

PLACE SCRUTINY COMMITTEE

Date: Thursday 13 June 2019

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 Sharon Sissons, Democratic Services Officer (Committees) on 01392 265115.

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

Membership -

Councillors Sills (Chair), Buswell (Deputy Chair), Atkinson, Henson, D, Lyons, Moore, D, Moore, J, Owen, Pattison and Williams

Agenda

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

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 14 March and 26 April 2019.

(Pages 5 -
24)

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

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) (Tel: 01392 265115) and also on the Council web site - <https://exeter.gov.uk/councillorsfaq/>.

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

ITEMS FOR CONSIDERATION BY THE EXECUTIVE

7 Review of Environmental Health and Licensing Statutory Service Plan 2019/20

To consider the report of the Environmental Health and Licensing Manager

(Pages 25
- 116)

ITEMS FOR DISCUSSION

8 Budget Monitoring 2018/19 Outturn

To consider the report of the Chief Finance Officer.

(Pages
117 - 130)

9 Appointment of Legacy Leisure Working Group

To appoint the Members of the Legacy Leisure Working Group for the forthcoming year. The Terms of Reference are attached.

(Pages
131 - 132)

The current members are Councillors Bialyk, Sills, Foggin, K. Mitchell and D. Henson and nominations are sought.

To note the meetings for the forthcoming year as detailed below, commencing at 10.00am. The meetings are open to all Members.

23 July 2019
17 September 2019
10 December 2019

ITEMS FOR INFORMATION ONLY

10 DCC Exeter Highways and Traffic Orders Committee - 9 April 2019

To receive the minutes of the meeting of the Exeter Highways and Traffic Orders Committee held on 9 April 2019. (Pages 133 - 136)

Date of Next Meeting

The next meeting of the Place Scrutiny Committee will be held on **Tuesday** 18 June 2019 at 5.30 pm in the Civic Centre.

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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PLACE SCRUTINY COMMITTEE

Thursday 14 March 2019

Present:

Councillor Sills (Chair)

Councillors Wood, Henson, D, Mitchell, K, Owen, Prowse, Lyons, Pattison and Robson

Also present:

Director (DB), Skills Officer, Accountant and Democratic Services Officer (SLS)

In Attendance:

Councillor Bialyk

- Portfolio Holder Health and Wellbeing,
Communities & Sport

Councillor Harvey

- Portfolio Holder Place and Commercialisation

Councillor Sutton

- Portfolio Holder Economy and Culture

14

MINUTES

The minutes of the meetings of Place Scrutiny Committee held on 17 January and 31 January 2019 were taken as read, approved and signed by the Chair as correct.

15

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

16

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order 19, three members of the public submitted questions in relation to the transfer of the Legacy Leisure contract arrangement, the draft Exeter Transport Strategy, public toilet consultation, and the status of a best-practice guidance note to accompany the Sustainable Transport Supplementary Planning Document (SPD). (Attached as an appendix to these minutes).

A copy of the questions had been previously circulated to Members, and these, together with the responses from Councillor Bialyk, Portfolio Holder for Health and Wellbeing, Communities and Sport, Councillor Harvey, Portfolio Holder Place & Commercialisation and Councillor Sutton, Portfolio Holder Economy, Culture standing in for Councillor Denham as Portfolio Holder City Transformation, are appended to the minutes.

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QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 20

In accordance with Standing Order 19, a Member of the Council, Councillor Mrs Thompson, submitted a question in relation to the lighting at the Exeter Arena Skate Park (attached as an appendix to these minutes). The Chair read out the question as Councillor Mrs Thompson was unable to attend the meeting.

A copy of the question had been previously circulated to Members, and these, together with the response from Councillor Harvey, Portfolio Holder Place and Commercialisation is appended to the minutes.

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PRESENTATION ON INTERWOVEN AND PLACE MAKING

JoJo Spinks attended the meeting and provided a PowerPoint presentation and outlined the work of Interwoven and Place Making which used a multi-faceted approach to community led projects, by orchestrating community planning, design and management of public spaces or within a local community to promote health, happiness and wellbeing.

The approach adopted from the very beginning included the following:-

- cross disciplinary approach to enable bonds and connections to be made in order to make progress.
- a strong participatory model which could include anything from the views, thoughts and involvement of individuals in the local area.
- an awareness of the Place-led model to explore in a one square kilometre space, or the phrase they have coined of 'squilometre', which is co-created by participants and by nominated projects made by residents.

There have been projects around the city starting in Heavitree and others have followed in St Thomas, Polsloe, the West Quarter and St David's. Ms Spinks outlined the main premise for the projects which operate in a 'squilometre', with nominations from residents, which can be as simple as exploring a street or small area, or even an inanimate object. A steering group or 'pod' is formed, which remains open for the duration of the project expected to be six to nine 9 months in duration and should close with a sharing event with everything they found out about their place and project. The projects have been completely self-sustaining and not dependent on funding from external bodies, and was one of the most sustainable ways of creating a community building project and celebration of place.

Interwoven are a Community Interest Company (CIC), providing governance guidance and a network of participation, so that volunteers and participants were immediately rewarded by being part of a wider network. Ms Spinks referred to her voluntary role as an animateur or facilitator, using the arts and heritage as a mechanism to carry out community building projects and the aim to find other voluntary participants to continue the good work using the framework. The squilometer projects were inherently intergenerational and also captured the value and sense of the place right on people's door step. It was important to have a community aim with a shared language with an intergenerational audience. The sharing events encouraged a 'pay it forward' approach to provide a small level of continued funding. Interwoven were currently on their seventh project and each time there had been an accumulated sum to kick-start the next project, which was useful alongside the usual community and ward grants that may be available.

Ms Spinks responded to Members' questions and was delighted with the response so far to bring existing community builders to see how the 'squilometre' worked. She noted a Member from Pinhoe had expressed an interest in forming a squilometre. She added that such participatory models through Exeter had helped manage a number of very positive projects, often with consultation weary public. She hoped that it would also be possible to consider introducing a squilometre in the South

Street/West Quarter areas taking into consideration the future development of that area.

Place Scrutiny Committee noted the presentation and thanked Ms Spinks for her attendance.

19

EXETER SKILLS STRATEGY PRESENTATION

The Skills Officer provided an update on the Skills Strategy for the city as part of the Emerging Exeter Vision up to 2040. It was important to ensure that as part of the Council's skills ambitions that there was appropriate engagement and dialogue to continue the development of skills and learning, and be able to recruit and retain a suitable skilled workforce. A PowerPoint presentation outlined the work, and included key findings from research and results of a survey of 202 businesses in the city. Information around skills, qualifications and employment had provided the opportunity to update a number of key indicators relating to employment activity. These were used for discussion with key partners and stakeholders to build up a picture of involvement and trend analysis to create an evidence base.

There were a number of trends, including the earnings status, with little disparity between workplace earnings in Exeter of 79.8% (October 2017- 2018) and the national trend of 78.5%; also resident earnings of £529.20 for Exeter (2018) compared with a figure of £569 nationally, a figure borne out by a correlation between the level of daily inward migration of the workforce and local residents. Qualification levels had risen and 51.4% of Exeter residents were qualified at Level 4 and above, and over 50% of the city's workforce occupations were in professional and technical roles, with over 12% of Exeter graduates remaining in Exeter for work. One other area of interest was a spike in self-employment and a further study would be made to establish whether they were part of the highly qualified bracket of employees in traditional employment or were in contract or consultancy employment.

The Skills Officer also provided detail of the business survey which was conducted by telephone and interviews were broadly in line with the sectional composition.

- 2/3 of business recruited in 2018; (England 50%)
- 48% of vacancies were 'hard to fill'; (England 33%)
- 1/3 of business identified skills gaps in their workforce;
- 73% said staff would need new skills or knowledge in 12 months;
- 3/4 of staff had some training in past 12 months;
- 20% employing an apprentice; and
- 2/3 had not engaged with school, college or university. (12m)

The survey had shown that most vacant roles were in customer services, administration and skilled trades and reasons for this included skills matching, but essentially it was about there being more vacant positions than people to fill them. The survey also highlighted a skills gaps in the workforce of respondents within a specific and broad range, and in relation to employing an apprentice there was a lack of knowledge and understanding about the new opportunities and levels of apprenticeship training, which now included degree level.

Some of the emerging priorities were shared with Members and included:-

- whether businesses should be taking the initiative and developing those relationships to ensure that potential employees had the right skills set and

understood the world of work. It was important to match young people's aspirations to a predicted learning and employment pathway to ensure a skilled workforce for the future.

- a better understanding of the growth in the self-employment sector.
- impact of the forecast shortfall in working age population.
- Apprenticeships.
- ensure adequate learning development support for lower skilled employees, and their employers/businesses.

In drawing the presentation to a conclusion, the Skills Officer referred to the governance arrangements and the formation of the Skills Advisory Group, which included the City Council, Greater Exeter Partners, the Local Enterprise Board and the LEP Advisory Panel as well as a range of stakeholders, businesses, and, crucially representatives from the education sectors.

The Skills Officer responded to Members' questions on the following:-

- set out the classification for a small or medium business and the training and development of individual skills, with potentially greater opportunities to gain experience in a variety of roles. She also provided detail on the increase in the number of businesses and particularly in the science and professional sector.
- the classification of self-employed and the interesting dynamic in moving from being self employed to offering the opportunity of employment. Anecdotal feedback was that some large organisations offered employment on a contract basis, and that classification was also deemed as self-employment.

The Skills Officer added that projects underway included joint working with the Heart of the South West Careers Hub locally to enable greater schools engagement and a joined up approach to make sure there was the right signposting in place.

A copy of the presentation is appended to these minutes.

Place Scrutiny Committee noted the presentation and thanked the Skills Officer for her attendance.

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BUDGET MONITORING (QUARTER 3)

The Interim Principal Accountant (SR) presented the Budget Monitoring report for Quarter 3, which advised Members of the material differences, by management unit, between the 2018/19 approved budget and the current outturn forecast in respect of Place Scrutiny Committee revenue and capital budgets. The net expenditure for the Committee would increase from the revised budget by £162,250, after transfers from reserves, and included supplementary budgets of £1,055,800, which had already been agreed by Council, and included £300,000 for a review of the Bus Station site options. This represented a variation of 1.55% from the revised budget. The Interim Principal Accountant explained that the apparent overspend by Planning Services is more than offset by the available transfers from the Community Infrastructure Levy (CIL) and New Homes Bonus (NHB) earmarked reserves, as set out in the Appendix.

It was also noted that the report included a predicted outturn update in respect of the Place Capital Programme, with a total current spend of £3,703,018 in 2018/19 with £31,950 of the programme potentially deferred until 2019/20.

In response to questions from Members, the Director (DB) explained that:-

- a review of the Materials Reclamation Facility (MRF) would be carried out. Staff worked hard to keep the machinery running at the MRF, but regular breakdowns of the machinery, some of which were over 20 years old, had resulted in the need for recyclable material being processed elsewhere, with additional costs to cover the gate fee (tipping fee) levied by other MRF facilities. In addition, finer grade material could not be processed at Exeter's MRF due to the coarse nature of the machinery, this again has to be sent to a secondary reprocessor. He advised that a review would also look at opportunities to expand the materials processed for generating additional income. It should be noted that changes to any aspect of waste collection would have an impact on many different aspects of the service such as vehicle requirements, as well as equipment required for the MRF. The financial modelling of these options is extremely complex. The impact of such identifiable costs would be included in the report to a future meeting of this Scrutiny Committee.

A Member welcomed the points raised by the Director and suggested a further site visit to the MRF with an opportunity for informal discussion by Members of the Committee to ensure a better understanding of the issues relating to the site. Further investment in the MRF would ensure greater income and he supported any future business case. The Chair asked for the Democratic Services Officer to liaise with the Director and the MRF Manager to find suitable dates for a site visit.

A Member also referred to his role as the Chairman of the Exeter Tidy Group, and despite previous visits to the site, it appeared that little had changed in the intervening period. He had raised a question on this matter at the last meeting of this Scrutiny Committee and he hoped that the report by the Director (DB) would be presented as soon as possible.

The Interim Principal Accountant explained in response to questions from Members:-

- the forecast £50,000 additional parking service costs included the additional signage costs arising from two tariff changes, among other maintenance and supplies costs;
- in greater detail, the apparent overspend in relation to the Planning Services budget which was included in Section 8 of the circulated report. The CIL grants and Growth Point payments which are included in this service's figures are funded from CIL and NHB, distorting the true results of Planning Services, Building Control and Land Charges, which is forecast to be an underspend of £105,000. The way in which this information was presented would change from 1 April and offer greater transparency.
- Information in Appendix 3, set out the budgetary risk for some of the service areas. Planning Services was included in this report due the possibility of unbudgeted costs arising for reasons outside of the service's control. The inclusion of the Planning Service in this appendix does not indicate that it is expected to overspend against its budget; indeed, it is expected to underspend. The revenue from recycling was included as a risk due to the intrinsic uncertainty of recycling rates and market prices for recyclates, and the availability of the MRF to process the recycling.

A Member referred to the Council's approach to planning appeals which included the need for external consultants and he asked whether the City Council would consider employing a planning solicitor again. The Interim Principal Accountant

stated that the amount spent on consultancy fees was a management issue, and the duties of the Treasury team were to monitor and report on the financial aspects to both Members and the Senior Management Board. A Member added that the recent Member's Briefing on Procurement by the Service Lead – Commercial and Procurement had been useful in informing Members about this newly formed team. Their role included monitoring the Council's performance against any contract, service or supplier to ensure that value for money was achieved.

Place Scrutiny Committee noted the report.

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**EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE - 14 JANUARY
2019**

The minutes of the Exeter Highways and Traffic Orders Committee meeting held on 14 January 2019 were circulated for information.

(The meeting commenced at 5.30 pm and closed at 7.10 pm)

Chair

PUBLIC Questions for Place Scrutiny Committee – 14 March 2019

<p>Peter Cleasby Q1. What benefits did the Council expect would accrue as a result of the transfer of the leisure centres management contract from Parkwood Leisure to Legacy Leisure in June 2015; and will the Council please state whether each of these benefits has been realised and, in the case of financial benefits, quantify the benefits accrued to the Council (whether as additional income or savings)?</p>	<p>Councillor Bialyk as Portfolio Holder Health and Wellbeing, Communities & Sport responded to the public question</p> <p>Councillor Bialyk stated that from a financial perspective, the principal benefit surrounded VAT relief, which provided a fixed additional income to the Council in the form of additional management fee.</p> <p>He confirmed that this benefit was fixed at the time of transfer and has been realised</p> <p>As a charity, Legacy Leisure is also able to make grants available to individuals and clubs for community based activities that will improve quality of life or assist with the attainment of personal goals within sport and leisure. The information regarding recipients of grants is held with Legacy Leisure</p> <p>Mr Cleasby made a closing remark and thanked Councillor Bialyk for the response, but made a further request for the information. Councillor Bialyk stated that this information was a confidential matter and had been the subject of a Part 2 report, which is why he just was able to state that the benefit had been realised. Mr Cleasby welcomed the information that the community also benefited through various grants from Legacy Leisure, and it was important that the Council benefited from this. He stated that he understood that Parkwood Leisure also had some financial benefit from the arrangement too, and of course this benefited the leisure centre users.</p>
<p>Q2. What view does the Council take of the statement in Devon County Council's draft Exeter Transport Strategy that the target of 50% of all trips within the city being made on foot or bicycle "represents the most achievable way of freeing up</p>	<p>Councillor Sutton, Portfolio Holder Economy, Culture responded for Councillor Denham as Portfolio Holder City Transformation</p> <p>Mr Cleasby has raised a matter that has also been the concern of the City Council and is reflected in our response back to Devon County Council. At the heart of the City Council's pitch to Government in relation the Greater Exeter Industrial Strategy was the recognition that we need an innovative</p>

<p>capacity to facilitate the increase of car-based inward commuters from outside the city” (paragraph 1.47)?</p>	<p>approach to the problem of managing our highway network. The concept of a city development fund and the significant ask for transport infrastructure in the Industrial strategy reflected this concern. In stark terms transport was identified as the potential major barrier to the future growth of the city. The current system simply does not address the problem in a manner consistent with the vision we have for the city. The current approach is that the development sector is required to fund improvements to the network when there is insufficient highway capacity, thus developers pay for new junction and highway capacity. However, should the local transport authority successfully reduce the level of traffic on the highway network, the developers can argue there is capacity available for them to fill. In other words we are consigned to have to live with congestion. Whereas we would wish to reduce congestion and permanently shift car borne traffic from the network to encourage walking, cycling and use of buses. We need to see a different approach so that developments outside of the city do more to hold car borne traffic within their areas, such as providing greater self-containment in new developments. For example, Cranbrook and South West Exeter need to provide an attractive employment and service centre base, and hard infrastructure such as park and rides must be provided on our arterial routes into the city. The response submitted to the County Council reflects this concern. We are mindful of the challenges facing our rural communities who may not be well serviced by public transport and the needs of our businesses who need well connected communities to address labour market challenges. But it does illustrate the point that the city is continually driving the economy of the sub-region and is a stand out performer in the region, but it is far from clear the transport needs of the city region are understood as a matter of priority across the region. The County Council has to fight its corner with other authorities in the region and nationally. Hopefully, the case study that is being prepared with the National Infrastructure Commission will help raise the profile of the challenge we face and the urgency in securing resources to support our common agenda.</p>
<p>Q3. In relation to the proposal to reduce to 11 the number of Council-managed public toilets in the city:</p>	<p>Councillor Harvey Portfolio Holder Place and Commercialisation responded to the public question.</p>

<p>(a) How many respondents to the online survey used Question 14 (“any other comments”) to object to the proposal?</p> <p>(b) Does the £65,000 saving from the closures shown in the 2019/20 estimates include the costs of demolition, conversion to alternative use, sealing up or other maintenance of the toilets to be closed; and if not, what are the estimated costs of these works?</p>	<p>Councillor Harvey made the following responses</p> <p>(a) He advised that there were 328 out of 526 responders who commented against the proposal.</p> <p>Of those 23 people commented in favour of closing the public toilets. 174 people did not comment on Q14. There was also one inappropriate comment.</p> <p>(b) No those costs were not included and if the decision is given to close any public toilet on the list, then an individual assessment would be made for what it best for that location which might include any number of options, in conjunction with other programmes. Clearly as we do not know what the costs will be, as we do not know what the land will be used for.</p> <p>Mr Cleasby responded and thanked Councillor Harvey for the response. He said that he had noted that there were a small number of people who had commented against the proposal, even though there was no invitation to comment yes or no. He surmised they must have used the final ‘other comments’ box to do so. He said that the findings did suggest there were a fairly weighted opinion against the proposal, but it was clearly for the Council to take the consultation into account.</p>
<p>Lynn Wetenhall Devon County Council have produced a 10 year draft Transport Strategy for Exeter. This document has not appeared for discussion before any committee of either Devon or Exeter Councils, apart from Exeter Highways and Transport Orders Committee; this committee has no strategic role or say over transport matters. On 6th November 2018, Exeter HATOC were given a PowerPoint presentation about the draft strategy, with no advance report available. The</p>	<p>Councillor Sutton, Portfolio Holder Economy, Culture responded for Councillor Denham as Portfolio Holder City Transformation</p> <p>The Transport officers of the County Council shared their emerging thinking with the draft Exeter Transport Strategy in a number of forums prior to the formal consultation exercise, including work on the Greater Exeter Strategic Plan. This reflects the commitment the county council made to the city council in holding a number of informal meetings with the portfolio holder on strategic transport for the city. The emerging strategy was also shared with other leaders of the Greater Exeter district councils through the mechanism of the Greater Exeter Growth Board. Therefore it would be fair to comment</p>

<p>joint Transport Strategy Steering Group, with 3 sitting councillors across County and City Councils, discussed the strategy apparently very briefly, on 9th July 2018.</p> <p>Exeter City Council have not been offered any pre-consultation opportunity to help shape the draft Strategy beyond the above opportunities and a meeting of the Greater Exeter Strategic Plan council leaders and Chief Executives.</p> <p>Given that transport and related air pollution issues are so significant for the city, does Exeter City Council think that this extremely limited level of dialogue and Councillor engagement in shaping a draft 10 year transport strategy for Exeter is adequate to ensure that Councillors are fully informed and making choices based on evidence and understanding the range of options available?</p>	<p>that there were no surprises in the document that emerged. The Chief Executive & Growth Director, together with the Portfolio Holder for Transport and the Leader of the City Council, was broadly content that the direction of travel of the strategy reflected our corporate priorities, namely emphasising active travel, supporting walking, cycling and tackling congestion. The evolution of the policy approach also suggested a clear recognition that technology and innovation had an important role to play in addressing the challenges associated with congestion. This reflected the work of Exeter City Futures and the City Council’s focus on data analytics and innovation. The Consultation exercise on the Draft Exeter Transport Strategy is being administered by Devon County Council and responses were invited by the County Council. The timetable for responding to the exercise was challenging given the numerous policy initiatives being progressed by officers during this period, but a response was cleared with the Leader of the City Council to meet the 28th February consultation deadline.</p> <p>It was noted that a copy of the consultation would be attached to this response.</p>
<p>Will Page I would like to table a question regarding an outstanding action from a ECC task and finish group.</p> <p>The action was to produce a best-practice guidance note to accompany the Sustainable Transport Supplementary Planning Document (SPD). Has this action been completed?</p>	<p>Councillor Sutton, Portfolio Holder Economy, Culture responded for Councillor Denham as Portfolio Holder City Transformation</p> <p>Will Pratt, the Principal Transport Planning Officer at DCC advised that there are plans to produce a four page leaflet which signpost best will practice of pursuing a sustainable transport policy and the benefits. There is an example of this with information produced for the Devon Metro. This latest information to be made available to planning officers to offer, particularly to developers and planning agents to signpost best practice with examples from across the city and the benefits of travel planning for businesses.</p> <p>It is anticipated that this will happen in about a months or six weeks’ time. William Pratt was due to meet up with Will Page and I sure would be discussing this further.</p>

For the attention of: Will Pratt

Exeter Transport Strategy – Consultation Draft
Devon County Council
Transport Planning
AB2 Lucombe House
County Hall
EXETER EX2 4QD

Civic Centre, Paris Street, Exeter, EX1 1JN
www.exeter.gov.uk

Please ask for: Cllr Peter Edwards

Direct Dial: 01392 265170

Email: Cllr.peter.edwards@exeter.gov.uk

Our ref: PE/dmv

Your ref:

4 March 2019

Dear Will

EXETER TRANSPORT STRATEGY – CONSULTATION DRAFT – JANUARY 2019

The City Council believes that the existing Exeter Transport Strategy, as set out in the LTP 3, needs to be updated to address the significant challenges of accommodating the growth to be provided for in the forthcoming Greater Exeter Strategic Plan (GESP). The City Council believes the new Strategy needs to look to the 2040 GESP timeframe, albeit that a shorter timeframe may be appropriate for 'Local Transport Plan' purposes.

