Audit and Governance)

The Audit and Governance Committee highlighted Procurement as an area which would benefit from specific review as it was apparent that the current process contained flaws which needed addressing. At present procurement is mostly dealt with on a “department by department” basis which demonstrates a real need to “join up” the areas. The Council needs to be sure that the statutory and legal obligations in respect of procurement are certainly understood by all those dealing with this area. The Legal Services Department and the Housing and Contracts Officer have already carried out work, in the interim, by updating the Council’s contract regulations, but this represented only one aspect of that which required addressing.

At the first meeting of this Group, it became apparent that some progress had already been made as an agreed budget was now in place for a dedicated Procurement Officer. However, that Officer had not been appointed yet and a Job Evaluation exercise was in the process of being set prior to advertisement of the post.

The Group was cautious of progressing this Task and Finish Group because any suggested improvements or changes to the procurement system could not be implemented until a Procurement Officer had come into post. However, the Group was keen to discuss the issues and set a scope.

Two key areas which the Group highlighted as key areas for consideration related to “compliance” and “minimising risk” and it agreed that it may be helpful to look at other Local Authorities to see how they dealt with these issues and the procurement process in general.

Members felt that a more efficient procurement process would potentially maximise the value of contracts entered into by the Council and ensure that the Council is getting the best deal, with the potential to save money in the process.

The Group heard from the Corporate Manager, Legal Services who highlighted points for the Group’s consideration, such as:-

- Part of the role of the Procurement Officer would be to see how the Council can procure goods and services at good value.
- Procurement has to be within a legal framework as the potential litigious and economic risks are high if the Council get it wrong.
- There is an opportunity for the Council to save money on existing contracts.
- The current procurement process could be improved.

- There is a need for a robust training programme for Members and Officers, once a dedicated Procurement Officer is in post. Such training could also be offered within the Induction Training for Members.
- Standing Orders relating to Procurement will need to be the subject of revision and this task will be possible once the Procurement Officer is in post.
- Officers need to work out what the value of the contract is and this is where experience and expertise is currently lacking.
- Effective contract management is required as well as a good procurement process.
- Procurement is a massive area taking into account entering into contracts, the management of those contracts and the relationship with people involved in those contracts both internally and externally.

Following discussions, the Group was able to establish issues which required specific consideration and these related to:-

- Compliance and risk – to minimise the chance of litigation against the Council.
- Value – are we getting the best value out of our contracts?
- Impact of our commissioning decisions.
- Training/member briefing on Procurement.
- Consideration of impact areas.
- Guidelines available for any Service Manager who needs to procure.

The Group also felt that there may be a need to look at commissioning models in order to consider alternative models; to look at how many contracts are outsourced and to review service delivery. As procurement is such a wide ranging subject, the Group identified that it must tailor its review to specific areas. The following questions required answers:-

“What’s out there?”

“What’s acceptable?”

“Are we achieving value for money?”

The Group agreed that it would be helpful to schedule the next meeting once the Procurement Officer was in post as it would be crucial for this Officer to have input into this Group because the Officer would be responsible for implementing changes or improvements to the procurement process.

The Scrutiny Work Programme 2014/2015 : Current Aims, Existing Workload and Target

Following the progress made in respect of the Council’s scrutiny function over the past 10 months and since the appointment of a dedicated Scrutiny Programme Officer, it is now possible to more effectively organise the Scrutiny Work Programme for the year ahead, liaising with Members to identify priority areas for investigation, set tasks, set targets and project some of the existing Task and Finish Group work for the 12 month period ahead.

The following points do not take into account the Task and Finish Group suggestions that will be provided by Members at the Annual Work Programme Meeting (in July 2014), but is designed to provide a flavour of the direction of the Scrutiny Work Programme for the year ahead:-

- Members and Officers to re-assess the existing Scrutiny Work Programme for 2014/2015 through the Annual Scrutiny Work Programme Meeting (14/07/14).
- Members to identify areas for possible Task and Finish Group investigation and prioritise these, particularly against other areas identified during the 2013/2014 programme.
- Scrutiny system changes (already identified) to be implemented subject to Executive and Full Council approval.
- To continue the work of the Cost of Living Forum to identify how Exeter City Council and its partners may improve the quality of life and affordability of living for the residents of Exeter.
- Health and Well Being - to instigate the scrutiny of the Public Health Plans (in line with DLGSG recommendations).
- To instigate scrutiny review of the Housing Revenue Account.
- To conduct a spotlight review of the Council's current twinning arrangement and funding.
- To conduct a spotlight review of Community Patrol and the need for Out of Hours Operatives.
- To continue with the work of the existing Procurement Task and Finish Group.
- To reach and exceed a target of 8 Task and Finish Groups to be completed within the period 1st August 2014 to 30th April 2015.

Possible improvements based on the experiences of 2013/2014

- Task and Finish Group member nominations should be received more quickly. Therefore, nominations will be requested following the Annual Scrutiny Work Programme meeting (scheduled on the 14th July 2014) and will be required by 29th July 2014 (Full Council Meeting). This will enable the Task and Finish Group workload to be structured with the initial Groups commencing from August 2014. This will minimise delay whilst maximising the potential volume of Task and Finish Groups for the period running between 1st August 2014 to 30th April 2015.
- To improve the collaborative working relationship between the Scrutiny Committees and the Executive, inviting Members with a leading role in both Scrutiny and Executive Committees to the regular Scrutiny "rolling review" meetings.
- To encourage Members to utilise "spotlight reviews".

Conclusion and Thanks

Scrutiny is an ever evolving process at both local and national level and improvements to the scrutiny function should be viewed as an ongoing process with continued improvement in mind. The Scrutiny process provides Members with the chance to examine the workings of the Council and get directly involved in the development of Council policy. Through effective scrutiny, Members can ensure that the work of the Council is subject to democratic checks and that the provision and delivery of services is continually improved where possible. It

also presents an opportunity for the views and needs of the local community, stakeholders and local organisations to be taken into account.

Members' suggestions covering all aspects of scrutiny, including topics for potential investigation, are always welcomed during formal scrutiny committee meetings or via direct contact with the Scrutiny Programme Officer or Chairs/Deputy Chairs of the relevant Scrutiny Committees.

Successful scrutiny function depends upon maintaining a good, collaborative working relationship between Members and Officers throughout the Council together with external partners, local people and communities which will serve to maximise the potential benefits in many areas not only for the Council, but more importantly, the residents of Exeter. The Scrutiny Programme Officer would like to take this opportunity to thank all those Members, officers and external organisations who have participated in the Task and Finish Groups and consultations to date.

For further details regarding scrutiny at Exeter City Council please contact the Scrutiny Programme Officer:-

Anne-Marie Hawley (Democratic Services)
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(01392) 265110

EXETER CITY COUNCIL

REPORT TO: SCRUTINY COMMITTEE - COMMUNITY
DATE OF MEETING: 17 JUNE 2014
REPORT OF: ASSISTANT DIRECTOR FINANCE
TITLE: HOUSING REVENUE ACCOUNT FINAL ACCOUNTS 2013-14

Is this a Key Decision?

No

Is this an Executive or Council Function?

No

1. What is the report about?

To advise Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2014 in respect of the Housing Revenue Account and the Council's new build schemes.

An outturn update in respect of the HRA Capital Programme is also incorporated into this report in order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

2. Recommendations:

That Members note the content of this report.

3. Reasons for the recommendation:

The Housing Revenue Account is a statutory account and local housing authorities have a duty to keep an HRA in accordance with proper accounting practices and to review the account throughout the year. Members are presented with a quarterly financial update in respect of the HRA and this is the final report for 2013-14.

4. What are the resource implications including non financial resources

This is the second financial year that the HRA has operated since the introduction of self-financing in April 2012. Self-financing enables stock holding authorities to retain the income they collect from rents for local re-investment, so that they are in a position to support their own stock from their own income.

Self-financing provides a clearer relationship between the rent a landlord collects and the services they provide. The financial resources required to deliver services to Council tenants during 2013-14 are set out in the body of this report.

5. Section 151 Officer comments:

This report has been prepared on behalf of the Section 151 Officer to set out the financial position of the Housing Revenue Account, as at 31 March 2014, ahead of their inclusion in the Council's annual Statement of Accounts.

6. What are the legal aspects?

The Housing Revenue Account is framed by the Local Government and Housing Act 1989. This Act created the ring-fence and the structure within which the HRA operates and covers the detailed operation of the HRA, including the credits (income) and debits (expenditure) which make up the account.

7. Report Details:

HRA Final Accounts to 31 March 2014

7.1 Key Variations from Budget

The 2013-14 financial year has ended with an overall net deficit of £327,077. This represents a decrease of £1,206,837 compared to the revised budgeted surplus of £879,760, of which a projected overspend of £1,037,024 has previously been reported to this committee as part of the quarterly budget monitoring updates.

Summarised below are the main deviations from budget for the financial year. Please also refer to Appendix 1.

Budget Heading	Budget Variance Reported in December (Under)/Overspend (£879,760)	Actual Budget Variance (Under)/Overspend (£879,760)	Explanation
Budgeted Surplus			
Management Costs	£81,194	£104,895	<ul style="list-style-type: none"> Costs in respect of the Housing Development Team have been charged to the HRA in accordance with proper accounting practices, in order to reflect the time spent by the team in connection with the development of new council housing. A higher than budgeted recharge in respect of the Contracts Unit was made for 2013-14. This partly relates to additional housing stock condition work undertaken during the last quarter of the financial year in order to better inform HRA asset management plans Reflects redundancy costs associated with the restructure of resident involvement following Executive approval in November 2013.
Sundry Land Maintenance	£12,000	£15,564	<ul style="list-style-type: none"> Increased weed control costs as the number of weed sprays of housing estate land increased from 2 to 3 per year with additional sites added. Additional works to trees required in the wards surveyed during

			2013-14 including; Alphington, St Thomas, St James, Priory and Topsham. Works to trees with storm damage was also required in the last quarter of the financial year.
Repairs and Maintenance Programme	£891,000	£974,245	<ul style="list-style-type: none"> • The cost of general maintenance to council dwellings exceeded the budget by £630k. As reported to this committee during the year, this is due to a rise in the number of reactive repairs reported during the financial year. The prolonged wet weather and high winds also contributed to the pressure on this budget head due to an increase in the number of reported leaks, damp ingress and roof repairs in the last 3 months of 2013-14. This was highlighted as a budgetary risk in December. • An overspend of £680k occurred in respect of repairs to void properties which reflects an increased number of empty properties along with a higher proportion of properties requiring more extensive work in order to return them to a lettable standard. The increased number of void properties is believed to be, in part, linked to the welfare reforms, with more tenants seeking to downsize in response to the 'bedroom tax'. This pattern has been experienced across the social housing sector.

