



Exeter City Council

To the Chair and Members
of the Scrutiny Committee - Community

Philip Bostock, Chief Executive

Bindu Arjoon, Assistant Chief Executive

Civic Centre, Paris Street, Exeter, EX1 1JN
Tel: 01392 277888 www.exeter.gov.uk

Direct dial: 01392 265107

Fax: 01392 265268

email: howard.bassett@exeter.gov.uk

Our ref:

Your ref:

AGENDA FOR EXETER CITY COUNCIL SCRUTINY COMMITTEE - COMMUNITY

The Scrutiny Committee - Community will meet on **TUESDAY 7 JUNE 2011**, commencing at **5.30 pm**, in the Rennes Room, Civic Centre, Paris Street, Exeter to consider the following business. If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Member Services Officer on **Exeter 265107**.

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

Pages

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

1

MINUTES

To sign the minutes of the meeting held on 8 March 2011.

2

DECLARATION OF INTERESTS

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

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

To pass the following resolution:-

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of items and 17 and 18 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1, Schedule 12A of the Act.

4 **QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19**

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

Details of questions should be notified to the Assistant Chief Executive at least three working days prior to the meeting. Further information and a copy of the procedure are available from Member Services (01392 265107) also on the Council web site.

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

5 **QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING
ORDER 20**

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

6 **PORTFOLIO HOLDERS TO PRESENT THEIR PRIORITIES FOR THE
FORTHCOMING YEAR**

Councillors R.M. Hannaford (Portfolio Holder for Housing and Social Inclusion) and Councillor G.N. Sheldon (Portfolio Holder for Environment and Leisure) will present a verbal report on the priorities for the forthcoming year in light of the Committee's work programme.

<u>MATTERS FOR CONSIDERATION BY EXECUTIVE</u>
--

7 **FOOD LAW ENFORCEMENT PLAN 2011/12**

To consider the report of the Head of Environmental Health Services – *report circulated*

1 - 68

8 **HEALTH AND SAFETY SERVICE PLAN 2011/12**

To consider the report of the Head of Environmental Health Services – *report circulated*

69 - 114

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY

9 **COST OF REVERTING TO WEEKLY RESIDUAL REFUSE COLLECTIONS**

To consider the report of the Head of Environmental Health Services – *report circulated* 115 - 118

10 **TEMPORARY ACCOMMODATION REVIEW AND STRATEGY**

To consider the report of the Acting Head of Housing Services – *report attached* 119 - 126

11 **RAMM'S TEMPORARY EXHIBITION PROGRAMME 2011/12**

To consider the report of the Head of Leisure and Museums Services - *report circulated* 127 - 134

PERFORMANCE MONITORING

12 **HRA CAPITAL AND REVENUE AND AIM PROPERTY MAINTENANCE OUT-TURN REPORT 2010/11**

To consider the joint report of the Head of Contracts and Direct Services/Head of Housing Services/Head of Estates and Head of Treasury Services – *report circulated (Monitoring schedule available on request)* 135 - 138

13 **AIM PROPERTY MAINTENANCE PROPOSED PROGRAMME 2011/12**

To consider the report of the Head of Contracts and Direct Services – *report circulated (Monitoring schedule available on request)* 139 - 142

14 **ANNUAL RESULTS OF PERFORMANCE MONITORING 2010/11**

To consider the report of the Director Community and Environment (Monitoring schedule available on request) – *report circulated* 143 - 152

15 **HOUSING REVENUE ACCOUNT - FINAL ACCOUNTS 2010/11**

To consider the report of the Head of Treasury Services – *report circulated* 153 - 158

16 **REVENUE FINAL ACCOUNTS - COMMUNITY 2010/11**

To consider the report of the Head of Treasury Services – *report circulated* 159 - 176

MATTERS FOR CONSIDERATION BY EXECUTIVE

17 RESTRUCTURE OF THE HOUSING ENABLING AND EMPTY HOMES TEAM

To consider the report of the Acting Head of Housing Services on the restructure of the Housing Services Unit's Enabling and Empty Homes Team – *report circulated to Members* 177 - 184

18 CHANGES TO THE COMMUNITY PATROL SERVICE AND CONTROL CENTRE

To consider the report of the Head of Environmental Health Services on the restructure of the Community patrol – *report circulated to Members* 185 - 196

DATE OF NEXT MEETING

The next **Scrutiny Committee - Community** will be held on Tuesday 6 September 2011 at 5.30 pm

FUTURE BUSINESS

The schedule of future business proposed for this Scrutiny Committee and other Committees of the Council can be viewed on the following link to the Council's website: <http://www.exeter.gov.uk/forwardplan>
Councillors can view a hard copy of the schedule in the Members Room.

Membership -

Councillors Mitchell (Chair), Thompson (Deputy Chair), Branston, Bull, Choules, Clark, Crow, Hobden, Morris, Mottram, Newcombe, Tippins and Wardle

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

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

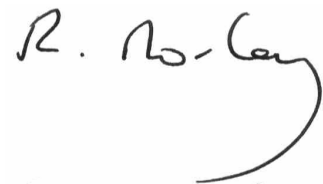


Please remember to recycle. If you would prefer not to receive paper copies please let us know. Contact Member Services 01392 265197 or email member.services@exeter.gov.uk



Environmental Health Commercial and Business Support Team

Food Safety Service Plan 2011 - 2012

A handwritten signature in black ink, appearing to read "R. Norley", with a long, sweeping underline that curves to the right.

Robert Norley
Head of Environmental Health Services

Drawn up in accordance with the Food Standards Agency Framework Agreement

Issued by: Simon Lane, Business Manager and
Simon Ruddy, Acting Principal Environmental Health Officer

Issue date: April 2011

CONTENTS

1. Introduction
2. Services Aims and Objectives
 - 2.1 Aims and Objectives
 - 2.2 Links to Corporate Objectives and Plans
3. Background
 - 3.1 Profile of Exeter City Council
 - 3.2 Organisational Structure
 - 3.3 Committee Structure
4. The Food Safety Services
 - 4.1 Scope of the Food Safety Service
 - 4.2 Remit of the Food Safety Service
 - 4.3 Food Business Profile
 - 4.4 Access to the Commercial Section
 - 4.5 Enforcement Policy
5. Service Delivery
 - 5.1 Food Premises Inspections
 - 5.2 Food Complaints
 - 5.3 Home Authority
 - 5.4 Advice to Business
 - 5.5 Food Inspection and Sampling
 - 5.6 Control and Investigation of Food Poisoning Outbreaks and Food Related Infectious Disease
 - 5.7 Food Safety Incidents
 - 5.8 Liaison with Other Organisations
6. Resources
 - 6.1 Food Safety Promotion
 - 6.2 Financial Matters
 - 6.3 Staffing Allocation
 - 6.4 Self Development Plan
7. Quality Assessment
8. Review
 - 8.1 Areas of Improvement
9. Food Safety Enforcement Policy
10. Conclusion
11. Glossary of Terms

12. Appendices

- 1 Recommendations for the Food Service Delivery Plan 2011/12
- 2 Summary of Activities in terms of Performance Indicators
- 3 Diagram of the Officer Structure for the Food Service
- 4 Diagram showing the Committee Structure for the Council
- 5 Profile of Food Premises in the City
- 6 Number of food premises by risk category at start of 2011/12
- 7 Total number of food inspections targeted compared with total number of inspections carried out
- 8 Annual comparison of food complaints/service request received
- 9 List of Businesses for which Exeter City Council acts as Home Authority
- 10 Food Sampling Programme 2011/12
- 11 Summary of sampling activity provided by Commercial Services
- 12 Annual comparison of officially notified cases of food related disease in the City
- 13 The number of Level 2, Level 3 and Level 4 Certificates in Food Hygiene courses delivered
- 14 Prosecutions Taken during 2010/11
- 15 Interventions/Activities during 2010/11
- 16 Intervention / Work Plan 2011/12

SECTION 1 - INTRODUCTION

1.1 Introduction

- 1.1.1 The Council recognises the important role it plays promoting Food Safety and securing the safety of food consumed in the City. The key aim of this plan is to demonstrate how the Council will fulfil its statutory obligations in accordance with the Food Standards Agency Framework Agreement (amendment 5). It includes:
- the Council's aim and objectives;
 - information about the food enforcement services provided by the Council;
 - details of the Council's performance management systems;
 - information on the performance of the Commercial and Business Support Team;
 - the Food Safety Enforcement Policy.
- 1.1.2 Recommendations for the Food Service Delivery Plan for the forthcoming year is contained in Appendix 1.
- 1.1.3 A review of the performance of the Commercial and Business Support Team's activities against the relevant performance indicators is contained in Appendix 2.

SECTION 2 – SERVICE AIMS AND OBJECTIVES

2.1 Aims and Objectives

- 2.1.1 The Council's strategic objectives are reproduced in appendix 13.0. The strategic objectives are contained within the corporate plan which is available by visiting www.exeter.gov.uk/corporateplan.
- 2.1.2 In respect of Food Safety, the objectives of the Council are to:
- undertake appropriate food safety interventions at food premises, for which the Council is the enforcing authority, and institute informal or formal action in accordance with the Services Enforcement Policy, Local Government Regulation and Food Standards Agency guidance and advice and current good practice. Businesses will be targeted, focusing resources on those businesses presenting a high risk to food safety with a view to securing an annual improvement in the compliance of food safety;
 - investigate complaints about food and food premises and at the conclusion of investigations institute informal or legal action as appropriate;
 - provide food safety training services to local businesses to assist them to meet legislative requirements;
 - investigate cases of food-borne disease and advise upon appropriate precautionary and control measures;
 - issue licences, approvals and monitor compliance with relevant conditions;
 - sample and arrange for microbiological testing of high-risk food products and premises;
 - develop "Home Authority" partnerships, where relevant, with local businesses;
 - provide advice and assistance to businesses to help them comply with food safety legislation and maintain a high standard of food hygiene;
 - work in partnership with related organisations to promote the well being of persons living, working or visiting the City.

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

2.2.1 The food safety role the Council links to several of the Exeter Vision themes (and related strategies) and in particular:

- A prosperous city
- A cultural and fun place to be
- A learning city
- A city of strong communities
- A city where people are healthy and active
- A city where the environment is cared for
- A safe city
- Excellence in public services

2.2.2 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 which adopts the recommendations of the Hampton Report - actively promoting and evaluating the use of effective food safety interventions to facilitate compliance with food law;
- recognises the importance of food and its influence on the wider determinants of health - seeking to work in partnership and play an active role to reduce the inequalities in health in the local population and thereby contribute to current delivery mechanisms such as the Health and Wellbeing Board;
- recognises the importance of the National Food Hygiene Rating Scheme which gives each premise 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.

SECTION 3 – BACKGROUND

3.1 **Profile of Exeter City Council**

3.1.1 The geographical enforcement area is relatively confined in local authority terms covering an area of 4,774 hectares and supporting a resident population of 118,800 persons. However, being the county market town and regional administrative, cultural and educational centre, the City has a significant impact on the adjacent areas of East and Mid Devon.

3.1.2 No significant food manufacturing premises are now located within the City. The bulk of the food premises are presently concerned with the storage, catering or retail sale of food. 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.

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 The Commercial and Business Support Team within Environmental Health Services is responsible for delivering the Food Service Plan. In addition to this the Commercial and Business Support Team provides:
- the Health and Safety Enforcement function;
 - support to Environmental Health;
 - support to licensing duties in relation to Licensing Act 2003 and Gambling Act 2005,
 - the investigations of notifiable / infectious disease.
- 3.2.2 Environmental Health Services operates under the Directorate of Community and Environment.
- 3.2.3 The Head of Environmental Health Services has various delegations to act on behalf of the Council. All non-delegated matters are reported to the appropriate committee.
- 3.2.4 The officer structure in respect of the food service is detailed in Appendix 3. Overall co-ordination of the service is the responsibility of the Business Manager with lead officer responsibility given to the Principal Environmental Health Officer.
- 3.2.5 The Council's solicitor has delegated authority to instigate legal proceedings following instructions from the Head of Environmental Health Services.
- 3.2.6 Specialist analytical and microbiological services are provide by external agencies such as the Health Protection Agency and Somerset Scientific Services.

3.3 **Committee Structure**

- 3.3.1 A flow diagram showing the committee structure for the council is shown in Appendix 4.

SECTION 4 – THE FOOD SAFETY SERVICE

4.1 **Scope of the Food Safety Service**

- 4.1.1 The Commercial and Business Support Team 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 the HPA in investigation of food poisoning and infectious disease outbreak control;
 - responding to Food Standards Agency Food Hazard Warnings/Alerts;
 - 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 the Commercial and Business Support Team uses a variety of means to ensure that individuals and organisations meet their responsibilities including education, negotiation, advice, guidance, warning letters, formal notices and prosecution. Overall the team seeks to work in collaboration with businesses while avoiding unnecessary bureaucracy in the way its works.

4.2. **Remit of the Food Service**

4.2.1 **Interventions**

The Council will:

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

4.2.2 **Complaints**

The Council will:

- implement the documented policy and procedure in relation to food complaints;
- liaise with the 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 **Home Authority Principle**

Where the Council acts as Home Authority we will:

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

4.2.4 **Advice to Business**

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

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

4.2.5 **Food Premises Database**

The Council will:

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

4.2.6 **Food Inspection and Sampling**

The Council will:

- inspect food in accordance with relevant legislation to ensure it meets the legally prescribed standards;
- take appropriate action in cases of non-compliance in accordance with the Council's Enforcement Policy;
- maintain an annual sampling programme taking account of current guidance;
- adhere to the Council's procedures for procurement or purchase etc of samples;
- the Council has appointed Somerset Scientific Services and the Food, Water and Environment 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 Health Protection Agency Plans and recommendations in relation to the investigation and control of outbreaks of food related disease.

4.2.8 Food Safety Incidents

The Council will:

- respond to food hazard alerts in accordance with the documented procedure;
- maintain a computer system capable of receiving food hazard alerts;
- document our response to and the outcome of each food hazard alert;
- 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 visit 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 LG Regulation and the FSA. Regular contact will be maintained with Devon County Council Trading Standards Department and periodic meetings will be held with the local business forums & interested groups to provide advice and promote good practice;

Where appropriate, partnerships will be formed with educational establishments, Primary Care Trust and other bodies to promote food safety.

4.2.13 Internal Monitoring

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

4.2.14 Audit

The Council will:

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

4.2.15 Food Safety Promotion

The Council will:

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

4.2.16 Other Services

The Commercial and Business Support Team have responsibility for undertaking a parallel role in respect of Health and Safety at Work in commercial premises:

General (non-food related) complaint work will initially be undertaken by the Environmental Protection Section (EPS) but specific problems related to food premises will be the responsibility of Commercial Section officers, in accordance with Departmental Guidance Note 2/99. Pest control treatment may be undertaken by officers from the EPS in liaison with Commercial Section staff, but only when it will not comprise future enforcement action.

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

4.2.17 Use of Contractors

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.

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 in Appendix 5.0.

4.3.2 Following an inspection/audit, food premises are scored and categorised (i.e. A to E) in respect of the risk to food safety in accordance with the Food Law Code of Practice (England). The categories dictate the interval between inspections. For example category A, i.e. high-risk premises, are inspected every 6 months, category D premises are inspected every 2 years. The service currently operates an alternative enforcement strategy for category E premises, 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 in Appendix 5.1.

4.3.4 There are approximately 60 food premises in the City where business owners do not speak English as their first language. This can impact on the ability to successfully inspect premises and to effectively promote food safety. Food businesses in the city make great

use of migrant food handlers. (The pattern of this is dynamic and robust data is not available.)

4.4 Access to the Commercial and Business Support Team

4.4.1 The Commercial and Business Support Team is based in the Civic Centre, Paris Street. Service users may contact officers on site or by leaving a message in the following ways:

- in person at the Customer Service Centre in Paris Street.
- by telephone, 01392 265193 between 8.30am and 5.00pm Monday to Friday;
- whilst there is no formal out of hours service, staff can be contacted in the event of an emergency through the Council's Control Room on 0845 3511 060 by means of a pager/telephone service;
- by email: ce-admin@exeter.gov.uk or environmental.health@exeter.gov.uk
- by fax: 01392 265844

4.5 Enforcement Policy

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

4.5.2 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 use prosecution as a deterrent as well as a punishment;
- the need to balance enforcement and education in the way the service works.