The City Council concurs that the key themes identified in the Consultation Draft Exeter Transport Strategy are the right ones, and that the overall thrust of the Transport Strategy is apposite. It articulates a credible strategy to address the continued growth of the City, but it must be complemented by costed infrastructure investment commitments, and the determination to see those investments implemented.

The City Council acknowledges that in previous years the County Council has worked hard to achieve modal shift to sustainable modes of travel in Exeter, and that the County Council have done remarkably well in capturing funding for transport infrastructure in the Greater Exeter area.

Looking to the future, there is a danger that future growth will outstrip the capacity of infrastructure within the City to accommodate it, and that a lack of capital funding for projects to accommodate growth will compound current problems. The City Council believes that mechanisms must be found by which the County Council is able to borrow money against the future financial benefits that flow from growth in the City and on its periphery to deliver transport infrastructure upfront in the City and on its fringes. Capacity freed up by modal shift in the City cannot simply be filled up by vehicular movement resulting from new growth elsewhere in Greater Exeter or in Exeter's Travel To Work Area, and we cannot simply rely on national funding to deliver critical infrastructure, we must find ways to pool resources, capture the value of development, and agree on shared transport infrastructure delivery priorities. The way that infrastructure is delivered in places like Greater Norwich may be a model we can follow. Under the terms of the Greater Norwich Growth Deal, Norfolk County Council borrowed £60 million from the Public Works Loans Board at discounted interest rates to deliver infrastructure upfront to accommodate growth.

The City Council believes that the time for radical change is upon us, that a step change is needed to encourage people to opt for sustainable travel modes in preference to the car, and that past

prevarication about what needs to be done cannot continue. The City Council believes that there is public support for putting pedestrians, cyclists and public transport users first, with the overall objective of improving the human environment and thereby the human experience of living in Exeter. The historic road network in the City is a major constraint that is not easily surmountable, and choices have to be made.

The City Council believes investment must be made in Park and Ride, in railway stations and rail services, and in innovative 'last mile' solutions offering Exeter's citizens and in-commuters choices in how they access work, education, and the services and facilities on offer in the City. We have to tackle stubborn problems like Park and Ride at Alphington. Government must be convinced that the local rail network functions as a commuting service and not just a leisure service for the rest of the country. The local rail network must increasingly be seen as an integral part of the growing Travel To Work Area. Whilst some investment in the Strategic Road Network may be unavoidable, this cannot be at the expense of investment in sustainable transport to accommodate movement in and out of the City.

The City Council strongly supports the need to further reduce the dominance of the car in the City Centre and other locations by removing traffic and re-dedicating highway space for public transport, pedestrians and cyclists. This will be fundamental to Exeter accommodating further growth and to areas on the periphery of the City accommodating more growth without giving rise to increased congestion and pollution in more central areas. Removing exceedances of the air quality objectives is properly included as a specific aim of the Strategy. Modelling by the City Council has indicated the extent of the changes in emissions which will be required to achieve this, as presented in our Air Quality Action Plan. The County Council must make use of this evidence to ensure that schemes are designed from the outset with an understanding of the scale of change required and I know that City Council officers are ready to assist with this process.

The re-dedication of highway space will need to be accompanied by significant investment to encourage both the citizens of Exeter and in-commuters out of their cars. In encouraging and facilitating an increase in travel by active modes by City residents, the strategy and interventions that flow from it must also target the travel behaviour of in-commuters. The Park and Ride / Park and Change element of the Transport Strategy must be accompanied by enhancements to all major corridors on radial routes. Enhancing just one or two of these corridors will not be sufficient. Enhancement and expansion of 'Devon Metro' rail services will also be critical. This will require further investment in new and enhanced railway stations (and associated infrastructure) in Exeter and Greater Exeter. The Strategy notes that the number of jobs in the Sowton area equals that in the City Centre but that rates of car commuting to Sowton are higher. Measures must also be put in place which allow out-commuters from the City to Sowton and other areas to utilise sustainable travel modes. Business journeys during the day within the City must also not simply be regarded as 'captive to the car or commercial vehicle'.

Complementary measures to dis-incentivise in-commuting by private vehicle should not be ruled out too soon. In-commuters must be given both choices and incentives to shift to different transport modes so that congestion and pollution do not simply continue to be the norm in the City.

Embryonic concepts such as electric buses, on demand shuttles from Park and Ride sites to key employment sites, electric bike schemes and car clubs need to be further trialled and their expansion facilitated.

Exeter City Futures can be a conduit for bringing about innovative change. The Council is committed to becoming one of the UK's most sustainable Cities, and through our shared membership of Exeter City Futures we should be aspiring to the creation of a city where residents, commuters and visitors can access the City through green options that maximise clean air and space for walking, cycling and public transport.

Clear commitments need to be made to implement the infrastructure which is identified as being necessary to accommodate growth. Transport plans which follow on from the Transport Strategy will need to marry up with housing and economic development plans. The City Council is excited to be working with the County Council and others to produce an Exeter Infrastructure Prospectus with the support of the National Infrastructure Commission. Perhaps the most important element of this will be the identification of transport project implementation timeframes and associated finance. Both the City and County Councils need to use the National Infrastructure Commission Case Study to identify the scale of funding required to support the growth of the City.

To summarise, the City Council supports the overall thrust of the Consultation Draft Exeter Transport Strategy. The City Council believes the need for radical change is now unavoidable. The Transport Strategy must be complemented by definite implementation plans, informed by the collaborative work to be undertaken with the support of the National Infrastructure Commission, and by other initiatives such as the Sport England physical activity local delivery pilot programme.

I have, of course, a vested interest in promoting Exeter's interests, but I genuinely believe that investment in Exeter must be a priority. The City is key to raising productivity across the Heart of the South West Region and across the far south west of England in general. In the productivity context, investment in Exeter is not a selfish demand, it's a sensible proposition that benefits everyone in the City's expansive Travel To Work Area.

The City Council looks forward to working with the County Council to achieve the best outcomes we can for Exeter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Edwards', with a long horizontal flourish extending to the right.

Cllr Peter Edwards
Leader, Exeter City Council

MEMBER Question for Place Scrutiny Committee – 14 March 2019

<p>Question from Councillor Mrs Thompson</p> <p>Some residents living near the Skate Park at Exeter Arena are experiencing noise disturbance late into the evening, including the warning sound to advise users of the facility's approaching lights out- this is not proving conducive with children's bedtimes, so is it possible to consider options to cooperate with residents please?</p>	<p><u>Response made by Councillor Harvey Portfolio Holder Health Place and Commercialisation</u></p> <p>Councillor Harvey referred to the skate park which had opened at the Exeter Arena in December, having undergone a period of consultation which included potential users of the facility as well as the skate park's concrete construction to reduce further maintenance and costs. Already the facility has proved to be extremely popular with a wide range of users from young children on scooters and bikes through to those using skateboards and it has become a remarkably popular facility and something that the area needed. Councillor Harvey said that Councillor Thompson was correct and there have been some problems with noise. There were also some other problems of anti-social behaviour in the area, and the police were looking into that but the infrastructure surrounding the area and in particular the railway tunnel over Summer Lane was providing a challenging environment. Devon County Council are in the process of building a cycle and pedestrian bridge over Summer Lane, with construction due to commence shortly and this may also in reduce some of the noise level. He said that they were not taking this complaint lightly and they had also received a petition with 20 to 30 signatures with regard to noise emanating from the skate park. He advised that this issue was currently being investigated by the Council's Environmental Health team, and that included a survey being conducted to measure the level of noise and disturbance at different times of the night and day. If the noise measurement proved conclusive then appropriate action in respect of some noise reduction measures would be taken.</p> <p>He said that Councillor Mrs Thompson could rest assured that this problem was being taken very seriously, and it would be a shame for this facility which was enjoyed by so many young people to be seen to be the cause of disturbance to the local residents.</p>
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PLACE SCRUTINY COMMITTEE (SPECIAL)

Friday 26 April 2019

Present:

Councillor Sills (Chair)
Councillors Henson, D, Mitchell, Owen, Prowse, Begley, Lyons, Pattison and Robson

Apologies:

Councillor Wood

Also present:

Director (DB), Corporate Manager Democratic and Civic Support, Interim Public & Green Space Service Manager, Interim Principal Accountant (AR) and Democratic Services Officer (SLS)

In Attendance:

Councillor Edwards	- Leader
Councillor Harvey	- Portfolio Holder for Place & Commercialisation
Councillor Foggin	- Speaking Under Standing Order 44
Councillor Holland	- Speaking Under Standing Order 17
Councillor Musgrave	- Speaking Under Standing Order 17 and 44
Councillor Pierce	- Speaking Under Standing Order 17
Councillor Mrs Thompson	- Speaking Under Standing Order 17

22

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

23

RESULTS OF CONSULTATION ON PUBLIC TOILETS

The Chair advised that, in accordance with Standing Order 17, a special meeting of Place Scrutiny Committee had been called following the decision made by Executive on 9 April 2019, for the closure of a number of public conveniences in Exeter. The decision had been taken in support of the Council decision made on 26 February 2019 to remove £60,000 from the budget, so that a balanced budget could be set.

Following the publication of the decision made by Executive and in accordance with Standing Order 13 (1) Councillors D. Henson, Holland, Mitchell, Musgrave, Pierce, Prowse and Mrs Thompson indicated that they wished to Call-In the decision. The Members, also known as the Subscribers gave the following reasons and grounds on which they had submitted the Call-In:-

The decision maker had failed to take account of relevant factors by:-

1. not adequately addressing the issues raised within the Equalities Impact Assessment, with particular regard to the impact upon individuals with disabilities, long term health conditions and members of the homeless community, and

2. not adequately addressing and committing to the implementation of a community toilet scheme, which is cited within the Equalities Impact Assessment as the means of mitigating against the negative impact of the closures upon the groups mentioned above.

It was noted that the report of the Interim Public & Green Space Service Manager to the Executive on 9 April had set out the responses from the public consultation on the future of public toilets across the City, and Members had endorsed the approach to achieve the required budget savings, whilst retaining some degree of service provision. The Executive on 9 April 2019 had resolved the following:-

- (1) the results of the consultation exercise be noted;
- (2) the decision to close all of the 13 public conveniences listed in the report presented to the meeting be supported with immediate effect, in addition to the two already closed. (Leaving 11 public conveniences in operation as detailed in Appendix 1 to the report);
- (3) the City Surveyor be authorised to divest the running of the toilets to other organisations, or to explore alternative uses including potential disposal, to achieve best value for the authority. Priority consideration should be given to alternative uses which would incorporate a publically accessible toilet; and
- (4) the introduction of a Community Toilet scheme be investigated.

The Chair invited Members to review the process by which the Executive made their decision, paying particular attention to the information provided. If it was considered that the Executive did not have all the relevant information in front of them at the meeting on the 9 April, a recommendation could be made to the Executive to reconsider this matter giving the reasons for doing so, and to this effect a meeting of the Executive had been provisionally scheduled for 29 April 2019. He confirmed that the Leader of the Council and Councillor Harvey, as the relevant Portfolio Holder for Place and Commercialisation, were present to answer any questions put forward. The Director and Interim Public & Green Space Service Manager were also present to answer questions of an operational nature, whilst the Chief Finance Officer's representative would be able to advise on any budgetary implications emanating from the discussion.

The Chair invited those subscribers who had requested to speak, to put their points relating to the Call-In Notice.

Councillor Mrs Thompson spoke and stated that she understood from personal experience the potential distress from her own family members of not being able to access a public convenience. She understood there was no legal obligation for the City Council to provide public conveniences, but she considered there to be a moral obligation. She referred to a working group which had been convened to study the public convenience provision in Exeter and along with other members of that group, she visited Oxford in 2012, to see a community toilet scheme in operation at the time, with a view to considering a similar scheme in Exeter.

Councillor Pierce referred to the results of the public consultation and the overwhelming desire from local residents to keep the public convenience in Topsham open. She hoped the many comments made in the consultation and subsequently, would be taken into consideration. She was strongly opposed to the closure of the toilets in Topsham, and was concerned about the effect that would have both on the local population as well as visitors to such a popular visitor destination.

Councillor Musgrave spoke as a subscriber but also having given notice to speak Under Standing Order 44.

Councillor Musgrave asked of the Portfolio Holder, whether the consultation results only detailed usage of facilities earmarked for closure, or would the Council publish any additional on public toilets. The Portfolio Holder Place and Commercialisation responded and stated that the consultation had only asked questions based on the proposals to close a certain number of public toilets with an option to make comment on other toilets if required. No comments had been made on any toilets other than the ones listed in the consultation. Councillor Musgrave also asked that, with the closure of Musgrave Row toilets already agreed, what provision was planned for homeless residents should community groups not come forward to run the City Centre facilities. The Portfolio Holder Place and Commercialisation responded that there were no plans for making any provision for public toilets for homeless people in the city. There were a number of different groups of people who congregated on the streets at different times of the day and night and not all of those people were homeless, those who were genuinely homeless, the City Council and their partners offered a wide range of support, including the night shelter and covered areas such as mental health support and drug and alcohol dependency. The City Council had received over £1million in external funding as part of the ambition to put an end to rough sleeping in the city within five years. Communication had been maintained with the Police as part of the review of the Council's public conveniences and they had not raised any concerns and were supportive of the closure of the facilities in Musgrave Row due to the instances of anti-social behaviour. Councillor Musgrave referred to the Safe Sleep Initiative and introduction of the Public Spaces Protection Order (PSPO), and he asked the Portfolio Holder to reconsider the provision for homeless people. The Portfolio Holder stated that he was not able to.

Councillor Musgrave was concerned that the consultation exercise had been used as the basis for closure of a public facility. He also referred to the previous assurance that the toilets in Musgrave Row would remain open beyond the 7pm closing time to offer a toilet facility to the homeless and street attached. There had been no such provision resulting in numerous instances of street urination. He was also concerned that people with a range of health issues would not be properly catered for, and many residents had contacted him about the closures, commenting on the potential for greater isolation in part due to the reduced opportunities to find a public convenience.

Councillor Foggin also spoke having given notice under Standing Order 44 and voiced her concern about the closure of the public facilities in Heavitree. She asked if any other options had been considered, and suggested the CCTV Control Room could make a charge for using their cameras for greater vigilance and thereby provide a source of income from the police for that service. She suggested that a further review of the opening hours, such as the potential for only opening between 9.00am and 5.00pm which could help to reduce instances of vandalism.

The Director referred to the authority's challenging financial situation, and their due regard to the approach and rigour. The reasoning behind the closures had included the Government's reduced funding to local authorities, which had an impact on non-statutory services. Although substantial savings had already been made, further significant savings in the current and next financial year were required. He reiterated that 11 public conveniences would remain open across the city, together with alternative provision in and around the city. It was not clear why the community toilet scheme had not been introduced in Exeter, but he would continue to investigate and monitor this option.

The Portfolio Holder Place and Commercialisation confirmed that the Executive had sufficient information to enable an informed decision to be made. The Leader has had to make some very difficult decisions, some of which would be unpopular, but the fact remained that £2.7m of savings had to be identified, and the £60,000 savings would still have to be found from another service.

The Chair advised the three options under the Call-In Procedure which were to:-

- resolve to take no further action;
- refer the matter back to the Executive for reconsideration, setting out in writing the reason for its request; or
- refer the matter to Council who may refer the decision back to the Executive for reconsideration setting out in writing the reasons for its request.

The Director responded to Members' questions and stated that it was the responsibility of Members to set a balanced budget and put forward any suggestions to identify where savings could be made. Many of the public conveniences that had been closed, were in a poor condition and the cost of bringing them to an acceptable standard was approximately £100,000.

Councillor Musgrave referred to the lead in time for the closure of these toilets, and the previous discussion on community toilets in the city centre and potentially operating in other centres in and around the city. He felt it would have been more beneficial to implement a scheme first and then close the toilets. He suggested identifying the £60,000 from another budget and asked that the community toilet scheme be investigated without any commitment. The Director advised that many businesses were not in favour of a community toilet scheme, and that further engagement with them was required to establish their view. The City Surveyor had been tasked to study the options. He also took on the suggestion of seeking sponsorship for costs associated with the running of the toilets.

A Member spoke in support of the decision made at Executive, and said that the fact remained that a sum of £60,000 would have to be identified, along with further continued savings over the coming years. He felt the Executive in making the decision on the 9 April were in possession of the facts to make an informed decision in the correct manner.

Councillor Pattison made a proposal that no further action be taken. Councillor Lyons seconded the proposal.

RESOLVED that in accordance with Standing Order 17 5(a), no further action be taken in respect of the Call-In.

It was noted that the proposed meeting of the Executive to be scheduled for 29 April would be cancelled.

(The meeting commenced at 5.30 pm and closed at 6.30 pm)

Chair

Final

REPORT TO: PLACE SCRUTINY COMMITTEE
DATE OF MEETING: 13 June 2019

REPORT TO: EXECUTIVE
DATE OF MEETING: 9 July 2019

REPORT TO: COUNCIL
DATE OF MEETING: 23 July 2019

REPORT OF: Environmental Health and Licensing Manager
TITLE: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council Function

1. What is the report about?

1.1 To seek approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2019/20. The Statutory Service Plan sets out the Council's regulatory function in respect of food safety, health and safety, private sector housing licensing, environmental permitting and other statutory functions over the forthcoming year.

2. Recommendations:

- 1) That Place Scrutiny Committee supports the Statutory Service Plan 2019/20
- 2) That Executive supports the Statutory Service Plan 2019/20
- 4). That Council approves:
 - a) the Statutory Service Plan 2019/20; and
 - b) the Environmental Health and Licensing Manager being authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

3. Reasons for the recommendation:

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

undertaken (e.g. retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.

3.3 The Statutory Service Plan incorporates:

- the service aims and objectives;
- information about all enforcement and related services provided by the Council's Environmental Health and Licensing Service
- the Action Plan for 2019/20 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.

4.1 The Action Plan will be carried out within the existing resource allocation as detailed in both the Statutory Service Plan and Revenues and Estimates for 2019/20.

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

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider.

6. What are the legal aspects?

6.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service. In the current Framework Agreement and Code of Practice, the Food Standards Agency indicates that full compliance with all inspection frequencies will be expected

6.2 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken, whilst HSE is responsible for industrial activities.

6.3 The Licensing Team play an important role in maintaining a safe and vibrant city by ensuring that licensable activities are effectively regulated, and where non-compliance is found, effective action is taken. Licensing functions are self-funding and following the implementation of the EU Services Directive and subsequent court cases, licence fees must reflect the cost of the service and cannot be used to fund other areas of the Council's activities. Therefore any reduction in overheads to this function means that we are legally obliged to implement a reduction in the licence fees set.

6.4 The Private Sector Housing Team play an important role in maintaining a decent home standard, and where non-compliance is found, effective action is taken. The HMO Licensing function is also 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:

7.1 This report raises no issues for the Monitoring Officer.

8. Report details

Key Achievements in 2018/19:

8.1 Value for Money

Environmental Health and Licensing is delivered at a net cost of £3.73 per head of the population.

When broken down further this equates to 74p per head of the population for food safety, 74p per head of the population for health and safety and £1.16 per head of the population for nuisance and anti-social behaviour. Other aspects of the service such as HMO Licensing, Pest Control, Training and the Licensing Team are funded from their respective fees.

8.2 Programmed Interventions

The service inspected 544 food businesses during the year. Out of those targeted for inspection 93% were inspected.

