



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 2 November 2022. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decisions detailed below may be implemented on Thursday 3 November 2022 if it is not called-in.

Delegated Decisions

I. Councillor Bill Wakeham, Cabinet Member for Environment and Street Scene:

- I.1. Official Designation of Bathing Waters - Application for Firestone Bay **(Pages 1 - 6)**

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – ESS02 22/23

Decision				
1	Title of decision: Official Designation of Bathing Waters - Application for Firestone Bay			
2	Decision maker (Cabinet member name and portfolio title): Councillor Bill Wakeham, Cabinet Member for Environment and Street Scene			
3	Report author and contact details: Kat Deeney, Head of Environmental Planning Kathryn.Deeney@plymouth.gov.uk			
4	Decision to be taken: Approval to submit application to DEFRA for the designation of Firestone Bay as an Official Bathing Water			
5	<p>Reasons for decision: Popularity of wild swimming and water based recreational activity has increased around Firestone Bay in last few years, and especially since Covid pandemic.</p> <p>Designation of Firestone Bay as an official Bathing Water would ensure monitoring and testing of water quality by the Environment Agency between May and September each year. The data would be made publically available.</p> <p>Plymouth already has 2 designated Bathing Waters at Plymouth Hoe East and Plymouth Hoe West. The designation of a 3rd Bathing Water within the city would be beneficial to all residents and visitors, and recognised as part of the National Marine Park.</p>			
6	<p>Alternative options considered and rejected:</p> <p><i>(Option 1) Do not submit application – rejected because proposal has cross party support. All evidence required for the application has been successfully collated and application prepared. DEFRA aware of pending application and are keen to receive for this year.</i></p> <p><i>(Option 2) Delay application and submit in 2023 for Bathing Season 2024. Rejected because the data and evidence collated would be out of date.</i></p>			
7	Financial implications and risks: There is no cost associated with the application.			
8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new

				savings in excess of £1 million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:		This links to the Council Corporate Plan as we strive to deliver a "greener City". It will support the aims and objectives of the National Marine Park and is supported by the Kings Harbour Master and Tamar Estuaries Consultative Forum.	
10	Please specify any direct environmental implications of the decision (carbon impact)		If application is successful, the sea water in Firestone Bay will be tested by the Environment Agency on a weekly basis between May and September each year. Publication of the data will keep local residents up to date on water quality and allow them to make informed judgments about when to swim. Ultimately this will lead to improved Health and Wellbeing and encourage local sustainable water based activity.	
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?		Yes	(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
			No	x (If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?		Yes	
			No	x (If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?			

13c	Date Cabinet member consulted							
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer				
		No	x					
15	Which Corporate Management Team member has been consulted?	Name		Anthony Payne				
		Job title		Strategic Director for Place				
		Date consulted		13/10/2022				
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)			DS64 22/23			
		Finance (mandatory)			pl.22.23.227.			
		Legal (mandatory)			MS/25.10.22			
		Human Resources (if applicable)						
		Corporate property (if applicable)						
		Procurement (if applicable)						
Appendices								
17	Ref.	Title of appendix						
	A	221005 Firestone Bay Bathing Water Briefing Note (<i>mandatory</i>)						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	x					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7

18b	Confidential/exempt briefing report title:						
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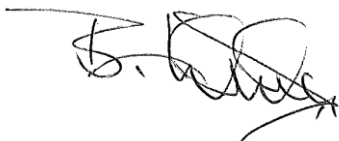
Background Papers

19 Please list all unpublished, background papers relevant to the decision in the table below.
 Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.

Title of background paper(s)	Exemption Paragraph Number						
	1	2	3	4	5	6	7

Cabinet Member Signature

20 I agree the decision and confirm that it is not contrary to the Council’s policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council’s duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.

Signature		Date of decision	26/10/2022
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Print Name	Councillor Bill Wakeham
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FIRESTONE BAY – BATHING WATER DESIGNATION

Briefing Paper



Bathing Waters – Introduction

Formal bathing waters are areas that are:

- Officially identified (designated) by the Secretary of State because a large number of people bathe in that location;
- Water quality tested every year by the Environment Agency (EA). The testing happens from 15th May to 30th September, weekly assessments measure current water quality, and at a number of sites daily pollution risk forecasts are issued. Annual ratings classify each site as excellent, good, sufficient or poor based on measurements taken over a period of up to four years
- Designated under the Bathing Water Regulations
- Local Authorities are required to display information at the bathing water to show water quality during the bathing season.

Within Plymouth, there are two existing DEFRA designated bathing areas

- **Plymouth Hoe East**
- **Plymouth Hoe West**

Firestone Bay as a Designated Bathing Water

Firestone Bay is one of a number of swimming areas identified within Plymouth Sound, which are currently marked by seasonal buoys and identified on navigational charts. While these areas are popular swimming zones they are not officially designated bathing waters.

Firestone Bay has been identified as an area that could become a Designated Bathing Water and there is a lot of community support for the site to be designated. Initial discussion with the Environment Agency have demonstrated their support for the proposal, and they have carried out some initial water sampling. This has indicated that the water quality of Firestone bay should typically be similar to Plymouth Hoe West and therefore sufficient to meet the required standards.

Application Process

Local authorities usually apply for designation, but anyone can apply. Local authorities must support all applications. The application process is relatively simple and requires evidence as follows:

- User surveys. These need to be carried out between May- September, cover a minimum of 20 days and include weekend and bank holidays and school holidays. Number of users need to be recorded and how they are using the site i.e swimming, paddling.
- Information about any facilities at the site that promote or support bathing
- Evidence of a consultation with users, local groups and interested parties.

The main focus of the evidence needs to be on the use of the site – this is the determining factor not the current water quality.

Applications for designations for the following years bathing season need to be submitted by 31 October.

Once DEFRA has all the relevant evidence it will hold a public consultation. Ministers make the final decision before the Local Authority is notified.

There is no cost associated to submit the actual application.

PCC Responsibilities if successful.

If we were successful our responsibilities will be similar to the other two designated sites in the city. Between May and September PCC we are currently responsible for displaying up to date information on water quality at each Bathing Water site.

The Public Health Team are currently responsible for the onsite signage and for updating if/when conditions change. They have been consulted in the production of this paper and have indicated that it will be possible to add an additional site to their current rounds within existing staff capacity.

There is potential to move to digital signage in the future but to do this we would need 3-4 years' worth of data before it can be implemented. This would have a cost implication for purchase and installation of the signs, and an element of staff time to manage the data and information placed on them. However, it would remove the requirement for PH team to physically go out and visit the sites with paper copies. The roll out of a digital system is not needed at this time to enable a further site to be designated as a Bathing Water.

Evidence Gathering

- There is a vibrant community of users in the Firestone Bay area that have indicated they would be happy to contribute to the evidence base required.
- A University of Plymouth Research Project, supported by PCC is looking at wild swimmers and their experiences recorded in a diary format, which could contribute to the evidence base.
- The NMP Rangers could work with local communities to collect information required as Firestone Bay is identified as a NMO community Hub in the Heritage Horizons funded programme.

Reference

[Bathing waters: apply for designation or de-designation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/bathing-waters-apply-for-designation-or-de-designation)

RECOMMENDATIONS:

- Approval to submit an application to DEFRA requesting that Firestone Bay is designated a formal Bathing Water for the 2023 Bathing Season.