SECTION 5: SERVICE DELIVERY

5.1 Food Premises Inspections

5.1.1 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). 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.

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

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

5.1.3 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.

- 5.1.4 A comparison of the total number of food hygiene inspections targeted against those actually carried out is shown in Appendix 6. This is broken down by risk category in Appendix 6.1.
- 5.1.5 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 for example.
- 5.1.6 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).
- 5.17 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.

5.2 **Food Complaints**

- 5.2.1 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 hazard alerts.

- 5.2.2 The established procedure for dealing with food complaints sets out the action to be taken regarding investigation, (See Procedure/Practice Note No 2.2). Our investigation will be guided by the detailed considerations laid down in the LG Regulation publication “Dealing with Food Complaints”.

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

- 5.2.4 The number of complaints received in the previous years, together with an estimated number for the forthcoming year, is shown in Appendix 7. It is estimated that 0.2 FTE qualified inspectors will be required to deal with food complaints.

5.3 **Home Authority**

- 5.3.1 It is recognised that the co-ordination of advice and enforcement is essential to ensure uniformity of treatment and consistency in dealing with food businesses which have more than one branch or unit situated in different food authority areas. The Council will therefore be guided by the LG Regulation Home Authority Principle or where applicable the Primary Authority Principle.
- 5.3.2 The Council will take responsibility for giving advice to those food businesses with the main base in our area on matters relating to food hygiene and food safety policy and legislation.
- 5.3.3 Where the Council are unable to adhere to this principle the Council will discuss our concerns with LG Regulation and, should the matter not be resolved, with the FSA.

5.3.4 The list of business premises for whom the Council currently act as Home Authority are shown in Appendix 8. Current measures are sufficient to ensure that the Council meet and advise these businesses and can respond to enforcing authority enquiries. The new Primary Authority mechanism may supersede these Home Authority arrangements.

5.3.5 It is anticipated that 0.1 FTE required to fulfil our Home Authority commitments will be covered by existing staff.

5.4 **Advice to Business**

5.4.1 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.

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

5.4.3 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 Food Safety Week which takes place between 6 – 12 June 2011.

5.4.4 A newsletter incorporating food safety information is produced and distributed to approx 700 businesses in the City.

5.4.5 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.

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

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

5.5 **Food Inspection and Sampling**

5.5.1 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.

5.5.2 The food sampling programme for the forthcoming year commencing 1 April 2011 is attached as Appendix 9 and includes participation in national sampling campaigns co-ordinated by LG Regulation.

5.5.3 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Health Technician (Environmental Protection) (EHT(EP)). 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. (See Policy/Procedure Note 2.6).

5.5.4 A summary of the results from the sampling programme for the current and previous years is attached in Appendix 10.

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

5.6.1 The Commercial Team'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.

5.6.2 The incidence of notified cases of food-related disease in the City over recent years is detailed in Appendix 11.

5.6.3 Investigations into outbreaks of food related poisonings are carried out in consultation with and under the direction of the Health Protection Agency.

5.6.4 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 the Commercial Section to deal with this service demand.

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

5.7 **Food Safety Incidents**

5.7.1 The Council has and will maintain a computer system capable of receiving food alerts 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.

5.7.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure. (See Policy/Procedure Note No 2.19).

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

5.7.4 It is considered that adequate resources exists within the full complement of the Commercial and Business Support Team to deal with this demand.

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

5.8 **Liaison with Other Organisations**

5.8.1 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:

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

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

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

- other food related subjects.

5.9 **Food Safety Promotion**

5.9.1 The service utilises many methods to promote food safety and increasingly is lead by the developing body of research. From 1st April 2011, the service has launched the National Food Hygiene Rating Scheme which has helped drive improvements in food law compliance. Over 850 businesses fall within the scope of the scheme, with all ratings being published on the national web portal at www.food.gov.uk/ratings and businesses encouraged to display certificates and stickers. The service will continue to promote usage of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events. The service will also continue to encourage at the time of visits voluntary display of rating stickers and certificates at premises that fall within the scope of the scheme.

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

- presentations to schools, interested groups, professional bodies, (e.g. Infection Control Study Days, Chef Focus Group, Taste of the West Members, Early Years providers);
- circulation of advisory leaflets or guidance notes in response to topical issues or changes in legislation;
- production of the 'Food For Thought' newsletter;
- participation in the annual Exeter Food and Drink Festival.

5.10 **Food Safety Training**

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

5.10.2 The number of learners who have attended the courses provided by the section are represented in Appendix 12 of the Enforcement Plan.

5.10.3 The service is currently achieving an average of 96% (97%) success rate for its training courses.

5.10.4 The service regularly provides training in other languages to meet the needs of the business community, with tailored courses being delivered in different languages. Courses in Mandarin, Cantonese and Bengali have been scheduled at Level 2 and it is also proposed that a Level 3 course in Cantonese is delivered.

SECTION 6: RESOURCES

Financial Matters

- 6.1.1 Detailed figures to determine the overall specific level of expenditure involved in providing the food safety service is not currently available as this has historically been part of the wider shared activities of the Commercial and Business Support Team (e.g. Health and Safety and Licensing Enforcement). Likewise with changes in the intervention pattern it is difficult to accurately determine the trend of growth, of the food safety function. The food safety function can occupy the significant portion of time of the Section, at the expense of the other services.
- 6.1.2 The training element is also shared amongst the enforcement disciplines although it has its own budget and cost centre and aims to produce significant income. External tutors are used to increase efficiency in delivering this service.
- 6.1.3 The budgets for sampling and analysis of samples is currently £560 for the year.

Budget Allocation Figures for 2011/12 – Food Safety Function

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Health Education F018</u>	2,880	8,000	-	7,210
Proportion allocated to Food Safety function (80%)	2,304	6,400	-	5,768

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	178,060	1,200	3,160	94,460
Proportion allocated to Food Safety Function (40%)	71,224	480	1,264	37,784
Analysis (max)		260		
Purchase of Samples		300		
Environmental Protection Sampling Technician	2,000			

NB:

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

The specific training budgets are held with Environmental Health Services – Commercial and Business Support Team.

6.2 **Staffing Allocation**

6.2.1 There are currently 2 FTE staff directly working on food, enforcement and related matters with a significant and increasing support role by business support staff.

Title	% of time	Qualification	Role
Business Manager		Educated to Degree Level	Management
PEHO		BSc Environmental Health	Lead Professional Officer
EHO	<50	BSc Environmental Health	District Officer
EHO	<50	BSc Environmental Health	District Officer
EHO	<50	BSc Environmental Health	District Officer
EHO (part time)	<50	BSc Environmental Health	Inspector
EHO - Agency	>50	BSc Environmental Health	Contract Inspector
EHT	<20%	Informal Sampling only	EHT (Sampling)
Senior BSO		Support	Service Support
BSO (x3.5FTE)		Support	Service Support
Contract Tutors		CIEH/RIPH and/or Highfield Registration	Deliver training courses run by the service

6.3 **Staff Development Plan**

6.3.1 The service will ensure that Officers are appropriately qualified and receive regular training to maintain and improve their level of competency. All officers will have access to the equivalent of at least 10 hours food safety update training which will normally be identified at performance appraisal and target setting. All Environmental Health Officers will be afforded the facility of continuing professional development.

6.3.2 The training structure comprises:-

- the employment of enforcement officers capable of food law enforcement;
- evidence of formal qualification (sight of original qualification certificates prior to commencement of employment);
- in-house competency-based training;
- identification of training needs during annual performance appraisal to meet current targets to assist and improve upon performance against current job requirements.

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

- internal training sessions will be held (anticipated 4 hours CPD in food related topics 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 food safety enforcement 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 7: QUALITY ASSESSMENT

- 7.1.1 Internal monitoring procedures have been set up to verify the service operates in conformance with relevant legislation, the Food Law Codes of Practice (England) and our procedures.
- 7.1.2 A system of Food Safety Inspection Quality Monitoring has been established. (See Policy/Procedure Note No 1.2).
- 7.1.3 The Council will participate in appropriate inter-authority peer review exercises against the Food Standards Agency standard.
- 7.1.4 The Council will continue to monitor and report on Customer Satisfaction with the Food Enforcement Service.

SECTION 8: REVIEW

- 8.1.1 Quarterly Performance Indicators on progress in implementing both this Service Plan and the Commercial Section Business Plan, will be made by the Business Manager to the Head of Environmental Health Services.
- 8.1.2 An annual review against the Service Plan will be made by the Scrutiny Committee (Community).
- 8.1.3 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.
- 8.1.4 The Scrutiny Committee (Community) will support and Executive will approve the Food Service Delivery 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.
- 8.1.5 Information on our targets and progress towards meeting these will be published and publicised as part of the Council's Performance Plan.
- 8.2 **Areas of Improvement**
 - 8.2.1 A number of actions have been identified in the Commercial Section's Food Service Delivery Plan 2011/2012 (Appendix 1), which will be carried out during the forthcoming year. Achievement of these improvements will be monitored by the HoS and Business Manager and where there are significant performance issues, reports will be made to the appropriate Committee.

SECTION 9: FOOD SAFETY ENFORCEMENT POLICY

Introduction

- 9.1 As a regulator, the Council's primary purpose is to assist businesses in preventing food safety incidents and ill-health. This is generally achieved through inspections and a range of proactive measures including stakeholder engagement and the provision of information and advice.
- 9.2 Investigating complaints and reports food poisoning is important in improving standards and ensuring compliance; it also provides the basis for enforcement action to secure justice. Enforcement has three main objectives:
- to compel responsible parties to take immediate action to reduce risk;
 - to engender compliance with the law;
 - to ensure those who breach food safety requirements or fail in their responsibilities are held to account for their actions.

FOOD SAFETY ENFORCEMENT POLICY

GUIDANCE

To be read in conjunction with:
Food Law Code of Practice (England)
Food Law Practice Guidance (England)

1 STATEMENT OF OBJECTIVES

- 1.1 It is this Council's policy to strive to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within this City is without risk to the health or safety of the consumer.
- 1.2 Enforcement action, be it verbal warnings, the issue of written warnings or statutory notices, or prosecution, is primarily based upon an assessment of risk to public health. In the context of this policy, this risk is the probability of harm to health occurring due to non-compliance with food safety law. Enforcement action will not normally, therefore, constitute a punitive response to minor technical contraventions of legislation.
- 1.3 We support specific guidance on enforcement action contained in the Food Law Code of Practice and associated Practice Guidance.
- 1.4 All authorised officers when making enforcement decisions will abide by the policy. Any departure from the policy will be exceptional, capable of justification and be considered by management before the decision is taken, unless it is considered that there is significant risk to the public in delaying the decision.

2 DECISION MAKING - AUTHORISATIONS

- 2.1 Members have decided in general policy terms what attitude should be taken to flagrant breaches of Food Safety law. Members will not be involved in detailed consideration of individual cases (other than in very exceptional circumstances). The decision to prosecute, based on the available evidence and professional judgement, is left to the Head of Environmental Health Services.

- 2.2 The Council will ensure that officers who are authorised to initiate enforcement action are competent to do so, are suitably qualified and have relevant and adequate experience in food safety enforcement, and adhere to the Food Law Code of Practice.

3 ENFORCEMENT OPTIONS

- 3.1 The Council recognises and affirms the importance of achieving and maintaining consistency in our approach to making all decisions, which concern food safety enforcement action, including prosecution. To achieve and maintain consistency, the guidance in the Food Law Code of Practice (England), FSA and LACORS advice is always considered and followed where appropriate.
- 3.2 We will endeavour to ensure that enforcement decisions are always consistent, balanced, fair and relate to common standards that ensure the public is adequately protected. In coming to any decision we will consider many criteria including seriousness of offence, the enterprise's past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.
- 3.3 Having considered all relevant information and evidence, the choices for action are:-
- to take no action
 - to take informal action
 - to use statutory notices
 - to use simple cautions
 - to prosecute

This document provides detailed guidance applicable to the various options for enforcement action.

- 3.4 Where we consider taking enforcement action, which may be inconsistent with that adopted by other authorities or contrary to any advice issued by LACORS, we will endeavour to discuss these matters with the local food liaison/coordinating group. If a reasonable consensus group view cannot be achieved, or the issue appears to be of national significance, or it is felt existing guidance has not adequately taken account of the legal provisions, case law, relevant research or other evidence, the liaison/coordinating group will be urged to ask LACORS, through its national Food Safety Panel, to consider the issue to ensure consistent enforcement.
- 3.5 Where we consider taking enforcement action, which may be contrary to any advice issued by the relevant home (or primary) and/or originating authorities, we will discuss the matter with the relevant authorities before taking action. Where enforcement action impacts on aspects of an enterprise's policy, which has been agreed centrally by the decision-making base of the enterprise, then reference to the home/primary authority will take place.

4 INFORMAL ACTION

- 4.1 Informal action to secure compliance with legislation includes offering advice, verbal warnings and requests for action, the use of letters and the issue of food hygiene inspection reports, including those generated in-situ at a premises following an inspection.
- 4.2 We consider it is appropriate to use informal action when:
- the act or omission is not serious enough to warrant formal action;
 - from the individual's/enterprise's past history it can be reasonably expected that informal action will achieve compliance;
 - confidence in the individual/enterprise's management involved is good;
 - the consequences of non-compliance will not pose a significant risk to public health;

- even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach. This may apply to food businesses associated with voluntary organisations using volunteers.

4.3 Inspection reports will be issued following all programmed inspections. This applies even in those circumstances where conditions at the time of inspection are satisfactory.

4.4 When an informal approach is used to secure compliance with food hygiene or processing regulations, any written documentation issued or sent to proprietors will:

- contain all the information necessary to understand what work is required and why it is necessary
- indicate the regulations contravened, measures which will enable compliance with the legal requirements and that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good hygiene practice, for example under an appropriate heading, to show that they are not a legal requirement.

5 STATUTORY NOTICES

Hygiene Improvement Notices

5.1 Where we believe that an informal approach will not be successful and/or where the business has failed to respond to an informal approach, formal action will be considered.

5.2 Consideration will be given to the issue of hygiene improvement notices where one or more of the criteria below apply:

- there are significant contraventions of legislation;
- there is a lack of confidence in the food business operator or enterprise to respond to an informal approach;
- there is a history of poor compliance with informal action;
- standards are generally poor with little management awareness of statutory requirements;
- the consequences of non-compliance could be potentially serious to public health;
- although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions that are serious or deteriorating.

5.3 The use of hygiene improvement notices will, in general, be related to risk to health.

5.4 Hygiene improvement notices may only be issued by officers who have been authorised by the Council to do so.

5.5 Hygiene improvement notices will not be signed by authorised officers on behalf of non-authorised technical officers unless the authorised officer has examined the evidence for any contravention and is satisfied that a contravention has been committed, is satisfied that it is significant and that any other appropriate criteria are satisfied.

5.6 We will ensure that authorised officers follow all relevant guidance in the Food Law Code of Practice (England) and Food Law Practice Guidance (England) and LACORS guidance on the use of statutory notices. Authorised officers will place realistic time limits on notices (preferably agreed with the food business operator as attainable and appropriate), discuss with the FBO the works that will be specified and why they are necessary and fully consider the availability of solutions.

We will endeavour to maintain good working relationships and will liaise while work is being undertaken.

- 5.7 Failure to comply with a hygiene improvement notice will in general result in Court proceedings.
- 5.8 Other bodies may be advised of formal action taken by the Council and its outcome. These bodies may include home/primary and originating authorities.

Hygiene Emergency Prohibition Notices

- 5.9 The use of an (HEPN) when an imminent risk of injury to health has been identified will be considered in one or more of the following circumstances:
- the consequences of not taking immediate and decisive action to protect public health would be unacceptable;
 - where a real risk of food contamination exists;
 - an imminent risk of injury to health can be demonstrated. This might include evidence from relevant experts, including a food analyst or food examiner. This may be where practices which are serious contraventions have been, or are involved with an outbreak of food poisoning;
 - the guidance criteria, specified in the Food Law Code of Practice (England) and Food Law Practice Guidance (England) concerning the conditions when prohibition may be appropriate, are fulfilled;
 - there is no confidence in the integrity of an unprompted offer made by a food business operator to voluntarily to close premises or cease the use of any equipment, process or treatment associated with the imminent risk;
 - a food business operator is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition.
- 5.10 Officers to be authorised to issue HEPNs will be competent, fulfil the qualification requirements referred to in the Food Law Code of Practice (England) and Food Law Practice Guidance (England), and also have experience in a variety of food safety enforcement situations.
- 5.11 Where emergency prohibition action involving chemical contamination is being considered, medical or other expert advice may be sought before a final enforcement decision is taken.
- 5.12 Once an HEPN has been issued, an application for a hygiene emergency prohibition order will be made to the Magistrates' Court within three days.
- 5.13 Other bodies may be advised of formal action taken by the Council and its outcome. These bodies may include home and originating authorities. Reference will be made to any detailed advice offered by LACORS, particularly guidance issued on the Home Authority Principle.