The service also conducted 428 HMO inspections.

8.3 Service Requests

Environmental Health and Licensing is responsible for investigating complaints relating to food safety, health and safety regulation, infectious disease control, air quality, environmental permitting, contaminated land, licensing, anti social behaviour, statutory nuisance and also for providing health promotion and training activities for businesses. 3,695 such requests were received by the service during 2018/19.

8.4 Sampling

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

The intelligence led food sampling programme led to 15% of the 115 food samples taken being found to be unsatisfactory or borderline. This programme has led to the service intervening at an early stage to help businesses produce food safely.

The service continues to use an Adenosine Triphosphate (ATP) meter which is a simple, rapid method for monitoring cleanliness, hygiene and risk.

8.5 Control and Investigation of Outbreaks and Food Related Infectious Diseases

The service is responsible for the investigation of outbreaks and food related infectious diseases in the City.

Whilst the service has adequate resources to deal with its workload on a day to day basis, however when the service is presented with a large scale outbreak requiring an extensive investigation then the service struggles to complete key elements of the service plan.

8.6 Education and Awareness

A key component of proactively engagement is assisting business compliance through education and awareness. The service runs a number of accredited training courses as well as informal workshops to allow business to access the information that they need to operate safely without being an expensive burden to the business. In addition, the service looks to innovative ways of engaging with business to bring about compliance such advice visits accompanied by translators and a joined up approach to health and safety, occupational health and public health with businesses throughout the city.

During 2018/19, 565 delegates have attended education and awareness sessions run by the service.

8.7 Primary Authority

The service is actively embracing the Government's primary authority programme. The service currently has 5 active Primary Authority Partnerships.

8.8 Other notable achievements during 2017/18

- Worked with other partners to minimise the impact of the start of the academic year on the residents of the city.
- Continued to strengthened and enhanced the role of the Exeter Business Against Crime (EBAC) Partnership
- Continued to maintain the level of interventions with respect to food safety, ensuring that the level of compliance within the city remains high.
- Replaced the air quality monitoring equipment at RAMM and Alphington Street.
- Consulted and adopted a new policy on a policy for animal licensing
- Conducted 2 mystery shopping exercises of the Hackney Carriage and Private Hire trade
- The annual Renting Minefield event took place in May and November 2018, organised in conjunction with partners and attended by over 350 landlords and agents.
- Disabled Adaptations were provided (Disabled Facilities Grants) totalling £307,237.89 with a further £97,640.59 of grants authorised but not completed before the end of the financial year.

- Warm Up grants for home insulation and replacement boilers were issued totalling £86,430.60 with a commitment to a further £137,583.89, helping to reduce fuel poverty in the city The Licensing Team completed 84 compliance checks in relation to premises licensed under the 2003 and 2005 Acts.
- Worked towards implementing an agile and flexible working programme to improve the speed, accuracy and success of our service. This included utilising technology and removing barriers to working as one team.
- Developed a new Air Quality Action Plan for the city, through an in-depth engagement process with the community and partners
- Promoted safe neighbourhoods and tackle anti-social behaviour through education and early engagement with problems, backed up by enforcement action if required.
- Established a Rogue and Problematic Landlord Taskforce with partners such as the Police and Fire Service to improve the standard of private accommodation and tenant safety.
- Worked on revising the empty homes strategy
- Adopted a Financial Assistance Policy for Housing Grants
- Delivered disability and dementia Awareness training to our licensed taxi drivers
- Co-ordinated multi-agency visits where migrant worker/modern slavery issues are suspected or identified
- Conducted a review into the corporate approach to safeguarding, which included reporting mechanisms, policies and procedures and training
- Adopted new Corporate Health and Safety, training and Fire Risk Management Policies
- Reviewed the council's approach to legionella, staff safeguarding and electrical safety, ensuring that contracts are in place to manage these effectively.

8.9 Proposed key activities for 2019/20

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

- Finalise the implementation of the agile and flexible working programme.
- Adoption of a single Corporate Asbestos Policy
- Adoption of a single Corporate Asset Inspection Policy
- Develop a corporate safeguarding case management system
- Adoption of a Modern Slavery Transparency Statement
- Update to the statement of Licensing Policy for the Licensing Act 2003
- Update to the Animal Licensing Policy following recent legislative changes and subsequent amended DEFRA guidance

- Focus on swimming and spa pool hygiene/safety, promoting the revised HSE & PWTAG guidance. Look to provide training event for local pool operators
- Undertake food and pool water sampling in line with national and regional plans and using local intelligence (e.g. food complaints, alleged food poisonings etc.)
- Work towards achieving the actions as set out in the Air Quality Action Plan and report back to members in September 2019
- Use all information available to identify properties that have not licensed their HMOs and to ensure compliance with licensing regime
- Conduct an inspection of all mobile home sites and review Mobile Home Site Licensing
- Conduct a review of procurement for major DFG adaptations
- Review of the Enforcement Policy to include Civil Penalties
- Review of Public Spaces Protection Order (PSPO) and seeking a new order if applicable
- Revise the Contaminated Land Strategy
- Adopt a revised Empty Homes Strategy

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

9.1 The Environmental Health and Licensing Service Plan will contribute to the delivery of:

- Tackling congestion and accessibility
- Promoting active and healthy lifestyles
- Building great neighbourhoods
- Provide value-for-money services despite continuing central government budget reductions

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

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

11. 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 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.

11.2 An Equalities Impact Assessment is attached as Appendix B to this report

12. Are there any other options?

12.1 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.

Environmental Health and Licensing Manager

Author: Simon Lane, Environmental Health & Licensing Manager

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

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

Room 2.3

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Environmental Health and Licensing Statutory Service Plan Equality Impact Assessment

Introduction

The Environmental Health and Licensing Statutory Service Plan 2019/20 forms the basis of the business regulation enforcement functions for the authority and ensures that national food safety, health and safety, environmental protection, community safety, private sector housing 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.

Exeter City Council has a duty to act as an enforcing authority in premises for which it is responsible. The plan outlines how the Environmental Health and Licensing will undertake that function.

It has been produced to ensure that local businesses, landlords, employers and employees, members of the public, council officers and Members understand the approach to regulatory enforcement adopted by the Council. The service plan will help to ensure that the actions of the Council are fair, consistent, open and effective.

The Council recognises the important role it plays promoting and securing the safety and health of those who live, work and visit the City. The key aim of this plan is to demonstrate how the Council will fulfil its statutory obligations in accordance with national guidance set out by the respective regulatory agencies. It includes:

- the Council's aim and objectives;
- information 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.

Lead officer: Simon Lane, Environmental Health and Licensing Manager

Service Manager: Simon Lane, Environmental Health and Licensing Manager

Stakeholders: Residents, Partner Agencies, Voluntary Sector Organisations, Elected Members, Property Owners, Businesses, employees and visitors to the city

For each of the areas below, an assessment has been made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation are included. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

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

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

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

	Neutral	Positive	Negative
Protected characteristic/ area of interest Race and ethnicity (including Gypsies and Travellers; migrant workers asylum seekers etc.)	There is no evidence to suggest that the strategy would have a potential impact on this characteristic.		
Disability (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include mental health conditions, long term illnesses such as cancer and HIV, cognitive issues, learning disabilities and sensory impairments)		The Service Plan applies equally to all residents of Exeter irrespective of disability. Our service does seek to positively support those with disabilities through disabled facilities grants, ensuring adequate provision through licensing, and through ensuring safe workplaces	Private Hire and Hackney Drivers are required to pass a medical test to show their ability to drive safely. This will prevent some people becoming drivers.
Sex/Gender	There is no evidence to suggest that the strategy would have a potential impact on this		

	characteristic.		
Gender reassignment	There is no evidence to suggest that the strategy would have a potential impact on this characteristic.		
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions)	There is no evidence to suggest that the strategy would have a potential impact on this characteristic.		
Sexual orientation (including heterosexual, lesbian, gay, bisexual)	There is no evidence to suggest that the strategy would have a potential impact on this characteristic.		
Age (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).		<p>Nuisance, Anti-Social Behaviour and Empty properties negatively affect all age groups, so therefore proportionate intervention and education where necessary will be used.</p> <p>Disabled Facilities Grants, loans and other grants will be available for all to reduce hospital admissions, hazards and fuel poverty.</p> <p>Reducing Category 1 Hazards in properties will particular benefit children and young people and older people who are statistically higher of accidents as a result of such hazards.</p>	

Community relations		We believe that this service plan will have a positive impact communities that are improved as a result of our intervention.	
Human Rights	There is no evidence to suggest that the strategy would have a potential impact on this characteristic.		
<u>Actions identified as a result of the impact assessment (these should be SMART):</u>			
Action	Lead	By when	

Equality Impact Assessment Report Questions checklist	
1.	Describe the piece of work you are assessing and the reason it is being carried out. Are you: <ul style="list-style-type: none"> ○ Making a strategic budget proposal ○ Developing a new policy, strategy or project ○ Reviewing and revising a policy, strategy or project ○ Reviewing a function or a service ○ Restructuring a service. Include any options appraisal and if you have a preferred option explain why.
2.	What are the timescales for completing the work? What committee deadlines do you have to meet?
3.	What are the aims and objectives of the work? How do these link to wider council or strategic objectives.
4.	Who will be the main beneficiaries of the piece of work and in what way? All people in Exeter? Council staff? A specific stakeholder group? A combination of these?
5.	What data do you have on how different groups would be affected by the work?
6.	What research studies or reports have been carried out in other areas of the country or nationally that provide information about the

	likely impact of your work on equality groups?
7.	What consultation has taken place or is planned with customers (individuals and groups) from equality groups?
8.	What does the consultation indicate about any differential positive or negative impact(s) of this piece of work?
9.	If there are gaps in your previous or planned consultation and research are there any experts/relevant groups that can be contacted to get further views or evidence on the issues? If so please explain who they are and how you will obtain their views.
10.	If you have indicated there is a negative impact on any group, is that impact Legal; Intended; of high or low impact?
11.	If you identified any negative impact that is of low significance, can you minimise or remove it? If so how?
12.	Could you improve the strategy/policy/project's positive impact and if so how?
13.	How do you intend to continue monitoring the impact of this strategy/policy/project?
14.	If there are gaps in your evidence base, do you need to carry out any further research about the likely impact of your work on equality groups?
	There might be a time delay here as you will need to get the results of your consultation before you can continue working your way through the questions.
15.	As a result of this assessment and available evidence collected, including consultation, what if any changes do you need to make to the strategy/policy/project?
16.	Will the changes planned ensure that the negative impact is: Legal; Intended; of low impact?
17.	What monitoring/evaluation/review process have you set up to check the successful implementation of the strategy/policy/project?
18.	How will this monitoring/evaluation further assess the impact on the equality groups/ensure the strategy/policy/project is non-discriminatory?
19.	Please provide an action plan showing any recommendations that have arisen from the assessment and how you plan to take them forward. Are your actions SMART (specific, measurable, achievable, relevant and time-based).

20.	When will you next review this work and the impact assessment?
------------	--



Environmental Health and Licensing Statutory Service Plan 2019 – 2020

Drawn up in accordance with the: -

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

Issued by: Simon Lane, Environmental Health and Licensing Manager

Issue date: April 2019

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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 2019/20. It forms the basis of the business regulation enforcement functions for the authority and ensures that national food safety, health and safety, environmental protection, community safety, private sector housing and licensing priorities are addressed along with locally identified needs. It demonstrates our commitment to improving public safety, health and environment outcomes, sets out our priorities and planned interventions for the current year and targets them to maximise their impact.
- 1.1.2 The Council has a duty to act as an enforcing authority in premises for which it is responsible. The plan outlines how the Environmental Health and Licensing will undertake that function.
- 1.1.3 It has been produced to ensure that local businesses, landlords, employers and employees, members of the public, council officers and Members understand the approach to regulatory enforcement adopted by the Council. The service plan will help to ensure that the actions of the Council are fair, consistent, open and effective.
- 1.1.4 The Council recognises the important role it plays promoting and securing the safety and health of those who live, work and visit the City. The key aim of this plan is to demonstrate how the Council will fulfil its statutory obligations in accordance with national guidance set out by the respective regulatory agencies. It includes:
- the Council's aim and objectives;
 - information 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 09:00am and 5.00pm Monday to Friday;
 - whilst there is no formal out of hours service, staff can be contacted in the event of an emergency through the Council's Control Room on 01392 265193 by means of a telephone service;
 - by email: environmental.health@exeter.gov.uk

SECTION 2 – SERVICE AIMS AND OBJECTIVES

2.1 Aims and Objectives

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

- Tackling congestion and accessibility
- Promoting active and healthy lifestyles
- Building great neighbourhoods

The corporate plan is available by visiting www.exeter.gov.uk/corporateplan.

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

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

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

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

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

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

- Tackling congestion and accessibility
- Promoting active and healthy lifestyles
- Building great neighbourhoods

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

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

2.3 Links to Strategic Objectives and Other Plans

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

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

The Devon Health and Wellbeing Board has 4 strategic priorities:

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

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

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

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

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

- The Environmental Strategy
- The Carbon Management Plan
- The Air Quality Strategy
- The Air Quality Action Plan
- The Licensing Act 2003 Statement of Licensing Policy
- The Contaminated Land Strategy
- Exeter City Council Corporate Plan
- The Exeter Community Safety Partnership Strategy
- Low Emissions Strategy
- Gambling Act 2005 Policy
- Street Trading Policy
- Hackney Carriage and Private Hire Policy
- Sex Establishments Policy
- The Private Sector Housing Renewal Strategy
- The Financial Assistance Policy
- Fuel Poverty 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 an estimated residential population of 128,900 persons with 68.6% of working age. There is a total of 4,877 registered businesses for business rates with approximately 35,000 people commuting to Exeter on a daily basis, with an average footfall in the city centre of 800,000 people per month. Exeter comprises of a mix of residential and commercial properties as well as industrial and trading estates. With Exeter being the regional administrative, cultural and educational centre, the City has a significant impact on the adjacent areas of East and Mid Devon and Teignbridge.
- 3.1.2 Although set in a predominantly urban area the City offers only a limited range of industry with the main activities being catering, retail sales, office activities, warehousing and distribution. No significant food manufacturing premises are now located within the City. There is an increasing variety of ethnic eating places and fast food takeaway outlets and the food pattern is dynamic.
- 3.1.3 The City's status as a medical, university, and educational centre means that there are several large institutional catering premises located within the boundary. Exeter's specialisms include the largest number of meteorologists, climate change specialists and volcanologists in the UK being based here. Award winning specialists in diabetes and breast cancer can be found at the RD&E hospital and the University of Exeter has many award winning research fellows.
- 3.1.4 The few Product Specific Premises are small scale operations by modern day standards.
- 3.1.5 Exeter is no longer a port authority.
- 3.1.6 The service embraces the core aims of the FSA's food safety issues (including Imported Food Controls), nutrition and diet issues and sustainability.

3.2 Organisational Structure

- 3.2.1 Environmental Health and Licensing is within the Portfolio of Services overseen by the Director for Communities, Health, Wellbeing, Sport and Leisure, with the Environmental Health and Licensing Manager 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 for Environmental Health and Licensing, Waste Operations and Fleet, Public and Greenspaces, and Private Sector Housing;
- Co-ordination of the council's anti-social behaviour function;

- Co-ordination of the multi-agency Community Safety Partnership
- Regulation of Private Sector Housing which include Mobile Home Parks
- Housing Grants and Loans
- Fuel Poverty Strategy

3.2.2 Environmental Health and Licensing Services operates under the Director for Communities, Health, Wellbeing, Sport and Leisure.

3.2.3 The Environmental Health and Licensing Manager has various delegations to act on behalf of the Council, with the Principal Environmental Health Officer (Private Sector Housing) Principal Environmental Health Officer (Business Regulation and Strategy), Principal Environmental Health Officer (Nuisance and Anti-social Behaviour), Principal Health and Safety Officer (Internal Health and Safety) and Principal Licensing Officer as delegated as a deputies under the Council's constitution. All non-delegated matters are reported to the appropriate committee.

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

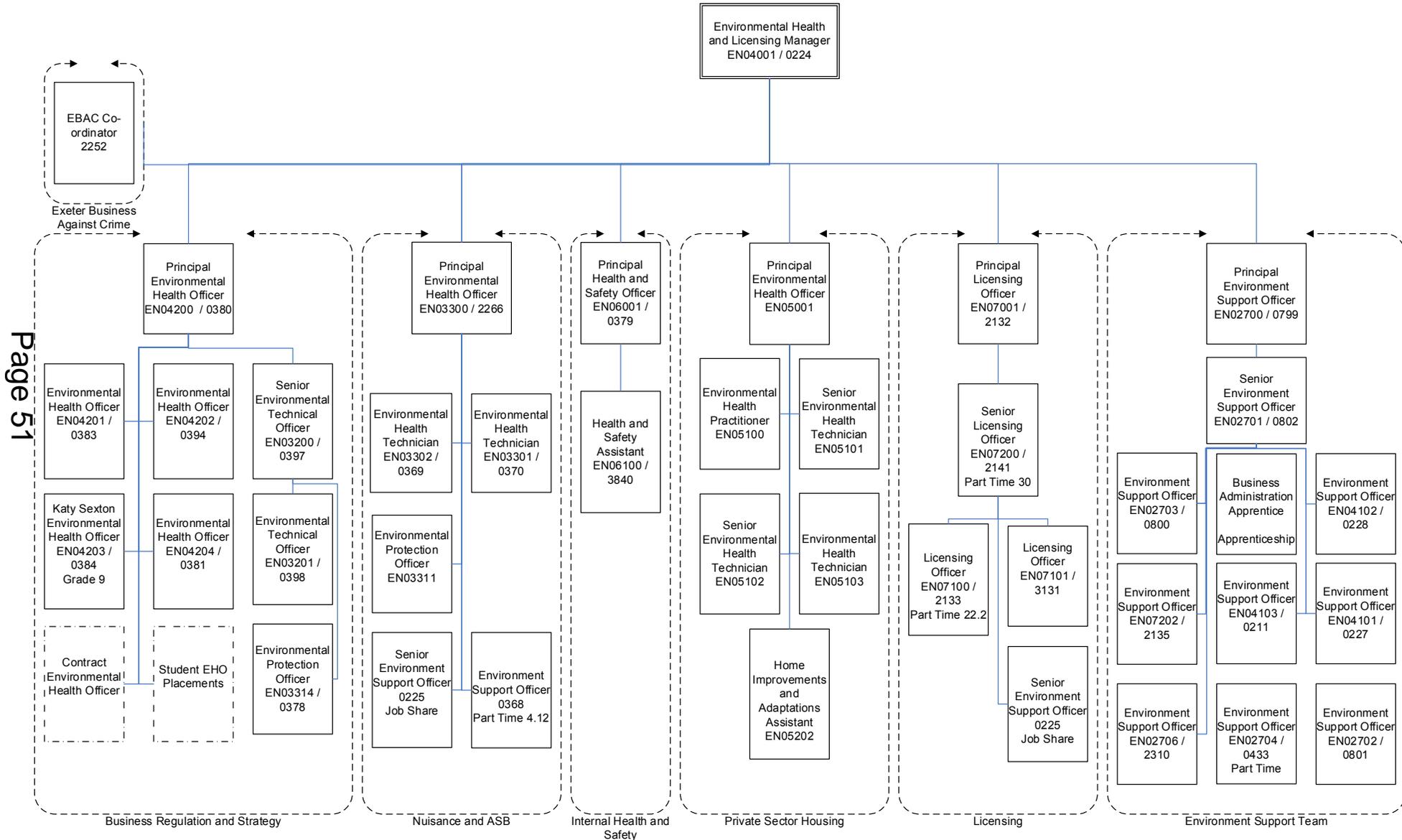
- Principal Environmental Health Officer (Private Sector Housing) – private rented accommodation, HMO Licensing, mobile home site licensing, home energy conservation act, fuel poverty strategy and housing grants and loans
- Principal Environmental Health Officer (Nuisance and Anti-social Behaviour) – nuisance (including noise, odour and light), anti social behaviour and public health (including accumulations, pest control and drainage)
- Principal Environmental Health Officer (Business Regulation and Strategy) - food safety, health and safety, environmental permitting, contaminated land and air quality.
- Principal Licensing Officer – premise licensing, taxis and other licensing functions
- Principal Health and Safety Officer – corporate health and safety
- Principal Environment Support Officer – support across the remit covered by Environmental Health and Licensing, Waste Operations and Fleet, Public and Greenspaces, and Private Sector Housing;

3.2.5 In consultation with the City Solicitor & Head of Human Resources, the Environmental Health and Licensing Manager 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 City Solicitor & Head of Human Resources has delegated authority for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.