			<p>The extent of the overspend is £70k less than forecast in December.</p> <p>Implementation of the action plan to address this area of budgetary pressure, specifically the formation of a dedicated voids team to reduce void times and control costs, has helped reduce the level of overspend.</p> <ul style="list-style-type: none"> • Savings in asbestos removal costs (£210k) have been achieved as much of this work is now undertaken within the General Maintenance contract in accordance with contractual obligations. • An underspend of £86k also occurred in respect of external painting works to dwellings due to a combination of time taken to consult with leasehold flat owners and adverse weather over the last 3 months of 2013-14. These factors were highlighted as posing budgetary risks in December. A supplementary budget will be sought in order to carry forward the balance unspent into 2014-15.
Revenue Contribution to Capital	(£112,280)	(£112,275)	<ul style="list-style-type: none"> • The acquisition of four flats at Dean Clarke House will not be completed until 2014-15 as they form part of the site not scheduled for conversion until later this year. The associated revenue monies required to finance their acquisition will therefore not be required until next

			financial year.
Capital Charges	£136,110	£136,373	<ul style="list-style-type: none"> A higher than budgeted depreciation charge was made in respect of HRA dwellings for 2013-14 due to a change in the asset valuation. For the HRA the depreciation charge represents the amount of monies required to be set aside in the Major Repairs Reserve to provide for the future cost of capital works to housing assets.
Rents	£29,000	£91,494	<ul style="list-style-type: none"> Slightly less rental income from dwellings was received during the financial year which mostly related to the higher number of void properties, however this was partly mitigated by a lower than anticipated level of bad debts due to delays implementing Universal Credit. Lower than budgeted rental income from garages was received due to a higher level of void garages, including twenty three garages at Newport Road which were vacated during 2013-14 so that the site can be cleared to allow the development of new council homes as part of COB Wave 2.
Interest	£0	(£3,460)	<ul style="list-style-type: none"> Minor budget variance
Total budget variances	£1,037,024	£1,206,837	
HRA deficit	£157,264 December forecast	£327,077 Actual	Transfer from HRA Working Balance

7.2 HRA Working Balance

The total budget variances for 2013-2014 have resulted in a deficit of £327,077, which has been met by a transfer out of the HRA working balance, as set out below.

The HRA Working Balance represents amounts set aside to help facilitate service improvements, repay debt or to provide investment in the stock in future financial years.

Movement	2013/14
Opening HRA Working Balance, as at 1/4/13	£6,290,296
Deficit for 2013/14	(£327,077)
Balance resolved to be retained (HRA contingency)	(£3,000,000)
Balance Available, as at 31/3/14	£2,963,219

7.3 Major Repairs Reserve

Under self-financing Councils are expected to set aside some of their income each year into the Major Repairs Reserve, in order to ensure appropriate provision is made towards financing future capital works or to repay debt. The balance held in the reserve at the end of the financial year is set out below:

Movement	2013/14
Opening Major Repairs Reserve, as at 1/4/13	£2,269,804
Revenue monies set aside during 2013/14	£2,323,273
Amount used to finance capital expenditure during 2013/14	(£809,353)
Balance, as at 31/3/14	£3,783,724

7.4 HRA Capital Programme

The 2013-14 HRA Capital Programme was last reported to this Committee on 4 March 2014, since that meeting the following changes have been made that have reduced the programme.

Description	2013/14	Approval / Funding
HRA Capital Programme, reported as at 4 March	£9,558,230	
Budgets deferred to future financial years	(£1,303,770)	Executive 1 April 2014
Underspends declared	(£141,000)	Executive 1 April 2014
St Loyes Design Fees	£45,000	Transfer from General Fund Capital
Acquisition of 1A North Lawn Court	£136,150	Delegated powers 9 December 2013
Revised HRA Capital Programme	£8,294,610	

7.5 HRA Capital Expenditure

The total amount of HRA capital expenditure for 2013-14 was £7,452,580, which equates to 90% of the revised approved capital programme (as set out above). The nature of capital investment for the financial year comprises:

HRA Capital Expenditure	£
Capital investment in existing stock	6,709,677
Capital investment in the provision of new council homes	742,903
Total HRA Capital Expenditure	7,452,580

A detailed list of HRA capital budgets and actual expenditure is set out in Appendix 2.

7.6 Capital Variances from Budget

The details of key variances from budget are set out below:

Scheme	Forecast Overspend / (Underspend)	Explanation
Re-pointing	(£17,599)	From 2014-15 these works have been re-classified as revenue expenditure in accordance with proper accounting practice. The unspent balance will therefore not be carried forward in the capital programme.
Communal Areas	(£36,705)	Further significant spend of this budget is pending the outcomes of a prioritisation process for the next phase of improvements to communal areas including the provision of new flooring, doors and glazing. The budget for 2014-15 is considered sufficient for the next phase of works.
Electrical Re-wiring	(£113,002)	A worst case scenario was adopted for the cost of electrical re-wires, whereby it was considered that a high proportion of electrical tests would identify a full property re-wire in accordance with health and safety regulations. However, a saving has occurred due to a lower number of necessary re-wires.
Central Heating Programme	(£61,074)	A saving has occurred following a lower than anticipated number of system replacements as recommended through the routine inspection regime.
Boiler Replacement Programme	(£60,729)	A saving has occurred following a lower than anticipated number of boiler breakdowns during the Winter months.
Scheme	Budget to be deferred to 2014/15	Explanation
COB Wave 2 – Newport Road	£95,993	It was previously reported that works on site were hoped to commence in January 2014. However, following the tendering process it was necessary to undertake a value
COB Wave 2 – Whipton Methodist Church	£64,798	
COB Wave 2 – Bennett Square	£73,029	

		engineering exercise to realign costs with approved budgets and this has resulted in a minor delay.
St Loyes Design Fees	£45,000	Design works to progress the Extra care scheme are pending the appointment of a project manager and other key consultants.

7.7 HRA Capital Financing

The total HRA capital expenditure for 2013-14 will be financed as follows:

HRA Capital Finance	£
Major Repairs Reserve	809,353
Revenue Contribution to Capital	5,607,605
Capital Receipts	821,651
External Grants/Contributions	213,971
Total HRA Capital Financing	7,452,580

The impact on the capital resources available to the HRA over the next 3 years is set out in Appendix 3.

7.8 HRA Debt

The Government have put a limit on the amount of borrowing the authority can have for the purposes of the HRA, called the 'debt cap'. As at 31 March 2014, the amount of debt attributable to the HRA remains up to its 'debt cap' of £57,882,413.

8. Council Own Build (COB) Final Accounts to 31 March 2014

The Council's own build properties at Rowan House and Knights Place form part of the overall Housing Revenue Account, but separate income and expenditure budgets are maintained in order to ensure that they are self-financing.

8.1 Key Variations from Budget

The 2013-14 financial year has ended with an overall net surplus of £30,014, which will be transferred to the COB working balance. This represents a minor decrease of £4,056 compared to the budgeted transfer to the working balance of £34,070.

8.2 The main variations are detailed below, please also refer to Appendix 1:

MU Code	Management Unit	Budget Variance Overspend / (Underspend)	Explanation
85B5	COB	£4,056	Rental income has been lost this financial year as properties have remained empty at Knights Place whilst snagging issues are resolved. This will form part of a claim to the main contractor and has been highlighted as an area of budgetary risk throughout the financial year.

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

The Housing Revenue Account contributes to two key purposes, as set out in the Corporate Plan; help me find somewhere suitable to live and maintain our property assets.

- 10. What risks are there and how can they be reduced?**
Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates. An action plan to address the key areas of budgetary risk in the HRA, namely voids and general (reactive) repairs, was reported in March 2014 and is attached as Appendix 4, for reference.
- 11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**
No impact
- 12. Are there any other options?**
No

Assistant Director Finance

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

Background papers used in compiling this report:

None

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

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HOUSING REVENUE ACCOUNTS BUDGET MONITORING 2013-14

APPENDIX 1

APRIL 2013 TO MARCH 2014

Code	Approved Annual Budget	December Outturn Forecast	2013-2014 Outturn	Variance To Budget £	Variance To Budget %
85A1	£ 2,758,140	£ 2,839,334	£ 2,863,035	104,895	3.8
85A3	265,330	277,330	280,894	15,564	5.9
85A4	4,879,230	5,770,230	5,853,475	974,245	20.0
85A5	5,719,880	5,607,600	5,607,605	(112,275)	(2.0)
85A6	2,186,900	2,323,010	2,323,273	136,373	6.2
85A8	(18,624,000)	(18,595,000)	(18,532,506)	91,494	(0.5)
85B2	1,934,760	1,934,760	1,931,300	(3,460)	(0.2)
85B4	879,760	(157,264)	(327,077)	(1,206,837)	(137.2)
Variance in Working Balance					
Net Expenditure	0	0	0	0	
Working Balance	6,290,296			5,963,219	
1 April 2013					
31 March 2014					

COUNCIL OWN BUILD SITES

Code	Approved Annual Budget	December Outturn Forecast	2013-2014 Outturn	Variance To Budget £	Variance To Budget %
H006	£ (6,260)	£ (8,260)	£ (8,696)	(2,436)	38.9
H007	(45,620)	(41,620)	(36,958)	8,662	(19.0)
H008	7,530	7,530	4,855	(2,675)	(35.5)
H009	10,280	8,960	10,785	505	4.9
Variance in Working Balance	34,070	33,390	30,014	(4,056)	(11.9)
Working Balance	73,498			103,512	
1 April 2013					
31 March 2014					

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**2013-14
CAPITAL MONITORING TO 31 MARCH 2014**

		2013-14 Capital Programme	2013-14 Spend	2013-14 Budget to be Carried Forward to Future Years	2013-14 Programme Variances Under ()
	HRA CAPITAL	£	£	£	£
7HHOME	EVERYONE HAS A HOME				
Z4212	Adaptations	630,000	619,136		(10,864)
Z4402	Rendering of Council Dwellings	275,670	241,289	18,500	(15,881)
Z4502	MRA Fees	389,030	385,128		(3,902)
Z4702	Communal Door Entry System	10,000	10,144		144
Z4703	Environmental Improvements - General	41,000	43,587	0	2,587
Z4705	Programmed Re-roofing	300,000	284,688	15,312	0
Z4709	Energy Conservation	120,960	120,558	402	0
Z4718	LAINGS Refurbishments	290,280	263,425	26,855	0
Z4717	Smoke Detectors Replacements	0	1,772	(1,772)	0
Z4719	Kitchen Replacement Programme	2,297,830	2,263,121	34,709	0
Z4724	Bathroom Replacements Programme	867,990	863,139	4,851	0
Z4740	Other Works	61,670	84,554	(22,884)	0
Z4741	Repointing	50,000	32,401		(17,599)
Z4742	Fire Precautionary Works to Flats	282,330	275,243	7,087	0
Z4743	Communal Areas	86,530	23,185	26,640	(36,705)
Z4745	Structural Repairs	27,380	12,993	14,387	0
Z4746	Fire Alarms at Sheltered Accommodation	127,820	112,522	15,298	0
Z4747	Replacement Concrete Canopies	48,690	45,979		(2,711)
Z4752	Flood Prevention Works	10,000	0	10,000	0
Z4755	Rennes House Structural Works	10,000	24,163	(14,163)	0
Z4802	Electrical Re-wiring	560,000	422,368	24,630	(113,002)
Z4901	Central Heating Programme	413,150	317,889	34,187	(61,074)
Z4903	Boiler Replacement Programme	370,000	262,391	46,880	(60,729)
	HOUSING REVENUE ACCOUNT TOTAL	7,270,330	6,709,677	240,919	(319,732)
	COUNCIL OWN BUILD CAPITAL				
Z3214	COB Wave 2 - Rennes Car Park	50,000	56,650	(6,650)	0
Z3215	COB Wave 2 - Newport Road	185,352	89,359	95,993	0
Z3218	COB Wave 2 - Whipton Methodist Church	222,672	157,874	64,798	0
Z3219	COB Wave 2 - Bennett Square	163,277	90,248	73,029	0
Z3220	St Loyes Design Fees	45,000	0	45,000	0
Z3248	Phase 3 Professional Fees	10,340	1,135	9,205	0
Z4751	Acquisition of Social Housing	347,640	347,637		(3)
	COUNCIL OWN BUILD TOTAL	1,024,281	742,903	281,375	(2)
	OVERALL HOUSING REVENUE ACCOUNT TOTAL	8,294,611	7,452,580	522,294	(319,734)