6 PROSECUTION

- 6.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those persons who blatantly disregard the law, or refuse to achieve even the basic minimum legal requirements often following previous contact with the Council, and/or who put the public at serious risk.
- 6.2 The circumstances which are likely to warrant prosecution, may be characterised by one or more of the following:
- where the alleged offence involves a flagrant breach of the law such that public health, safety or well being is or has been put at risk;

- where the alleged offence involves a failure by the suspected offender to correct an identified serious potential risk to food safety having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer;
- where the offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- where there is a history of similar offences related to risk to public health.

- 6.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information will be considered, to enable a consistent, fair and objective decision to be made.
- 6.4 Before a prosecution proceeds, the officer responsible for deciding on enforcement action will be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company.
- 6.5 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, a positive decision that it is in the public's interest to prosecute will be taken and guidance in the Code for Crown Prosecutors, issued by the Crown Prosecution Service will be considered including relevant public interest criteria.
- 6.6 When decisions are being taken on whether to prosecute, guidance contained in the relevant Code of Practice will be followed. Factors to be considered may include:
- (a) the seriousness of the alleged offence:
 - the risk or harm to public health
 - identifiable victims
 - failure to comply with a statutory notice served for a significant breach of legislation
 - disregard of public health for financial reward;
 - (b) the previous history of the party concerned:
 - offences following a history of similar offences
 - failure to respond positively to past warnings
 - failure to comply with statutory notices;
 - (c) the likelihood of the defendant being able to establish a due diligence defence:
 - local authorities may wish to refer to relevant guidance on due diligence;
 - (d) the ability of any important witnesses and their willingness to co-operate;
 - (e) the willingness of the party to prevent a recurrence of the problem;
 - (f) the probable public benefit of prosecution and the importance of the case - eg whether it might establish a legal precedent:
 - (g) whether other action, such as issuing a simple caution or a hygiene improvement notice or imposing a prohibition, would be more appropriate or effective. (It is possible in exceptional circumstances to prosecute as well as issue a notice; failure to comply with a notice would be an additional offence);
 - (h) any explanation offered by the company or the suspected offender.

6.7 We will not impose excessively rigid constraints with regard to prosecution because this would restrict the choice of a particular course of action. (For example, stating that first time offenders should never be prosecuted would remove the possibility of prosecuting for a serious breach of food safety legislation).

6.8 Once a decision to instigate prosecution has been taken, the matter will be referred, without undue delay, to the Council's solicitors to conduct legal proceedings.

N.B. A Court must impose a prohibition order following certain prosecutions if it is satisfied that there is a risk of injury to health.

6.9 Other bodies will be advised of prosecutions taken by the authority and their outcome (i.e. home and originating authorities and any others recommended by LACORS).

7 SIMPLE CAUTIONS

7.1 Where appropriate we will consider issuing a caution as an alternative to a prosecution.

7.2 The purpose of the simple caution is:

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences.

To safeguard the suspected offender's interest, the following conditions will be fulfilled before a caution is administered:

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence;
- the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.

N.B. There is no legal obligation for any person to accept the offer of a caution and no pressure will be applied to the person to accept a caution.

7.3 Simple cautions will be used in accordance with the Home Office Circular 016/2008 and relevant LG Regulation guidance. The Head of Environmental Health Services is authorised as the officer to issue simple cautions.

7.4 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean taking a prosecution, this is not inevitable.

7.5 Other bodies may be advised of simple cautions issued by the authority. These bodies may include home and originating authorities and any others specified in advice offered by LACORS.

8 SPECIFIC GUIDANCE ON THE ENFORCEMENT OF ARTICLE 5 EC REG 852/2004

GUIDANCE

To be read in conjunction with:

- Food Law Practice Guidance (England) Annex 13
- Food Law Code of Practice (England) Annex 2
- LACORS Guidance
- Procedure 2.1 Food Hygiene Interventions

8.1 BACKGROUND

- 8.1.1 On 1 January 2006, EC Regulation 853/2004 introduced the requirement for food businesses to have food safety management procedures based on HACCP principles. The legislation is flexible and allows for those procedures to be commensurate with the nature and size of the food business. Where a business is especially low-risk documentation and record keeping may not be necessary. This provision was and will be new to many food businesses. The FSA recommend that enforcers concentrate on significant hazards ensuring that the person responsible for food safety understands these hazards and knows how to control them, i.e. taking an educative approach. The expectation is that businesses improve their standards over time and where a business does not improve given reasonable time and guidance, a more formal approach to enforcement can be used, i.e. a graduated approach.
- 8.1.2 The Food Standards Agency has developed the Safer Food Better Business Tool designed to support smaller catering and retail businesses in complying with this requirement.
- 8.1.3 The aim of this section of the policy is to provide clear guidance on the use of enforcement powers to seek compliance with the requirements of Article 5.

8.2 POLICY FOR ENFORCEMENT

- 8.2.1 Enforcement of this legislation must always be based on the risk to food safety. With this in mind, the following processes should be followed:

- **New business**

On the first programmed inspection of a new business the officer needs to determine whether the principles of the requirements of Article 5 are understood and put into practice by the FBO. In addition the officer and shall consider whether any supporting information, records or documents provided by the FBO are adequate. If the officer considers that this requirement is not being fulfilled then appropriate information shall be provided to the FBO to enable him/her to comply. This may include the supply of an SFBB pack, the contact details of where a pack can be sourced, referral to workshops and/or the scheduling of a coaching session. Providing standards within the premises are fully compliant, informal action can be taken and the premises risk rated for the next programmed food hygiene intervention. If the premises scores 10 or greater for confidence in management, the officer shall provide such information/support to enable the business to achieve full compliance and shall schedule a revisit / partial inspection to assess compliance and re-score.

If on this first intervention, there are unsafe practices apparent which present a risk to food safety then appropriate formal action should be taken in line with the Enforcement Policy.

- **Existing businesses (who have received an SFBB intervention)**

Those businesses who were targeted for SFBB and/or offered/attended workshops and/or provided with coaching sessions and who have received an additional programmed intervention since should now be routinely following the format provided by SFBB. The officer's professional judgement should be exercised where such businesses have not fully implemented and maintained SFBB. Any action considered appropriate by the officer must be proportionate and related to the associated food safety risk, the risk score awarded, the requirements highlighted in the officers report and the need to progress the businesses towards being fully compliant. The officer should make a decision as to the progress with the Article 5 requirement. Enforcement using a Hygiene Improvement Notice may be the most appropriate form of action if non-compliance is found. Attached to this note is a suggested template for a HIP requiring compliance with Article 5.

- **Existing businesses (who have not previously received an SFBB intervention)**

Existing businesses who have not implemented SFBB or who have no other formal approach to managing food safety are likely to be low risk businesses. The officer's professional judgement should be exercised on the need to adopt SFBB or similar or relevant components of SFBB and whether documented procedures and record keeping is necessary. The officer's report to the business should reflect their opinion, the food hygiene intervention form – Assessment of Management of Food Safety Form – should record the officer's assessment and the premises risk scored appropriately.

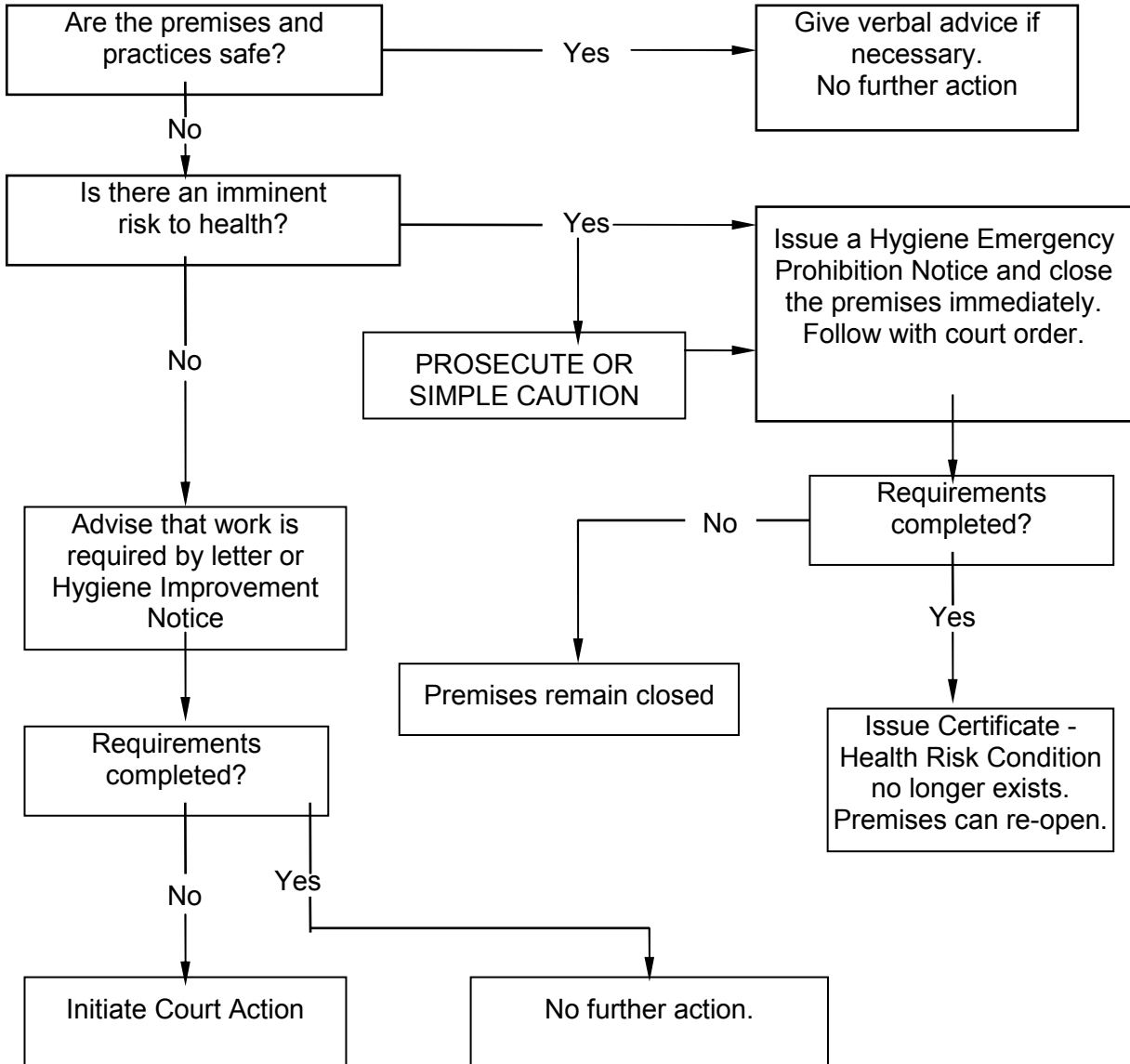
For existing high-risk businesses that do not satisfy the requirements of Article 5, the officer should determine the food safety risks. If there are unsafe practices being carried out which present a risk to food safety then appropriate formal action should be taken in line with the Enforcement Policy. Only in the context of the business being fully compliant could the officer justify not pursuing a more formal approach to requiring compliance with Article 5. In all other cases the service of a hygiene improvement notice would be the expectation.

The officer should identify any obstacles to the compliance with Article 5. These may include language barriers, lack of an appropriate SFBB pack, elements of fine dining not addressed by the existing safe methods, lack of appreciation and understanding of hazards and risk for example. Whilst an officer should address any food safety risks by the appropriate means, the identification of underlying reasons for non-compliance is also an essential process to acknowledge and seek to rectify. The approach to combat the effects of such issues and to ensure all business are given a reasonable opportunity to comply with food law will be highlighted in the Food Hygiene Intervention Programme.

- 8.2.2 It should be noted that any Hygiene Improvement Notices served must contain evidence that the Article 5 provision has been breached and risks are not being controlled. (This would be in the form of statements saying equipment is dirty, systems are a risk to food safety etc.)

FOOD SAFETY ENFORCEMENT POLICY - SUMMARY

The type of enforcement will depend on the conditions found following a Food Hygiene Inspection. The diagram below shows an outline of the enforcement procedure.



SECTION 10: CONCLUSION

- 10.1 The Service Plan for Food Law Enforcement 2011/2012 demonstrates that the Council has organised its food safety function in such a manner that it is capable of achieving a comprehensive food safety service capable of meeting the corporate aims of the authority, and the expectations of the FSA and legislation.

SECTION 11: GLOSSARY OF TERMS

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

RECOMMENDATIONS FOR THE FOOD SERVICE DELIVERY PLAN 2011/12

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

- **Organisation / Officer Competency / Authorisations** – refer to officer appraisals and internal procedural guidance.
- **Food hygiene inspections** – refer to development of Intervention Strategy, see item 1.0 on attached plan
- **Complaints / Service Requests** – referral to internal procedural guidance.
- **Home Authority** – refer to internal procedural guidance
- **Advice to Businesses** – refer to development of Intervention Strategy, see item 1.0 on attached plan
- **Food Premises Database** – refer to internal procedural guidance.
- **Food Sampling** – Refer to Sampling Plan for 2011/12, appendix 9.0 in the Service Plan for Food Law Enforcement 2011/12
- **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 Strategy, see item 1.0 on attached plan.
- **Internal Monitoring and Peer Review** – refer to Work Plan for Devon CEHO's Food Liaison Group 2011/12.
- **Food Safety Promotion/Initiatives** - refer to development of Intervention Strategy, see item 1.0 on attached plan.
- **Facilities and Equipment** – refer to internal procedural guidance.
- **Scores on the Doors** – to implement the FSA National Scheme as an early adopter

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.