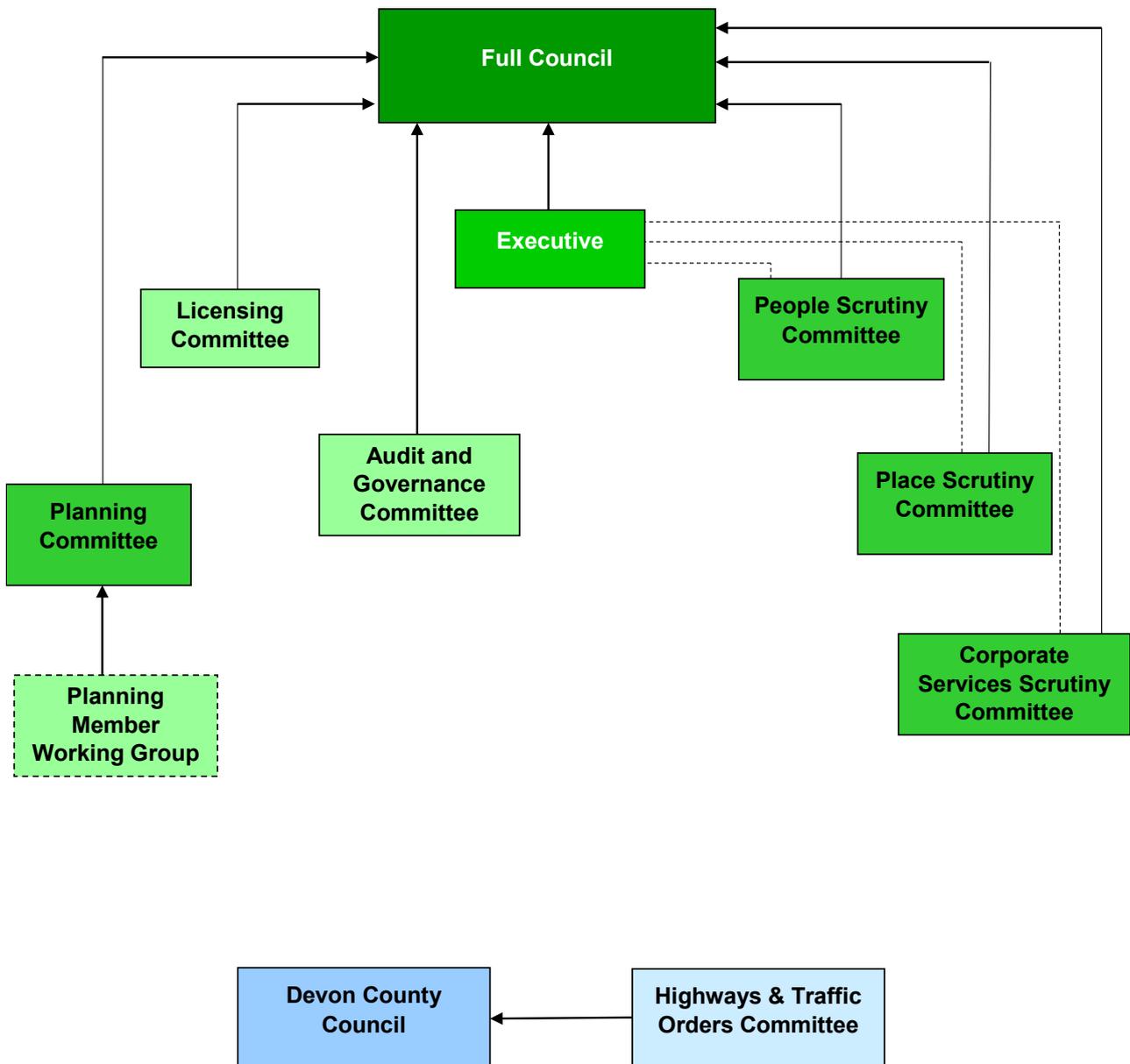
3.2.7 Specialist analytical and microbiological services are provided by external agencies such as the Public Health England and Somerset Scientific Services.

THE OFFICER STRUCTURE IN RESPECT OF ENVIRONMENTAL HEALTH AND LICENSING





The Council's Committee Structure



SECTION 4 – FOOD SAFETY

4.1 **Scope of the Food Safety Service**

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

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

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

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

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

4.2. **Remit of the Food Service**

4.2.1 Interventions

The Council will:

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

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

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 Authority Principle

Where the Council acts as Primary Authority we will:

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

4.2.4 Advice to Business

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

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

4.2.5 Food Premises Database

The Council will:

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

4.2.6 Food Inspection and Sampling

The Council will:

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

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

4.2.7 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Council will:

- have regard to the Food Standards Agency's guidance on the management of outbreaks of foodborne illness and Public Health England's operational guidance on communicable disease outbreak management.

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

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. These include senior officer auditing, peer review and

consistency exercises.

4.2.14 Audit

The Council will:

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

4.2.15 Food Safety Promotion

The Council will:

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

4.2.16 Other Services

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

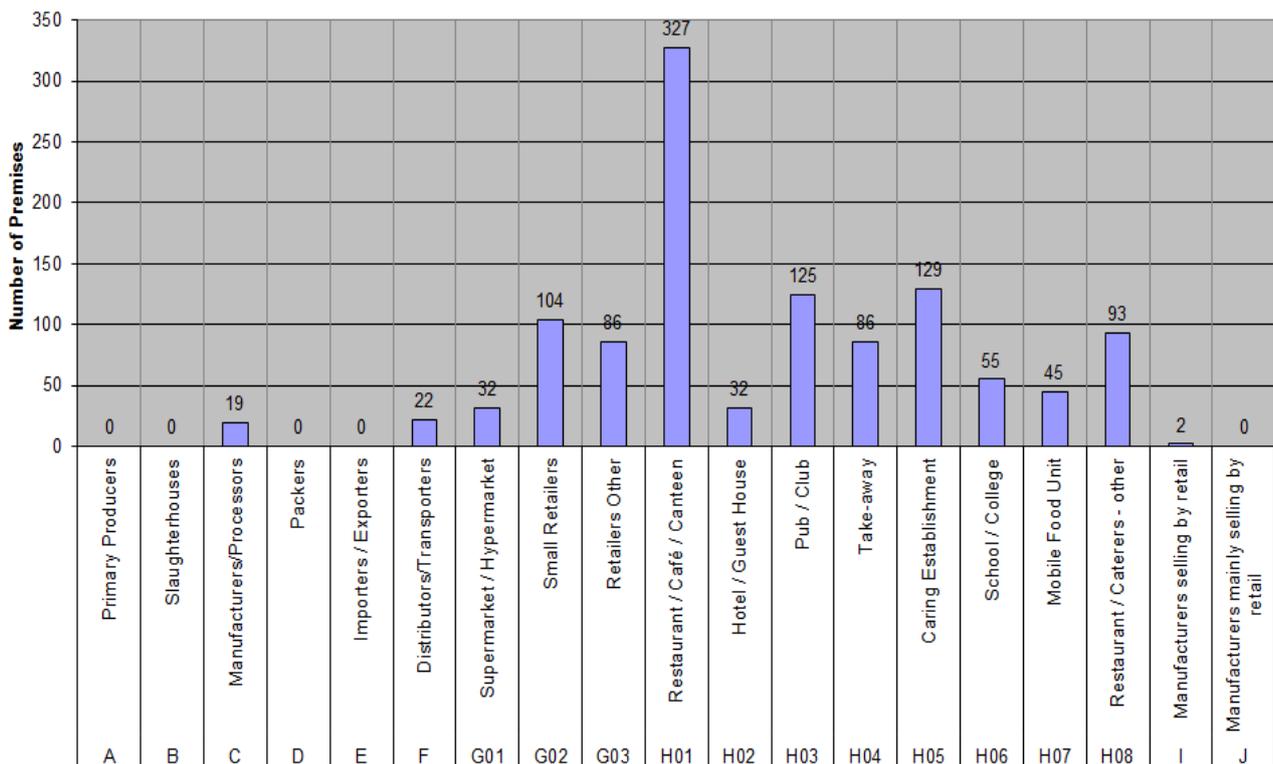
General (non-food related) complaint work will initially be undertaken by the service in accordance with the relevant procedure. Pest control treatment may be undertaken by officers from the section in liaison with the district Environmental Health Officer, but only when it will not comprise future enforcement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

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

4.3 Food Business Profile

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

Profile of Food Premises in the City as per FSA Classification



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

	A	B	C	D	E	U	Total
01 April 2019	2	35	192	525	353	50	1157

- 4.3.4 There are a small number of food premises in the City where business owners do not speak English as their first language. This can impact on the ability to successfully inspect premises and to effectively promote food safety. The Food Standards Agency provides food hygiene information in a number of languages to which food business operators will be signposted whenever appropriate. The Council also aims to provide food hygiene training in other languages if sufficient demand arises (for example, a Level 2 food hygiene course in Cantonese and Mandarin is offered on an annual basis).
- 4.3.5 Some food business operators employ a number of migrant workers. Where appropriate, inspecting officers will look for evidence of modern slavery or inadequate accommodation/working conditions and share this intelligence with the appropriate agencies (Police, Immigration etc.). A migrant workers group meets on a regular basis, bringing together all relevant regulatory bodies to discuss these issues.

4.4 **Enforcement Policy**

- 4.4.1 The Enforcement Policy includes the principles contained in the Regulators' Code which the Council is committed to incorporating into its regulatory functions. The Enforcement Policy will be subject to periodic review at which time amendments will be made to specifically reflect the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement and other relevant and appropriate guidance.
- 4.4.2 The key elements of the Enforcement Policy are detailed below:
- a belief that enforcement must be firm but fair;
 - the need for proportionality in the application of the law;
 - showing transparency about how the service operates;
 - a need for targeting of enforcement action;
 - a need to deliver consistency of approach;
 - the need to balance enforcement and education in the way the service works.

4.5 **Food Premises Interventions**

- 4.5.1 A programme of official and other food controls form the core activity of the Food Enforcement function. The range of interventions are specified in the Food Law Code of Practice (England) and Food Hygiene Rating Scheme Brand Standard. In addition to the programme of interventions, other visits may be made to food premises following complaints from the public or requests from businesses for information and guidance.
- 4.5.2 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food business operators, food hygiene interventions will be undertaken to:
- establish whether food is being produced hygienically;
 - establish whether food is, or will be, having regard to further processing, safe to eat;

- identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food;
- to issue the relevant rating as laid out in the Food Hygiene Rating Scheme Brand Standard, where the premises is part of the scheme

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

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

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

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

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

4.6 **Food Complaints**

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

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

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

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

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

4.7 **Primary Authority Partnerships**

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

4.8 **Advice to Business**

- 4.8.1 The full suite of food courses will be promoted to enable local businesses to fulfil their training requirements, including training provision for non-English speaking food handlers. In addition, the service provides a bespoke 2-hour session to help new food business operators understand their duties under food law. The session focusses on those elements required to attain a good food hygiene rating.
- 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.
- 4.9.3 Public Health England's Coordinated National Sampling projects are determined following consultation on various options with stakeholders. Local sampling studies are also organised via the Devon Food Sub Group and, in 2019/20 salad garnish, school dinner trays, pate and parfait and ice cream are a particular focus.
- 4.9.4 The Council's sampling priorities are detailed in Section 13.
- 4.9.4 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Technical Officer. Activity reports will be submitted on a periodic basis. A procedure has been set up and implemented in respect of taking samples and the arrangements made for Analysis and Examination.

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

- 4.10.3 A Single Case Management Plan has been drawn up between PHE SW and Local Authorities. The plan outlines who will take the lead for investigating single cases of various notifiable diseases and the appropriate method in each case (letter, phone call, visit etc.). Case questionnaires have also been standardised across the district and are available on the Environmental Health Computer System.
- 4.10.4 The Principal Environmental Health Officer fulfils the role as lead officer in respect of infectious disease control and it is anticipated that adequate resources exist within the full complement of Environmental Health and Licensing to deal with this service demand.
- 4.10.5 It is estimated that 0.1 FTE qualified food inspectors will be required to investigate outbreaks and food related infectious diseases.

4.11 **Food Safety Incidents / Hazards**

- 4.11.1 The Council has and will maintain a computer system capable of receiving food alerts, product withdrawals and recalls and will implement the documented procedure for responding to food alerts and food safety incidents received from the FSA, in accordance with the relevant Food Law Code of Practice (England). The current informal out of hours contact arrangements will be used.
- 4.11.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure.
- 4.11.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer will notify the FSA.
- 4.11.4 It is considered that adequate resources exist within the full complement of Environmental Health and Licensing to deal with this demand.
- 4.11.5 It is anticipated that 0.1 FTE will be required to deal with food hazard alerts.

4.12 **Liaison with Other Organisations**

- 4.12.1 The Council is committed to ensuring the enforcement approach it takes is consistent with other authorities. Regular dialogue on food enforcement matters and food related issues takes place with:
- Primary Authority business partners
 - Trading Standards
 - Devon Chief Environmental Health Officer Food Sub-Group
 - Health Protection Advisory Group
 - Exeter and Heart of Devon Hoteliers & other appropriate business forums
 - Chartered Institute of Environmental Health (CIEH)
 - University of Exeter
 - Exeter College
 - Other services within the Council (e.g. Planning & Building Control)
 - Devon and Somerset Better Business for All Partnership
- 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;
 - identify funding opportunities;
 - development of food hygiene training;
 - providing focused training sessions on nutrition;
 - other food related subjects.

4.13 Food Hygiene Rating Scheme and Food Safety Promotion

- 4.13.1 The service utilises many methods to promote food safety and increasingly is led by the developing body of research. Since April 2011, the service has operated the National Food Hygiene Rating Scheme which has helped drive improvements in food law compliance. 969 businesses fall within the scope of the scheme, with all ratings being published on the national web portal at www.food.gov.uk/ratings and businesses encouraged to display stickers. The service will continue to promote usage of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events. The service will also continue to encourage at the time of visits voluntary display of rating stickers and certificates at premises that fall within the scope of the scheme.
- 4.13.2 Food businesses rated 4 or below can request a revisit to rescore once a period of at least 3 months since the initial inspection has lapsed. Changes implemented in April 2018 to the Food Hygiene Rating Scheme mean that, the service now charges a fee for conducting re-ratings of businesses.
- 4.13.3 Numerous promotional activities also occur during the course of a typical year usually in response to need/requests from the different communities in Exeter, for example:
- presentations to schools, interested groups, professional bodies, (e.g. Infection Control Study Days, Chef Focus Group, Exeter Food Festival Members, Early Years providers);
 - circulation of advisory leaflets or guidance notes in response to topical issues or changes in legislation;
 - Food hygiene awareness sessions targeted a new food business operators.

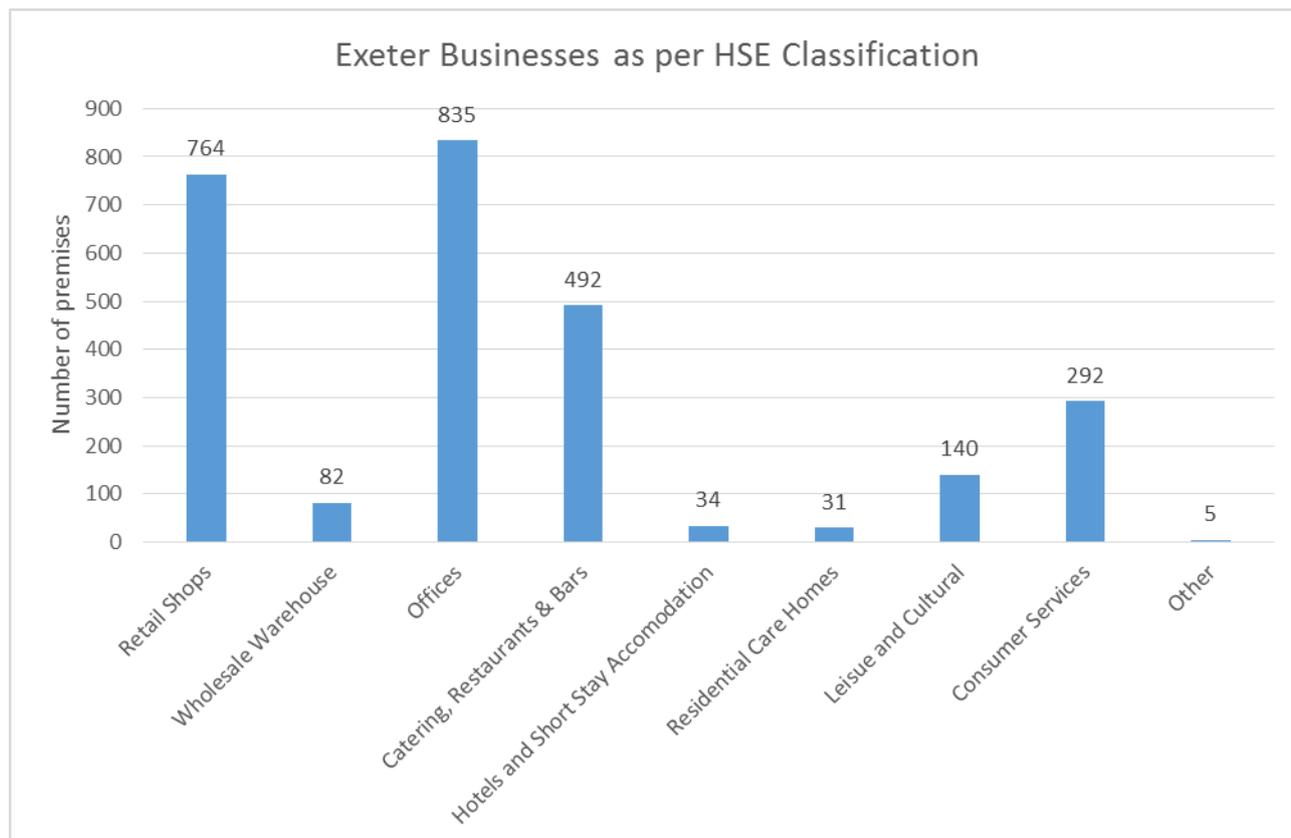
4.14 Food Safety Performance 2018/19

- There are currently 1,157 food premises registered within the city
- During 2018/19, 544 rated food hygiene inspections were conducted.
- 93% of those inspections that were due within 2018/19 were conducted
- 24 requests for food hygiene rating scheme revisit were received and the premises were subsequently revisited.
- 97.54% of food premises within the city are broadly compliant with food hygiene law
- 153 compliance check / advice visits were conducted.
- 190 food poisoning cases were investigated
- The service received 299 service requests / complaints related to food safety

SECTION 5: HEALTH AND SAFETY

5.1 Profile of Businesses in Exeter

5.1.1 Exeter is predominantly an urban area and the area has many small businesses. The Council enforces health and safety in mostly small and lower risk businesses that are predominantly in the service sector and is responsible for around 2675 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 businesses to ensure that they effectively manage the occupational health and safety risks they create. The service uses the guidance given in HELA Circular (67/2 Revision 8) to set its priorities and target its interventions. Businesses are risk-rated from category A (high risk), through B1 and B2 (medium risk) to C (low risk). These ratings are *not* used to determine proactive inspection interventions – the choice of proactive inspections follows the principles within the National Local Authority Enforcement Code (see Section 5.6) – they do, 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 we aim to focus Health and Safety enforcement resources into areas where they are likely to have the greatest impact.

In the coming year, we will continue to concentrate on specific topic areas during proactive interventions and reactive investigations, rather than complete all-encompassing inspections. The areas focussed on have been identified nationally and locally as contributing to the highest rate of accidents/incidents and ill health at work, across all health and safety enforcing authorities.

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's National Local Authority Enforcement Code issued under Section 18 (4)(b) of the Health and Safety at Work etc. Act 1974. The key elements of the code are:

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

5.3.2 In the UK during 2017/18

- **1.4 million** working people suffered from a work-related illness
- **144** workers killed at work
- **71,062** other injuries to employees were reported under RIDDOR (555,000 injuries occurred at work from the Labour Force Survey)
- **30.7 million** working days were lost due to work-related illness and workplace injury
- Workplace injuries and ill health (excluding cancer) cost society an estimated **£15 billion**
- **2,595** mesothelioma deaths due to past asbestos exposure

5.3.3 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 these 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.

5.3.4 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.

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

- to carry out interventions in line with HELA Circular 67/2 (rev.8), the National Local Authority Compliance Code and the Devon Health & Safety (Enforcement) Sub Group's annual workplan;
- to take the most appropriate action upon inspection of relevant workplaces including the use of advice, informal correspondence, improvement and prohibition notices and the institution of legal proceedings;

- to educate proprietors of relevant workplaces in health, safety and welfare matters and their legal responsibilities in relation to their occupation by the distribution of leaflets and the provision of advice and information;
- to investigate specific accident notifications;
- to advise on the design of relevant workplace premises prior to and during alterations and construction;
- to liaise and work in partnership with the Health and Safety Executive (HSE), Public Health England and the Fire Authority regarding the enforcement of the legislation;
- to comply with the HSE'S National Local Authority Enforcement Code in respect of inspection programmes;
- seek to promote a simplified risk assessment procedure for low hazard workplaces such as offices and shops through the use of the Devon Local Authority devised toolkit Safer Workplaces, Better Business;
- to focus on emerging issues such as modern slavery and migrant workers, through liaison with the police and immigration authorities.

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

5.3.7 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.

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

Highest hazard/Risk	A	2
Intermediate hazard/Risk	B1	38
	B2	375
Lowest hazard/Risk	C	1337
Uncategorised	U	973

5.3.9 In accordance with HELA Circular 67/2 (rev.8), 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.

5.3.10 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.

5.3.11 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.