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APPENDIX 3

HOUSING REVENUE ACCOUNT	2013-14 £	2014-15 £	2015-16 £	2016-17 £	TOTAL £
CAPITAL RESOURCES AVAILABLE					
Usable Receipts Brought Forward					1,263,927
Major Repairs Reserve Brought Forward					2,269,804
Other HRA Sales	97,171	176,000	0	0	273,171
RTB sales	1,518,426	750,000	500,000	350,000	3,118,426
Major Repairs Reserve	2,323,273	2,356,390	2,356,390	2,356,390	9,392,443
Revenue Contributions to Capital	5,607,605	6,438,286	4,829,774	7,852,550	24,728,215
External contributions from utility company	213,971	0	0	0	213,971
HCA funding	0	0	0	700,000	700,000
Commuted sums	0	300,000	1,490,225	2,009,775	3,800,000
Total Resources available	9,760,446	10,020,676	9,176,389	13,268,715	45,759,957
CAPITAL PROGRAMME					
HRA Capital Programme	7,452,580	10,335,364	7,477,274	8,357,732	33,622,950
St Loyes Extracare Scheme		373,058	1,490,225	4,129,592	5,992,875
Overspends / (Savings)					0
Slippage - September		1,659,617			1,659,617
Slippage - December		1,303,769			1,303,769
Slippage - March		477,216			477,216
Total Housing Revenue Account	7,452,580	14,149,024	8,967,499	12,487,324	43,056,427
UNCOMMITTED CAPITAL RESOURCES:					
Usable Receipts Brought Forward	1,263,927	2,057,869	1,050,665	1,050,665	1,263,927
Major Repairs Reserve Brought Forward	2,269,804	3,783,728	662,584	871,474	2,269,804
Resources in Year	9,760,446	10,020,676	9,176,389	13,268,715	42,226,226
Less Estimated Spend	(7,452,580)	(14,149,024)	(8,967,499)	(12,487,324)	(43,056,427)
Uncommitted Capital Resources	5,841,597	1,713,249	1,922,139	2,703,530	2,703,530
WORKING BALANCE RESOURCES:					
Balance Brought Forward	6,290,296	5,963,219	4,853,583	5,727,067	6,290,296
HRA Balance Transfer - Surplus/(Deficit)	(327,077)	(1,109,636)	873,484	(1,849,451)	(2,412,680)
Balance Carried Forward	5,963,219	4,853,583	5,727,067	3,877,616	3,877,616
Balance Resolved to be Retained	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
	2,963,219	1,853,583	2,727,067	877,616	877,616
TOTAL AVAILABLE CAPITAL RESOURCES	8,804,816	3,566,832	4,649,206	3,581,146	3,581,146

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Appendix 4

ACTION PLAN

Officers have taken the following actions to address the key areas of budget pressures in the HRA, namely voids and general (reactive) repairs:

- The current voids standard has been reviewed by the new Assistant Director of Housing to ensure it does not represent an 'over-provision' of service. His view is that the standard is reasonable.
- A dedicated voids team has been set up to reduce void times and closely monitor costs.
- The cost of every void is now being scrutinised and challenged by a senior manager.
- A new 'pre-void' inspection regime has been put in place for all transfers between Council properties.
- A review of the existing contractual arrangements for voids work has been undertaken to achieve a reduction in decorating costs (a major component of voids expenditure) and to explore the option of a 'fixed price' contract for all voids work in 2014/15.
- Some works have been moved to the programmed works budget and re-tendered, which is reducing costs.
- Work has been done to understand the factors driving the budget position for both voids and reactive repairs and this in turn has led to a fundamental reappraisal of the way our tenants and assets are being managed. This will form the basis of a major restructuring of the landlord services function.
- Budgets for 2014/15 have been reset to reflect anticipated actual demand rather than simply being increased incrementally, which should significantly reduce budget variances.
- Council staff are now proactively visiting properties where we become aware of potential maintenance issues as a by-product of other contact with the property (by contractors or others).
- The level of reactive repair requests by property is currently being analysed and visits arranged to those properties that appear to be generating a disproportionate number of maintenance requests.
- Early discussions are taking place about a far more robust approach to debt recovery where unacceptable damage has been caused to our assets, but this work needs to be done in conjunction with the 'one view of debt' team to ensure that we understand the wider implications for the Council.

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EXETER CITY COUNCIL

REPORT TO: SCRUTINY COMMITTEE - COMMUNITY
DATE OF MEETING: 17 JUNE 2014
REPORT OF: ASSISTANT DIRECTOR FINANCE
TITLE: COMMUNITY SERVICES FINAL ACCOUNTS 2013-14

Is this a Key Decision?

No

Is this an Executive or Council Function?

No

1. What is the report about?

To advise Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2014 in respect of Community Services.

An outturn update in respect of the Community Capital Programme is also incorporated into this report in order to help provide a comprehensive financial update in respect of the Scrutiny Committee – Community budgets.

2. Recommendations:

That Members note the content of this report.

3. Reasons for the recommendation:

Local authorities have a statutory duty to set and monitor their budgets during the year and to take any actions necessary because of potential overspending or potential shortfalls in income. Members are therefore presented with a quarterly financial update in respect of Community Services and this is the final report for 2013-14.

4. What are the resource implications including non financial resources

The financial resources required to deliver Community Services during 2013-14 are set out in the body of this report.

5. Section 151 Officer comments:

This report has been prepared on behalf of the Section 151 Officer to set out the financial position of Community Services, as at 31 March 2014, ahead of their inclusion in the Council's annual Statement of Accounts.

6. What are the legal aspects?

Part 2 of the Local Government Act 2003 provides the legislative framework for the process of setting and managing budgets. In particular, Section 28 of the 2003 Act requires local authorities to monitor their budgets during the financial year.

7. Report Details:

Community Services Final Accounts to 31 March 2014

7.1 Key Variations from Budget

The final actual outturn has now been calculated and the report below highlights the major differences by management unit from the approved annual budget after adjusting for supplementary budgets and excluding the variance on capital charges.

The total variance for the year shows a deficit of £107,592 after transfers from reserves and revenue contributions to capital, as detailed in Appendix 1. This represents a variation of 1.08% from the revised budget.

7.2 The significant variations by management are:

MU Code	Management Unit	Over / (Underspend)	Detail
81A1	Environmental Protection	63,870	<ul style="list-style-type: none"> • Redundancy costs arising from the deletion of the posts of Environmental Health Manager and two Environmental Health Assistants. • Underspends on supplies and services budgets (equipment, kennelling and publications). • Support service recharge in respect of Legal Services less than budget.
81A3	Health & Safety, Licensing & Commercial	(67,833)	<ul style="list-style-type: none"> • Income from licensing exceeded the budget • Saving on pay and agency staff budgets. • Support service recharge in respect of Information Technology, Legal Services and Human Resources less than budget.
81A4	Public Safety	626	<ul style="list-style-type: none"> • Redundancy costs arising from the deletion of a Community Patroller post • Electricity costs exceeded the budget • Income exceeded the budget
81A6	Grounds Maintenance	89,611	<ul style="list-style-type: none"> • Cost of dealing with illegal campers partially offset by additional income and cost savings. • Arboricultural costs exceeded the budget. • Rents received exceeded the budget. • Area of Budgetary Risk – see Appendix 3 • Underspend on the AIM priorities budget in respect of works at Rougemont Gardens, budget carry forward required.
81B2	Bereavement Services	(29,924)	<ul style="list-style-type: none"> • Income slightly below budget, previous projection anticipated budget being exceeded at year end. • Underspend on equipment and transport budgets. • Redundancy costs arising from the deletion of the post of Bereavement Services and Cemeteries Manager. • AIM service and maintenance costs less than budget.
81C2	SHS - Advisory Services	445,057	<ul style="list-style-type: none"> • Void and reactive repairs costs exceeded budget partially offset by recharge of costs. • Additional expenditure on homeless prevention initiatives. • Salary budgets – savings due to vacancies • Year end figure in respect of income received from Housing Benefits significantly less than previously reported. Area of Budgetary Risk – see Appendix 3. • Surplus on Devon Home Choice – transferred to earmarked reserve.

MU Code	Management Unit	Over / (Underspend)	Detail
81C3	SHS – Housing Development	(60,300)	<ul style="list-style-type: none"> • Additional consultants fee expenditure offset by a transfer from earmarked reserves and S106 income. • Additional income from recharge of costs for time officers spend on Housing Revenue Account related work. • Support Service Recharges less than budget.
81C4	Private Sector Housing	(42,100)	<ul style="list-style-type: none"> • Pay savings due to vacancies, partially offset by agency staff costs. • Income from HMO (Houses in Multiple Occupation) licences exceeded the budget. • Support Service Recharges less than budget.
81D2	Domestic Refuse Collection	40,184	<ul style="list-style-type: none"> • The cost of purchasing bins less than the budget. • The cost of operating the Domestic Refuse service was anticipated to be less than budgeted due to the transfer of some costs to the Garden Waste Collection service. • Casual agency staff costs exceeded the budget resulting in the cost of the service being higher than previously projected.
81D4	Street Cleaning	(101,604)	<ul style="list-style-type: none"> • The implementation of the Living Wage has had a material impact in this service. • Overtime budget underspent and saving on expenditure on replacing litter bins.
81D5	Public Conveniences	(30,739)	<ul style="list-style-type: none"> • Reduced water costs. • AIM service & maintenance and reactive repairs costs less than budget.
81D6	Cleansing Rechargeable Services	(52,061)	<ul style="list-style-type: none"> • Reduced trade waste disposal costs. • Costs of operating the Garden Waste Collection service exceeded the budget due to the transfer of some costs from the Domestic Refuse Collection service. • Income from trade recycling and trade refuse collection less than the budget, partially offset by additional income from special collections and green waste bin hire.
81D7	Exton Road Overheads and Fleet Management	(19,696)	<ul style="list-style-type: none"> • A refund of NNDR (National Non Domestic Rates) relating to prior years was received. • Staff vacancies have resulted in savings on pay budgets.
81D8	Recycling	(100,297)	<ul style="list-style-type: none"> • The implementation of the Living Wage has a material impact in this service. • Additional superannuation and agency staff costs. • Following the agreement of a new contract for

MU Code	Management Unit	Over / (Underspend)	Detail
			<p>the sale of some recyclates, the income from sale of recyclates exceeded the budget.</p> <ul style="list-style-type: none"> • Savings have been achieved on haulage costs. • Area of Budgetary Risk – see Appendix 3

8. Capital Budget Monitoring to 31 March 2014

To report the year-end position in respect of the Community Capital Programme and to update Members with any cost variances, acceleration of projects or slippage of schemes into future years.

8.1 Revisions to the Community Capital Programme

The 2013-14 Capital Programme, including commitments brought forward from 2012-13, was last reported to Scrutiny Committee – Community on 4 March 2014. Since that meeting the following changes have been made to the programme:

Description	£	Approval/Funding
Capital Programme, as reported to Scrutiny Committee – Community 4 March 2014	3,391,150	
Budget Deferred to 2014-15 & Beyond at Quarter 3	(326,940)	Approved by Executive 1 April 2014
Wessex Home Improvement Loans	28,500	S106 funding
Disabled Facilities Grants	12,730	Contribution from Devon County Council
St Loyes Design Fees	(45,000)	Budget transferred to the HRA
Revised Capital Programme	3,060,440	

8.2 Performance

The Community Capital Programme is detailed in Appendix 2. The appendix shows a total spend of £2,163,228 in 2013-14 with £893,970 of the programme deferred until 2014-15.