RECOMMENDATIONS FOR THE FOOD SERVICE DELIVERY PLAN 2011/12

KEY ACTIVITIES	RECOMMENDATION	OUTCOME	LINK	RESPONSIBLE OFFICER	DATE
1.0 Intervention Strategy	Following release of the Food Law Code of Practice (England) to develop the 2 year Intervention Strategy detailing the proposed use of official food controls and other food controls for food businesses in Exeter.	To improve compliance in food law	Strategic Objectives <ul style="list-style-type: none"> A city where people are healthy and active A prosperous city A learning city Public Health Outcomes Framework <ul style="list-style-type: none"> Domain 2 – tackling the wider determinants of ill health; addressing factors that affect health & wellbeing Domain 3 – Health Improvement: positively promoting the adoption of 'healthy' lifestyles. Additional Links <ul style="list-style-type: none"> Food Law (Code of Practice) England 	EHM	On-going
	1.1 Maintain the Food Hygiene Rating Scheme.	Evidenced method of improving compliance in food law.			On-going
	1.2 To establish targeted food business forums / focus groups. See also 2.2.	Evidence supports the delivery of targeted education/support as an effective intervention method in the compliance process.			On-going
	1.3 To run targeted training events for specific sectors identified.	To develop positive relationships with specific sectors of the food business community to facilitate compliance with food law.		On-going	

KEY ACTIVITIES	RECOMMENDATION		OUTCOME	LINK	RESPONSIBLE OFFICER	DATE
2.0 Partnership Working	2.1	To work in partnership with the Devon LA's, Devon PCT and local business organisations to promote food safety awareness training events.	To improve the understanding of businesses of the key elements of food safety.	<p>Strategic Objectives</p> <ul style="list-style-type: none"> • A city where people are healthy and active • A prosperous city <p>Public Health Outcomes Framework</p> <ul style="list-style-type: none"> • Domain 2 – tackling the wider determinants of ill health; addressing factors that affect health & wellbeing • Domain 3 – Health Improvement: positively promoting the adoption of 'healthy' lifestyles. • Domain 4 – Prevention of ill health: reducing the number of people living with preventable ill health. <p>Additional links</p> <ul style="list-style-type: none"> • FSA Strategy • HSE/Devon Sub Group health & safety priorities • Devon PCT Obesity Strategy 	EHM	On-going

KEY ACTIVITIES	RECOMMENDATION	OUTCOME	LINK	RESPONSIBLE OFFICER	DATE
3.0 Sustainability	To gather baseline data during programmed inspections upon which to develop appropriate interventions to promote the sustainable use of food.	To promote the sustainable use of food.	<p>Strategic Objectives</p> <ul style="list-style-type: none"> • A city where the environment is cared for • A prosperous city <p>Public Health Outcomes Framework</p> <ul style="list-style-type: none"> • Domain 2 – tackling the wider determinants of ill health; addressing factors that affect health & wellbeing • Domain 3 – Health Improvement: positively promoting the adoption of ‘healthy’ lifestyles. • Domain 5 – Healthy life expectancy and preventable mortality: preventing people from dying prematurely. <p>Additional links</p> <ul style="list-style-type: none"> • ECC Environmental Strategy • FSA Strategy 	EHM	<p>On going during routine inspection programme.</p> <p>– Evaluate data collected</p>

**SUMMARY OF ACTIVITIES IN TERMS OF
PERFORMANCE INDICATORS PER QUARTER**

Strategic Objective: Healthy and Active City

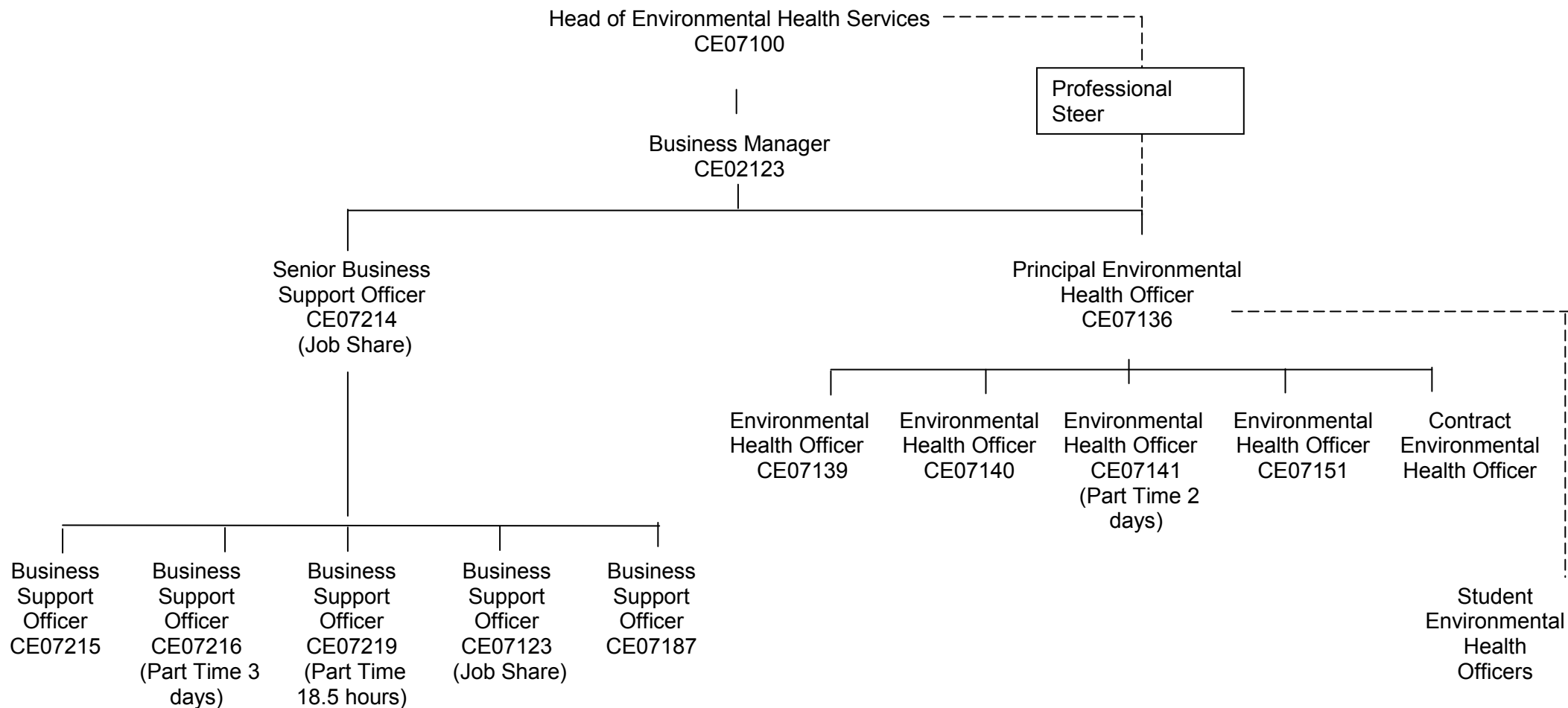
Performance Indicator

1. % of food premises inspections that should have been carried out that were carried out for High Risk Premises
2. Number of broadly compliant businesses.

Performance Indicators	Target	April – June	July – Sept	Oct – Dec	Jan – Mar	Annual
1. High Risk Premises	100%	86%	58%	65%	100%	100%
2. Number of broadly compliant businesses	93%	94.2%	96.1%	97.4%	98.2%	98.2%

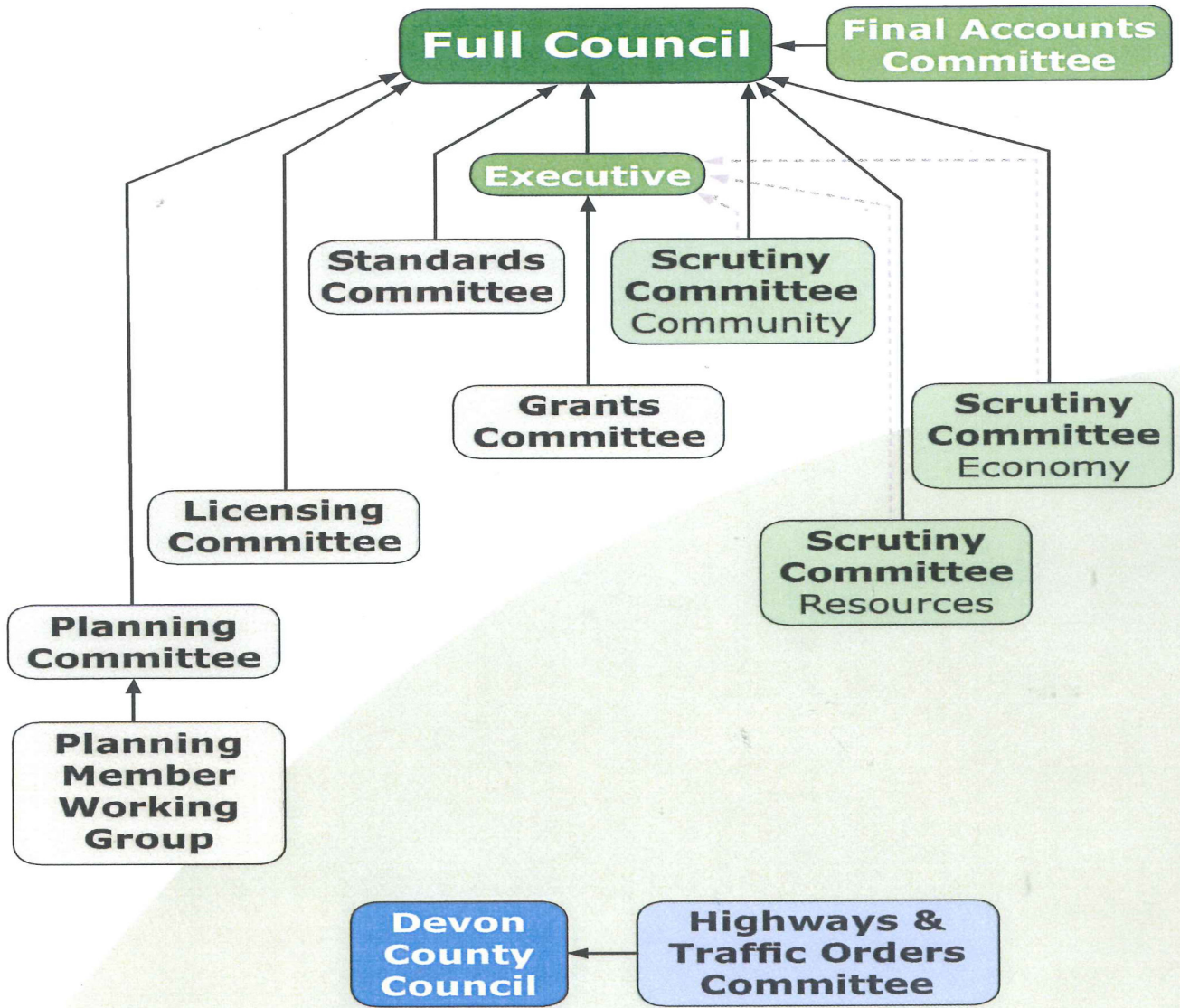
THE OFFICER STRUCTURE IN RESPECT OF THE FOOD SAFETY AND FOOD LAW ENFORCEMENT SERVICE