- 5.3.12 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.
- 5.3.13 The database will be continually updated in conjunction with the Environment Support Team who will assist with a street/district premises audit (4yr programme). A proportion of uncategoryed premises will be visited, though the active audit (see above) may influence progress as new premises are identified.
- 5.3.14 The health and safety service operates from the Civic Centre between 9.00am and 5.00pm Monday to Friday. Evening and weekend inspections are carried out as determined by the risk based inspection programme and the premises opening hours.
- 5.3.15 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 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.
- 5.4.2 In accordance with the current strategy contained in "Helping Great Britain Work Well: A health and safety system strategy" (HSE, 2016) and HELA Strategy, as outlined in 67/2, the focus of inspection activity within the planned programme will concentrate on:
- Acting together: Promoting broader ownership of health and safety in Great Britain
 - Tackling ill health: Highlighting and tackling the costs of work related ill health
 - Managing risk well: Simplifying risk management and helping businesses to grow
 - Supporting small employers: Giving SMEs simple advice so that they know what they have to do
 - Keeping pace with change: Anticipating and tackling new health and safety challenges
 - Sharing our success: Promoting the benefits of Great Britain's world class health and safety system.

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

- 5.4.3 The HSE has also launched its "Go Home Healthy" initiative, setting out three priorities for action:
- **Muscular Skeletal Disorders** (469,000 cases in 2017/18)
 - **Work Related Stress** (595,000 cases in 2017/18)
 - **Occupational Lung Disease** (12,000 deaths per year)

Given the scale of work-related stress (15.4 million working days lost; cost to GB's economy of £5bn per year); we will look at how certain sectors deal with the issue, focussing on our Primary Authority partners and the leisure industry.

- 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, Licensing Officers and Environmental Protection Officers are also authorised to enforce the smoke-free provisions. Smoke free compliance for businesses will be

incorporated into the proactive inspection work undertaken by the Environmental Health and Licensing, in addition to responding to complaints.

- 5.4.5 The approach is therefore about focussing health and safety enforcement resources into areas where they are likely to have the greatest impact rather than completing all-encompassing inspections. This will fall in line with the principles advocated by Regulatory Delivery and Health and Safety Executive.
- 5.4.6 The above does not preclude the importance of providing wider guidance on health and safety compliance to new businesses and following specific service requests. Proactive health and safety education work will be suitably balanced against targeted enforcement activity.
- 5.4.7 The authority has a duty to investigate complaints about health and safety conditions/issues and about its health and safety service provision. A number of complaints/service requests about health and safety are received annually, all of which will be dealt with as appropriate or passed to other agencies.
- 5.4.8 No complaints have been received regarding the service provision of the Authority.
- 5.4.9 The service recognises the importance of providing advice to businesses as part of effective health and safety enforcement. As well as the provision of specific advice during interventions and with post intervention correspondence, a wide range of general health, safety and welfare advice is distributed to businesses.
- 5.4.10 The Council website is also continually revised and allows direct access and links to local and national health and safety information detailed within this service plan.

5.5 Statutory Notifications

- 5.5.1 Prescribed accidents, dangerous occurrences and occupational diseases are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. Accidents would include fatalities and accidents involving visits to hospital or currently more than 7 days off work. Certain accidents involving employees, the self-employed and members of the public are also reportable.
- 5.5.2 The Council has a duty to investigate accidents to determine whether offences have been committed and to prevent a recurrence. The authority also receives notifications of certain unsafe equipment and must respond and investigate such notifications. Decisions as to which accidents require a full investigation are made by the Principal Environmental Health Officer.
- 5.5.3 The service has a formal policy and procedure covering the type of accident, industrial disease notification or related service request, which the authority will investigate. This was revised during 2009 following new national guidance issued by the HSE. The Council is committed to reducing workplace accidents.
- 5.5.4 As a 'responsible authority' for the purposes of the Licensing Act 2003 and the Gambling Act 2005 the section has a duty to respond to premises licence applications etc. A number of applications will require scrutiny, some of which may require amendments by negotiation.
- 5.5.5 Liaison with other organisations is essential in order to achieve consistency and effectiveness of the health and safety service. The service is represented on the Devon CEHOs Health and Safety (Enforcement) Sub Group, which meets bi-monthly. This group includes a representative from the Health and Safety Executive (HSE) and maintains links with other local authority health and safety enforcement officers.

5.6 National Local Authority Enforcement Code

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

No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures, including premises that have: -not yet demonstrated their ability to manage their legionella risk in a sustained manner; includes new cooling towers/evaporative condensers; or -relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.
2	Explosion caused by leaking LPG	Community/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
3	E.coli/Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume Warehousing/Distribution	Poorly managed workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries.	Industrial retail/wholesale premises	Poorly managed workplace transport/work at height/cutting machinery /lifting equipment.
6	Industrial diseases (occupational deafness/ occupational lung disease – silicosis)	Industrial retail/wholesale premises	Exposure to excessive noise (steel stockholders),), Exposure to respirable crystalline silica (retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)
7	Occupational lung disease (asthma)	In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping

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

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 compliance responsibilities to reduce exposure to occupational tobacco smoke will continue to be considered.

LAC 67/2 (rev.8) also includes a number of national priorities, including

- **Duty to manage asbestos** – which will continue to be discussed (where appropriate) during food hygiene interventions and

- **Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins** – work which can be carried out as part of our on-going initiative to ensure that commercial waste is being correctly presented.
- **Inflatable amusement devices** – ensuring adequate ground anchorage, measurement of wind conditions, documentation from a competent inspection body to show compliance with BS EN 14960 and annual inspection by a competent person.
- **Falls from height – work on/adjacent to fragile roofs/materials.**

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

5.7 Monitoring

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

5.8 Enforcement

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

5.9 Staff Resources

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

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

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

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

5.10 Staff Skills

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

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

5.12 Health and Safety Performance 2018/19

- In total 23 premises have been the subject of a health and safety intervention.
- The service has dealt with 52 health and safety service requests / complaints
- 150 accident reports have been received and looked into by the service
- Joint initiatives took place with a number of partners including the Police and other partners where there was a concern for staff welfare, health and safety and whether those working at the establishments were doing so of their own accord.
- Four pools were subject to interventions following poor water quality or plant room incidents. Three of these interventions led to the service of improvement notices. These incidents have helped shape the work of the Devon Health and Safety (Enforcement) Sub Group's work in the coming year - Swimming/spa pool management is now on the workplan across Devon.
- 62 skin-piercing registrations were issued. All the new premises received a visit to check compliance with the City Council's skin piercing byelaws prior to registration being granted.

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 local authorities to make returns (which are fairly comprehensive) to the Drinking Water Inspectorate (DWI) on an annual basis.

6.3 Enforcement

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

6.4 Staff Resource

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

6.5 Staff Skills

6.5.1 The Section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full private water supply duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. As part of the section's procedural requirements all staff who undertake private water supply duties are subject to an annual appraisal which identifies training and development needs. These individual training needs are then linked into the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.

6.5.2 At present no member of staff within the section have received training to undertake all of the requirements of the Private Water Supply Regulations.

6.6 Legal Implications

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

6.7 Private Water Supply Performance 2018/19

- The two premises identified as having private water supplies has both been subject to a risk assessment and have been sampled.

SECTION 7: LICENSING

7.1 Introduction

7.1.1 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 Environmental Health & Licensing Manager on the understanding that any applications giving rise for concern may be referred to the Licensing Committee for determination.

7.1.2 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
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Gambling Act 2005
- Pleasure Boat Licensing
- Boatman's licence.
- Guard Dogs Act 1975
- Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29.
- Local Government (Miscellaneous Provisions) Act 1982 Part II (in accordance with the Council's agreed policies)
- Licensing Act 2003 (to the extent permitted by section 10). In particular to determine:
 - applications for Personal Licences, where no police objection is made;
 - applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
 - applications for provisional statements, where no relevant representations have been made;
 - applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
 - applications to vary designated Premises Supervisor, where no police objection has been made;
 - requests to be removed as designated Premises Supervisor;
 - applications for transfer of Premises Licences where no police objection has been made;
 - applications for interim authorities where no police objection has been made;
 - decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
 - to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.

- Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) - to determine applications for the renewal of a sex shop licence in accordance with the Council's agreed policy
- Scrap Metals Dealers and Collectors
- Enforcement of local bylaws.
- To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries and house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

7.2 Aims and Objectives of Licensing

- 7.2.1 The key aim of the Licensing Committee and the Licensing Team is to contribute to the growth of Exeter by improving public safety and thereby public confidence in licensing, by raising standards of people, vehicles and premises licensed in Exeter.
- 7.2.2 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.
- 7.2.3 To actively promote the Licensing Act 2003 licensing objectives by encouraging applications which contribute to a more mixed and family friendly night time economy, through dialogue with applicants and statutory consultees to ensure appropriate licence conditions are added, and through supporting voluntary schemes such as Beat Bar None and the LVA.
- 7.2.4 To promote and support the taxi trade through regular dialogue with the trade representatives, through promotion of the standards contained in the updated taxi policy, and by enforcement and disciplinary proceedings in line with departmental and local government enforcement policies.

7.3 Service Delivery

- 7.3.1 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.
- 7.3.2 The service conducts intelligence led inspections which 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).
- 7.3.3 There is a particular focus on the night time economy within the city. Evening compliance visits will be conducted in known problem areas.

7.4 Licensing Performance 2018/19

- Licensing Officers undertook joint inspections with the Gambling Commission.
- 18 premises licensed under the Gambling Act were inspected.
- Following extensive changes to Animal Licensing Legislation, a large amount of work has been undertaken to review the policy and procedures.
- The Licensing Team were awarded a silver paw print award by the RSPCA for its work around animal licensing.
- The team continue to work on rolling out the new animal licensing rating scheme (animal welfare star rating scheme for animal licence holders), working with our approved vets, other Devon local authorities, and our existing licence holders.
- The team continued to support the Exeter Best Bar None scheme which oversaw 45 licensed premises achieving accredited member status. As part of this work the team assisted Exeter Best Bar None in the roll out of the 'Ask for Angela' safeguarding initiative to the licenced trade in Exeter.
- The team continued to proactively inspect Hackney Carriages and private hire vehicles, including numerous out of hours visits. In addition to the routine out of hours checks, we also engaged a specialist contractor to undertake two mystery shopper surveys of the taxi trade, which identified good standards of compliance across the taxi trade.
- In addition to the mystery shopper survey, the team also undertook several enforcement projects focused on illegal plying for hire by private hire drivers (in response to complaints from the Hackney carriage trade). Following on from numerous other highly successful prosecutions in this area, the team will be working the progress legal action on these cases.
- All new taxi drivers attended mandatory training workshop on safeguarding and child sexual exploitation. We have also shared this resource with other Devon Licensing Authorities with a view to further partnership on course dates in the future.
- All Exeter licenced taxi drivers have now attended mandatory refresher training on Disability Awareness, which included material on Dementia awareness, thereby supporting the corporate aim to make Exeter a Dementia Friendly City. The course differs from other disability awareness courses in that it is specific to the work of a taxi driver, and we have received excellent feedback from delegates and course observers. Numerous other Devon Licensing Authorities have looked at this training package and are in the process of rolling this out to their licenced drivers as best practise.
- The team completed 84 unannounced compliance checks in relation to premises licensed under the 2003 Act, as well as a large number of out of hours contact visits.

SECTION 8: ENVIRONMENTAL PERMITTING REGULATIONS

8.1 Introduction

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

8.2 Regulated Installations in Exeter

- 8.2.1 The table below shows all of the Part B, A(2) and A(1) installations in Exeter that were permitted in April 2017.

Part B	Dry Cleaner	Johnsons	Cowley Bridge Road
		Johnsons	South Street
		RD&E Hospital	Barrack Road
		Care Clean	Sidwell Street
		Timpsons (Morrison's)	Prince Charles Road
	Service Station	Dunns Motors	Trusham Road, Marsh Barton
		Alphington Service Station	Alphington Road
		Sainsbury's	Alphington Road
		Sainsbury's	Pinhoe Road
		Morrison's	Prince of Wales Road
		University Service Station	Cowley Bridge Road
		Pinhoe Garage	Main Road, Pinhoe
		Birchy Barton Service Station	Honiton Road
		Tesco Express	Fore Street, Heavitree
		Tesco	Russell Way
		Shell	Topsham Road
		Moto Services	Honiton Road
		Paint Sprayer	Sowton Motor Body Repairs
	Nationwide Crash Repair		Water Lane
	Exeter Diesels		Marsh Barton Road
	Stagecoach		Matford Way
	Motofix		Exhibition Way
	Timber	System Six Kitchens	Christow Road, Marsh Barton
	Heavy Clay or	Original Style	Falcon Road, Sowton

	Refractory Goods		
	Cremation	Exeter and Devon Crematorium	Topsham Road
	Concrete Batching	Hanson	Hennock Road, Marsh Barton
		E&JW Glendenning	Kenton Place, Marsh Barton
		Aggregate Industries	Heron Road, Sowton
Part A(2)	Animal Rendering	J.L. Thomas	Canal Banks, Water lane
	Non-Ferrous Foundry	Alcoa Howmet	Kestrel Way, Sowton
	Timber Treatment	Jewson	Kestrel Way, Sowton
Part A(1)	Animal Feed Compounding	BOCM Pauls	Bittern Road, Sowton
	Solvent, Acid and Surface Cleaning	South West Metal Finishing	Alphinbrook Road, Marsh Barton
	Waste Incineration	Viridor	Grace Road, Marsh Barton

8.3 Implementation of the Environmental Permitting 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 and the EU 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 Environmental Permitting Regulations 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 Environmental Permitting 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 2018/19

- 25 Part B and 9 Part A(2) inspections were conducted
- 12% of premises required additional interventions
- One application for new a new permits was received, and no applications for variations that involved a substantial change.
- 6 minor variation or permit transfer applications were received.
- 56 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 2019-2024 Air Quality Action Plan provides 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 2018 Annual Status Report. This, and Exeter City Council's other air quality reports are available at: www.exeter.gov.uk/airpollution

9.2 Action to Improve Air Quality

- 9.2.1 In 2018 the Environmental Health and Licensing Section lead on a consultation and engagement process on a new Air Quality Action Plan and published the plan early in 2019. This replaces the previous action plan which ran from 2011. Projects delivered during the last action plan period include:
- Exeter Low Emissions Strategy
 - Newcourt station.
 - Cranbrook station.
 - Tithebarn link for new bus route to Cranbrook.
 - Car clubs on new areas of development.
 - Extensions and improvements to the cycling network.
 - Personal exposure projects to highlight the beneficial effects of alternative travel modes, or travel routes on personal exposure to PM_{2.5}.
 - Taxi emissions licensing standards.
 - Reductions in Exeter City Council fleet fuel use and roll out of electric pool cars.
 - 6 diesel vans in the ECC fleet have been replaced with electric.
 - Bridge Road widening.
 - Car club electric bike hire scheme.
 - Devon-wide Ecostars scheme to reduce emissions from commercial vehicle fleets

Over the same period, nitrogen dioxide concentrations have generally reduced or remained stable in the city.

- 9.2.2 The Corporate Strategy for 2018 to 2021 and the emerging Exeter Vision for 2040 commit the Council to tackling congestion, improving accessibility and increasing activity levels (including active travel). The new Air Quality Action Plan is highly complementary to these

existing corporate priorities, and the measures identified in detail in the plan are listed under headings from this strategy:

- Tackling congestion and accessibility;
- Promoting Active & Healthy Lifestyles;
- Building Great Neighbourhoods.

- 9.2.3 The Corporate Plan and emerging Vision contain a key aspiration for the city which is relevant to this strand of the Department's work. This is that by 2021 cycling to work will have doubled (from 6% to 12%), and 50% of people will be walking or cycling to work within the city.
- 9.2.4 The Action Plan focuses on the Heavitree corridor, where the greatest reductions in emissions are required. An integrated plan for this whole area will be developed by Devon County Council in conjunction with the City Council, which will increase active travel and change the way that existing roads are used (including filtered permeability). As part of this process care will be taken that any traffic displaced from the Heavitree corridor does not compromise the effectiveness of other city-wide measures to achieve compliance at the other locations.
- 9.2.5 The plan intends to reduce concentrations of nitrogen dioxide below the objective, because that is the City Council's legal duty, and it is a challenging target. However the Council recognises that this may not be the complete extent of the health impacts of air pollution, because the objective level may not be the lower limit of health impacts for nitrogen dioxide, and because particulate matter can also have health impacts below the relevant objectives. The Council therefore aspires to reduce harm to health from air pollution further than this in the future.

9.3 Air Quality Monitoring

- 9.3.1 In 2018 The Council operated a network of 71 air quality monitoring sites, which measure pollution from vehicle emissions as well as working with the Heavitree community to support them in monitoring at an additional 4 sites. The results from the 2017 monitoring are available online in our Annual Status Report at www.exeter.gov.uk/airpollution, but in summary concentrations of all pollutants measured show a downward or generally stable trend. This meant that in 2017 eight locations in the city measured levels above the government objective, which is an improvement. Seven years previously to that there were 14 locations where measured levels above the objective. The 2018 data has not yet been ratified, but is expected to show similar results to 2017.
- 9.3.2 The Council has traditionally monitored only at roadside sites, with the intention of identifying locations where concentrations of nitrogen dioxide will be highest. In 2018 four new monitoring sites were introduced that are beside walking and cycling routes through public open space. The intention of these is to highlight the difference in pollution levels to those measured beside roads, information which can be used in behavioural change campaigns.
- 9.3.3 A further 9 sites were added in 2019 to include areas where is significant proposed new development, or which represent typical residential areas away from significant traffic sources. The intention of these latter monitoring sites is to present data on the levels of pollution which affect most residents at home, rather than having a monitoring network focussed entirely on a small number of 'worst-case' locations.
- 9.3.4 New equipment to make continuous measurements of air pollution was installed in 2018. This provides high quality, reliable data on nitrogen dioxide, ozone, PM10 and PM2.5 at RAMM and PM10 and PM2.5 at Alhington Street.

9.4 **Fine Particulate Matter (PM_{2.5})**

9.4.1 Changes to the Local Air Quality management regime in 2016 placed a new responsibility on local authorities to take action to reduce concentrations of PM_{2.5}. There is no local objective for PM_{2.5} and so it is left to authorities to decide what action is appropriate for their area. This could include monitoring and setting a locally based objective. Exeter City Council has chosen to invest in equipment capable of measuring this type of pollutant, as explained above.

9.6 **Air Quality Performance 2018/19**

- 23 enquiries / complaints were received during the year.
- Publication of the new Air Quality Action Plan for 2019-2024, including a significant consultation and engagement process which reached nearly 3000 people.
- 89% of roadside monitoring locations do not exceed NO₂ objective levels.
- The average extent by which objective level is exceeded at monitoring locations where an exceedance has been identified was 7 µg/m³
- The maximum extent by which objective level is exceeded at monitoring locations where an exceedance has been identified was 19 µg/m³

SECTION 10: CONTAMINATED LAND

10.1 Introduction

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

10.2 Environmental Protection Act 1990 Part 2A

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

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

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

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

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

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

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

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

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

10.3 Town and Country Planning

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

178. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) 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

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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

10.4 Other Regulatory Regimes

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

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

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

10.5 Voluntary Remediation

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

10.6 Council Owned Land

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

10.7 Contaminated Land Strategy

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

10.8 Contaminated Land Performance 2018/19

- The service commented on 331 new planning applications during the course of the year.
- 16 new sites were entered onto the service's contaminated land database.
- The methane, stream water and groundwater monitoring results were reviewed and reported upon where changes have taken place.

SECTION 11: Anti Social Behaviour and Nuisance

11.1 Anti-Social Behaviour

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

ASB can include:

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

ASB is not:

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

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

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

11.2 Nuisance and Health

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

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

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

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

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

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

11.3 Objectives

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

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

11.4 Methodology

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

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

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

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

11.5 Nuisance and Health Performance 2018/19

- The service received and investigated 698 noise complaints, 3 of which had noise abatement notices served.
- The service received and investigated 368 complaints relating to other public health issues such as rubbish, drainage and bonfires. As a result 5 notices were served under Public Health legislation.
- 544 duty of care inspections were carried out to check compliance with commercial waste.
- The service received 32 complaints regarding fly tipping.
- The service received and investigated 238 nuisance vehicles.
- 796 requests were made to the Pest Control Service.
- 90 Anti-Social Behaviour cases were dealt with by the service in conjunction with other agencies. As a result 6 community protection warnings and 6 notices and 24 fixed penalty notices were served.
- Staff from across the service supported the Police, Exeter University, Students Guild, Residents and Licensed Premises to welcome the new student intake to the city at the start of the academic year. This was largely a proactive engagement to educate, support and prevent issues arising, but where necessary respond quickly to matters when needed. Initiatives included enforcing the Public Spaces Protection Order, joint residential patrols with University Patrol, working with Licence premises to ensure effective management around premises and taking councillors and residents out to see the partnership in operation.

SECTION 12: PRIMARY AUTHORITY PARTNERSHIPS

12.1 Scope of the Primary 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, on occasions these organisations may find themselves subject to regulatory enforcement using different approaches in different locations.