8.3 Capital Variances from Budget

No variances or issues concerning expenditure have arisen since 31 December for this committee.

8.4 Capital Budgets Deferred to 2014-15

Schemes which have been identified since 31 December as being wholly or partly deferred to 2014/15 and beyond are:

Scheme	Revised 13-14 Budget £	Budget to be Deferred £	Reason
Play Area Refurbishments	353,410	131,210	Schemes at Bull Meadow, Crossmead and Cowick Barton will now be undertaken in 2014/15
Refurbishment and Upgrade of Paddling Pools	149,720	27,460	Most of the work was completed in 2013/14 with the remainder being carried out in early 2014/15
Warm Up Exeter	168,530	163,650	This will provide grants to householders for solid wall insulation. The tendering process has now been completed and the new scheme will be launched in June.
Private Sector Renewal Scheme	224,480	159,080	Fewer properties have been taken on to the scheme is 13/14 than in previous years. The scheme is to be reviewed to consider options that increase supply, reduce scheme management costs and to offer smaller amounts of repayable grants so it could cover more properties
Temporary Accommodation Purchase	300,000	300,000	The need for temporary accommodation is being reviewed as part of the work around the "community hub" and following the outcome of care contracts awarded by DCC. Until this has been completed it is unlikely that this budget will be used.
Grant to the Red House Hotel	165,000	85,000	The final instalment of this grant is scheduled to be paid in July.

8.5 Achievements

The following schemes have been completed during the final quarter of 2013-14:

Play Area Refurbishments

The project at Beacon Avenue (Chaucer Grove) has been completed. Children can enjoy a new basket swing; an exciting climbing and multi-play structure and a unique 'climbing tarantula' which consists of a trampoline within a series of climbing ropes. Cradle seat swings, a play house and some springy animals have also been provided for younger children.

Work has also been completed at Sylvan Heights. Two separate mini play spaces have been provided and each aims to target children of slightly different ages. A new basket swing, an exciting rope climbing structure and a naturalistic balancing trail through the trees have been provided for children aged six to 12 years, whilst a set of cradle swings, a spinning disc roundabout, a spring see-saw, a mini climbing net and a play train have been provided for the under 5s.

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

Community Service budgets contribute to 3 key purposes, as set out in the Corporate Plan; keep me/my environment safe and healthy, keep place looking good, help me find somewhere to live

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

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates. An action plan to address the key areas of budgetary risks within Community Services was reported in March 2014 and is attached as Appendix 3, for reference.

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

No impact

12. Are there any other options?

No

Assistant Director Finance

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

Background papers used in compiling this report:

None

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

(01392) 265275

**SCRUTINY COMMITTEE - COMMUNITY
OUTTURN**

Appendix 1

APRIL 2013 TO MARCH 2014

REVISED BUDGET	CODE	OUTTURN	OUTTURN VARIANCE	QUARTER 3 FORECAST VARIANCE
£		£		£
515,062	81A1 ENVIRONMENTAL PROTECTION	578,933	63,870	83,580
376,977	81A3 LICENSING, FOOD, HEALTH & SAFETY	309,144	(67,833)	(14,750)
717,520	81A4 PUBLIC SAFETY	718,146	626	10,670
1,965,249	81A6 GROUNDS MAINTENANCE	2,054,860	89,611	63,840
228,046	81B2 BEREAVEMENT SERVICES	198,122	(29,924)	(6,360)
1,507,343	81C2 SHS - ADVISORY SERVICES	1,952,401	445,057	200,820
210,330	81C3 SHS - HOUSING DEVELOPMENT	150,030	(60,300)	(26,220)
251,997	81C4 PRIVATE SECTOR HOUSING	209,897	(42,100)	(12,340)
82,710	81C5 SUNDRY LANDS MAINTENANCE	82,710	0	0
0	81C7 SENIOR MANAGEMENT - COMMUNITY	0	0	0
2,004,022	81D2 DOMESTIC REFUSE COLLECTION	2,044,206	40,184	(35,270)
1,340,724	81D4 STREET CLEANING	1,239,119	(101,604)	(15,050)
423,071	81D5 PUBLIC CONVENIENCES	392,332	(30,739)	(13,750)
(155,908)	81D6 CLEANSING RECHARGEABLE SERVICES	(207,969)	(52,061)	(24,500)
365,069	81D7 EXTON ROAD OVERHEADS AND FLEET	345,373	(19,696)	(28,030)
139,135	81D8 RECYCLING	38,838	(100,297)	(5,000)
9,971,347	NET EXPENDITURE	10,106,141	134,794	177,640
VARIANCES ON TRANSFERS TO / (FROM) EARMARKED RESERVES				
	81C2 - SHS - HOUSING ADVICE	(12,882)		
	81C3 - SHS - HOUSING DEVELOPMENT	(22,930)		
	81A3 - LICENSING, FOOD, HEALTH & SAFETY	8,610		
OVERALL FORECAST EXPENDITURE FOR THE YEAR AFTER MOVEMENTS TO / (FROM) RESERVES		10,078,939		
	REVISED BUDGETS	9,971,347		
	ADJUSTED OUTTURN VARIANCE	107,592		

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2013/14
CAPITAL MONITORING TO 31 MARCH 2014

	2013/14 Capital Programme Revised for Qtr 3 Forecast Spend	2013/14 Spend	2013/14 Budget to be Carried Forward to 2014/15 and Beyond	2013/14 Programme Variances (Under)/Over
	£	£	£	£
COMMUNITY & ENVIRONMENT				
KEEP PLACE LOOKING GOOD				
Play Area Refurbishments	353,410	222,199	131,210	(1)
Replacement of Flowerpot Skate Park	232,530	244,170	(11,640)	0
Refurbishment and Upgrade of Paddling Pools	149,720	122,264	27,460	4
Parks Improvements	25,170	13,442	11,730	2
Neighbourhood Parks & Local Open Spaces	16,840	8,820	8,020	0
Improvements to Cemetery Roads & Pathways	4,000	4,000		0
Public Toilet Refurbishment	990	0		(990)
KEEP ME/MY ENVIRONMENT SAFE & HEALTHY				
Vehicle Replacement Programme	430,960	428,694		(2,266)
HELP ME FIND SOMEWHERE TO LIVE				
Disabled Facility Grants	351,920	328,002	23,920	2
Warm Up Exeter/PLEA Scheme	168,530	4,882	163,650	2
Renovation Grants	5,530	5,527		(3)
Wessex Loan Scheme	376,340	360,729	15,610	(1)
Glencoe Capital Works	4,960	1,066	3,890	(4)
Private Sector Renewal Scheme	224,480	65,403	159,080	3
The Haven	162,060	186,017	(23,960)	(3)
Temporary Accommodation Purchase	300,000	0	300,000	0
Grant to the Red House Hotel	165,000	80,000	85,000	0
Grant to St Petrocks	10,050	10,050		0
WELL RUN COUNCIL				
Local Authority Carbon Management Programme	9,200	9,203		3
Council Buildings - Solar Panels	68,750	68,760		10
COMMUNITY & ENVIRONMENT TOTAL	3,060,440	2,163,228	893,970	(3,242)

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AREAS OF BUDGETARY RISK

The table below identifies a number of areas that have been identified as a budgetary risk within the Community revenue and capital budgets.

The revenue budget areas of risk are:

Budget Title	Approved Budget	Risk
Revenue: Parks and open spaces – cost of dealing with illegal campers	£1,665,800	The service is bearing the cost of dealing with the influx of illegal campers in the city's parks and open spaces during the recent summer months. Expenditure in the year to date is £82,000. The cost is partially covered by additional income and cost savings, but the service is unable to fully absorb costs of this magnitude.
Revenue: Recycling – income from sale of recyclates	£5,750	Income from the sale of materials and recycling credits is estimated at £937,240. This level of income is dependent on the quantities collected, the quality of the materials collected and the market price achievable for the materials. These factors are largely outside the control of the Council and can fluctuate considerably. As this is a significant source of income for the Council, it represents a budgetary risk.
Revenue: SHS – Advisory Services – repair costs to private Sector Leased Properties, cost of emergency temporary accommodation	£1,501,010	<p>Repair costs to private Sector Leased Properties, cost of emergency temporary accommodation and income from housing benefit</p> <p>The number of homeless cases approaching the service impacts on the budget in respect of emergency temporary accommodation.</p> <p>The council has a duty to house the homeless; if contracted accommodation is unavailable, emergency temporary accommodation will be used. High levels of usage of emergency temporary accommodation can result in the budget being exceeded.</p>

Budget Title	Approved Budget	Risk
		<p>A large number of Private Sector Leased properties (PSL) are used for homelessness purposes. Repairs to leased properties are the responsibility of the council. If a PSL becomes void and repairs are required to return the property to the standard required significant costs can be incurred.</p> <p>A number of clients presented as homeless can be eligible to claim Housing Benefit. Setting a budget to reflect the amount of Housing benefit anticipated to be received in a year is extremely difficult as amounts received can vary on a month to month basis.</p> <p>The fluctuations in benefit received can have a significant impact on the associated budget. Continual monitoring of the income received in respect of housing benefit ensures that officers flag material variances to budget managers and senior management and that the resulting impact on the budget is reported.</p>

ACTION PLAN

The following actions are being undertaken to address the key areas of budgetary risk:

- Officers will review the way in which we deal with illegal campers before the summer.
- Continual monitoring of the income received in respect of housing benefit ensures that material variances are flagged to budget managers and senior management.
- Monthly reviews of all repairs ordered and expenditure made in respect of properties used in the provision of the housing the homeless are undertaken with Financial Services including monitoring against profiled budget.
- More robust and proactive approach in charging works to landlords that are their responsibility – regular meetings between managers and officers involved to agree amounts.
- Review of the robustness of procedures that ensures the recharging of costs for works that are tenant responsibility are made.
- Utilisation of existing software systems to allow control and monitoring of works orders

EXETER CITY COUNCIL

REPORT TO: SCRUTINY COMMITTEE – COMMUNITY AND EXECUTIVE
DATE OF MEETING: 17 JUNE 2014 AND 24 JUNE 2014
REPORT OF: ASSISTANT DIRECTOR CUSTOMER ACCESS
TITLE: REVIEW INTO THE COUNCIL'S POLICY FOR ALLOCATING SOCIAL HOUSING

Report of: Bindu Arjoon

Title: Review into the Council's Policy for Allocating Social Housing

Is this a Key Decision?

No

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

Is this an Executive or Council Function? Executive

1. What is the report about?

This report presents the findings and recommendations of the Task and Finish Group convened by the Scrutiny Community Committee to review the Council's allocation of social housing. The group was chaired by Cllr Shiel and other Members included Cllrs Hannaford, Mitchell, Morris and Crow.

2. Recommendations:

The recommendations of the Task & Finish Group are:

- i. To restrict eligibility for housing to those with an evidenced housing need within the policy and thereby removing Band E;
- ii. To remove applications where people do not bid for 12 months or refuse three properties deemed suitable for their needs
- iii. To give additional priority for working households and those who make a contribution to the local community; and
- iv. To only register applicants with a local connection of two year's residence in Devon
- v. To undertake a six week consultation with households on the housing register, partners (housing associations, Devon County Council, neighbouring local authorities, voluntary sector agencies etc) and staff on the recommendations above and report the outcomes of the consultation back to Scrutiny Committee and Executive.

3. Reasons for the recommendation:

The Task and Finish Group's deliberations were informed by presentations from officers on the Devon Home Choice (DHC) Scheme, information from other councils, including local ones and feedback from residents.