COMMERCIAL AND BUSINESS SUPPORT TEAM

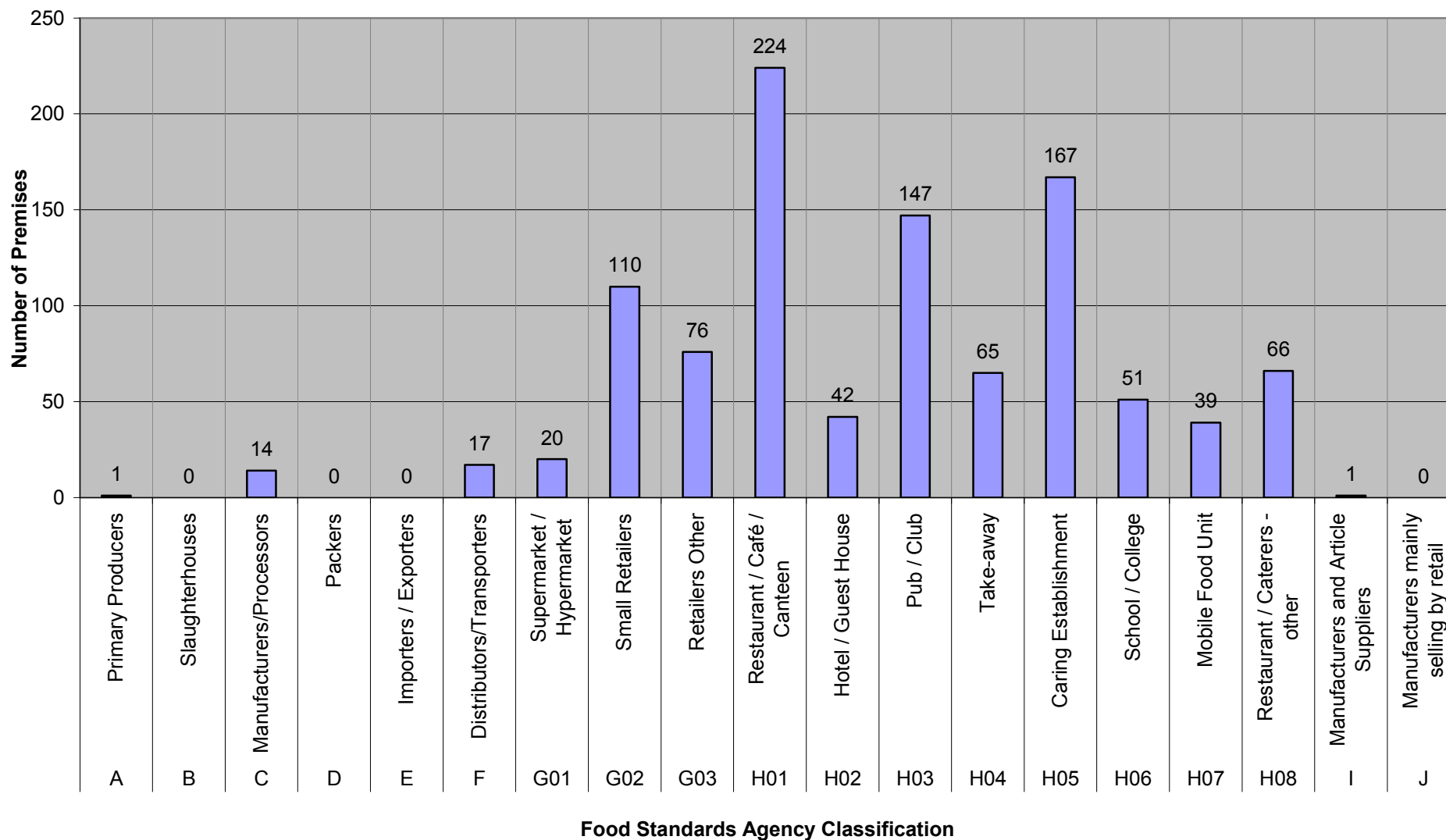


FLOW DIAGRAM SHOWING THE COMMITTEE STRUCTURE FOR THE COUNCIL

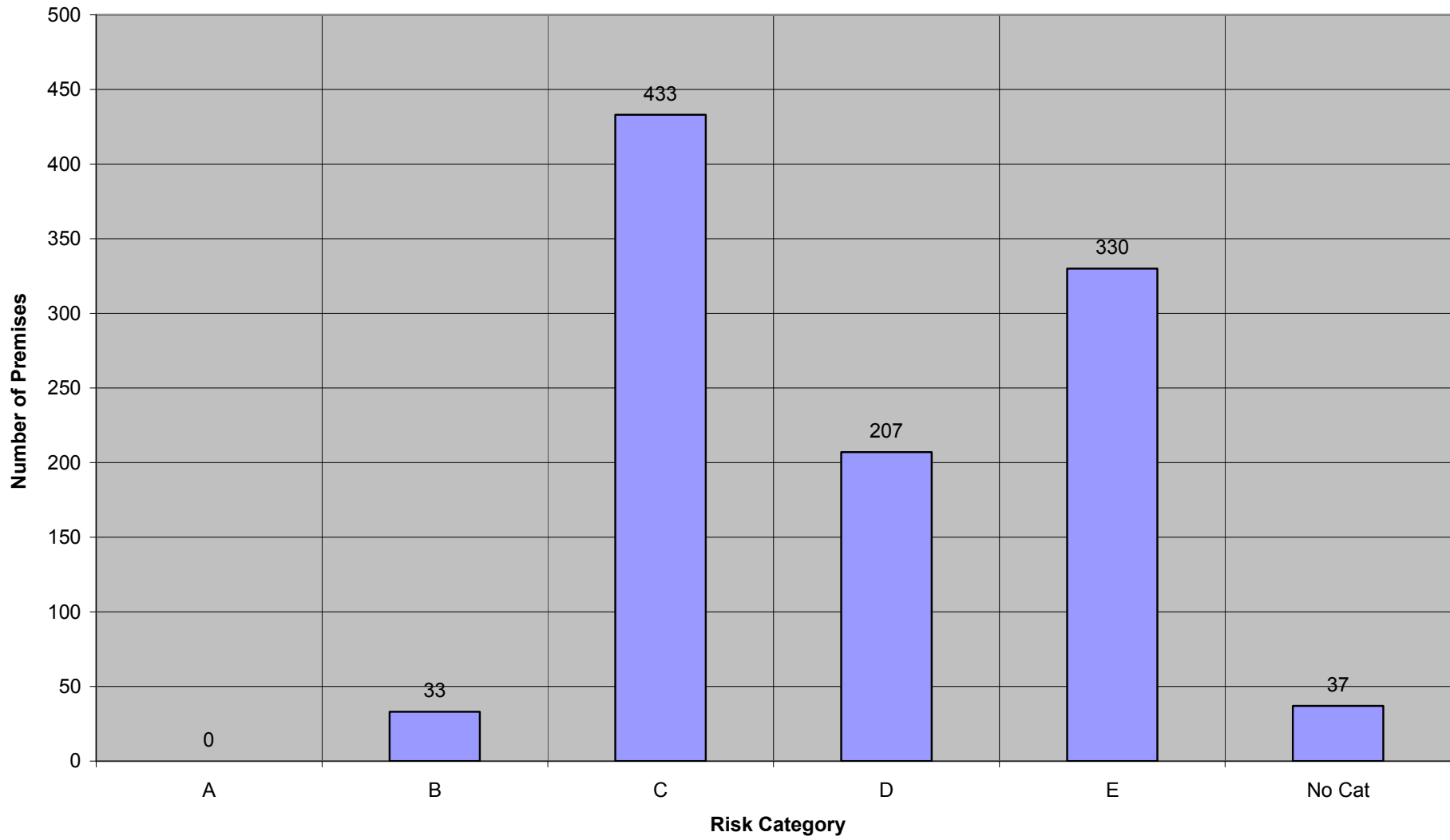
The Council's Committee Structure



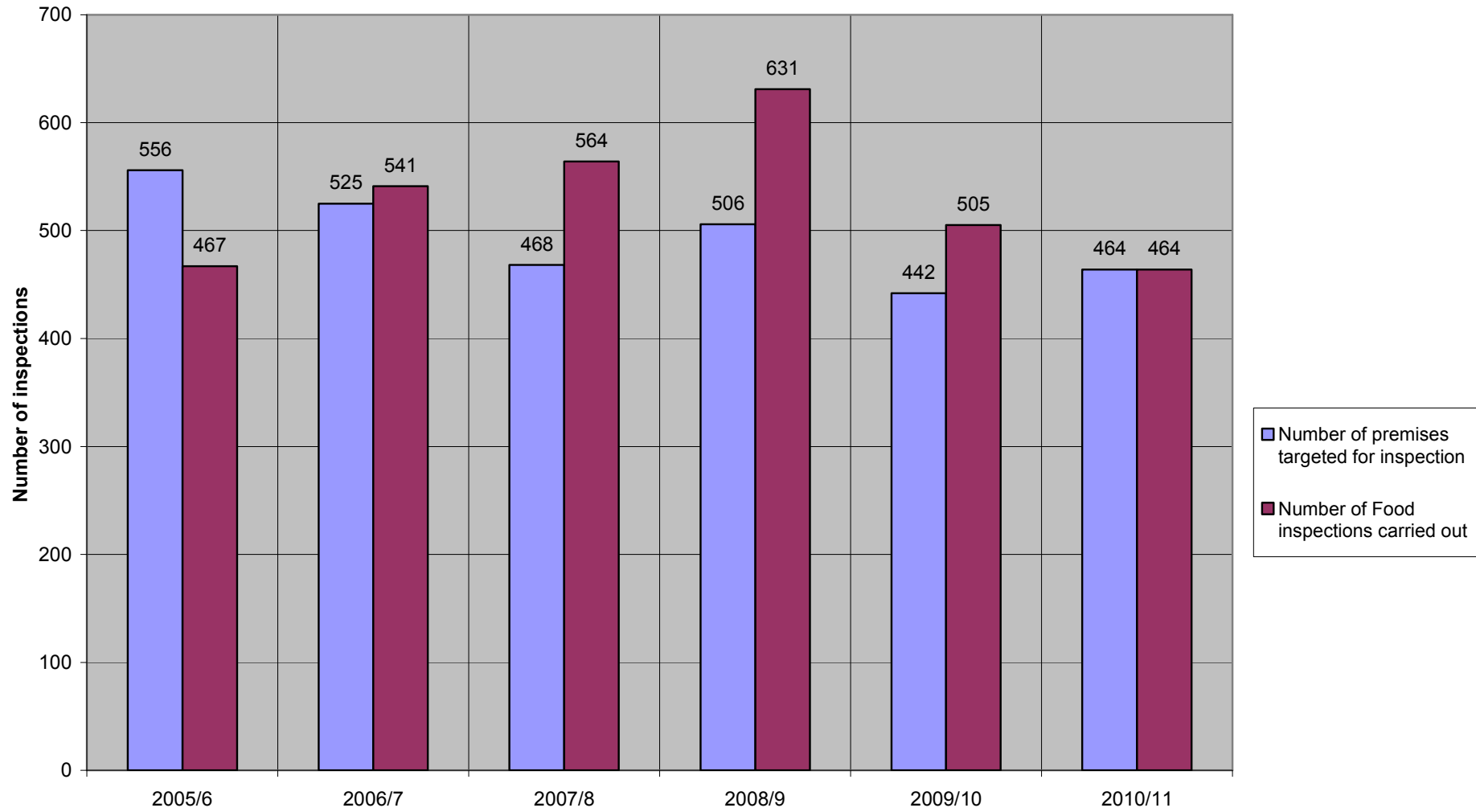
PROFILE OF FOOD PREMISES IN THE CITY AS PER FOOD STANDARDS AGENCY CLASSIFICATION



PROFILE OF FOOD PREMISES BY RISK CATEGORY FOR 2011/2012



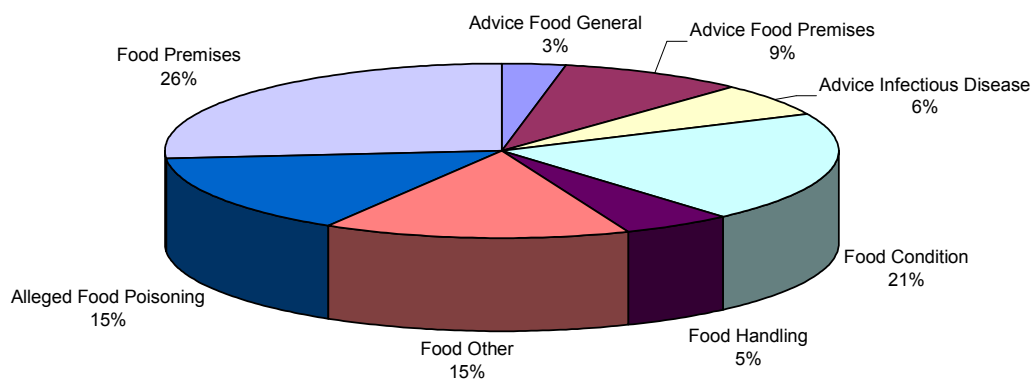
NUMBER OF FOOD INSPECTIONS TARGETED COMPARED WITH THOSE ACHIEVED



BREAKDOWN OF FOOD COMPLAINTS/SERVICE REQUESTS RECEIVED

Complaint/Service Request	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Advice Food General	119	40	37	33	34	8
Advice Food Premises	67	92	61	51	41	24
Advice Infectious Disease	13	12	17	7	14	16
Food Condition	40	72	62	68	43	55
Food Handling	8	11	18	20	11	14
Food Other	97	54	27	48	48	39
Food Poisoning	40	32	49	43	32	40
Food Premises	32	44	53	61	57	70
TOTAL:	416	357	324	331	280	256

Number of Food Service Requests received from 1 April 2010 to 31 March 2011



**LIST OF BUSINESSES FOR WHICH EXETER CITY COUNCIL ACTS AS
HOME AUTHORITY**

Home Authority agreements currently exist with:

1. Devon Catering and Cleaning Services (DCCS)
2. RD+E Foundation Health Services Trust
3. Shaul Bakery Ltd
4. University of Exeter
5. Lloyd Maunder

FOOD SAMPLING PROGRAMME 2011/12

1. Introduction

Attached is the informal sampling programme formulated for year 2011/2012. The programme is devised to ensure effective use of resources and fulfil the requirements of the Food Sampling Policy (revised April 2009) as posted on the Exeter City Councils website.

2. Requirement to Sample

- 2.1 The food-sampling programme operates on a total sampling allocation of 15 samples per 10,000 population. This will require approximately 165 samples per year to be taken. The authority is required to provide a statistical return to the Food Standards Agency (FSA) on its annual sampling activity.
- 2.2 All local authorities have an arrangement with the Health Protection Agency Laboratory, which provides a credit allocation to facilitate this work.

3. Routine Sampling

- 3.1 Home Authority 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.
- 3.2 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.**
- 3.3 Complaints: Food samples may be taken when investigating consumer complaints, either to confirm suspected contamination or in undertaking enquiries resulting from complaints.
- 3.4 Statutory Samples: We have a statutory obligation to monitor water distributed by SWWS Ltd and to a limited extent premises with private water supplies.
- 3.5 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.
- 3.6 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 HPA lab and ones analysed at the time of visit using an ATP meter.

4. Budget Provision

In addition to the credit allocation provided by the Health Protection Agency 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.).

5. Conclusions

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 appendix 3 will be maintained throughout the year.

To be re-drafted

A SUMMARY OF THE SAMPLING ACTIVITY PROVIDED BY COMMERCIAL SERVICES

FSA Code	Product Group	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
02	Cereals	11	2	9	7	1	15
04	Flour / Flour Products	3	0	2	0	0	0
08	Beverages Other	0	0	1	0	0	0
10	Cakes/Confectionery	13	9	1	0	0	0
11	Milk - Liquid	0	1	0	0	0	0
12	Cheese	12	16	2	0	13	3
13	Butter	0	4	0	0	0	0
14	Other Milk Products	3	5	7	0	2	0
18	Non Alcoholic Drinks	0	0	5	0	0	0
19	Of Which- Pack Water	0	0	0	0	0	0
20	Fruit Juices	0	0	0	0	1	0
23	Eggs/Egg Products	4	9	4	4	3	2
24	Fish/Shell-Fresh/Fro	1	4	6	2	3	0
25	Fish/Shell Prod/Proc	0	8	10	3	2	0
28	Foodstuffs - Others	0	0	3	0	0	0
31	Fruit Fresh/Frozen	0	0	0	0	0	1
32	Fruit Prod/Processed	0	0	1	0	0	1
34	Veg Fresh/Frozen	0	2	5	1	0	9
35	Veg - Canned/Process	10	1	4	0	4	1
36	Veg - Protein Foods	0	0	1	0	1	0
38	Herbs and Spices	0	0	35	2	3	0
39	Ice Cream	0	0	1	0	6	0
40	Desserts	1	1	0	0	0	0
42	Materials/Articles	0	0	0	0	0	6
44	Meat - Fresh/Frozen	0	6	2	0	1	1
45	Meat-Products/Proces	40	16	27	12	26	22
48	Poultry - Fresh/Frozen	0	0	4	1	3	0
49	Poultry-Prod/Process	0	9	19	8	2	16
51	Nuts/Nut Prods/Snack	0	0	1	0	0	0
52	Restaurant/Takeaway	2	10	8	7	0	12
53	Prepared-Ready Made	79	29	35	29	14	4
55	Soups/Broths	0	0	0	0	0	0
56	Sauces/Condiments	2	0	0	0	0	1
59	Others-Food Supps	0	0	0	0	0	0
64	Water used as ingredient in fd	10	0	7	0	0	0
65	Others-Miscellaneous	0	40	57	92	89	87
	Total	191	172	257	168	174	175

**OFFICIALLY NOTIFIED CASES OF FOOD RELATED DISEASE
IN THE CITY OVER THE PAST SIX YEARS**

Communicable Disease	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Salmonella	20	12	20	24	21	9
Campylobacter	88	28	87	128	140	149
Dystenty	1	0	0	0	1	0
Hepatitis A	3	1	0	0	1	0
E.Coli 0157	2	3	0	2	1	5
Shigella	3	2	2	7	4	1
Food Poisoning	0	5	3	2	2	7
Giardia	6	3	9	4	4	8
Cryposporidium	3	7	6	22	16	8
Cholera	0	1	0	0	0	0
TOTAL:	126	62	127	189	190	187

Note:

1. It is estimated that 190 cases will be reported in the forthcoming year.

APPENDIX 13

NUMBER OF LEARNERS ATTENDING FOOD SAFETY IN CATERING COURSES

Course	2005 / 06	2006 / 07	2007 / 08	2008/9	2009/10	2010/11
Level 2 Award	481	541	511	368	338	342
Level 3 Award	26	25	9	14	12	12
Level 4 Award	6	0	12	3	3	16

APPENDIX 14

PROSECUTIONS TAKEN

- 14.1 Maharajah –
- 14.2 Tandoori Nights –

On 16th December 2010 Gulam Choudhury, owner of Tandoori Nights on South Street, pleaded guilty at Exeter Crown Court after admitting failing to comply with a hygiene improvement notice. The notice required Mr Choudhury to implement and maintain a food hygiene management system. He was fined £2500, with full costs awarded to the Council of £4892.

HHJ Cotter commented that Exeter City Council 'had acted with a reasonableness and degree of latitude that was not always shown by other authorities', and that he

had been 'assisted considerably by the professional proceedings presented by the prosecution'.

Officer Lee Staples visited Tandoori Nights on 9th December 2009, where he found no evidence of any food safety management system being maintained. Following this visit a hygiene improvement notice was served on 11th December, requiring Mr Choudhury to implement a food safety management system by 11th February 2010. Following a further inspection on 12th February 2010, Mr Staples was unable to find any evidence of the notice being complied with and as a result of this legal proceeding were initiated.

Mr Choudhury had previously been given considerable assistance with this requirement through provision of a free management system (Safer Food Better Business), and coaching in how to use it.

14.3 Oriental Buffet –

On 25th October 2010, Zhong 'Aka Tony' Jiang, Manager of Oriental Buffet on Palace Gate pleaded guilty at Exeter Magistrates court after admitting two offences of breaching food hygiene regulations. He was fined £165 for each offence, and costs of £200 were awarded.

Following an extensive investigation by Environmental Health Officers, the case was reopened on 9th February 2011 after Officers found evidence that Mr Jiang had given the court a false impression of his finances. Mr Jiang told the Magistrates at his earlier hearing that he earned just £600 a month, but evidence outlined by the prosecution revealed that he owned several restaurants and other properties, and had a monthly income of over £8000. Magistrates ordered Mr Jiang to pay £1500 per offence, with full costs awarded to the Council.

Officers Lee Staples and Simon Ruddy visited Oriental Buffet on 29th March 2010, where they found that the premises were in a filthy condition, with significant accumulations of dirt, grease and food debris noted throughout the kitchen and food preparation rooms, as well as numerous dirty pieces of equipment. Mr Jiang had previously been warned on a number of occasions that the standard of cleaning required improvement, and had been given specific advice and coaching, but he failed to take account of this.

INTERVENTION / ACTIVITIES

15.1 LAUNCH OF THE FOOD HYGIENE RATING SCHEME IN EXETER

Lead Officers: Simon Ruddy and Lee Staples

What is the national food hygiene rating scheme?

- The scheme, which is for England, Wales and Northern Ireland, is a local authority/Food Standards Agency partnership initiative.
- It is designed to provide consumers with information about hygiene standards in food premises at the time they are inspected to check compliance with legal requirements – the rating given reflects the inspection findings.
- Its purpose is to allow consumers to make informed choices about the places where they eat out or from which they purchase food thereby encouraging businesses to improve their hygiene standards.
- The National Food Hygiene Rating Scheme works by converting the results of a food hygiene inspection, completed by the Environmental Health Officer, into a visual rating for consumers.
- Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, supermarkets and other retail food outlets, as well as any other business where consumers can eat or buy food, will be given a hygiene rating as part of the scheme.
- There are six different hygiene ratings - the top one represents a very good level of compliance with legal requirements so that all businesses can achieve this - and ratings for all businesses included in the scheme will be published on a national website and businesses will be encouraged to display stickers and certificates showing their ratings at their premises.

A business can be given one of these hygiene ratings:



- Since the committee report in March 2008 which sought approval for the launch of the scheme, staff from the Commercial Section and Business Support Team under the co-ordination of an appointed lead Environmental Health Officer, have conducted scoping exercises to identify establishments which will be part of the scheme and those 'exempted' from it and undertaken file and database checks and database cleansing to ensure that ratings of food businesses have been recorded correctly. The Acting Principal Environmental Health Officer has also conducted consistency training with inspecting staff and has observed staff conducting inspections in line with food safety procedures.

What are the benefits to local consumers and businesses?

- For consumers, the scheme will help them make informed choices about where to eat or buy food and they will be able to easily compare one business with another within their own area and more widely.
- For businesses, the scheme will provide an incentive to improve standards and do better than their competitors – good food hygiene ratings will be good for business whilst poor food hygiene ratings may make their customers think twice – any improvements they need to make to get a higher rating are no more than is already required of them by law.
- Since the committee report in March 2008, officers have been discussing the launch of the scheme with businesses. These discussions regarding the launch of the scheme has brought about a 10% improvement in the number of businesses that are broadly compliant with food hygiene law, which now means that 95% of businesses are broadly compliant with food hygiene law.