12.2 Main Provisions of the Regulatory Enforcement and Sanctions Act 2008

- 12.2.1 Primary Authority allows companies to 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, housing 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 Office of Product Safety and Standards 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 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 Office of Product Safety and Standards who have a statutory responsibility to register the partnerships, issue guidance and resolve any disputes that may arise. Once legally nominated by Office of Product Safety and Standards, 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 Regulatory Enforcement and Sanctions 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, housing, 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 Office for Product Safety and Standards and, should the matter not be resolved, with the relevant agency (Food Standards Agency, Health and Safety Executive, or Environment Agency).
- 12.5.4 On 1 October 2013 the Enterprise and Regulatory Reform Act extended the scope of the Primary Authority scheme. Previously, a business had to be regulated by at least two councils to form a primary authority partnership with a local authority, but the Enterprise and Regulatory Reform Act now opens participation up to businesses which share an approach to compliance such as trade associations and franchisees

12.6 Current Primary Authority Partnerships

12.6.1 Primary Authority partnership agreements have been established with:

1. Lloyd Maunder (Food Safety)
2. Devon Norse (Food Safety, Health and Safety and Licensing)
3. Brownsword Hotels (Food Safety, Health and Safety and Licensing)
4. HK4 (Food Safety, Health and Safety and Licensing)
5. KM Innovations Ltd (Food Safety)

SECTION 13: SAMPLING PROGRAMME

13.1 Purpose of Sampling

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

13.2 Requirement to Sample

13.2.1 The sampling programme operates on a total sampling allocation of 10 samples per 10,000 population. This will require approximately 128 samples per year to be taken. The authority is required to provide a statistical return to the Food Standards Agency (FSA) and Drinking Water Inspectorate on its annual sampling activity. All local authorities have an arrangement with the Public Health England Laboratory, which provides a credit allocation to facilitate this work.

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 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 produce a sampling plan that is applicable to both Unitary and district council members. This sampling plan will act as a 'pick list' and along with nationally agreed surveys will inform the majority of the food sampling methodology. In addition to the national surveys the food sub group have also agreed several local surveys.

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	2019									2020		
Months of sampling	A	M	J	J	A	S	O	N	D	J	F	M
Public Health England Studies												
Study 67: Vacuum packed modified ready to eat foods at retail												
Study 68 – Unpasteurised raw milk and cheese												
South West Co-ordinated & Exeter Specific Sampling Programme												
Ice Cream and Ice Cream Scoops												
Salad Garnish in												
School Dinner Food Trays												
Ice												
Pate and parfait												
Non-compliant premises sampling / ATP swabs												
Swimming Pool Sampling												
Legionella in hot tubs and spa pools												
Private Water Supply Sampling												

13.6 Sampling Performance 2018/19

- 222 samples and swabs were taken during the year
- 115 samples were taken of food products. Of these samples 85% were found to be satisfactory with 15% shown to be unsatisfactory or borderline. All unsatisfactory / borderline results were investigated further by officers.
- 55 samples were taken of swimming / spa and paddling pools. Of these, 86% were found to be satisfactory with 14% 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.
- 52 swabs were taken of kitchen surfaces. Of these swabs 46% were found to be satisfactory with 54% shown to be unsatisfactory or borderline. All unsatisfactory / borderline results were investigated further by officers.

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.

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 12 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 97.6% 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 The service is run on a cost neutral basis to the authority.

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 2018/19**

- During 2018/19, 565 delegates have attended education and awareness sessions run by the service.
- 213 delegates attended Food and Health and Safety courses
- 302 licensed drivers attended free Disability Awareness and Safeguarding Training
- 50 delegates have attended other free courses in Allergen Awareness and Ask for Angela training.

SECTION 15: PRIVATE SECTOR HOUSING

15.1 Introduction

15.1.1 Private Sector Housing Team performs a vital role in supporting Exeter's economic vibrancy and ensuring that residents, whether owner occupiers or private renting tenants, are living in properties which are decent and suitable for their needs.

15.1.2 Private Sector Housing plays a key part in delivering the various duties and powers the Council has regarding housing, such as:

- assessing the quality, condition and management of the housing stock in the private sector
- tackling poor housing conditions
- developing measures to assist in bringing empty properties back into use
- helping to drive up standards of property management in the private sector
- helping to improve homes through grant assistance in respect of Disabled Facilities Grants (DFGs) and loans
- improving energy efficiency and reducing carbon emissions from housing;
- administering and enforcing mandatory HMO (house in multiple occupation) licensing

15.1.3 In doing this, the Private Sector Housing Team works closely with owner-occupiers and private landlords to raise housing conditions, improve domestic energy efficiency and ensure that legal standards are being met. However, the Private Sector Housing Team needs to forge successful partnerships in order to deliver its core function. Partners include local landlords, the University of Exeter, Devon County Council, National Landlords Association, ARLA Propertymark, Devon and Cornwall Police, Citizens Advice Bureau and Devon and Somerset Fire and Rescue Service.

15.2 Aims and Objectives

15.2.1 Poor housing blights neighbourhoods and contributes to health inequalities and health risks – both physical and mental.

- Decent housing decreases risks to health and increases wellbeing.
- Decent housing contributes to a better environment and helps reduce crime and ASB
- Decent housing contributes to better education and a more vibrant economy.

15.2.2 Our last commissioned Housing Conditions Survey of 2017 reported:

- 54,954 dwellings and a household population of 127,300 persons within the city
- 28% of properties are private rented accommodation
- 17.5% of properties are in the social rented sector
- 11.5% living in Fuel Poverty with 3.2% potentially living with a Category 1 hazard
- 0.74% of the population lives in mobile homes or caravans.

15.3 Service Delivery

15.3.1 The Environmental Health and Licensing Manager sets out targets for the Private Sector Housing Team, to inspect and take action to improve the rented housing which is in the poorest condition or poses the highest risk to health and safety for the occupiers. The key elements for delivering this service is:

- To ensure all Houses in Multiple Occupation (HMO) within the city receive an appropriate inspection in line with statutory obligations on a risk based approach.
- Investigate housing disrepair and public health complaints
- To implement the Additional HMO Licensing Scheme
- To improve safety of mobile home parks and sites within the city

15.4 HMO Licensing (Mandatory and Additional)

15.4.1 Under the Housing Act 2004 (as amended by the Housing and Planning Act 2016), Houses in Multiple Occupation (HMO) require a license from the council (HMOs with five or more unrelated persons sharing amenities). Landlords of HMOs must pay a fee to the council to be licensed, with licenses renewable every five years. Licensed HMOs are required to meet defined standards and management practices. The licence holder and manager must be a 'fit and proper person'.

15.4.2 The 2004 Housing Act permits Councils to introduce discretionary licensing schemes for private rented properties in their areas. This requires landlords to apply to the Council for a licence to be able to rent out a property in the designated additional licencing scheme. The Council must be satisfied that the landlord is a "fit and proper" person with satisfactory management standards in place and the property meets the required standard.

15.4.3 The Council introduced a one off additional licensing scheme, in 2015. That Scheme covers properties converted into flats, prior to the introduction of the 1991 Building Regulations, where more than a third of the flats are tenanted. Additional licensing currently covers around 80 properties, which are licensed for a 5 year period.

15.5 Home Energy Conservation Act (HECA)

15.5.1 The Home Energy Conservation Act (HECA) 1995 aims to improve the energy efficiency of dwellings across the country. If dwellings are adequately insulated and have more efficient heating systems installed, such as modern gas boilers, the amount of fuel used to heat a home and produce hot water can be reduced. HECA requires the Council to actively promote energy saving initiatives to help reduce domestic fuel consumption by improving energy efficiency and a decrease in CO2 emissions and thus in turn reduce fuel poverty.

15.5.2 In our last Home Energy Conservation Act Report produced in 2019, it reported that:

- 11.5% of Exeter households were in fuel poverty which is lower than the figure for Devon (13.2%) but higher than the national figure (10.6%).
- The Council, in partnership with the other Devon local authorities, are working with energy companies, energy agencies and local installers to maximise the uptake of energy efficiency measures funded by Energy Companies Obligation (ECO).
- Exeter City Council has run a grant scheme, financed by the Better Care Fund, to provide top up funding to assist those who could not otherwise afford energy efficiency measures.

15.5.3 Work will continue during 2019/20 to continue to improve energy efficiency and reduce fuel poverty in conjunction with partners from other local authorities, the private and voluntary sectors.

15.6 Housing Grants and Loans

15.6.1 The Council must provide mandatory Disabled Facilities Grants (DFGs) under the provisions of Section 23 of the Housing, Grants, Construction and Regeneration Act 1996, when it has been assessed by an Occupational Therapist that the works entailed will meet the needs of a registered, or registerable disabled person. The DFG remains the only mandatory grant specifically set out by the Government within housing legislation and assistance can be provided towards:

- Facilitating access by the disabled occupant to, from and within the property
- Making the property safe for the disabled occupant
- Providing suitable and accessible living, sleeping, bathing and cooking facilities
- Providing suitable heating
- Altering as required the heating, lighting and electrical systems/fittings.

15.6.2 Disabled Facilities Grants can include grants for kitchen and bathroom adaptations, stair lifts and specialist hoists for both owner-occupiers and/or private/social tenants who are disabled or elderly. Disabled Facility Grants help to prevent homelessness and hospital admissions by enabling people to remain in their own homes, who, without a grant, might end up in a care or nursing home.

15.6.3 Some vulnerable households may not have the necessary resources to keep their home in good repair. In such cases there is a role for the local authority to provide advice and / or financial assistance. Exeter City Council along with the majority of other councils in the South West, work with Wessex Community Interest Company to provide home improvement loans. The Home Improvement Loan is a flexible product that can be used for the following purposes:

- Home repairs and improvements
- Adaptation works where a grant is not available
- To cover a client contribution to a grant
- To cover the cost of the work over the grant maximum.
- To bring empty homes back into use
- For landlords to carry out repairs or improvement to rented accommodation
- For energy efficiency improvements

15.7 Advice and Education

15.7.1 Exeter Private Rental Forum - this quarterly event at the Civic Centre is for anyone who lives, works or is interested in the private rented sector. Guest speakers advise and inform attendees about current issues and policy and legislation changes in the Private Rented Sector and the Council uses the forum to promote new initiatives aimed at driving up standards.

15.7.2 Biannual Landlord and letting agent Conference (The Renting Minefield) - Exeter City Council, in partnership with the National Landlords Association (NLA) and ARLA PropertyMark, hosts a biannual conference with nationally recognised speakers, updating landlords and agents in the sector of changes in national legislation, good practice, and advice. The conference is free to landlords and cost neutral to the Council.

15.7.3 Landlord Handbook – is a guide is designed to help landlords in Exeter improve their services to tenants and, as a result, enable tenants to live in good quality, well managed accommodation.

15.7.4 Tenant Handbook - a handbook for private tenants to help them understand their rights and responsibilities. It sets out some of the legislation that governs those living in private rented property, covering many aspects of renting from finding a home, to what health and safety issues to consider all the way through to ending a tenancy. It can be used as a reference to help avoid problems when renting and where to find help if something goes wrong.

Private Sector Housing Performance 2018/19

- There are currently 1,116 Licensed Houses in Multiple Occupation within the city
- There are currently 200 additional HMO licenced properties within the city
- During 2018/19, 428 licensed HMO inspections and 107 compliance check / advice visits were conducted.
- 131 schedules and notices were served requiring improvements to properties.
- The service received 171 service requests / complaints related to housing standards.
- Disabled Adaptations were provided (Disabled Facilities Grants) totalling £307,237.89 with a further £97,640.59 of grants authorised but not completed before the end of the financial year.
- Warm Up grants for home insulation and replacement boilers were issued totalling £86,430.60 with a commitment to a further £137,583.89, helping to reduce fuel poverty in the city.
- 11 Home improvement loans were approved totalling £56,934
- An event was organised for front line health care professionals to raise awareness of funding available for those requiring housing adaptations or energy efficiency measures.
- The annual Renting Minefield event took place in May and November 2018 organised in conjunction with partners and attended by over 350 landlords and agents.
- The Exeter Private Rental Forum met every 3 months to discuss emerging issues.
- Established a Rogue and Problematic Landlord Taskforce with partners such as the Police and Fire Service to improve the standard of private accommodation and tenant safety.
- Worked on a revised empty homes strategy be developed with action plan which includes the establishment of a corporate working group to co-ordinate activity to address empty homes across the city
- Adoption of a Financial Assistance Policy for Housing Grants
- Revised the statement of intent to access Energy Company Obligation money

SECTION 16: CORPORATE HEALTH AND SAFETY

16.1 Introduction

- 16.1.1 Exeter City Council's aim is to strive to act as an 'Exemplar' of health and safety practice. Exeter City Council will accomplish this by continually seeking to improve our health and safety management system so that it meets with our vision, values and the expectations of those affected by what we do.
- 16.1.2 It is the main priority for Exeter City Council to create a safe working environment for all employees, contractors and members of the public by following legal requirements and best practice in relation to occupational health and safety management. In doing this it has a dedicated corporate health and safety team within Environmental Health and Licensing that provide advice and support management and staff in fulfilling their health and safety responsibilities. Their role includes the development, provision, monitoring and review of:
- a) Health, safety and welfare strategy, policy and safe systems of work; and
 - b) Health and safety management structures and organisation; health and safety training and information services.
- 16.1.3 To help establish a positive health and safety culture, the Corporate Health and Safety Team maintain close contact with other Council specialists and safety representatives.

16.2 **Aims and Objectives**

- 16.2.1 The Corporate Health and Safety Team:
- a) Develop, and advise on, corporate health and safety policy, procedures and topic-specific guidance
 - b) Provide advice and guidance on compliance with relevant statutory requirements within a sensible risk management framework
 - c) Develop the Council's Health and Safety Action Plan and support directorates in developing and implementing their directorate, section, service health and safety action plans
 - d) where required, and make recommendations to achieve health and safety improvements where necessary Monitor health and safety performance across all service areas and conduct audits
 - e) Report to Health and Safety Committee and Health and Safety Representatives Committee
 - f) Together with the Learning and Development Team, ensure the provision of health and safety training that supports skills and knowledge transfer
 - g) Provide professional/specialist advice as necessary.
- 16.2.2 The Council's Corporate Health and Safety Team are authorised to enter all workplace premises and sites owned, leased, operated, rented or in the control of the Council to inspect activities and any documentation required for health and safety purposes and all parts of the premises or site to check conformity with health and safety regulations of all activities and processes carried out within.

16.2.3 In cases of imminent danger and/or statutory breaches, the Corporate Health and Safety Team are authorised to request and/or cause work activities to be halted until safe working practices can be established

16.3 Building Safety

16.3.1 Building Safety remains a particular focus for the Corporate Health and Safety around fire, electrical safety and the risk of legionella.

16.3.2 The Corporate Health and Safety Team continue to work with designated premises managers to review the risks at each of the Council's operational sites, to ensure compliance with existing policies and procedures as well as to eliminate or minimise new risks which emerge.

16.3.3 Water hygiene has been an area of particular focus to ensure that water hygiene risk assessments were to a suitable and sufficient level. Work included site visits and liaising with premises managers and contractors. A new contract has subsequently been implemented and regular monitoring is taking place to ensure compliance.

16.4 Valuing our employees

16.4.1 Exeter City Council recognises and accepts its responsibility as an employer to ensure, as far as it is reasonable practicable, that all its activities are conducted without risks to the health and safety of its employees. The Council will aim to continuously improve health and safety performance and eliminate accidents and ill health to the benefit of the employee. The Corporate Health and Safety Team are responsible for reviewing all accidents, incidents and dangerous occurrences and making recommendations to Service Managers and the Corporate Health and Safety Committee to ensure that further incidents do not occur.

16.4.2 A review was conducted across the authority to ensure that there was a consistent approach across the authority regarding lone and vulnerable working. This included providing detailed advice to Service Managers to enable their risk assessment reviews across the authority in respect of lone and vulnerable working. As a result of the review, the Corporate Health and Safety Committee decided to purchase a new safeguarding system to protect and safeguard our staff

16.4.3 As the pressures upon the authority become tighter, there is an imperative that we are seeking to implement in full the management standards for tackling work-related stress. The Corporate Health and Safety Team planned, programmed and coordinated 8 Focus Groups throughout the authority as part of its Step 3 Management Standards approach.

16.4.4 A detailed review of Customer Services was undertaken and we made recommendations for improvements across a range of workplace safety standards, including security (staff safety) and the work environment (lighting)

16.5 Vehicle and Plant Safety

16.5.1 Exeter City Council cannot deliver our essential services without plant and machinery. For example, waste and recycling and public and green spaces and waterways depend on a variety of machinery to be in safe condition and in working order to achieve service delivery to the city.

16.5.2 The Corporate Health and Safety Team is responsible for conducting detailed reviews of vehicle and plant safety. Reviews recently conducted include grass cutting on slopes and machinery safety at the Materials Reclamation Facility.

16.5.3 Health Surveillance through a Hearing Protection Programme is another important aspect of the team's work associated with safe plant use. The team coordinate audiometric testing contract with Occupational Health.

16.6 Event Safety

16.6.1 The Corporate Health and Safety Team oversees the Exeter Safety Advisory Group which is made up of partners from Highways, Police, Fire and Ambulance Services.

16.6.2 The Exeter Safety Advisory Group was formed to aid the Council's objectives to uphold reasonable standards of safety at all public events in the Council's area, encourage the wellbeing of the public at those events and ensure so far as possible that any inconvenience to residents, businesses and the general public arising from events is minimised. The Exeter Safety Advisory Group's role is to consider events with potentially significant impact and requirements in order for such events to be safe. The Exeter Safety Advisory Group's remit includes outdoor events that require a premises licence under the Licensing Act 2003, firework displays, carnivals, parades and other events with a potentially significant impact of a similar nature.

Corporate Health and Safety Performance 2018/19

- Adoption of a new Corporate Health and Safety Policy
- Adoption of a Corporate Health and Safety Training Policy
- Adoption of a Corporate Fire Risk Management Policy
- Implementation of a staff safeguarding system
- Implementation of a new contract for conducting legionella risk assessments and monitoring
- Compiled and implemented a schedule of Portable Appliance Testing
- Reviewed fire warden and first aid provision across the authority.
- Conducted a review of waste operations health and safety systems and practices
- Progressed a programme of auditing across all Council sites

SECTION 17: RESOURCES

17.1 Financial Matters

17.1.1 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.

17.1.2 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.

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

17.1.4 **Budget Allocation Figures for 2019/20 – Food Safety Function**

	Salary (+)	Equipment	Travel
<u>Commercial F020</u>	231,170	9,450	760
Proportion allocated to Food Safety Function (40%)	92,468	3,780	296
Analysis (max)		260	
Purchase of Samples		300	
Environmental Protection Sampling Technician	2,244		

NB:

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

17.1.5 **Budget Allocation Figures for 2019/20 – Health and Safety Function**

	Salary (+)	Equipment	Travel
<u>Commercial F020</u>	231,170	9,450	740
Proportion allocated to Health & Safety Function (40%)	92,468	3,780	296

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.

17.1.6 Budget Allocation Figures for 2019/20 – Training Provision

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

17.1.7 Budget Allocation Figures for 2019/20 – Licensing

	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Licensing F021 / F022</u>				
Proportion allocated to Taxi Licensing function (F021)	106,210	29,530	100	33,390
Proportion allocated to Premise Licensing function (F022)	107,780	2,500	670	34,930

NB:

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

17.1.8 Budget Allocation Figures for 2019/20 – Environment Permitting and Strategy, Contaminated Land, Air Quality and Business Nuisance Investigations

	Salary (+)	Equipment	Travel
<u>Environmental Strategy F025</u>	119,300	19,870	5,420

17.1.9 Budget Allocation Figures for 2019/20 – Anti Social Behaviour, Nuisance Investigations and Pest Control

	Salary (+)	Equipment	Travel
<u>Environmental Protection F001</u>	191,790	9,710	5,790

17.1.10 Budget Allocation Figures for 2019/20 – Private Sector Housing

	Salary (+)	Equipment	Travel	Support Services
Private Sector Housing Q023 / Q024 / Q027 / Q046	410,300	29,490	12,330	25,790

17.1.11 Budget Allocation Figures for 2019/20 – Corporate Health and Safety

	Salary (+)	Equipment	Travel
Corporate Health and Safety F019	94,070	2,080	2,370

17.2 Staffing Allocation

17.2.1 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

17.2.2 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

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

Title	Qualification	Role
Senior Technical Officer	BSc/Diploma in Environmental Health and EHORB Certificate of Registration OR	Environmental Permitting, Nuisance Investigations, Contaminated Land, Air Quality, Sampling and

	University Science/maths degree or equivalent professional qualification in the field of noise/air quality monitoring or contaminated land	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 standard in two suitable subjects (Maths and English preferred)	Contract Pest Control, Nuisance Investigations, Sampling and Monitoring

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

Title	Qualification	Role
Principal Licensing Officer	Relevant graduate or professional qualification (licensing / regulatory) or equivalent by experience plus 3 years enforcement experience	Licensing process and enforcement
Senior Licensing Officer	Recognised licensing qualification	Licensing process and enforcement
Licensing Officers	Recognised licensing qualification	Licensing process and enforcement
Senior ESO	Educated to 'A' level or equivalent	Assisting with Monitoring and various projects

17.2.5 There are currently 9 FTE staff providing a customer and support service for Environmental Health and Licensing and Waste Operations.