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

i) If Members agree recommendation at 2 i) above, changes would need to be made to the IT system to ensure that applicants in Band E registered with other authorities in Devon cannot bid on Exeter properties. It is estimated that this would cost Exeter City Council £750.

ii) There is a significant amount of administration that underpins the DHC Scheme. Given that those applicants in Band E have very little chance of securing social housing, there is significant waste work from a systems thinking perspective that is generated by contact between the Council and those applicants. Therefore removing Band E would have a positive impact on staff resources, allowing officers more time to do value work in assisting residents with Housing Need.

iii) Concern has been raised by partner housing associations about what they see as unilateral changes being made by local authorities to the Devon Home Choice policy that was previously common across Devon. The Devon Home Choice Management Board are currently reviewing the Partnership Agreement governing the partnership, but it includes a proposal that if a local authority takes a unilateral decision to exclude any group in their area (such as households in Band E), partner housing associations may consider vacancies as nominations and require the local authority to cover the advertisement cost (£25 per property advertised). Such an approach would only be taken after negotiations between the local and individual housing associations. Based on the costs of lettings from 2013/14, this would equate to a maximum of £6,800 per annum. This would be a pressure on the Housing Needs budget.

5. Section 151 Officer comments:

6. What are the legal aspects?

The Localism Act 2011 has removed the requirement to hold an open register of clients wanting to apply for social housing and allowing local priorities to be added to the assessment criteria. The Housing Act 1996 part VI highlighted reasonable preference criteria which needed to be considered in the allocation of housing. These have not been repelled and will continue to be the main basis of the allocation policy.

7. Monitoring Officer's comments:

8. Report details:

Presented below is the data and narrative relevant to each of the Task & Finish Group's recommendations.

i. Restricting eligibility for housing to those with an evidenced housing need within the policy, thereby removing Band E applicants.

Currently, applicants with no evidenced housing need (e.g. they are assessed to live in a property that is adequate to meet their housing need in terms of property type, size and facilities) are placed in Band E. This Band also includes those with a housing need but who have an income or savings above a certain level, or who have a reduced banding due to significant rent arrears or previous anti-social behaviour.

As at 19 May 2014, there were 2,140 households in Band E. This represented just over half (52%) of all households registered with Exeter City Council.

An analysis of households in Band E registered with Exeter City Council reveals that:

- 42% are renting privately, 33% are renting from a council or housing association, 6% are in temporary accommodation and 5% are property owners.
- The vast majority (81%) of households in Band E reported an annual household income of less than £20,000, with 53% reporting an income of less than £10,000. This suggests that the majority households are either reliant on benefits or in low paid employment.
- For the majority of households in Band E (65%), the main applicant is aged under 45. 10% have a main applicant between 55 and 64, and a further 10% have a main applicant aged 65 or more. There are therefore not large numbers of people in Band E seeking sheltered accommodation, which is sometimes harder to let than general needs accommodation. The age profile is important because some housing associations have expressed concern at the proposed removal of Band E as a higher proportion of sheltered homes for older people are let to applicants.
- The most common reasons given for applying to join the housing register by households in Band E are that their health or wellbeing is being made worse by their current home, that they are struggling to afford their current home or that they need to move to be near to family to give or receive support. (see Appendix One). The applications have been placed in Band E because, on review, housing officers have assessed that they have no housing need. Members may wish to note that households who are struggling to afford their current home are not recognised as a priority within the Devon Home Choice policy, as they are not one of the 'reasonable preference' groups specified in legislation.

Given the demand for a council and housing association home it is unsurprising that only a very small proportion of homes in Exeter have been let to applicants in Band E. Only 6 (1%) of the 616 homes let in Exeter between 1 April 2013 and 31 March 2014, were allocated to households in Band E. The table that follows provides summary details of these properties:

Landlord	Beds	Property Type	Accessibility Details	Sheltered	Let by Direct Match	No. of Bids	Queue Position of successful applicant
Affinity Sutton	3	Maisonette	Max 3 steps	No	No	8	8
Cornerstone	1	Maisonette	General needs	No	No	18	14
Guinness	1	Bedsit	General needs	Yes	No	12	11
Guinness	1	Bedsit	General needs	Yes	No	7	7
Sovereign	1	Maisonette	Max 3 steps	No	No	22	10
Sovereign	2	Maisonette	Max 3 steps	No	No	3	3

It is argued that as Band E applications account for just over half of all active Exeter applications, staff time will be released to manage higher priority cases more proactively if the Council ceases to register Band E households.

The current practice of registering those who have very little chance of ever being housed could be said to raise false expectations. If Members agree not to register applicants with no housing need, housing advice will be offered to these households so that they can make a realistic choice from the limited options available.

Most households will need to look to secure rented accommodation in the private sector. Existing council or housing association tenants could seek a mutual exchange. Those who are struggling to pay their rent will be advised to apply for housing benefit if they are not already in receipt or seek housing advice and financial advice through the Council.

Teignbridge District Council and Torbay Council have agreed to remove Band E following consultations in their areas. This is due to take effect on 6 May 2014.

Concern has been raised by partner housing associations of the changes being made by local authorities to the Devon Home Choice policy that was previously common across Devon. The Devon Home Choice Management Board are currently reviewing the Partnership Agreement governing the partnership, but it includes a proposal that if a local authority takes a unilateral decision to exclude any group in their area (such as households in Band E) partner housing associations may consider vacancies as nominations and require the local authority to cover the advertisement cost (£25 per property advertised). Such an approach would only be taken after negotiations between the local and individual housing associations.

Teignbridge District Council and Torbay Council (who have both agreed changes to the Devon Home Choice policy in their areas, including the removal of Band E households) are currently holding such negotiations with housing associations. The outcomes of these negotiations will inform the proposed consultation and final decision taken on the recommendations set out in this paper.

ii) Removing applications where people do not bid or refuse properties

Analysis of the housing register reveals that just under half of all applicants registered with Exeter City Council have not bid since registering with Devon Home Choice (see the table that follows).

Band	Has not bid	
	No.	%
Band A	0	0%
Band B	134	28%
Band C	115	23%
Band D	372	38%
Band E	1,256	60%
Total	1,877	46%

Concern has been raised that a large amount of staff time and resource has gone into registering applications for households who do not bid.

It is therefore proposed to remove households from the register who have not bid within the previous 12 months, where it is felt that there have been appropriate properties for them to bid for. Households would be contacted to inform them of their removal and to advise them that that they can reapply if they wish to after a reasonable period.

The current Devon Home Choice policy states that:

‘Applicants who refuse a number of homes that they have bid for and been offered will have their case reviewed by the local authority managing their case. They will be offered advice and assistance to take part in Devon Home Choice effectively. If it is found that they continue to refuse what are considered to be suitable homes they will have their priority reduced to the no housing need band (Band E)’

It is proposed that Exeter City Council makes it clear to applicants that if they refuse three homes that are considered to be suitable for them, they will be removed from the housing register. Applicants will have a right of review against any decision to remove them from the register.

iii) Additional priority for working households those who make a contribution to the community

In the National Housing Strategy published Autumn 2011, the government recommended that local authorities consider giving additional priority for social housing to working households and consider offering some priority to those who are contributing to the community.

A recent survey of ECC tenants found that 31% were either working full time (16%) or part time (15%). 7% of ECC tenants reported that they were seeking work, whilst 9% stated that they were not seeking work and another 18% reported that they were unable to work. 35% stated that they were retired.

The Council could choose to prioritise working households for some properties, for example, in areas where it is identified that there is an over-representation of economically inactive households. This can be done by advertising certain properties with a preference for working households, rather than by amending the Devon Home Choice policy.

The Scrutiny Community Committee are invited to comment on whether mechanisms should be explored to prioritise working households for some lettings, and whether this should be targeted on areas where there are a high proportion of economically inactive households.

The Council could also choose to recognise residents who contribute to the local community. The Scrutiny Committee are invited to comment on whether mechanisms for assessing community contribution should be considered within the policy and which activities should be recognised. This is currently being piloted in Teignbridge for residents completing voluntary work or employment within specific rural areas. The Task and Finish group consider that this is a potential area for consultation with the following elements being highlighted as potential qualification for Community Contribution:

- Employment within the area
- Voluntary work (the standard used most commonly is 10 hours per month)
- Ex Services Personnel
- Foster or community carers
- Those engaged in training or apprenticeships.

iv) To only register applicants with a local connection of two year's residence in Devon

The government has issued statutory guidance on 'Providing social housing for local people'. The guidance encourages local authorities, in deciding who qualifies for social housing, to prioritise applicants who can demonstrate a close association with their local area by adopting a residency requirement as part of their qualification criteria. The Government believes that a reasonable period of residency would be at least two years, i.e. only households who had lived in that area for at least two years could join the housing register.

For areas like Devon where local authorities share a common allocation policy, the guidance states that local authorities may wish to adopt a broader residency test which would be met if an applicant lives in any of the partners' districts (e.g. the whole of Devon rather than an individual district). It is suggested in the guidance that such an approach might be particularly appropriate where an established housing market area spans a number of local authority districts, and could therefore help promote labour mobility within a wider geographical area.

Alongside a residency requirement, the guidance suggests that local authorities may want to adopt other qualification criteria to ensure that applicants who are not currently resident in the district/ area but who can still demonstrate a strong association to the local area are able to qualify (e.g. through family association or employment).

Local connection is not one of the factors considered in the current policy when determining whether someone is a qualifying person and can therefore join the Devon Home Choice. However whilst applicants who have no local connection to Devon can register with Devon Home Choice they will have their application restricted to either:

- Band D if they are assessed as having a housing need (whether this be high, medium or low need), or
- Band E if they are assessed as having no housing need

Torbay Council has agreed the introduction of a 5 year residency test to join the Devon Home Choice register in their area. However there are a number of exceptions:

- Tenants of partners landlords living outside Devon (recommended in the guidance)

- Members of the armed forces (who have served within the last 5 years) or their bereaved partners (required by legislation)
- Applicants in Band A and Band B
- Applicants who have worked for 6 months in Devon
- Applicants who have immediate family who have lived in Devon for 5 years

Rather than adopting a unilateral local connection test, it is recommended that Exeter City Council proposes that the Devon Home Choice Management Board agree a change to the Devon Home Choice policy to introduce a 2 year local connection test to Devon as part of the qualification test to join the Devon Home Choice register. This approach is recommended given that more applicants move out of Exeter to other local authority areas where they have no local connection than applicants without local connection moving into Exeter.

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

This review relates directly to the Council's priority of Help Me Find Somewhere Suitable to Live.

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

As stated above, concern has been raised by partner housing associations to what they see as unilateral changes being made by local authorities to the Devon Home Choice policy that was previously common across Devon. The Devon Home Choice Management Board are currently reviewing the Partnership Agreement governing the partnership, but it includes a proposal that if a local authority takes a unilateral decision to exclude any group in their area (such as households in Band E) partner housing associations may consider vacancies as nominations and require the local authority to cover the advertisement cost (£25 per property advertised). Such an approach would only be taken after negotiations between the local and individual housing associations.

Teignbridge District Council and Torbay Council (who have both agreed changes to the Devon Home Choice policy in their areas, including the removal of Band E households) are currently holding such negotiations with housing associations. The outcomes of these negotiations will inform the proposed consultation and final decision taken on the recommendations set out in this paper.

It will be vital that partner associations are included in the consultation about the proposed changes in Exeter. It is suggested that a special meeting be set up as part of the consultation process with partner housing associations and councillors so that all views can be fully aired and the consequences of any changes fully understood.