Where can the scheme be viewed?

- Ratings for premises are displayed on the Food Standards Agency website at www.food.gov.uk/rating.

15.2 FOOD STANDARDS AGENCY SANDWICH SHOP INITIATIVE

Lead Officer: Joanne Hare

Introduction

The Sandwich Shop Initiative (SSI) was a unique policy experiment to: “attempt to influence food choices towards healthier options at independent sandwich shops without impacting on bottom line” developed by the Food Standards Agency (FSA)’s South West regional team.

The project used social marketing techniques to influence behaviour change in line with the Change4Life approach. An initial pilot was carried out in Bristol which showed that not only could a sandwich shop make healthier changes without impacting on bottom line but in so doing could boost profits too.

Most of the changes made relate to reducing the amount of saturated fat and salt in the sandwiches. Eating a diet that is high in saturated fat and salt can raise the cholesterol in your blood over time, which increases your chance of developing heart disease.

Fifteen local authorities, including Exeter City Council, accepted the invitation to participate in the initiative.

The Method

The lead officer for the project attended a social marketing training day where she was given some materials to guide the recruitment of sandwich shops and she received informal training from a nutritionist contracted for the SSI who accompanied her on shop visits.

After contacting a few of the city’s independent sandwich shops we identified two shops that were keen to be involved in the project. They were ‘Relish Sandwich Bar’ of 30 Southernhay East and ‘Coach’s’ of Paris Street.

For each intervention shop the lead officer and the nutritionist made an initial pre-visit to capture baseline data using a 'pre-questionnaire'. The nutritionist then introduced the FSA's guidance document, 'sandwich tips' and attempted to negotiate healthier changes that the shop would trial over the following month. A list of agreed actions was subsequently sent to each shop.

The second shop (Coach's) was asked to be a control shop during the month of the intervention at the first shop (Relish). They were asked to keep an eye on sales to make sure that economic trends could be separated out from any impact of the SSI.

The Intervention periods were June to July 2010 at Relish and July to August 2010 at Coach's. At the end of the intervention period the officer and the nutritionist again visited the intervention businesses and administered a 'post-questionnaire' to capture any healthier changes implemented as a result of the intervention.

Findings

Both shops were very enthusiastic about the project and they successfully implemented healthier changes to their sandwiches. These included things such as:

- Switching to a spread lower in saturated fat
- Switching to a mayonnaise lower in saturated fat
- Reducing the portion sizes of fillings
- Offering healthy meal deals at a reduced price

In addition both shops reported a financial gain during the intervention period and predicted a future saving.

The proprietor from Relish told us she has found the changes easy to manage, not only has she increased her profits and reduced her food waste but she now has a better knowledge of nutrition.

15.3 FOOD SAFETY SEMINAR SERIES FOR BUTCHERS

Lead Officer: Lee Staples

Background

In September 2005 an outbreak of E.Coli O157 occurred in South Wales. A total of 157 cases were identified, the majority of which were children. Thirty one people were hospitalised and tragically five year old Mason Jones died.

As a result of the outbreak, the renowned Microbiologist Professor Hugh Pennington was asked to head up a public inquiry, the results of which were published in March 2009. Microbiological testing conclusively linked the outbreak to contaminated cooked meat served in school dinners in the area. The cooked meat was purchased from a well respected local Butcher John Tudor & Sons. Environmental Health Officers investigating the outbreak found evidence of very poor levels of cleanliness at the premises, and evidence of serious and reported breaches of Food Safety Regulations. The owner of John Tudor & Sons pleaded guilty to seven food hygiene offences, and he was sentenced to 12 months imprisonment as well as being banned from managing a food business again.

The inquiry report included a number of far reaching recommendations, including:

- All food businesses must ensure that their systems and procedures are capable of preventing the contamination or cross-contamination of food with *E.coli* O157.

- Additional resources should be made available to ensure that all food businesses understand and use the HACCP approach and have in place an effective, documented, food safety management system which is embedded in working culture and practice.
- Effective separation of raw and cooked meat must be ensured at all stages of production and service (separate equipment should be provided for raw and cooked foods wherever possible).

Previous work conducted

Following publication of the inquiry report, local authorities across England took part in a national survey of butcher's shops, taking samples of cooked products, and swabs of equipment which were sent for microbiological testing. In Exeter, this study uncovered evidence of poor practice, and highlighted a lack of understanding amongst butcher's on how best to prevent cross contamination. Similar problems were identified across the rest of Devon, and as a result of this Exeter City Council joined up with Mid Devon District Council and Torridge District Council to put on a food safety seminar for butcher's in each of the areas.

The Seminar

The seminars were held throughout May and June on weekday evenings. Each event was attended by between 15 and 20 butchers and consisted of the following:

- A presentation on the 2005 E.Coli 0157 outbreak, including a video featuring an interview with Sharon Jones (Mason's mum), and details of the inquiry report;
- A practical demonstration on the correct technique for hand washing (including the use of a UV light box to show areas missed during hand washing);
- Refresher training on hazard analysis (HACCP), including a group discussion on the hazards relevant to cooking a ham joint;
- A presentation on the use of Vacuum packing, including details of the benefits, as well as the potential hazards.

The events were deliberately held in less formal venues (the Exeter event was held at The Imperial Inn, who kindly let us hire the room for free) to make the delegates feel relaxed, and were put on in the evening so that more butchers would be able to attend.

Outcomes

Feedback for all of the events was very positive with all delegates reporting that they felt their knowledge on food safety had increased. Delegates also appreciated that the event was put on in the evening, meaning that they did not have to shut their shops to attend. The seminar series was also an excellent example of inter-authority working, and the materials used during the seminars has now been circulated to the rest of the Devon authorities for use in their own seminars.

15.4 PENNINGTON STUDY FOLLOW UP OF BUTCHERS

Lead Officers: Martin Westcott and Katy Sexton

Background

In 2009 Professor Hugh Pennington published his findings from the Public Inquiry into the 2005 *E.coli* 0157 outbreak in South Wales. It highlighted the need to carry out investigations into *E.coli* 0157 and other food-borne pathogens within food businesses, specifically Butchers shops. It identified the issue of cross-contamination within businesses that deal with both raw and cooked foods.

This study will focus on the microbiological quality of food and also via the use of swabbing show whether the behaviours and practices of food handlers are adequate or not. This intervention follows on from a previous project in Exeter carried out in 2009, which highlighted some short-falls in management systems and cleaning procedures (reflected by the poor sample results). In response to these findings a training day/ workshop took place to teach the butchers how to manage the risks within their day to day processes.

Aim of study

This study aims were to gather information about the standards of cleanliness in all eight of the butchers' premises within Exeter, all of which handle both raw meat and Ready-to-Eat (RTE) foods. In addition to the environmental swabs taken, cooked meat samples will be taken and analysed.

Swabs of various surfaces that come into contact with RTE foods will be analysed for Enterobacteriaceae, Campylobacter, E.Coli 0157 Staphylococcus aureus & aerobic colony count (ACC). Foods will be examined for a range of pathogenic bacteria in addition to the aerobic colony count.

Whilst carrying out the sampling visit the officers will undertake examination of the food safety management systems for each process carried out on the premises including ensuring that the supporting documentation such as the temperature, cooking and cleaning records are satisfactory and being kept up to date. Officers also provided advice to the relevant proprietors both at the time of the visit and following any unsatisfactory results to prevent a re-occurrence.

Method

For each visit the same or similar protocol was followed to ensure consistency. As far as possible swabs were obtained from the same equipment and the same cooked meats in each premises so to ensure that the results were comparable. Vacuum packing machines and meat slicers were the main areas that were swabbed, however on two occasions chopping boards were swabbed.

Care was taken to ensure that all swabs and food samples were taken aseptically. Disposable gloves were worn and replaced prior to sampling or swabbing. For all samples gathered a data logger was used in the cool box to ensure that the transportation of the samples were monitored at all times and did not exceed 8°C.

On arrival at each premises it was explained to the proprietor what the aims of the intervention were and what we do during the visit.

- We then ascertained what surfaces/equipment were used for both cooked and/or ready-to-eat foods. Prior to swabbing we ensured that all the vacuum packing machines were cleaned as they would be normally clean them prior to being used for to vacuum pack cooked meats or ready to eat foods. All meat slicers were used for cooked meats only and had either just been cleaned or were in use.
- The 'SpongeSicle' method of swabbing (square swabs on plastic handles) was used along with a template to ensure that exactly the same area was swabbed at all times.
- We identified which cooked meats (up to three types) they had available; they were then asked to weigh out a minimum of 100g which were placed in a labelled bag for sampling. The following information was gained, the use by date, when the joint of meat was cooked, where it was stored and checked it was processed on the premises.

- Once all samples/swabs were taken and labelled these were put in the cool box and transported immediately to the pick –up point at Exeter (R,D& E) Hospital prior to being sent by courier to the Health Protection Agency Laboratory in Bristol.
- The Food Safety Management System (e.g. HACCP) and supporting documentation were thoroughly examined at each of the premises. The proprietors were present at the time of the visit so we were able to query any issues. The informal conversation with them enabled us to gain a good understanding of the procedures that they undertake, for example what the equipment is used for, how it is cleaned, what disinfectants/sanitiser they use etc. Any contraventions were discussed at the time of visit and these were noted on the 'report of inspection form' which was left at the premises.

Study Outcomes

It is clear that there has been an improvement from the previous results gained in 2009. Although there are some unsatisfactory results the majority are related to the Aerobic Colony Count which represent the quality of the product rather than the safety and no serious pathogens were discovered in either the swabs taken or foods sampled, apart from borderline levels of *Listeria Monocytogenes* found in cooked ham from one premises (which had been bought in ready-cooked). Although no immediate action is required in relation to the unsatisfactory ACC results there is still some improvement that could be made in relation to personnel and equipment hygiene to reduce levels to the recommended figures. All proprietors have been notified of the results and have been contacted to discuss and explain the findings. Re-visits to two premises have been conducted, with further food and environmental samples taken and appropriate action taken as necessary.

15.5 - FOOD & SAFETY AWARENESS EVENING FOR CHILDMINDERS

Lead Officers: Lee Staples, Katy Sexton and Simon Lane

Background

On the 8th September 2010 Environmental Health Officers held a Food & Safety Awareness Seminar for Childminders in the city.

A shift in policy at the Food Standards Agency several years ago meant that childminders were required to register as food business with their local authority (on the basis that they serve food to the children in their care), and as such receive an inspection by an Environmental Health Officer.

Inspections of Childminders kitchens have usually identified excellent standards of hygiene, and childminders are generally categorized by Environmental Health Officers as presenting a very low risk (the inspection frequency of food businesses is determined by the risk rating awarded by the officer). However, such inspections are relatively time consuming, and often require prior appointment. It was therefore considered that a more worthwhile and cost effective means of engaging with Childminders may be to offer them the chance to attend a food & safety awareness seminar rather than receive an inspection.

Aim

The aim of the evening was to give the childminders information on a range of food safety topics, as well as information on infection control, and advice on nutritional standards. The nutritional advice focused on a study by Trading Standards into the nutritional standards in nursery school meals, and was presented by Ros Cummings from Devon County Council. Delegates were then given a presentation on food safety which focused on the "4 C's" of cross contamination, chilling, cooking, and cleaning. The presentation included a video on

food safety, and a practical demonstration of the correct technique for hand washing using a UV light box. The evening concluded with a presentation on how the 'Safer Food Better Business Pack for Childminders' could be used to improve food safety, and demonstrate compliance with food hygiene legislation. Each delegate was provided with a free 'Safer Food Better Business' pack (produced by the Food Standards Agency), and a delegate pack containing information on all of the evenings presentations.

Outcome

In total, 15 Childminders attended the event, and the feedback received was exceptionally positive. Many of the delegates expressed the view that they much preferred attending a training event to having an inspection. The officers involved also enjoyed being able to pass on more information than if they had conducted a routine inspection, and it was seen as a good opportunity to work with our colleagues in Trading Standards.

COMMERCIAL SECTION AND BUSINESS SUPPORT TEAM INTERVENTION / WORK PLAN 2011 / 12

Month	Project	Description	Strategic Objectives	Lead Officer
Quarter 1				
District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total 40 interventions per officer). All non compliant Food premises to receive a joint visit with PEHO to determine next course of action (5 non compliant premises per officer).				
Contractor – 66 inspections comprising of broadly compliant C, D and E food premises. Jane Carr – 36 inspections and 3 non compliant premises.				
Q1	Training Courses:	<p>The following dates have been scheduled for each course: -</p> <ul style="list-style-type: none"> • Level 2 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Thursday 7 April ❖ Monday 18 April – Sandy Park ❖ Tuesday 26 April ❖ Thursday 12 May ❖ Tuesday 31 May ❖ Thursday 16 June ❖ Thursday 30 June • Level 3 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Day 1 – Friday 18 March ❖ Day 2 – Friday 25 March ❖ Day 3 – Friday 1 April ❖ Exam – Friday 8 April 	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	BST
Q1	Auditing of Staff	Principal Environmental Health Officer to conduct audits of staff during routine food inspections	<ul style="list-style-type: none"> • Excellence in Public Services 	SR
April 2011	Launch of the Food Hygiene Rating Scheme	<ul style="list-style-type: none"> • 1 April will see the launch of the scheme in Exeter. • Look to publicise the scheme and work with the local media to raise awareness amongst consumers. Refer to Food Hygiene Rating Scheme Action Plan. 	<ul style="list-style-type: none"> • Healthy and Active City • Cultural and Fun Place to Be • Excellence in Public Services • An Electronic City • A Prosperous City 	All

Month	Project	Description	Strategic Objectives	Lead Officer
April 2011	Exeter Festival of Food and Drink	<ul style="list-style-type: none"> The festival runs from Friday 29 April to Sunday 1 May 2011 at Northernhay Park. An appointed officer to be involved in the planning of this event from a Food Safety and Health and Safety viewpoint. Food Safety control information to be handed out prior to the event. Inspection / visits to be conducted on the first day of the festival. 	<ul style="list-style-type: none"> Healthy and Active City Cultural and Fun Place to Be A Prosperous City 	PB to take main lead on Health and Safety as the venue is a council park.
May 2011	Cantonese Level 2 Award in Food Safety in Catering	To run a Level 2 Award in Food Safety in Catering delivered in Cantonese. Target: To run a course with a minimum of 15 delegates	<ul style="list-style-type: none"> Healthy and Active City Excellence in Public Services A Prosperous City 	BST
May 2011	Sampling Programme	<ul style="list-style-type: none"> LGR Study 43 - Lightly cooked food such as sous vide foods cooked by water bath, rare duck meat (pink duck), parfait and pâté made with flash fried liver premises to be sampled – 3 to 4 samples from each establishment 	<ul style="list-style-type: none"> Healthy and Active City A Prosperous City 	MPW
May 2011	Sampling Programme	Restaurants – to be determined by District Officers	<ul style="list-style-type: none"> Healthy and Active City A Prosperous City 	JC/LS
June 2011	Food Safety Week 2011	<ul style="list-style-type: none"> Food Safety Week 2011- What Goes On Behind Closed Doors? Food Safety Week will be held from 6-12 June 2011. As a theme, we will be looking at what goes on behind closed doors to see what people really do in their own home when preparing and cooking food and debunk some of those common food hygiene myths like: why you really shouldn't wash poultry and why you shouldn't eat food past its use by date. We will be encouraging people to talk about their own food hygiene habits and practices. To assist with this the Food Standard's Agency will be developing a cost effective package of support resources to aid with planning and delivery. The week will also be used to publicise the Food Hygiene Rating Scheme. 	<ul style="list-style-type: none"> Healthy and Active City Excellence in Public Services A Prosperous City An Electronic City 	KT / BST with input from all officers
June 2011	Training Course Promotion	Working to improve the advertising of our training courses to increase the number and diversity of delegates on all our courses and to identify training needs.	<ul style="list-style-type: none"> Excellence in Public Services Healthy and Active City 	BST

Month	Project	Description	Strategic Objectives	Lead Officer
			<ul style="list-style-type: none"> • A Prosperous City 	
June 2011	Food Service Plan	Seek Scrutiny Community approval for the 2011/12 Food Service Plan and performance figures. Target: Scrutiny Committee 7 June 2011	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City • A Safe City 	SL / SR
June 2011	Restructure	Restructure of Commercial, Licensing and Business Support Team. Target: Scrutiny Committee 7 June 2011 Executive Committee June 2011	<ul style="list-style-type: none"> • Excellence in Public Services 	SL
June 2011	Sampling Programme	Takeaways – to be determined by District Officers	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	LS/ JC
June 2011	Sandwich and Fish and Chip shop awareness		<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	KS / BST
Quarter 2				
District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total 40 inspection per officer). All non compliant Food premises to receive a follow up visit following intervention in Q1.				
Contractor – 66 inspections comprising of broadly compliant C, D and E food premises. Jane Carr – 36 inspections.				
Q2	Training Courses	<p>The following dates have been scheduled for each course: -</p> <ul style="list-style-type: none"> • Level 2 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Thursday 14 July ❖ Wednesday 27 July ❖ Tuesday 9 August ❖ Wednesday 31 August ❖ Tuesday 13 September ❖ Thursday 29 September • Level 3 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Day 1 – Friday 9 September ❖ Day 2 – Friday 16 September ❖ Day 3 – Friday 23 September 	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	BST

Month	Project	Description	Strategic Objectives	Lead Officer
		❖ Exam – Friday 30 September		
July 2011	Sampling Programme	LGR Study 44 – Reactive Response Study	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	MPW / RS
September 2011	Childminders	To arrange a Safety and Health Awareness Day with childminders and pre-schools to educate on the basic principles of food safety and infectious diseases. Target: All registered premises that have not had an intervention during 2010/11 to be invited to attend. Those premises that do not attend and require an inspection will need to be inspected.	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	
September 2011	Swimming / Spa pools	<ul style="list-style-type: none"> • Sampling programme looking at water quality management. • Following Sampling results, organise a Safety and Health Awareness Day for swimming pool operators looking at key elements. • By September all 17 premises to be initially sampled by Richard Shears. 	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	RS
September 2011	Sampling Programme	Restaurants – to be determined by District Officers	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	
September 2011	Environmental Health Website Review	A yearly review of the Environmental Health website pages concentrating on areas for expansion.	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City • A Safe City • An Electronic City 	BST

Quarter 3

District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total 40 inspections per officer). All non compliant Food premises to receive a follow up or compliance visit.