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

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

Title	Qualification	Role
PEHO	BSc Environmental Health	Lead Professional Officer

Environmental Health Technician	Relevant degree or equivalent qualification in Environmental Health or Anti-Social Behaviour	Nuisance Investigations, Sampling and Monitoring
Senior ESO	Educated to 'A' level or equivalent	Assisting with Nuisance and Anti Social Behaviour Investigations, Monitoring and various projects
Environmental Protection Officer	Good general standard of education and to "O" level standard in two suitable subjects (Maths and English preferred)	Domestic Pest Control, Nuisance Investigations, Sampling and Monitoring

17.2.9 There are currently 10.5 FTE staff that are directly working on Private Sector Housing matters such as housing standards in private rented accommodation, home energy conservation, park home site licensing, financial assistance and grants.

Title	Qualification	Role
PEHO	BSc Environmental Health	Lead Professional Officer and Deputy to the Environmental Health and Licensing Manager
Environmental Health Officers	BSc Environmental Health	Housing Standards complaints and HMO Inspections
Senior Environmental Health Technicians	Educated to HND/degree level or equivalent	Housing Standards complaints and HMO Inspections
Environmental Health Technicians	Relevant degree or equivalent qualification in Environmental Health	Housing Standards complaints and grants
Home Adaptations and Improvements Assistant	Educated to GCSE standard with GCSE Maths and English Grade C or above or equivalent	Housing Grants and Loans
Empty Homes Officer	Relevant degree or equivalent qualification	Empty Homes
Private Sector Housing Officer	Relevant degree or equivalent qualification	Landlord and Partner Engagement, Strategy and Home Energy Conservation
Housing Development Assistant	Educated to GCSE standard with GCSE Maths and English Grade C or above or equivalent	Empty Homes and Special Projects

17.2.10 There are currently 2 FTE staff that are directly working on Corporate Health and Safety

Title	Qualification	Role
Principal Health and Safety Officer	NEBOSH National General Certificate	Lead Professional Officer for Corporate Health and Safety
Environmental	NEBOSH National	Corporate Health and Safety

Health Officer	General Certificate	
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17.2.11 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.

17.3 **Staff Learning and Development Plan**

17.3.1 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.

17.3.2 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.

17.3.3 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 18: QUALITY ASSESSMENT

- 18.1.1 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.
- 18.1.2 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.
- 18.1.3 Any formal complaints made against the service are investigated and monitored in accordance with Council's Complaint Policy.
- 18.1.4 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
- 18.1.5 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.
- 18.1.6 The Council will continue to monitor and report on Customer Satisfaction with interventions and enforcement conducted by the service.
- 18.1.7 The Principal Environmental Health Officers 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 19: REVIEW AND PERFORMANCE

- 19.1.1 Quarterly Performance Indicators on progress in implementing this Service Plan will be made by the Environmental Health and Licensing Manager to the Strategic Director.
- 19.1.2 An annual review against the Service Plan will be made by the Scrutiny Committee (Place).
- 19.1.3 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.
- 19.1.4 The Scrutiny Committee (Place) 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.
- 19.1.5 Information on our targets and progress towards meeting these will be published and publicised as part of the Council's Performance Plan.

19.2 Targets

19.2.1 Local Performance Indicators for 2019/2020:

- Percentage of food premises broadly compliant with food hygiene law (annual figure provided to FSA and APSE as part of annual return)
- Number of food safety Interventions (annual figure provided to FSA and APSE as part of annual return)
- Number of health and safety Interventions (annual figure provided to HSE and APSE as part of annual return)
- Percentage of samples taken found to be satisfactory
- Number of delegates engaging with health education initiatives (can be provided quarterly or on an annual basis)
- Percentage of premises requiring additional interventions above the programmed statutory Environmental Permitting inspection frequency (can be provided quarterly or 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)
- Net cost of Environmental Health Service per head of the population (annual figure provided to APSE as part of annual return)
- Percentage staff absence (annual figure provided to APSE as part of annual return)

- Net cost of food hygiene service per head of the population (annual figure provided to APSE as part of annual return)
- Net cost of Health and Safety service per head of the population (annual figure provided to APSE as part of annual return)
- Net cost of noise service per head of the population (annual figure provided to APSE as part of annual return)
- Number of Licensing Inspections conducted
- Number of Environmental Permitting Inspections conducted
- Number of HMO Inspections conducted
- Number of Private Sector Housing Complaints received
- Total amount in £ of Disabled Facilities Grants issued
- Total amount in £ of RRO Grants issued
- Total amount in £ of Wessex Loans issued

19.2.2 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.

19.3 Review of performance

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

SECTION 18: CONCLUSION

- 18.1 This Service Plan demonstrates that the Council has organised its food safety, health and safety, licensing, housing and 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 Ministry of Housing, Communities and Local Government, FSA, Health and Safety Executive, DEFRA, Home Office, Drinking Water Inspectorate and other related legislation that the section has responsibility for enforcing.

SECTION 20: GLOSSARY OF TERMS

GLOSSARY	
BBN	Best Bar None
CCG	Clinical Commissioning Group
CIEH	Chartered Institute of Environmental Health
DCMS	Department of Culture, Media and Sport
DEFRA	Department for Environment, Food and Rural Affairs
EHO	Environmental Health Officer
EHORB	Environmental Health Officers Registration Board
EHT	Environmental Health Technician
FSA	Food Standards Agency
FW&E	Food, Water and Environment Laboratory
HACCP	Hazard Analysis and Critical Control Points
HECA	Home Energy Conservation Act
HoS	Head of Services
HPA	Health Protection Agency
LGR	Local Government Regulation
MHCLG	Ministry of Housing, Communities and Local Government
PEHO	Principal Environmental Health Officer
PHE	Public Health England
PCT	Primary Care Trust
RSPH	Royal Society of Public Health
SWWS	South West Water Services plc

SECTION 21: RECOMMENDATIONS FOR THE SERVICE DELIVERY PLAN 2019/20

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

- **Organisation / Officer Competency / Authorisations** – refer to officer Growth and Development Reviews and internal procedural guidance.
- **Food hygiene inspections** – refer to section 21 – Intervention / Work Plan
- **Complaints / Service Requests** – referral to internal procedural guidance.
- **Primary Authority** – refer to internal procedural guidance
- **Advice to Businesses** – refer to section 21 – Intervention / Work Plan
- **Food Premises Database** – refer to internal procedural guidance.
- **Food Sampling** – Refer to Sampling Plan contained within Section 12 of this service plan.
- **Control and investigation of Outbreaks of Food Related Infections/ Diseases** – refer to internal procedural guidance.
- **Food Safety Incidents** – refer to internal procedural guidance.
- **Enforcement** - refer to development of Intervention / Work Plan
- **Internal Monitoring and Peer Review** – refer to Work Plans for Devon CEHO's sub groups.
- **Food Safety Promotion/Initiatives** - refer to section 21 – Intervention / Work Plan
- **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 22: ENVIRONMENTAL HEALTH AND LICENSING INTERVENTION / WORK PLAN 2019 / 2020

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

- Finalise the implementation of the agile and flexible working programme.
- Adoption of a single Corporate Asbestos Policy
- Adoption of a single Corporate Asset Inspection Policy
- Develop a corporate safeguarding case management system
- Adoption of a Modern Slavery Transparency Statement
- Update to the statement of Licensing Policy for the Licensing Act 2003
- Update to the Animal Licensing Policy following recent legislative changes and subsequent amended DEFRA guidance
- Focus on swimming and spa pool hygiene/safety, promoting the revised HSE & PWTAG guidance. Look to provide training event for local pool operators
- Undertake food and pool water sampling in line with national and regional plans and using local intelligence (e.g. food complaints, alleged food poisonings etc.)
- Work towards achieving the actions as set out in the Air Quality Action Plan and report back to members in September 2019
- Use all information available to identify properties that have not licensed their HMOs and to ensure compliance with licensing regime
- Conduct an inspection of all mobile home sites and review Mobile Home Site Licensing
- Conduct a review of procurement for major DFG adaptations
- Review of the Enforcement Policy to include Civil Penalties
- Review of Public Spaces Protection Order (PSPO) and seeking a new order if applicable
- Revise the Contaminated Land Strategy
- Adopt a revised Empty Homes Strategy

REPORT TO: PLACE SCRUTINY COMMITTEE
Date of Meeting: 13 June 2019
Report of: Chief Finance Officer
Title: 2018/19 Place Budget Monitoring Report – Outturn

Is this a Key Decision?

No

Is this an Executive or Council Function?

No

1. What is the report about?

This report advises Members of material differences, by management unit, between the 2018/19 approved budget and the outturn for the financial year up to 31 March 2019 in respect of Place Scrutiny Committee revenue and capital budgets.

Potential areas of budgetary risk throughout the year are highlighted in Appendix 3 of this report, so that Members are aware that certain budgets have been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from budget, and are therefore subject to close monitoring by officers.

2. Recommendations:

That Members of Place Scrutiny Committee assure themselves that satisfactory actions to address the key areas of budgetary pressure have been taken by Officers during the year, as highlighted in this report, and note the actual cost of delivering services for this Committee in the 2018/19 financial year

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 Place Scrutiny Committee, and this is the final report for 2018/19.

4. What are the equality and diversity impacts of this decision?

As this report does not call for a decision, an Equality Impact Assessment is not required.

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

The financial resources that were required to deliver Place Services during 2018-19 are set out in the body of this report.

6. Section 151 Officer comments:

Whilst there has been a significant underspend in respect of the Place Committee, this is due to some expenditure needing to be carried forward to the new year and a refund of business rates for the Museum, which is subject to an appeal by the Valuation Office. As a result a request for supplementary budgets totalling £856,000 will be made to Council and therefore no action is required from the Committee. Overall Services across the Council have underspent by £2.149 million. Taking into account all other income and expenditure, the transfer from the working balance is £1.708 million lower than budget, leaving the working balance at £4.395 million.

7. 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.

8. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer

9. Report Details:

Revenue Final Accounts to 31 March 2019

9.1 Key Variations from Budget

The final outturn has been calculated and the report below highlights the major differences by management unit from the approved annual budget after adjusting for supplementary budgets and transfers to and from earmarked reserves.

9.2 The significant variations by management unit (+/- £30,000) are:

Management Unit	Forecast Outturn Budget Variance at Quarter 3 (Under) / Overspend	Actual Outturn Budget Variance at 31 March 2019 (Under) / Overspend
Parks & Green Spaces	£17,000	(£482,569)
Responsible Officer: Public and Green Space Manager		
<ul style="list-style-type: none"> • The transfer of the Valley Parks to Devon Wildlife Trust (DWT) as agreed by Executive on 12th July 2016 was not finalised until 1 May 2019. The agreed payment of £425,000 was therefore not made until that date, creating an underspend in the year to 31 March 2019. A request will be made for a supplementary budget in 2019/20 to cover this payment. • A saving of £100,000 was agreed to be made in the Children's Play Areas service, as part of the strategy to reduce in year savings for Public Realm. • The creation of the two tree officer posts led to increased pay costs of £36,000. This was funded from savings in the Public Realm Development Team (below) • Other pay costs across this unit were £26,000 less than budgeted • Fleet and plant maintenance costs in this service exceeded the budget by £35,000 		
Public Realm Development Team	(£121,550)	(£128,875)
Responsible Officer: Public and Green Space Manager		
<ul style="list-style-type: none"> • Two posts have been deleted from this unit, and the fixed term post of Place Project Co-ordinator was not filled until March 2019. Part of the resulting pay saving of £121,000 has been used to fund two tree officer posts in Parks and Green Spaces (above). • In addition, a supplementary budget will be requested to fund the Place Project Co-ordinator post until the end of February 2020. 		
Bereavement Services	0	(£37,920)
Responsible Officer: Public and Green Space Manager		
<ul style="list-style-type: none"> • Income exceeded the budget by £13,000 • Fleet and Plant maintenance was £14,000 less than the budget • Expenditure on special works was £11,000 less than the budget 		

Management Unit	Forecast Outturn Budget Variance at Quarter 3	Actual Outturn Budget Variance at 31 March 2019
	(Under) / Overspend	(Under) / Overspend
Domestic Refuse Collection	£41,000	£9,420
<p>Responsible Officer: Cleansing and Fleet Manager</p> <p>At year-end the Service was £33,000 underspent on its pay budget of £1.4m and £22,000 short of its income budget of £78,000. Small savings across a scattering of expense headings reduced the variance to £9,420. (Reported this quarter for consistency with last quarter.)</p>		
Street Cleaning	-	(£60,212)
<p>Responsible Officer: Public and Green Space Manager</p> <ul style="list-style-type: none"> • Fleet and Plant maintenance in this unit cost £54,000 less than the budget • Additional net income of £14,000 arose from undertaking additional work for other organisations • Pay costs exceeded the budget by £8,000 as a result of the pay award being in excess of the budget 		
Public Conveniences	£33,000	£46,902
<p>Responsible Officer: Public and Green Space Manager</p> <ul style="list-style-type: none"> • A £30,000 saving in utility costs was estimated in anticipation of the closure of the Paris Street toilets. This saving was not achieved as the toilets were not closed. • Pay costs exceeded the budget by £12,000 due to high levels of staff sickness • The remaining variance relates to increased utility and maintenance costs, partly offset by a saving on National Non Domestic Rates (NNDR) costs 		
Cleansing Chargeable Services	£42,000	£53,659
<p>Responsible Officer: Cleansing and Fleet Manager</p> <p>Income for Trade Refuse & Recycling was £143,000 (11%) below budget as local businesses look to reduce their own costs. The loss was reduced by savings in a range of non-pay areas, and there was an additional £7,000 income for Special Collections for the HRA.</p>		
Exton Road Overheads & Fleet	£46,000	£11,179
<p>Responsible Officer: Cleansing and Fleet Manager</p> <p>The Service has been able to make some short-term staff savings and brought-in additional income to help offset some significant additional costs – for example, the major fleet procurement process (now completed) and utilities (especially electricity) and clearing vehicle wash drains at Oakwood House.</p> <p>Cost pressures on utilities and clearing wash drains are likely to continue throughout 2019-20.</p>		

Management Unit	Forecast Outturn Budget Variance at Quarter 3 (Under) / Overspend	Actual Outturn Budget Variance at 31 March 2019 (Under) / Overspend
Recycling	£105,000	£212,837
<p>Responsible Officer: Cleansing and Fleet Manager</p> <p>Problems with the MRF and fluctuations in global markets continue to increase costs and reduce income, despite the best efforts of the service to mitigate their impacts. Pay costs at the MRF are £100,000 over budget of £822,000 (driven by sickness and overtime) while £150,000 additional supplies costs were only partially offset by a £62,000 saving in transport costs. The main cause of the additional supplies cost was the need to send unprocessed materials to other MRFs when the ECC MRF was unable to operate and unprocessed material could not be stored on-site without breaching ECC's site licence.</p> <p>Income fell short of budget by a little over £23,000.</p>		
Parking Services	£79,000	(£150,125)
<p>Responsible Officer: Community Safety and Enforcement Service Manager</p> <p>Income from parking charges, including season tickets, exceeded the budget by £291,000.</p> <p>Rental income exceeded the budget by £22,000.</p> <p>National Non Domestic Rates (NNDR) for this service exceeded the budget by £60,000</p> <p>Exceptional costs of £40,000 arose for upgrading credit card facilities, buying tokens for the pay on foot machines and updating signage for a second tariff increase</p> <p>Maintenance costs for car parking equipment exceeded the budget by £19,000; the 2019/20 budget has been adjusted to reflect current costs.</p> <p>Additional costs of £13,000 arose in the car park cleaning service due to higher than expected vehicle maintenance costs</p> <p>Pay costs exceeded the budget by £11,000 following a job evaluation review</p> <p>The remaining £20,000 variance relates to several small variances</p>		
Growth & Enterprise	(£30,000)	(£37,700)
<p>Responsible Officer: Economy and Enterprise Manager</p> <p>The full underspend has been requested as carry-forward into 2019-20, since this Service has many initiatives such as in-depth reviews and reports that span financial years.</p>		
Arts & Events (Culture)	-	(£56,760)
<p>Responsible Officer: Service Lead - Communications, Tourism & Culture</p> <p>This unit is now managed as an integral part of the wide-ranging Communications, Tourism & Culture Service, enabling, for example, specialist staff to apply their skills to different projects and activities as needs change in-year. The Service as a whole was £12,000 over full-year budget of £1.1m.</p>		

Management Unit	Forecast Outturn Budget Variance at Quarter 3	Actual Outturn Budget Variance at 31 March 2019
	(Under) / Overspend	(Under) / Overspend
Planning Services	(£105,930)	(£118,708)
<p>Responsible Officer: City Development Manager.</p> <ul style="list-style-type: none"> Community Infrastructure Grants amounting to £357,000 have been paid; these are funded from the Community Infrastructure Levy (CIL). An additional officer has been seconded to deal with CIL work; the additional £23,000 cost arising has been funded from the CIL. £160,000 has been contributed towards the Growth Team, for which there is no budget. This has been funded from New Homes Bonus. Additional costs of approximately £60,000 are expected to arise from a successful Planning appeal Fee income was expected to exceed the budget by £210,000. Part of this is earmarked for improvements in the service; it is anticipated that £70,000 of this will be unspent at 31 March 2019 and this will be placed in an earmarked reserve to be utilised in 2019-20. 		
Major Projects	0	(£265,400)
<p>Responsible Officer: City Surveyor</p> <p>A supplementary budget of £300,000 was approved at Council on 18th December 2018 in connection with the Bus Station Wider Options. As at 31 March 2019 only £34,600 had been spent; a £265,400 supplementary budget will be requested in 2019/20 to enable this work to continue.</p>		
Markets & Halls	(£23,000)	(£102,494)
<p>Responsible Officer: Events, Facilities & Markets Manager</p> <p>As a commercially-focussed service running the Matford Centre and the Corn Exchange, the financial outturn is dependent on a range of variables. After all the necessary year-end adjustments, the Service has achieved both lower costs and higher income leading to a contribution margin of 44%, an improvement on the budgeted 34% for 18-19 and the 39% achieved in 17-18.</p> <p>The Service has requested that £14,000 of the additional 18-19 contribution be carried-over into 19-20 as a supplementary budget to fund an apprentice post.</p>		
Contracted Sports Facilities	£91,465	(£69,343)

Management Unit	Forecast Outturn Budget Variance at Quarter 3	Actual Outturn Budget Variance at 31 March 2019
	(Under) / Overspend	(Under) / Overspend
Responsible Officer: Category Contracts Manager		
<p>In June 2018 the Council agreed to the recommendations in the Built Sports and Leisure Facilities report that included the permanent closure of Clifton Hill Sports Centre. A supplementary budget of up to £150,000 was approved to demolish Clifton Hill Sports Centre, to secure the site and avoid incurring Business Rates and other unbudgeted revenue costs. Demolition costs have so far underspent this allocation by £112,000 which has been requested to be carried forward to 2019-20.</p> <p>Up to a further £100,000 was approved to cover loss of revenue and VAT. The £91,465 is the budgeted lost revenue and the £99,180 adds-on £7,715 which will be covered from the Redundancy Reserve.</p> <p>The time-limited required credit, relating to a potential claim for partial repayment of rates associated with Riverside, has reduced by £60,000 at the end of this year; this has been released back to the management unit.</p>		

10. Capital Budget Monitoring to 31 March 2019

To advise members of the financial performance in respect of the 2018/19 Place Capital Programme.

10.1 Revisions to the Place Capital Programme

The following changes have been made to the programme during the final quarter of the financial year:

Description	£	Approval/Funding
Capital Programme, as at Quarter 3	9,786,670	
Budget Deferred to 2019/20 & Beyond at Quarter 3	(31,950)	Approved by Council 18 December 2018
Overspends/(Underspends) reported at Quarter 3	(50,000)	
Agile & Flexible Working for Environmental Health	74,900	Approved by Council 16 April 2019
MRF Fire Alarms	15,000	Approved by Council 16 October 2018
Revised Capital Programme	9,794,620	

10.2 Performance

The Place Capital Programme is detailed in Appendix 2 and shows a total spend of £7,784,904 in 2018/19. It is proposed to carry forward budgets totalling £3.185 million to be spent in future years conversely budgets of £1.538 million have been brought forward from future years and spent in 2018/19.

10.3 Capital Variances from Budget

The main variances and issues concerning expenditure in 2018/19 are:

Scheme	Estimated Overspend / (Underspend) £	Reason
Vehicle Replacement Programme	(366,179)	The programme has been on hold during the 2018/19 financial year pending the results of a Procurement review.