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

The potential changes to the allocation of social housing highlighted in this report do not have any negative impact in terms of gender, ethnicity, sexuality and religion. There is a potential negative impact in terms of disability and age due to the reliance on technology for continued engagement in bidding in Choice Based Lettings. This can be mitigated through the provision of help and support from the Housing Needs Team and through engagement with local support agencies.

The removal of Band E applicants would give capacity for closer working with the households in Band A-D which are in the greatest housing need. This client group includes vulnerable adults, households with safeguarding issues and those with Health and Wellbeing needs.

12. Are there any other options?

There are other methods for allocating council properties which are used in other areas. The Task & Finish Group considered these alternatives but felt that the proposed changes best reflected the aim of the Group to recommend a policy suitable for Exeter as part of the overall Devon Home Choice Policy.

Bindu Arjoon
Assistant Director

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-
None

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

Appendix One

Reason for applicants applying to Devon Home Choice

Reason stated on application:	No.
Health or wellbeing made worse by current home	678
Struggling to afford current home	545
Need to move to be near to family to give or receive support	487
Homeless or at risk of becoming homeless	259
Want to live in a particular village within Devon where have a local connection	236
Need to move to a larger home	193
Ready to move from supported accommodation to independent living	162
Want to live in accommodation for older people	161
Current home is in very poor condition	122
Need to move to escape violence (including domestic violence) or harassment	106
Sharing facilities (toilet, bathroom or kitchen) with another household	54
Currently serving or have served in the regular UK armed Forces	48
Council or housing association tenant who wants to move to a smaller home	37
Live on, or above the third floor and have children under 8 years old	35

* Please note that some applicants select more than 1 reason for applying.

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REPORT TO EXETER CITY COUNCIL SCRUTINY COMMUNITY COMMITTEE AND EXECUTIVE

Date of Meetings: 17th and 24th JUNE 2014

Report of: ASSISTANT DIRECTOR PUBLIC REALM

Title: RESOURCING ENFORCEMENT SERVICES

Is this a Key Decision?

No

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

Is this an Executive or Council Function?

Executive

1 What is the report about?

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

2 Recommendations:

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

3 Reasons for the recommendation:

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

4 What are the resource implications including non financial resources.

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

5 Section 151 Officer comments:

No comment.

6 What are the legal aspects?

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

7 Monitoring Officer's comments:

8 Report details:

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

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

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

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

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

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

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

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

following statutory and business critical enforcement work:

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

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

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

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

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

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

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

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

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

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

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

12 Are there any other options?

Assistant Director

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

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275

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REPORT TO SCRUTINY COMMITTEE COMMUNITY AND EXECUTIVE

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

Report of: Environmental Health and Licensing Manager

Title: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Executive Function

1. What is the report about?

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

2. Recommendations:

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

3. Reasons for the recommendation:

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

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

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

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

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

5. Section 151 Officer comments:

5.1 There are no financial implications contained within this report.

6. What are the legal aspects?

- 6.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service. In the current Framework Agreement and Code of Practice, the Food Standards Agency indicates that full compliance with all inspection frequencies will be expected
- 6.2 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken (eg retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.
- 6.3 The licensing team play an important role in maintaining the city's economic vibrancy by ensuring that licensable activities are effectively regulated, and where non compliance is found effective action is taken. Licensing functions are self funding and following the implementation of the EU Services Directive and subsequent court cases, licence fees must reflect the cost of the service and cannot be used to fund other areas of the council's activities. Therefore any reduction in overheads to this function means that we are legally obliged to implement a reduction in the licence fees set.

7. Monitoring Officer's comments:

No comments to raise.

8. Report details

Key Achievements in 2013/14:

8.1 Programmed Interventions

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

8.2 Service Requests

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

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

8.3 Sampling

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

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

8.4 Control and Investigation of Outbreaks and Food Related Infectious Diseases

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

8.5 Education and Awareness

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

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

8.6 Better Regulation

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

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

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

8.7 Proposed key activities for 2014/15

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

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

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

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

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

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

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

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

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

.

12. Are there any other options?

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

Assistant Director Environment

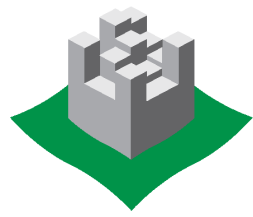
Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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

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Exeter
City Council

Environmental Health and Licensing Statutory Service Plan 2014 – 2015

Robert Norley
Assistant Director - Environment

Drawn up in accordance with the: -

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

Issued by: Simon Lane, Environmental Health and Licensing Manager

Issue date: April 2014

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SECTION 1 - INTRODUCTION

1.1 **Introduction**

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

1.2 **Access to the Service**

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

SECTION 2 – SERVICE AIMS AND OBJECTIVES

2.1 **Aims and Objectives**

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

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

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

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

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

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

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

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

- Keep my city safe and looking good

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

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

2.3 Links to Strategic Objectives and Other Plans

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

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

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

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

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

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

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

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

SECTION 3 – BACKGROUND

3.1 **Profile of Exeter City Council**

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

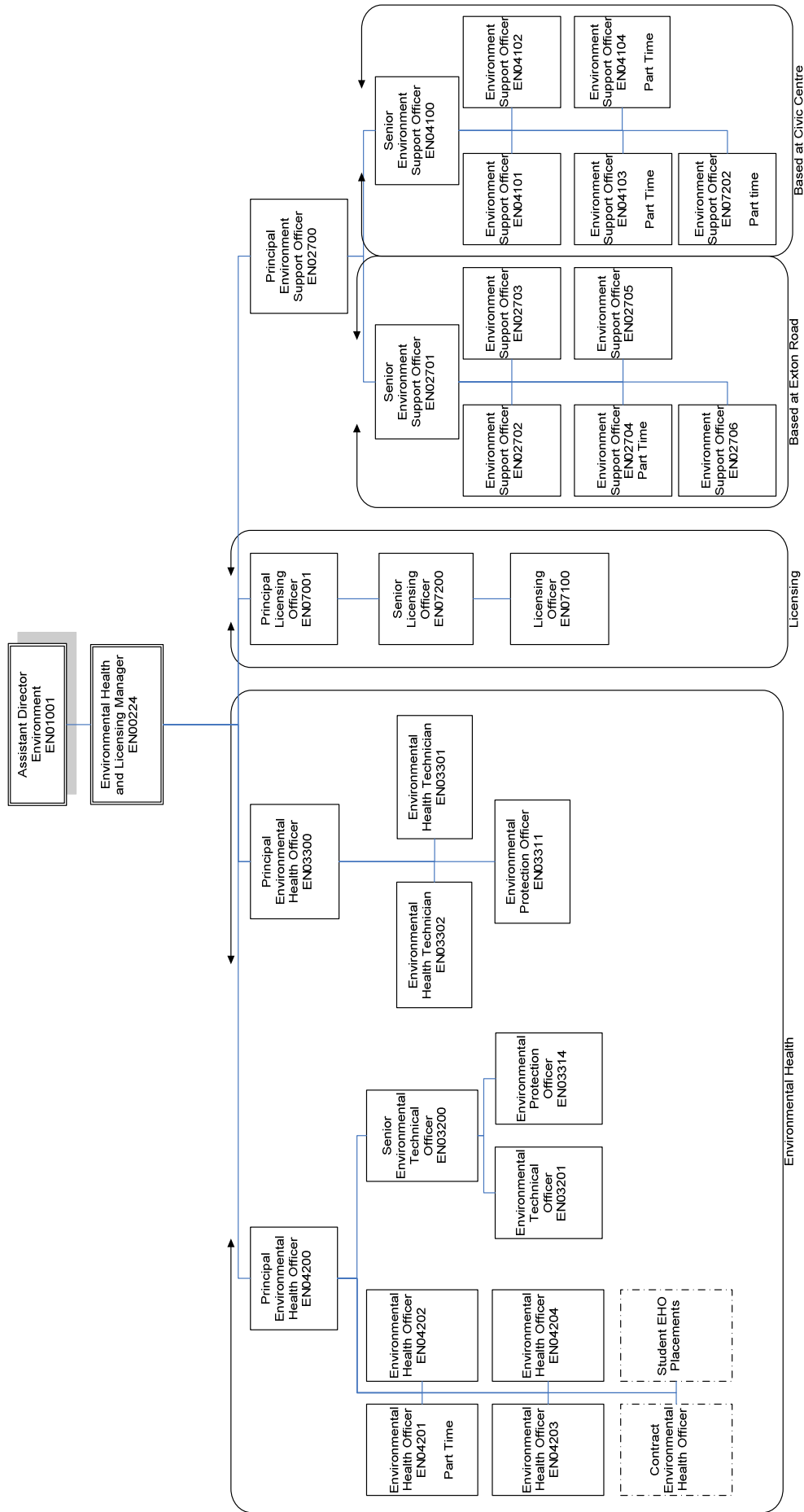
3.2 **Organisational Structure**

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

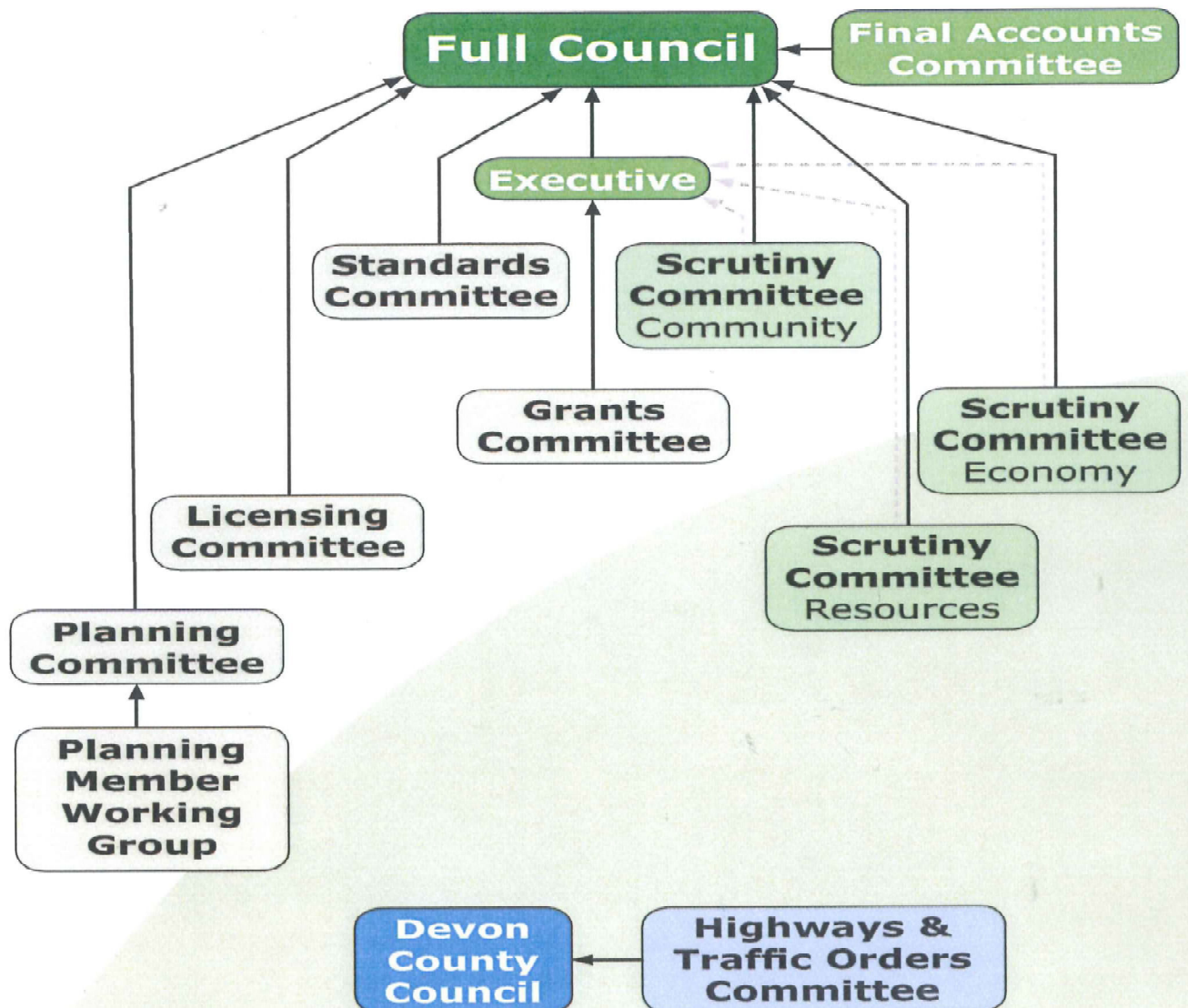
- 3.2.4 The officer structure in respect of the service is detailed at the end of this section. Overall co-ordination of the service is the responsibility of the Environmental Health and Licensing Manager with lead officer responsibility given to the following officers:-
- Principal Environmental Health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