Contractor – 66 inspections comprising of broadly compliant C, D and E food premises.

Jane Carr – 36 inspections.

Q3	Training Courses:	<p>The following dates have been scheduled for each course: -</p> <ul style="list-style-type: none"> • Level 2 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Tuesday 11 October ❖ Wednesday 26 October ❖ Wednesday 9 November ❖ Thursday 24 November ❖ Tuesday 13 December • Level 4 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Day 1 - Friday 14 October ❖ Day 2 – Friday 21 October ❖ Day 3 – Friday 28 October ❖ Day 4 – Friday 4 November ❖ Day 5 – Friday 11 November ❖ Day 6 – Friday 18 November ❖ Exam – Friday 2 December 	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	SL / BST
Q3	Auditing of Staff	Principal Environmental Health Officer to conduct audits of staff during routine food and health and safety inspections	<ul style="list-style-type: none"> • Excellence in Public Services 	SR
Q3	Student Awareness Campaign	<ul style="list-style-type: none"> • 75% of our food poisoning notifications are campylobacter. Of these, a high percentage of notifications are where students at the university have contracted campylobacter. • Staff will work with the University, University Medical Centre and Guild of students in a number of ways to raise better hygiene awareness and also raise awareness of the food hygiene rating scheme. 	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	All
October 2011	Sampling Programme	<p>LGR Study 45: Pennington Response Study 3. All premises using slicing and vacuum packing machines</p>	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	MPW

October 2011	Cantonese Level 3 Award in Food Safety in Catering	To run a Level 3 Award in Food Safety in Catering delivered in Cantonese. Target: To run a course with a minimum of 7 delegates	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	BST
October 2011	Chef Competition	<ul style="list-style-type: none"> • To promote and run a successful chef competition for Chinese chefs. • Following the launch of the Food Hygiene Rating Scheme, a large percentage of the non compliant businesses are Chinese Restaurants. It is hope that a chef competition will improve compliance as was the case when a similar scheme was run for Indian Restaurants and Takeaways. • Outcome Target: To improve 40% of Food Hygiene Ratings with businesses. 	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	BST / LS
November 2011	Bengali Level 2 Award in Food Safety in Catering	To run a Level 2 Award in Food Safety in Catering delivered in Bengali. Target: To run a course with a minimum of 15 delegates	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	BST
November / December 2011	Sampling Programme	Christmas Market sampling – to be determined by District Officers	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	
December 2011	Christmas Markets / Christmas Catering Safety Awareness	<ul style="list-style-type: none"> • Inspection of Christmas markets around the city. • Also look at food safety messages that around festive cooking. 	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	

Quarter 4

District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total XX inspection per officer). All non compliant Food premises to receive a follow up or compliance visit.

Jane Carr – 36 inspections.

Month	Project	Description	Strategic Objectives	Lead Officer
Q4	Training Courses:	<p>The following dates have been scheduled for each course: -</p> <ul style="list-style-type: none"> • Level 2 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Wednesday 18 January ❖ Thursday 9 February ❖ Tuesday 21 February ❖ Thursday 1 March ❖ Monday 26 March • Level 3 Award in Food Safety in Catering <ul style="list-style-type: none"> ❖ Day 1 – Thursday 15 March ❖ Day 2 – Thursday 22 March ❖ Day 3 – Thursday 29 March ❖ Exam – Thursday 5 April • Level 2 Award in Health and Safety <ul style="list-style-type: none"> ❖ Wednesday 15 February • Level 2 Award in Principles of Manual Handling <ul style="list-style-type: none"> ❖ Tuesday 28 February 	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	BST
January 2012	Food for Thought Newsletter	<p>Publication of the annual service newsletter highlighting food and health and safety issues in the catering industry.</p> <p>Target: To circulate to all 1000 food establishments</p> <ul style="list-style-type: none"> • Need to consider cost benefit analysis regarding distribution. • Would a bi-annual smaller publication be better than an annual one? • Could this be electronic? 	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City • A Safe City • An Electronic City 	SR/All
January 2012	Sampling Programme	LGR Study 46 – Reactive Response Study	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	

February 2012	Cantonese Level 2 Award in Food Safety in Catering	To run a Level 2 Award in Food Safety in Catering delivered in Cantonese. Target: To run a course with a minimum of 15 delegates	<ul style="list-style-type: none"> • Healthy and Active City • Excellence in Public Services • A Prosperous City 	BST
February 2012	Sampling Programme	Takeaways – To be Determined by District Officers	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	
March 2012	Sampling Programme	Restaurants – To be Determined by District Officers	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	
March 2011	Review of the Food Safety Policies and Procedures	To complete the review exercise to ensure the authority's full compliance with legal requirements. Target: To be completed by 31 March 2012	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	SR / SL
March 2012	Business Improvement District	Engage with the developing Business Improvement District in examining improved partnership working and service delivery.	<ul style="list-style-type: none"> • Healthy and Active City • A Prosperous City 	All

This page is intentionally left blank

EXETER CITY COUNCIL

**SCRUTINY COMMITTEE – COMMUNITY
7 JUNE 2011**

**EXECUTIVE
21 JUNE 2011**

FOOD LAW ENFORCEMENT PLAN 2011-2012

1. PURPOSE OF REPORT

- 1.1 To inform Members of the Council's performance against the previous year's Food Law Enforcement Plan.
- 1.2 To seek approval for the adoption of the Food Law Enforcement Plan 2011/12, which sets out the Council's regulatory function in respect of food safety over the forthcoming year. A draft copy of this is available in the Members' Room, on the Council's website or available on request.

2. BACKGROUND

- 2.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service.
- 2.2 The Enforcement Plan incorporates:
 - the service aims and objectives;
 - information about the food safety enforcement and related services provided by the Council;
 - details of the service's performance management systems;
 - comprehensive information to compare the current and past performance of the food safety service;
 - the Food Service Delivery Plan 2011/12 detailing the actions and improvements for the service in an effective, risk based, proportionate & consistent way over the forthcoming year;
 - a revision of the Council's Food Safety Enforcement Policy; and
 - the annual food sampling programme which embodies the aims of the Council's Food Sampling Policy which is also posted on the Council's website and subject to periodic review.

3. KEY OUTCOMES OF THE FOOD SAFETY SERVICE 2010/11

Programmed Inspections

- 3.1 The service inspected 464 food businesses of a targeted 464 food businesses, and used self-inspection questionnaires (SIQ's) as an alternative regulation strategy for low risk businesses and to ensure resources are directed towards high-risk activities. SIQ's are a cost-effective means of maintaining contact with this group as well as providing the business with a useful means of keeping up to date with changes in law and other related issues affecting their business.

Service Requests

- 3.2 The food safety team dealt with 256 service requests during the year, (61% of the 400 service requests handled by the Commercial Section), which also includes health and safety regulation, infectious disease control, and provision of health promotion and training activities for businesses.

Food Sampling

- 3.3 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. During the last year, 175 food samples were analysed, and investigations followed in respect of 27 unsatisfactory samples.
- 3.4 Fewer samples were taken than the previous year due to resources being concentrated on gathering bacteriological swab samples from businesses which are more technical and time-consuming to collate.

Control and Investigation of Outbreaks and Food Related Infectious Diseases

- 3.5 A total of 187 cases of possible food-related infectious diseases were officially notified to the service. On investigation, no cases were conclusively linked to food from establishments in the city or elsewhere.

Enforcement Action

- 3.6 A total of 429 formal written warnings, 2 hygiene improvement notices and 2 cautions were issued to secure satisfactory standards in food businesses in the city. These figures are comparable to the number of warnings issued in recent years, and reflect a more targeted approach to non-compliant businesses.
- 3.7 Three businesses were successfully prosecuted following a history of non-compliance.

Food Safety Training

- 3.8 A key component of the Government's drive on better regulation is assisting business compliance through advice, information and training. In total, 370 staff from local food businesses gained a nationally recognised food safety qualification last year, through courses organised by the Council.

4. BETTER REGULATION

- 4.1 Regulatory Services have been the subject of considerable review in recent years. The conclusions of influential reports are now being interpreted and applied to regulatory services by their respective governing bodies overseen by the Local Better Regulation Office (LBRO).
- 4.2 In respect of food safety, the Food Standards Agency reflected these changes through amendments to the Food Law (Code of Practice) England.
- 4.3 The Enforcement Plan embraces the principles of better regulation and will continue to safeguard the health of the local population and contribute to the economic vitality of Exeter by targeting resources effectively and innovatively to assist food businesses in compliance.

5. PROPOSED KEY ACTIVITIES FOR 2011/12

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

Intervention Strategy

- 5.2 The strategy to improve compliance with food law and maintain a high level of compliance will be further developed following release of the Food Law (Code of Practice) England, and include:
- programmed inspections or interventions of 517 food premises, based upon risk;
 - targeting non-compliant business with effective use of appropriate enforcement tools;
 - continue to promote, enhance and drive improvement through the National Food Hygiene Rating System, in particular through the promotion of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events;
 - collaborating with forums/focus groups to target specific businesses to enable an exchange of information and gain an understanding of the obstacles some businesses face in complying with food law;
 - running management of food safety workshops as a recognised intervention tool to support compliance in non-compliant, and smaller businesses; and
 - examining the implications of regulating wider food standards following the recent decision on unitary status (this is in relation to trading standards).
- 5.3 The Food Safety Enforcement Policy has been revised to reflect new government guidance.

Better Regulation

- 5.4 As a regulator of businesses in the City, it will be important to recognise the impact of the current economic downturn on businesses' capacity to comply, and to work with businesses to ensure that compliance is achieved through a wide range of intervention strategies. These will include greater engagement with business representatives and the joint development of advice/education interventions.

6. RESOURCE IMPLICATIONS

- 6.1 The Food Law Enforcement Plan will be carried out within the existing resource allocation for 2011/12.

7. RECOMMENDED

- 1) That Scrutiny Committee - Community support the Food Law Enforcement Plan 2011/12
- 2) That Executive approves:
 - a) the Food Law Enforcement Plan 2011/12, which includes the revised Food Safety Enforcement Policy; and
 - b) the Head of Environmental Health Services being authorised to change the Food Law Enforcement Plan in the light of centrally issued guidance and/or to meet operational needs.

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:LP/Committee/611SCC4 v2
4.5.11

COMMUNITY AND ENVIRONMENT DIRECTORATE

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

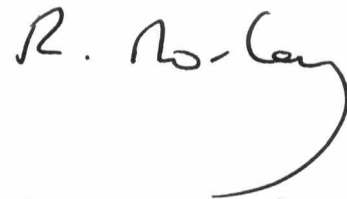
Background papers used in compiling this report:-

- 1) Service Plan for Food Law Enforcement 2010/11
- 2) Lord Yang Report, Common Sense Common Safety
- 3) Public Health White Paper - Healthy Lives, Healthy People: Our Strategy for Public Health in England (2010)



Environmental Health Commercial and Business Support Team

Health and Safety Service Plan 2011-2012

A handwritten signature in black ink that reads "R. Norley".

Robert Norley
Head of Environmental Health Services

Drawn up in accordance with the Health and Safety Executive Section 18 Standard

Issued by: Simon Lane, Business Manager and
Simon Ruddy, Acting Principal Environmental Health Officer

Issue date: April 2011

CONTENTS

Section 1:	Introduction
Section 2:	Service Aims and Objectives
	2.1 Aims and Objectives
	2.2 Links to Strategic Objectives and Plans
Section 3:	Background
	3.1 Profile of Authority (inc. Organisational Structure)
	3.2 Organisational Structure
	3.3 Committee Structure
Section 4:	Service provision
	4.1 Profile of Businesses in Exeter
	4.2 Inspection Programme
	4.3 Complaints / Requests for Advice
	4.4 Complaints / Requests for Advice / Advice to Business
	4.5 Statutory Notifications
	4.6 HELA Strategy / Health and Safety Commission Strategic Plan
	4.7 Monitoring
Section 5:	Service Delivery
	4.1 Enforcement
	4.2 Staff Resources
	4.3 Staff Skills
	4.4 Financial Resources
	4.5 Consultation with Stakeholders
Section 6:	Resources
Section 7:	Quality Assessment
Section 8:	Performance
	8.1 Targets
	8.2 Review of Performance for 2008/09
Section 9:	Conclusion
Appendices	
Appendix 1	Action Plan for 2011/12
Appendix 2	Structure Chart of Commercial and Business Support Team
Appendix 3	Diagram Showing the Committee Structure for the Council
Appendix 4	Profile of Health and Safety Premises in the City
Appendix 5	Profile of Health and Safety Premises by Risk Category
Appendix 6	Total Number of Inspection Targeted With Those Achieved
Appendix 7	Annual Comparison of Health & Safety Service Requests Received
Appendix 8	Interventions/Activities During 2010/11
Appendix 9	Prosecutions Taken During 2010/11

SECTION 1: INTRODUCTION

This document is Exeter City Council's Health and Safety Service Plan. It forms the basis of the health and safety enforcement function for the authority and ensures that national health and safety priorities are addressed along with locally identified needs. It demonstrates our commitment to improving Health and Safety outcomes, sets out our priorities and planned interventions for the current year and targets them to maximise their impact.

The Council has a duty to act as an enforcing authority for health and safety in premises for which it is responsible – this is predominantly in the service sector. The plan outlines how the Environmental Health Commercial Section will undertake that function.

It has been produced to ensure that local businesses, employers and employees, members of the public, council officers and Members understand the approach to health and safety 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 will be guided by the Health and Safety Executive guidance issued under Section 18 of the HSWA. This is the 'Standard' with which the Council must comply. The Section 18 Standard applies to local authorities and Health and Safety Executive enforcement staff. One of its key elements is a requirement to produce an annual service plan.