10.4 Capital Budgets Deferred to 2019/20 and Beyond

Schemes which have been identified as being wholly or partly deferred to 2019/20 and beyond are:

Scheme	18/19 Budget £	Budget to be Deferred £	Reason
Mechanisation of Street Scene	150,000	136,325	Items of specialist equipment are on order. They have reasonably long lead-in times. The expected delivery date is June 2019.
Repairs to Salmonpool Bridge	45,000	45,000	Contractor appointed and awaiting completion of Environment Agency work in this area before undertaking repairs to bridge.
Air Quality Monitoring Equipment	89,560	35,628	Three of the four analysers are working correctly (including the two which are part of DEFRA's national air quality network). However the fourth has just been returned by the manufacturer following repair and is awaiting installation and testing by the contractor.
Outdoor Leisure Facilities	385,710	86,674	Works at Pinhoe, Station Road will commence after the consultation process has been completed.
Sports Facilities Refurbishment	146,460	39,859	Ongoing budget to fund leisure contract obligations.
Belmont Park Enhanced Facilities	50,000	50,000	Work will be undertaken in 2019/20.
Pyramids Essential Works	950,000	138,328	The majority of works are complete, the remaining works are on-going.
Leisure Centre Essential Enhancements	2,000,000	1,875,118	Works from the approved scheme continue to be delivered.
Leisure Centre Additional Enhancements	880,000	231,857	
Livestock Market Drainage & Toilets	200,000	195,380	Tenders have been prepared but are awaiting procurement action.
Riverside Leisure Centre	0	(279,389)	Works have commenced ahead of the 2019/20 financial year.
Leisure Complex	2,516,760	(1,158,223)	Budgets re-profiled in-line with anticipated expenditure.
Bus Station Construction	460,710	164,360	

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

Place Service budgets contribute to five key priorities, as set out in the Corporate Plan:

Tackling congestion and accessibility; Promoting active and healthy lifestyles; Building great neighbourhoods; Providing value-for-money services; Leading a well-run council.

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

Areas of budgetary risk have been highlighted to Committee as part of the quarterly budget monitoring updates. Risks are reduced through regular monitoring and reporting to budget managers.

13. What is the impact of the decision on health and wellbeing; safeguarding children, young people and adults with care and support needs, economy, safety and the environment?

No impact.

14. What other options are there, and why have they been dismissed?

The report details past performance according to statutory requirements.

DAVE HODGSON
Chief Finance Officer

Authors: Nicola Matthews-Morley / Mark Neville Smith / Sally Reeve / Adrian Rutter

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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FULL YEAR to 31 March 2019					
CODE	APPROVED BUDGET	OUTTURN	TRANSFERS TO/(FROM) EARMARKED RESERVES, NHB / TRANSFORMATION FUNDING / DEPRECIATION VARIANCE	ADJUSTED OUTTURN VARIANCE 31 March 19	ADJUSTED OUTTURN FORECAST VARIANCE Q3
	£	£	£	£	£
81A1 ENVIRONMENTAL PROTECTION	288,580	276,051	(3,631)	(16,160)	0
81A3 LICENCING,FOOD,HEALTH & SAFETY	231,130	244,103		12,973	0
81A4 PUBLIC SAFETY	315,730	292,738	(6,897)	(29,889)	6,000
81A6 PARKS & GREEN SPACES	1,762,920	1,288,316	(7,965)	(482,569)	17,000
81B&C PUBLIC REALM DEVELOPMENT TEAM	565,730	484,905	(48,050)	(128,875)	(121,550)
81B2 BEREAVEMENT SERVICES	4,840	(32,780)	(300)	(37,920)	0
81D2 DOMESTIC REFUSE COLLECTION	2,081,240	2,090,728	(67)	9,420	41,000
81D4 STREET CLEANING	1,562,030	1,507,845	(6,027)	(60,212)	0
81D5 PUBLIC CONVENIENCES	257,530	434,058	(129,626)	46,902	33,000
81D6 CLEANSING CHARGEABLE SERVICES	(287,830)	(234,214)	42	53,659	42,000
81D7 EXTON ROAD OVERHEADS AND FLEET	249,500	262,504	(1,825)	11,179	46,000
81D8 RECYCLING	109,690	322,993	(466)	212,837	105,000
83A2 TRANSPORTATION	21,000	(13,146)	13,146	(21,000)	(21,000)
83A3 PARKING SERVICES	(5,526,960)	(5,686,489)	9,404	(150,125)	79,000
83A4 GROWTH & ENTERPRISE (Ec Dev)	502,670	535,205	(70,235)	(37,700)	(30,000)
83A5 ARTS & EVENTS (Culture)	305,970	249,210		(56,760)	0
83A6 TOURIST INFORMATION (Tourism)	370,725	385,545		14,820	(5,000)
83A8 DISTRICT HIGHWAYS AND FOOTPATHS	256,580	222,670	7,433	(26,478)	(20,000)
83A9 BUILDING CONTROL	45,740	(12,449)	57,219	(970)	0
83B4 ENGINEERING & CONSTRUCTION	0	117		117	
83B5 PLANNING SERVICES	378,880	(83,480)	343,652	(118,708)	(105,930)
83B6 CONSERVATION	4,920	4,919	1	(0)	0
83B7 AFU	1,670	7,449	(6,025)	(246)	475
83B8 MAJOR PROJECTS	330,000	232,066	(167,466)	(265,400)	0
83B9 MARKETS & HALLS	(459,365)	(568,818)	6,959	(102,494)	(23,000)
83C1 WATERWAYS	223,940	275,016	(80,494)	(29,417)	27,790
83C2 MUSEUM SERVICE	2,190,660	1,391,220	808,397	8,958	0
83C3 CONTRACTED SPORTS FACILITIES	4,591,910	3,530,022	992,545	(69,343)	91,465
83C7 ACTIVE & HEALTHY PEOPLE	101,820	131,254		29,434	0
NET EXPENDITURE	10,481,250	7,537,561	1,709,723	(1,233,965)	162,250

TRANSFERS TO / (FROM) EARMARKED RESERVES

81A6 Parks and Green Spaces - redundancy reserve	(48,050)	(48,050)
81D4 Street Cleaning	(14,490)	
83A4 Growth & Enterprise - redundancy reserve	(70,235)	0
83A5 Rugby 7s	(100,000)	
83A2 - Green Travel to earmarked reserve	13,146	
83A9 - Building Control and Land Charges Reserves	57,219	51,500
83B5 - Planning Services	343,652	(500,060)
83B7 - AFU expenditure to be transferred from earmarked reserve	(6,025)	(6,025)
83B8 Major Projects - NHB	(167,466)	
83C1 Waterways - Transformation	(78,868)	
83C2 Museums - redundancy reserve	(34,520)	(34,520)
83C2 Museums - Museum of Year reserve	(10,565)	0
83C2 Museums - Legal Costs	(49,065)	0
83C2 Museums - NNDR refund gross	1,018,075	
83C3 Contracted Sports Facilities	(3,701)	(7,715)
Depreciation variances	760,616	
OUTTURN FOR THE YEAR AFTER MOVEMENTS TO/(FROM) RESERVES	9,147,285	10,643,500
REVISED BUDGETS	10,481,250	10,481,250
ADJUSTED OUTTURN VARIANCE	(1,333,965)	162,250

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2018/19 CAPITAL MONITORING TO 31 MARCH 2019

Responsible Officer	Scheme	2018/19 Capital Programme	2018/19 Spend	2018/19 Budget to be Carried Forward to 2019/20 and Beyond	2018/19 Programme Variances (Under)/Over
		£	£	£	£
	WELL RUN COUNCIL				
Fleet Manager/SMB	Vehicle Replacement Programme	442,500	76,321	0	(366,179)
Service Manager, Community Safety & Enforcement	Car Park Resurfacing, Lining & Boundary Improvements	0	0	(10,000)	(10,000)
Interim Public & Green Space Manager	Mechanisation of Street Scene	150,000	13,675	136,325	
Cleansing & Fleet Manager	Waste Infrastructure	16,700	0	16,700	
Environmental Health & Licensing Manager	Agile & Flexible Working for Environmental Health	74,900	0	74,900	
Cleansing & Fleet Manager	MRF CCTV & Alarm	15,000	0	15,000	
	IMPROVE THE ENVIRONMENT AND MY NEIGHBOURHOOD				
Commercial Operations Manager, Public Realm	Repair Canal Bank at M5	3,100	2,200	900	
Principal Project Manager (Place Making)	Queen's Crescent CPO	18,000	18,000	0	
Commercial Operations Manager, Public Realm	Kings Arms Bridge	84,630	99,485	(14,855)	
Interim Public & Green Space Manager	Exwick Cemetery Ashes Section	30,400	30,404	0	4
Service Manager, Community Safety & Enforcement	Replacement of Mallison Bridge (Exeter Quay)	20,000	17,404	2,596	
Interim Public & Green Space Manager	Parks Infrastructure	64,190	88,188	(23,998)	
Interim Public & Green Space Manager	Cemeteries & Churchyards Infrastructure Improvements	0	26,087	(26,087)	
Service Manager, Community Safety & Enforcement	Repairs to Turf Lock Pier Head	0	1,500	(1,500)	
Service Manager, Community Safety & Enforcement	Repairs to Salmonpool Bridge	45,000	0	45,000	
Service Manager, Community Safety & Enforcement	Bank Repairs & Stabilisation to Watercourses	27,990	27,992	0	2
City Surveyor	Matford Centre Fire Alarm Replacement	50,000	40,125	9,875	
	KEEP ME/MY ENVIRONMENT SAFE & HEALTHY				
Commercial Operations Manager, Public Realm	Car Park Surfacing - Haven Road	12,350	1,511	10,839	
Commercial Operations Manager, Public Realm	City Wide Property Level Protection	64,400	47,742	16,658	
Environmental Health & Licensing Manager	Air Quality Monitoring Equipment	89,560	53,932	35,628	
Commercial Operations Manager, Public Realm	Topsham Lock	230,000	228,483	0	(1,517)
Commercial Operations Manager, Public Realm	St James Weir	95,000	107,590	0	12,590
	PROVIDE GREAT THINGS FOR ME TO SEE & DO				
Commercial Operations Manager, Public Realm	Outdoor Leisure Facilities	385,710	299,036	86,674	
Director	Replace Arena Athletics Track	0	2,250	0	2,250
City Surveyor	Sports Facilities Refurbishment	146,430	106,571	39,859	
City Surveyor	Passenger Lift at RAMM	0	2,100	(2,100)	
City Surveyor	St Nicholas Priory	39,920	19,756	20,164	
RAMM, Operational Services Lead	RAMM World Culture Galleries	160,440	141,209	19,231	
Interim Public & Green Space Manager	Cowick Barton Tennis Courts	33,430	33,434	0	4
Director	Newtown Community Association - Belmont Park Community Building	200,000	200,007	0	7
Director	Belmont Park Enhanced Facilities	50,000	0	50,000	
Principal Project Manager (Strategic Infrastructure Planning)	Land at Ludwell Valley Park Gardens	66,640	66,640	0	

Responsible Officer	Scheme	2018/19 Capital Programme	2018/19 Spend	2018/19 Budget to be Carried Forward to 2019/20 and Beyond	2018/19 Programme Variances (Under)/Over
		£	£	£	£
	MAINTAIN THE ASSETS OF OUR CITY				
City Surveyor	RAMM Roof Access Improvement	2,360	11,045	(8,685)	
City Surveyor	Pyramids Essential Works	950,000	811,672	138,328	
City Surveyor	Leisure Centre Essential Enhancements	2,000,000	124,882	1,875,118	
City Surveyor	Leisure Centre Additional Enhancements	880,000	648,143	231,857	
City Surveyor	Livestock Market Drainage & Toilets	200,000	4,620	195,380	
City Surveyor	Riverside Leisure Centre	0	279,389	(279,389)	
	DELIVER GOOD DEVELOPMENT				
Chief Executive & Growth Director	Leisure Complex - Build Project	2,516,760	3,674,983	(1,158,223)	
Chief Executive & Growth Director	Bus Station Construction	460,710	296,350	164,360	
Director	Pinhoe Community Hub	0	13,680	(13,680)	
Director	Newtown Community Centre (S106)	75,090	75,090	0	
Director	Newtown Community Centre (1st Grant)	50,000	50,000	0	
Director	Newtown Community Centre (2nd Grant)	43,410	43,410	0	
PLACE TOTAL		9,794,620	7,784,904	1,646,877	(362,839)

Legacy Leisure Working Group **Terms of Reference**

Name of the Group: Working Group	Legacy Leisure (formerly Parkwood Leisure)
Membership:	The Working Group will consist of the following: <ul style="list-style-type: none">• Portfolio Holder for Leisure & Physical Activity• Chair of Place Scrutiny Committee• Representative from each Political Group• Director• Category Contracts Manager• Representatives from Parkwood Leisure
Frequency of Meetings:	Quarterly / as required
Reporting Mechanism:	To submit a report to the Members Scrutiny Bulletin/ as required to Place Scrutiny Committee
Function of the Group:	To work with Legacy Leisure to develop its service and enhance its facilities achieving a level of service for customers well above the contractual baseline. To monitor contractual issues, monitoring customer comments and relevant action taken and agreeing improvement initiatives.

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EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

9 April 2019

Present: -

Devon County Council: -

Councillors Y Atkinson (Chair), H Ackland, M Asvachin, S Aves, E Brennan (Vice-Chair), A Leadbetter, P Prowse and C Whitton

Exeter City Council

Councillors R Newby and T Wardle

Apologies: -

Councillors P Edwards, R Hannaford and O Pearson

* 93

Minutes

RESOLVED that the Minutes of the meeting held on 14 January 2019 be signed as a correct record.

* 94

Items Requiring Urgent Attention

No item was raised as a matter of urgency.

* 95

Bus Services in Exeter/Stagecoach Fare Consultation

Mr P Clark Operational Director, Stagecoach South West, attended and spoke at the invitation of the Committee on developments affecting bus services and the network in and around Exeter.

Mr Clark reported that a consultation meeting had been held at Matford Head Office on 29th March on the SW Fares Revision to which Members of this Committee had been invited, which had been a successful and constructive exercise. Mr Clark referred to: -

- the cost pressures including pay and fuel increases and the impact on fares with an overall increase of 3% on average (details to follow);
- the continuation of the 1+2 (children) tickets which would be rolled over across the County and other money saving bundles available via the Company's mobile 'app';
- the outcome of a customer survey with a 95% satisfaction rating, the second best nationally which was very positive; and
- the discontinuation of the 221 service.

Mr Clark answered Members' questions relating to:

- the consultation exercise which Members welcomed as a positive step forward by the Company;
- the 1+2 offer and noting members' disappointment that the offer did not apply for an adult with 1 child (where a smaller discount was available);
- the need to check the reliability of the Real Time display in the High Street;
- promoting travel for young users (school and college leavers) with the wide-ranging services and fares available, through their marketing campaigns and extension of coverage for term riders into the holiday periods for other young users;
- the large planned residential expansion around the City and the Company's work with partners and local authorities in securing S.106 money for early provision of additional services for these developments; and Mr Clark undertook to look at the situation with services crossing into the East Devon District;

- the T Service and issues relating to termination at the Doctors' surgery and difficulties for drivers manoeuvring on Topsham Quay which was to be discussed on site with a Stagecoach manager and local Members to which Mr Clark was also invited;
- the purchase of 14 new mini-buses last year for routes with narrow and tight streets; and
- planned improvements for the A bus service to improve reliability.

The Chair thanked Mr Clark for his attendance and answers to Members' questions.

* **96** **Annual Local Waiting Restriction Programme**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/40) on the progress of the 4th year of this project, which was a countywide initiative intended to deliver non-contentious proposals.

To ensure that proposals could be delivered within the 2019/20 financial year, a closing date of 18 January 2019 for submission of proposals had been agreed with the Cabinet Member for Highway Management. The sixty-nine individual proposals received were listed in Appendix I to the Report.

Individual Members would be contacted over the coming weeks regarding the proposals within their divisions.

Further requests from Members (or made via the local Neighbourhood Officer) would be added to next year's programme for consideration and officers would also check: (i) on whether a timely submission had been received relating to St John's Road (St Sidwells and St James), and (ii) the details relating to Salmonpool Lane (Wearside and Topsham) which had been the subject of a petition requesting limited waiting or Pay and Display.

Following advertisement proposals which did not attract objections would be implemented without the need to report back to Committee; and proposals attracting significant objections would be reported to the Committee on 9 July 2019.

* **97** **Annual Review of Residents Parking Requests**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/41) on the outcome of the results of the consultations for further residents parking and new requests for residents parking in Exeter. A Member Working Party had been established to examine the need/desire for future Residents' Parking Schemes in the city which reported in January 2018 when the Committee had resolved to consult in four areas of the city. These consultations had taken place in November 2018.

A further two meetings of the Working Party earlier this year had considered the results of these consultations and requests received since January 2018. This Report detailed those discussions and recommendations from the Working Party and the schemes already in progress.

Members referred to the environmental and other impacts of residents creating their own off-street parking provision with dropped kerbs resulting in the loss of some on-street parking. The County Council's policy on applications for dropped kerbs would be circulated to Members for information.

It was **MOVED** by Councillor Atkinson, **SECONDED** by Councillor Whitton and

RESOLVED

(a) that the results of the consultations be noted;

(b) that the advertising of a Traffic Regulation Order to introduce a residents parking scheme in the Monks Road area as shown on plan ENV5746-MONKSRESI-001 be approved; and

(c) that consultations in the areas detailed in Section 6 of this Report be approved, subject to the details being agreed in consultation with the local County Councillor.

* **98** **Residents Parking Extensions - Duryard and Pennsylvania**

(Mr J Vinall (on behalf of the Horseguards estate management company) attended in accordance with the Public Participation Scheme and spoke to this item, in so far as it related to Horseguards, objecting to the proposal and requesting a new zone for Horseguards [and not part of the existing H Zone]).

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/42) on the results of the statutory consultation on the proposal to extend residents parking zones in Duryard and Pennsylvania to include Elmdon Close, Horseguards, Pennsylvania Close and Wrefords Lane. In total, 45 responses had been received as a result of the consultation and detailed in the Report (Appendix II) along with Officer responses.

The Officers reported that a proposal for a new Residents Parking Zone for Horseguards would not be fully policy compliant in view of the level of off-street parking available for residents and parking capacity.

It was **MOVED** by Councillor Prowse, **SECONDED** by Councillor Newby and

RESOLVED

(a) that the results of the consultations be noted;

(b) that the proposals as detailed in Section 4 of the Report relating to Elmdon Close, Pennsylvania Close and Wrefords Lane be approved; and

(c) that a new Residents Parking Zone for Horseguards be supported, but in view of the proposal not being fully compliant with current Council policy, Cabinet be asked to consider and determine the proposal.

* **99** **Rosebarn Lane- Residents Parking**

(Mr J Phillips, Mr G Sones and Mr W Kirk attended in accordance with the Public Participation Scheme and spoke to this item objecting to the details of the proposals relating to Rosebarn Lane).

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/43) on the outcome of a statutory consultation from 7 February until 4 March 2019 for a Residents' Parking Scheme for the Rosebarn Lane area.

Over the consultation period 427 submissions had been received and summarised in the Report with Officer responses (Appendix I). The Chair also reported the receipt of further representations (outside of the consultation period) circulated to Members from Mr Kirk, Dr Lauric and Ms Wright.

It was **MOVED** by Councillor Prowse, **SECONDED** by Councillor Newby and

RESOLVED

(a) that the results of the statutory consultation be noted;

(b) that the restrictions detailed in Section 3 of the Report relating to Doriam Close, Patricia Close and Rosebarn Lane (South) be approved and implemented;

(c) that the proposals relating to Aldrin Road, The Fairway and Armstrong Avenue be approved and implemented, as advertised;

(d) that the restrictions in Rosebarn Lane (North) be implemented as advertised with a modification to limit the maximum stay in the Pay and Display to 4 hours, subject to (i) the details being approved by the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the local County Councillor and Chair of the Committee; and (ii) a Safety Audit;

(e) that the proposals relating to Mayflower Avenue, Sheppard Road and Collins Road be not progressed;

(f) that the decision on no waiting restrictions in Florida Drive and Stoke Valley Road (between California Close and Pennsylvania Road) be delegated to the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the local County Councillor and Chair of the Committee;

(g) that the decision on restrictions in Pennsylvania Road be delegated to the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the local County Councillor and Chair of the Committee; and

(h) that the proposals relating to the Stoke Valley Road (between California Close and Collins Road) and side roads be not progressed.

[N.B. In accordance with Standing Order 32(4) Councillors Ackland, Asvachin, Aves, Brennan Wardle and Whitton requested that their abstention from the vote taken be recorded]

* **100** **Request for a Pedestrian Crossing on Admiral Way for school children attending the new School**

(In accordance with Standing Order 23(2) Councillor Newby had requested that the Committee consider this matter)

The Chief Officer of Highways, Infrastructure Development and Waste reported that pedestrian crossings would be unlikely to meet national criteria for installation once the estate roads were adopted, even when the School had reached full capacity. The alternative would be for a school crossing patrol in the area and this could be considered by the School after it had developed its Travel Plan which would identify the issues and locations involved. However, the Officers would meet with the local Members to discuss appropriate locations for the installation of school warning signs and consider the need for school keep clear markings.

* **101** **Actions taken Under Delegated Powers**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/44) on actions taken under delegated powers since the last meeting.

* **102** **Dates of Meetings**

9 July and 11 November 2019 and 27 January and 27 April 2020.

*[N.B. The County Council Calendar of Meetings available at:
<https://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>]*

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 4.40 pm