Office of the Assistant Director Environment Environmental Health and Licensing

Subtitle



The Council's Committee Structure



Exeter City Council

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SECTION 4 – FOOD SAFETY

4.1 **Scope of the Food Safety Service**

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

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

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

4.2. **Remit of the Food Service**

4.2.1 **Interventions**

The Council will:

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

4.2.2 **Complaints**

The Council will:

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

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

4.2.3 Primary / Home Authority Principle

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

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

4.2.4 Advice to Business

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

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

4.2.5 Food Premises Database

The Council will:

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

4.2.6 Food Inspection and Sampling

The Council will:

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

4.2.7 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Council will:

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

4.2.8 Food Safety Incidents

The Council will:

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

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

4.2.9 Enforcement

The Council will:

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

4.2.10 Records and Intervention reports

The Council will:

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

4.2.11 Complaints about the Service

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

4.2.12 Liaison with Other Organisations

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

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

4.2.13 Internal Monitoring

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

4.2.14 Audit

The Council will:

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

4.2.15 Food Safety Promotion

The Council will:

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

4.2.16 Other Services

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

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

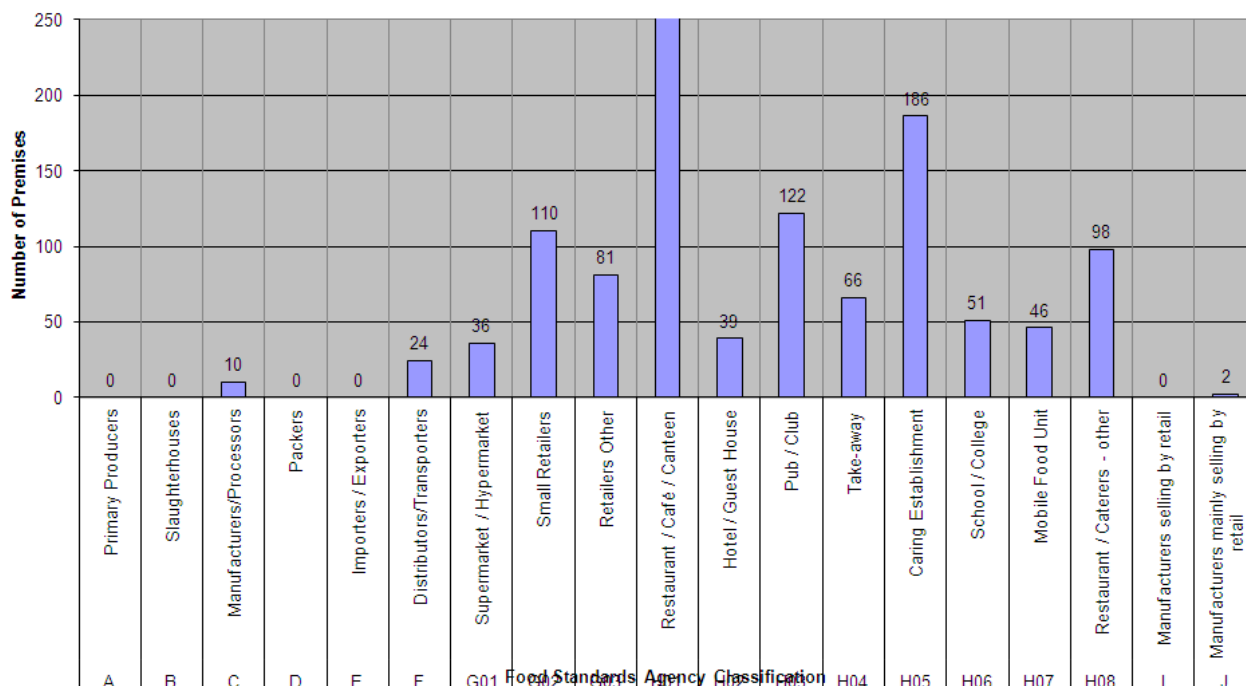
treatment may be undertaken by officers from the section in liaison with the district Environmental Health Officer, but only when it will not comprise future enforcement action.

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

4.3 **Food Business Profile**

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

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



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

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

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

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

4.4 **Enforcement Policy**

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

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

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

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

4.5 **Food Premises Interventions**

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

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

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

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

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

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

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

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

4.6 **Food Complaints**

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

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

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

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

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

4.7 **Primary / Home Authority Partnerships**

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

4.8 **Advice to Business**

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

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

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

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

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

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

4.9 **Food Inspection and Sampling**

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

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

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

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

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

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

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

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

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

4.11 Food Safety Incidents / Hazards

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

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

4.11.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer will notify the FSA.

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

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

4.12 Liaison with Other Organisations

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

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

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

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

4.13 Food Safety Promotion

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

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

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

4.14 Food Safety Performance 2013/14

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

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

SECTION 5: HEALTH AND SAFETY

5.1 Profile of Businesses in Exeter

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

5.2 Health and Safety Intervention Programme

- 5.2.1 Health and Safety law clearly sets out that the primary responsibility for managing risk to workers and the public who might be affected by work activity lies with the business or organisation that creates the risk in the first place.
- 5.2.2 The role of the Council is to support, encourage, advise and where necessary hold to account business to ensure that businesses effectively manage the occupational health and safety risks they create. The service uses the guidance given in HELA Circular (67/2 Revision 4) to risk rate its premises based on a business's health and safety performance. There are 4 categories (A – high risk, B1 and B2 – medium risk, C – low risk). The risk rating is not used to determine proactive inspection interventions – the choice of proactive inspections follows the principles within the National Local Authority Enforcement Code (see Section 5.6) - it does, however, help the Council target other interventions on the basis of risk..
- 5.2.3 As a result of current national and local drivers for change (e.g. LBRO, Young and Löfstedt Reviews) we aim to focus Health and Safety enforcement resources into areas where they are likely to have the greatest impact. In the coming year we shall continue to concentrate on specific topic areas during proactive interventions and reactive investigation, rather than complete all-encompassing inspections. These areas have been identified nationally and locally as contributing to the highest rate of accident/incidents and ill health at work, across all health and safety enforcing authorities.

5.3 Scope of the Health and Safety Service

- 5.3.1 With regard to health and safety, the Council will be directed by the Health and Safety Executive National Local Authority Enforcement Code issued under Section 18 (4)(b) of the HSWA. The key elements of the code are:-
- Ensuring that the authority takes a risk based approach to regulation;
 - Ensuring that the authority applies proportionate decision making in accordance with the LA's Enforcement Policy Statement and Enforcement Management Model;
 - A requirement for the authority to legally appoint suitably qualified staff to carry out the necessary regulatory duties;
 - A requirement to produce an annual service plan;
- 5.3.2 In the UK during 2012/13:
- **1.1 million** working people were suffering from a work-related illness
 - **148** workers killed at work
 - **175 000** other injuries to employees occurred
 - **27 million** working days were lost due to work-related illness and workplace injury

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

- 5.3.4 The Rogers review (2007) reported on the National Priorities for local authority enforcement. This identified improving health at work as one of the national priorities. The Lord Young Report (2010) “Common Sense, Common Safety” reviewed health and safety with a view to “setting out the rational proportionate approach that the Health and Safety at Work etc Act demands”. The Löfstedt Report (2011) looked further into the application of Health and Safety legislation and the effects of regulation upon business. All of the above reports clearly identified good health and safety as being vital to good business, with sensible and proportional law enforcement as a key priority to try and reduce the incidence of ill health and days lost arising from work activities.
- 5.3.5 The objective of the health and safety service in contributing to this aim is to ensure that risks to person’s health, safety and welfare from work activities are properly controlled through advice and proportionate enforcement.
- 5.3.6 The health and safety service comprises a range of key functions:
- to maintain a register of all premises where the service enforces health and safety legislation;
 - to inspect at predetermined intervals or by the use of other intervention strategies, and in response to complaints, relevant workplaces to determine compliance with legislation;
 - to take the most appropriate action upon inspection of relevant workplaces including the use of advice, informal correspondence, improvement and prohibition notices and the institution of legal proceedings;
 - to educate proprietors of relevant workplaces in health, safety and welfare matters and their legal responsibilities in relation to their occupation by the distribution of leaflets and the provision of advice and information;
 - to investigate specific accident notifications;
 - to advise on the design of relevant workplace premises prior to and during alterations and construction;
 - to liaise and work in partnership with the Health and Safety Executive (HSE), Public Health England and the Fire Authority regarding the enforcement of the legislation;
 - to comply with the HSE’S National Local Authority Enforcement Code in respect of inspection programmes;
 - seek to promote a simplified risk assessment procedure for low hazard workplaces such as offices and shops through the use of the Devon Local Authority devised toolkit Safer Workplaces, Better Business;
 - combine food safety and health and safety inspections where possible to ensure that the burden on business is reduced.
- 5.3.7 Proactive aspects of the health and safety service, for example the inspection programme, are delivered jointly with other proactive services such as food hygiene inspections. The reactive aspects of the service, for example accident investigations, are responded to along with other complaints and requests for service.
- 5.3.8 Health and safety interventions are delivered by suitably trained and experienced officers, in accordance with a competency and development scheme. This scheme has been designed to meet the requirements of Health and Safety Executive and Local Authority Enforcement Liaison Committee (HELA) Section 18 guidance.
- 5.3.9 The premises profile according to the inspection rating scores are as follows:

Highest hazard/Risk	A	4
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Intermediate hazard/Risk	B1	49
	B2	409
Lowest hazard/Risk	C	1522
Uncategorised	U	590

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

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

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

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

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

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

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

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

5.4 Complaints / Requests for Advice / Advice to Business

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

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

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

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

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

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

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

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

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

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

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

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

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

5.5 Statutory Notifications

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

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

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

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

5.6 National Local Authority Enforcement Code

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

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

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

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

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

5.7 Monitoring

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

5.8 Enforcement

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

5.9 Staff Resources

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

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

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

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

5.10 Staff Skills

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

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

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

5.11 Consultation with Stakeholders

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

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

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

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

5.12 Health and Safety Performance 2013/14

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

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

SECTION 6: PRIVATE WATER SUPPLIES

6.1 Scope of Private Water Supply Regulations

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

6.2 Main Provisions of the Private Water Supply Regulations

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

6.3 Enforcement

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

6.4 Staff Resource

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

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

6.5 Staff Skills

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

6.6 Legal Implications

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

7.1 Private Water Supply Performance 2013/14

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

SECTION 7: LICENSING

6.1 Introduction

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

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

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

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

6.2 Aims and Objectives of Licensing

- 6.2.1 The key aim of the Licensing Committee and the Licensing Team is to raise standards of people, vehicles and premises licensed in Exeter.
- 6.2.2 To protect public health and animal welfare, reduce crime and disorder and ensure awareness of the licensing requirements through enforcement of legislation and the provision of advice information and education by:
- Fulfilling the Council's Statutory Duties under relevant legislation e.g. Licensing Act 2003, Gambling Act 2005, Animal Welfare Act 2005, Local Government (Miscellaneous Provisions) Act 1982 etc.
 - Responding to public complaints and other requests for service and investigating within service standards.
 - Delivering educational initiatives and awareness campaigns.
 - Fulfilling the Council's statutory duty under the Crime and Disorder Act 1998.
 - Working in partnership or in co-operation with the Police, Fire Authority, Social Services, Public Health Team, Community Safety Partnership and other external agencies.

6.3 Service Delivery

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

SECTION 8: ENVIRONMENTAL PERMITTING REGULATIONS

8.1 Introduction

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

8.2 Regulated Installations in Exeter

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

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

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

8.3 Implementation of the EP Regulations

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

8.4 Investigation of Complaints

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

8.5 Enforcement

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

8.6 Business Support

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

8.7 Consultation

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

8.8 Environmental Permitting Performance 2013/14

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

SECTION 9: AIR QUALITY

9.1 Introduction

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

9.2 Air Quality Action Plans

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

Action Plan Aims:

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

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

9.3 Latest Progress Reports

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

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

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

Low Emissions Strategy Project

9.4 Background to the Project

- 9.4.1 Exeter City Council (ECC) has declared an Air Quality Management Area because of exceedences of both the long-term and short-term EU limit values for nitrogen dioxide (NO₂). Studies have identified that the main sources of the high NO₂ concentrations are transport emissions, and this is reflected in the AQMA boundary, which includes all of the main routes into and around the city. Additional stress will be placed on emissions by significant planned growth both in Exeter and its surrounding area. This is estimated to increase the population of greater Exeter by some 50% by 2026, and increase the potential for travel into the city, particularly through;
- urban extensions to the east and south-east of Exeter,
 - the creation of a science park,
 - Skypark business centre,
 - multi-modal freight terminal,
 - redevelopment of 4.6Ha of the city centre including the bus station, and
 - Cranbrook development east of Exeter.
- 9.4.2 ECC's second AQAP has recently been published and reflects the changed policy and local development situation since the publication of the first AQAP in 2008. The LES project will deliver significant aspects of the AQAP 2, which aims to ensure that planned development is delivered as sustainably as possible, improve connections between air quality work and the public health agenda, ensure that air quality and climate change policy is integrated and empower local communities to make sustainable transport decisions. The AQAP 2 and first Action Plan Progress Report are available online at:
<http://www.exeter.gov.uk/index.aspx?articleid=4292&listid=4261>

9.5 Aims of the Project

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

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

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

9.6 Project Objectives

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

9.7 Key Partners

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

9.8 Progress with the LES Project

- 9.8.1 The Low Emissions Strategy was delayed in starting because of problems with the tendering process. The consultants TRL were appointed in 2013 and the project started in January 2014.
- 9.8.2 The project is progressing according to the project plan. The consultants have completed the risk register, and the modelling of baseline traffic emissions. Baseline emissions from the Council fleet and grey fleet have also been modelled separately. The project team is currently engaged in developing the emissions inventory for future years.
- 9.8.3 Some variations from the proposed methodology have become necessary. For example DCC's ANPR data were going to be used to describe the local vehicle fleet, but the ANPR cameras are no longer operational so the national fleet breakdown has been assumed instead. None of the changes are thought likely to significantly affect the project outcomes.
- 9.8.4 The first project consultation stage is due to commence shortly. It will identify options for inclusion in the Low Emissions Strategy. The Project Team is currently seeking external members for the LES Steering Group and consultation partners. In particular, we wish to develop contacts with the private sector, city centre businesses and the haulage industry.
- 9.8.5 The project is expected to be complete by the end of 2014.

9.9 Air Quality Performance 2013/14

- 80 enquiries / complaints were received during the year.

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

SECTION 10: CONTAMINATED LAND

10.1 Introduction

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

10.2 Environmental Protection Act 1990 Part 2A

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

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

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

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

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

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

- 10.2.4 If land is determined to be “contaminated land” following inspection, Part 2A provides for the Council to apportion liability and require remediation of the site.
- 10.2.5 The Contaminated Land Strategy provides further detail on how Part 2A will be implemented and how strategic and detailed inspection will be carried out.

10.3 Town and Country Planning

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

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

Planning policies and decisions should also ensure that:

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

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

10.4 Other Regulatory Regimes

- 10.4.1 Building Regulations 1991 – these may require measures to be taken to protect the fabric of new buildings, and their future occupants, from the effects of contamination. Approved Document Part C (Site Preparation and Resistance to Moisture) gives guidance on these requirements. The Environment Directorate provides specialist advice to Building Control on contamination, risk assessment and remediation when required.
- 10.4.2 Environmental Protection Act 1990 Part III – Statutory nuisance provisions now only apply where land gives rise to a nuisance (such as an odour) that is an offence to human senses but which is not covered under the various categories of harm set out in the Contaminated Land Statutory Guidance.
- 10.4.3 Environmental Permitting Regulations 2010. Some sites permitted by either the Local Authority or the Environment Agency are required to submit a Site Condition Report which provides baseline evidence on ground conditions when a permit is first issued. The site must be returned to this state if the permit is surrendered. The regulators also have powers to control contaminative activities at some permitted sites.

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

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

10.5 Voluntary Remediation

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

10.6 Council Owned Land

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

10.7 Contaminated Land Strategy

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

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

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

10.8 Contaminated Land Performance 2013/14

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

SECTION 11: NUISANCE AND HEALTH

11.1 Role of the service

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

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

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

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

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

11.2 Objectives

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

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

11.3 Methodology

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

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

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

11.4 Nuisance and Health Performance 2013/14

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

SECTION 12: PRIMARY / HOME AUTHORITY PARTNERSHIPS

12.1 Scope of the Primary / Home Authority Partnerships

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

12.2 Main Provisions of the Regulatory Enforcement and Sanctions Act 2008

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

12.3 Enforcement

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

12.4 Resources

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

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

12.5 Legal Implications

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

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

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

12.6 Current Home Authority Partnerships

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

12.6.2 Home Authority agreements currently exist with:

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

12.7 Current Primary Authority Partnerships

12.7.1 Primary Authority partnership agreements have been established with:

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

12.8 Enterprise and Regulatory Reform Act 2013

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

SECTION 13: SAMPLING PROGRAMME 2013/14

13.1 Purpose of Sampling

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

13.2 Requirement to Sample

- 13.2.1 The food-sampling programme operates on a total sampling allocation of 12 samples per 10,000 population. This will require approximately 140 samples per year to be taken. The authority is required to provide a statistical return to the Food Standards Agency (FSA) and Drinking Water Inspectorate on its annual sampling activity. All local authorities have an arrangement with the Public Health England Laboratory, which provides a credit allocation to facilitate this work.
- 13.2.2 The authority has a duty under the Private Water Supply Regulations to conduct periodic sampling of Private Water supplies within the City. All local authorities within Devon have an arrangement with South West Water, which provides a pay as you sample contract to facilitate this work.
- 13.2.3 The authority also conducts routine swimming pool sampling of all public and private swimming baths within the city. All local authorities have an arrangement with the Public Health England Laboratory, which provides a credit allocation to facilitate this work.

13.3 Sampling Methodology

- 13.3.1 Primary / Home Authority Partnership role: There is only a very limited role for the Council to play in this respect as we are without any large national companies producing high-risk products. There are however a few small producers whose products are distributed locally and sampling will provide a means of surveillance of their goods and services.
- 13.3.2 Devon & Cornwall Chief Officers Food Sub Group: The food sub group have produced an agreed sampling plan that is applicable to both Unitary and district council members. This sampling plan will act as a 'pick list' and along with nationally agreed surveys will inform the majority of the food sampling methodology. In addition to the national surveys the food sub group have also agreed several local surveys.
- 13.3.3 Vulnerable Foodstuffs: High-risk foodstuffs, which give cause for concern or suspicion, may need to be sampled on an ad hoc basis. This will include sampling verification of controls at a critical step in a food operation and monitoring of imported food from third world countries, for example.
- 13.3.4 Complaints: Food samples may be taken when investigating consumer complaints, either to confirm suspected contamination or in undertaking enquiries resulting from complaints.
- 13.3.5 Statutory Samples: We have a statutory obligation to monitor water distributed by SWWS Ltd and to a limited extent premises with private water supplies.
- 13.3.6 Survey Work: The number of samples taken as a result of Food Alerts, locally/nationally agreed surveys and food poisoning investigations is subject to annual variation, but provision will be made for these items.
- 13.3.7 Environmental Swabs: The swabbing of key food contact and hand contact surfaces is seen as an effective means of contributing to the assessment of hygiene standards during routine food hygiene inspections. Officers will use a combination of swabs sent to the Public Health England laboratory and ones analysed at the time of visit using an ATP meter.

13.4 Budget Provision

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

13.5 Resources

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

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

13.6 Sampling Performance 2013/14

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

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

SECTION 14: ENVIRONMENTAL HEALTH TRAINING SERVICE

14.1 Scope of the Training Service

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

14.2 Main provisions of the Training Service

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

14.3 Access to training

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

14.4 Financial Implications

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

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

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

SECTION 15: RESOURCES

15.1 Financial Matters

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

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

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

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

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

NB:

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

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

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

NB:

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

15.1.6 Budget Allocation Figures for 2014/15 – Training Provision

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

15.1.7 Budget Allocation Figures for 2014/15 – Licensing

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

NB:

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

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

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

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

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

15.2 **Staffing Allocation**

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

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

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

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

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

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

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

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

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

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

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

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

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

15.3 **Staff Learning and Development Plan**

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

15.3.2 The training structure comprises:-

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

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

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

SECTION 16: QUALITY ASSESSMENT

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

SECTION 17: REVIEW AND PERFORMANCE

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

17.2 Targets

17.2.1 Local Performance Indicators for 2014/2015:

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

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

17.3 Review of performance 2013/14

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

SECTION 18: CONCLUSION

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

SECTION 19: GLOSSARY OF TERMS

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

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

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

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

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

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

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

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

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

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

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

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

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

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

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

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

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

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

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

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

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

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

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

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

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

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

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

SECTION 20: INTERVENTION / WORK PROGRAMME 2014/15

Topic	Reason for focus	Areas covered	Outcome Measures
	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.		

REPORT TO Scrutiny Committee/Executive

Date of Meeting: 17 June 2014/24 June 2014

Report of: Assistant Director Housing

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

Is this a Key Decision?

Yes.

Is this an Executive or Council Function?

Executive

1. What is the report about?

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

2. Recommendations:

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

3. Reasons for the recommendation:

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

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

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

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

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

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

5. Section 151 Officer comments:

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

6. What are the legal aspects?

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

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

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

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

Those requirements are that:

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

Before making a designation the authority must—

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

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

7. Monitoring Officer's comments:

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

8. Report details:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The decision to undertake a consultation exercise has no immediate impact

12. Are there any other options?

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

Assistant Director: Roger Coombes
Originating Officer: Keith Williams

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-
None

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