Key Facts

In the UK during 2009/10 it was estimated that:

- 1.3 million people who worked during the last year were suffering from an illness (long-standing as well as new cases) they believed was caused or made worse by their current or past work. 555,000 of these were new conditions which start during the year.
- A further 0.8 million former workers (who last worked over 12 months ago) were suffering from an illness which was caused or made worse by their past work.
- 2249 people died from mesothelioma in 2008 and thousands more from other occupational cancers and diseases such as COPD.
- 152 workers were killed at work, a rate of 0.5 fatalities per 100,000 workers.
- 121,430 other injuries to employees were reported under RIDDOR, a rate of 473 per 100,000 employees.
- 233,000 reportable injuries occurred, according to the Labour Force Survey, a rate of 840 per 100,000 workers.
- 28.5 million days were lost overall (1.2 days per worker)
- 23.4 million due to work-related ill health and 5.1 million due to workplace injury.
- 1033 offences were prosecuted by HSE and ORR.
- 287 offences were prosecuted by local authorities.
- 15,881 enforcement notices were issued by all enforcing authorities.

Key Tasks

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" has recently reviewed health and safety with a view to "setting out the rational proportionate approach that the Health and Safety at Work etc Act demands". Both reports clearly identified health and safety law enforcement as a key priority to try and reduce the incidence of ill health and days lost arising from work activities.

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.

Key tasks which lead towards fulfilling this objective are:

- to maintain a register of all premises where the service enforces health and safety legislation;
- to inspect at predetermined intervals or by the use of other intervention strategies, and in response to complaints, relevant workplaces to determine compliance with legislation;
- to take the most appropriate action upon inspection of relevant workplaces including the use of advice, informal correspondence, improvement and prohibition notices and the institution of legal proceedings;
- to educate proprietors of relevant workplaces in health, safety and welfare matters and their legal responsibilities in relation to their occupation by the distribution of leaflets and the provision of advice and information;
- to investigate specific accident notifications;
- to advise on the design of relevant workplace premises prior to and during alterations and construction;
- to liaise and work in partnership with the Health and Safety Executive (HSE) and the Fire Authority regarding the enforcement of the legislation;
- to comply with the HSE section 18 guidance in respect of inspection programmes;
- seek to promote a simplified risk assessment procedure for low hazard workplaces such as offices and shops through the use of the Devon Local Authority devised toolkit Safer Workplaces, Better Business;
- combine food safety and health and safety inspections where possible to ensure that the burden on business is reduced.

SECTION 2: SERVICE AIMS AND OBJECTIVES

2.1 Aims and Objectives

- 2.1.1 It is Exeter City Council's aim to actively improve Health and Safety outcomes for people working in the City and members of the public who visit or are affected by workplaces in the district.
- 2.1.2 We will continue to develop new ways to establish and maintain an effective health and safety culture so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.
- 2.1.3 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.
- 2.1.4 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 the Health and Safety Executive (HSE) and with local businesses offering information, advice and assistance.

2.2 Links to Strategic Objectives and Plans

2.2.1 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 strategic objectives are:

Strategic Objective	Vision Theme
Enhance and protect the environment, reducing the causes and minimising the impact of climate change.	City where the environment is cared for
Further improve the character of the city and facilities for culture and leisure	Cultural and fun place to be. City where people are healthy and active.
Ensure that Exeter is a buoyant, dynamic and innovative regional city with sustainable growth.	A prosperous city.
Have strong and clear governance arrangements that enable the communities of Exeter to influence and help shape decisions about their locality and the city.	Excellence in public service.
Use resources effectively and provide high-performing, value-for-money services that focus on customer needs.	Excellence in public service.
Promote a positive image and reputation and ensure high levels of customer satisfaction.	Excellence in public service.

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

SECTION 3: BACKGROUND

3.1 Profile of Authority

3.1.1 Exeter City Council's area of enforcement has a population of approximately 118,800 people with 79.4% of working age. It covers an area of 4774 hectares comprising a mix of residential and commercial properties as well as industrial and trading estates. Although set in a predominantly urban area the City offers only a limited range of industry with the main activities being retail sales, office activities, warehousing and distribution.

3.2 Organisational Structure

3.2.1 The Commercial and Business Support Team within Environmental Health Services is responsible for delivering the Health and Safety Service Plan. In addition to this the Commercial and Business Support Team provides:

- the Food Safety Enforcement function;
- support to Environmental Health;
- support licensing duties in relation to Licensing Act 2003 and Gambling Act 2005,
- the investigations of notifiable / infectious disease.

3.2.2 Environmental Health Services operates under the Directorate of Community and Environment.

- 3.2.3 The Head of Environmental Health Services has various delegations to act on behalf of the Council. All non-delegated matters are reported to the appropriate committee.
- 3.2.4 The officer structure in respect of the health and safety service is detailed in Appendix 2. Overall co-ordination of the service is the responsibility of the Business Manager with lead officer responsibility given to the Principal Environmental Health Officer.
- 3.2.5 The Council's solicitor has delegated authority to instigate legal proceedings following instructions from the Head of Environmental Health Services.
- 3.3 **Committee Structure**
- 3.3.1 A flow diagram showing the committee structure for the council is shown in Appendix 3.

SECTION 4: SERVICE PROVISION

Exeter is predominantly an urban area and the area has many small businesses. The Council is responsible for around 2489 premises.

4.1 Profile of Businesses in Exeter

- 4.1.1 The Council enforces health and safety in mostly small and lower risk businesses that are predominantly in the service sector and are generally as described in paragraph 2.1.1 above.

4.2 Inspection Programme

- 4.2.1 The Council uses the guidance given in HELA Circular (67/2 Revised 2) to risk rate its premises and prioritise visits. The guidance categorises premises with a score that determines the inspection frequency. This ranges from annual to 2 yearly inspections for higher risk premises.
- 4.2.2 Lower risk premises are reached by other intervention strategies, many of which will be delivered in partnership with other Devon Authorities and the HSE and HPA.
- 4.2.3 As a result of current national and local drivers for change (e.g. Hampton /LBRO/Rogers and Young Review) we aim to focus Health and Safety enforcement resources into areas where they are likely to have the greatest impact. In the coming year we shall continue to concentrate on specific topic areas during proactive inspections and reactive investigation, rather than complete all-encompassing inspections. These areas have been identified nationally as contributing to the highest rate of accident/incidents and ill health at work, across all health and safety enforcing authorities.

4.3 Scope of the Health and Safety Service

- 4.3.1 The health and safety service comprises a range of key functions:
- health and Safety inspections or other intervention strategies in local authority enforced premises;
 - investigating accidents, cases of occupational disease and dangerous occurrences;
 - responding to complaints about workplace conditions;
 - dealing with other statutory notifications, for example adverse lift reports and asbestos removal;
 - health and safety awareness training and initiatives;
 - production of a health and safety newsletter/booklet for all Exeter enforced businesses;

- provision of health and safety information and advice through the development of the website;
- partnership working with the Health and Safety Executive and Devon Local Authorities on key intervention projects.

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

4.3.3 The health and safety is 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. The competency scheme was revised and updated during 2006/07.

4.2.4 The premises profile according to the inspection rating scores are as follows (as of 20/04/2011):

Highest hazard/Risk	A	1
Intermediate hazard/Risk	B1	39
	B2	448
Lowest hazard/Risk	C	1593
Uncategorised	U	408

4.3.5 In keeping with the advice given to local authorities in LAC 67/2 from 01/04/10 Category B2 and lower rated premises are no longer be included in the planned inspection cycle. The service will use other intervention strategies to engage with the proprietors and employees of these businesses. As recommended Category B2 and B3 ratings will be reviewed after a period of 3 years and Category C ratings after 5 years. Intervention strategies include partnership projects with the HSE and local enforcement initiatives such as updating the services database of commercial premises and working with other partners on initiatives such as noise at work, workplace transport and asbestos.

4.3.6 Low risk premises do not form part of the main inspection programme but health and safety issues may be addressed during food, and licensing inspections or following complaints or accidents. A proportion of low risk premises (those approached by other intervention strategies) will be inspected each year.

4.3.7 External consultants are used to undertake inspections or other intervention strategies of low risk premises. The decision to employ contractors is taken by the Business Support 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.

4.3.8 The Council still has a duty to enforce health and safety standards in 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.

- 4.3.9 The visit performance analysis for the last year is detailed in Appendix 6. There has been a reduction in proactive inspections by approximately a third to reflect national priorities regarding better regulation.
- 4.3.10 The database will be continually updated in conjunction with the Business Support Team who will assist with a street/district premises audit (4yr programme). A proportion of uncategorised premises will be visited, though the active audit (see above) may influence progress as new premises are identified.
- 4.3.11 The health and safety service operates from the Civic Centre between 8.30am and 5.00pm Monday to Friday. Evening and weekend inspections are carried out as determined by the risk based inspection programme and the premises opening hours.
- 4.3.12 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.

4.4 Complaints / Requests for Advice / Advice to Business

- 4.4.1 In addition to this programme there are also approx 408 businesses currently on the health and safety database which are unclassified. A proportion of these will be newly opened businesses, which is a constant aspect of the commercial sector. Whilst many of these premises have been inspected due to changes in the recording of the rating system they have not yet been classified. Therefore as part of the routine maintenance of the database such premises will be incorporated into the programme as a priority.
- 4.4.2 Additional inspections will also arise during the year by virtue of complaints, new business start-ups, change of use, major alterations/refurbishments and request for inspection. It is also estimated that 20% of inspections of category A - B2 premises will generate a revisit. 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.
- 4.4.3 In accordance with the current strategy contained in "The Health and Safety of Great Britain \ Be Part of the Solution" (HSE, 2009) and HELA Strategy, as outlined in 67/2, the focus of inspection activity within the planned programme will concentrate on measuring
- confidence in management;
 - health, safety and welfare performance; and
 - the compliance gap.

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

- 4.4.4 From 1 July 2007, all enclosed workplaces became smoke free, as a result of the Health Act 2006 and subsequent regulations. All authorised Health and Safety Inspectors are also authorised to enforce the smoke-free provisions. Smoke free compliance for businesses will be incorporated into the proactive inspection work undertaken by the Environmental Health Service, in addition to responding to complaints.
- 4.4.5 The approach is therefore about focussing health and safety enforcement resources into areas where they are likely to have the greatest impact rather than completing all-encompassing inspections. This will fall in line with the principles advocated by the Local Better Regulation Office.
- 4.4.6 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.

- 4.4.7 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 (service requests were received in 2009/10). The health and Safety Complaints Procedure is detailed at Appendix 9.
- 4.4.8 A number of complaints/service requests about health and safety are received annually, all of which will be dealt with as appropriate or passed to other agencies. 164 service requests were received in 2010/11.
- 4.4.9 No complaints have been received regarding the service provision of the Authority.
- 4.4.10 The service recognises the importance of providing advice to businesses as part of effective health and safety enforcement. As well as the provision of specific advice during inspections and with post inspection correspondence, a wide range of general health, safety and welfare advice is distributed to businesses. Examples include an article in the Food For Thought newsletter, a self inspection pack and a model stress policy to assist businesses in proactively identifying action points to ensure compliance with health and safety legislation.
- 4.4.11 The Council website is also continually revised and allows direct access and links to local and national health and safety information detailed within this service plan.

4.5 Statutory Notifications

- 4.5.1 Prescribed accidents, dangerous occurrences and occupational diseases are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. Accidents would include fatalities and accidents involving visits to hospital or currently more than 3 days off work. Certain accidents involving employees, the self-employed and members of the public are also reportable. As a result of the Lord Young Report "Common Sense Common Safety" it is proposed to increase the period that an employee is off work before an accident needs reporting to seven days in line with self sickness certification.
- 4.5.2 In 2010/11 there were 179 statutory notifications of accidents (slips, trips and falls, and handling accidents). For comparison there were 196 accidents notified in 2009/10 and 206 in 2008/09 showing a decrease over the last 3 years.
- 4.5.3 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.
- 4.5.4 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.
- 4.5.5 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.
- 4.5.6 Liaison with other organisations is essential in order to achieve consistency and effectiveness of the health and safety service. The service is represented on the Devon

CEHOs Health and Safety Working Group, which meets bi-monthly. This group includes a representative from the Health and Safety Executive (HSE) and maintains links with other local authority health and safety enforcement officers.

4.6 HELA Strategy / Health & Safety Executive Strategic Plan.

4.6.1 The Authority has a duty to focus its activities on national priorities and strategies and in particular the Section 18 Standard, to secure a reduction in accidents and ill health in the workplaces for which we are responsible. The Standard recognises that 'partnership' is the way HSE and LAs do business and reflects the statement of intent agreed between the, HSE and ourselves.

4.6.2 Strategic themes for 2010/11 remain:

- reducing Slips and trips;
- musculoskeletal disorders;
- disease reduction – dermatitis, asthma, asbestos and legionella;
- noise and vibration – bars, clubs and pubs with live music;
- violence at Work;
- falls from height;
- royal Mail;
- gas Safety.

4.6.3 The work of the Commercial and Business Support Team will address other issues when undertaking visits/developing initiatives in workplaces; health at work is an important issue. Interventions with regard to new compliance responsibilities to reduce exposure to occupational tobacco smoke will continue to be considered.

4.6.4 European Health and Safety Week is a national event, which the Council has supported as a means of raising the profile of health and safety and we will continue to do so, resources permitting.

4.6.5 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 Level 2 and Level 4 Health and Safety qualifications 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.

4.7 Monitoring

4.7.1 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, with a view to promoting safety and health awareness.

SECTION 5: SERVICE DELIVERY

5.1 Enforcement

5.1.1 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.

5.2 Staff Resources

- 5.2.1 The S18 Standard requires the Council to have sufficient capacity to undertake our statutory duties. Exeter City Council Environmental Health Services, Commercial Team, is split into 3 districts. Each district is allocated to a 3 full time equivalent District EHOs on all functions relating to the Commercial Section.
- 5.2.2 The Council's Principal Environmental Health 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 with the Commercial team.
- 5.2.3 All officers in the Commercial and Business Support Team 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.
- 5.2.5 The staff resources allocated to the functions is currently deemed adequate to fulfil the Council's duties. As in 2010/11, officers will vary their approach to the health and safety inspection programme to enable them to meet Performance Indicators by targeting resources on high-risk premises and national priorities.

5.3 Staff Skills

- 5.3.1 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 Section 18 requirements all staff who undertake health and safety duties are subject to an annual appraisal which identifies training and development needs linked to the health and safety competency matrix. 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.
- 5.3.2 Work toward ensuring full alignment with the competency framework will continue this year.
- 5.3.3 All commercial officers have recently completed the HSE's RDNA (Regulators Development Needs Analysis) tool, to identify areas where they can benefit from development activities.

5.4 Consultation with Stakeholders

- 5.4.1 The Health and Safety at Work etc Act 1974 placed 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.
- 5.4.2 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.
- 5.4.3 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.
- 5.4.4 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.

SECTION 6: RESOURCES

Financial Matters

- 6.1.1 Detailed figures to determine the overall specific level of expenditure involved in providing the health and safety service is not currently available as this has historically been part of the wider shared activities of the Commercial and Business Support Team (e.g. Food Safety and Licensing Enforcement). Likewise with changes in the intervention pattern it is difficult to accurately determine the trend of growth, of the health and safety function. The health and safety function can occupy the significant portion of time of the Section, at the expense of the other services.
- 6.1.2 The training element is also shared amongst the enforcement disciplines although it has its own budget and cost centre and aims to produce significant income. External tutors are used to increase efficiency in delivering this service.
- 6.1.3 The budgets for sampling and analysis of samples is currently £560 for the year.

Budget Allocation Figures for 2011/12 – Health and Safety Function

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Health Education F018</u>	2,880	8,000	-	7,210
Proportion allocated to Health & Safety function (20%)	576	1,600	-	1,442

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	178,060	1,200	3,160	94,460
Proportion allocated to Health & Safety Function (40%)	71,224	480	1,264	37,784
Environmental Protection Sampling Technician	2,000			

NB:

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

The specific training budgets are held with Environmental Health Services – Commercial and Business Support Team.

6.2 Staffing Allocation

- 6.2.1 There are currently 2 FTE staff directly working on food, enforcement and related matters with a significant and increasing support role by business support staff.

Title	% of time	Qualification	Role
Business Manager		Educated to Degree Level	Management
<u>PEHO</u>		BSc Environmental Health	Lead Professional Officer
<u>EHO</u>	<50	BSc Environmental Health	District Officer
<u>EHO</u>	<50	BSc Environmental Health	District Officer
<u>EHO</u>	<50	BSc Environmental Health	District Officer
<u>EHO</u> (part time)	<50	BSc Environmental Health	Inspector
<u>EHO</u> - Agency	>50	BSc Environmental Health	Contract Inspector
<u>EHT</u>	<20%	Informal Sampling only	EHT (Sampling)
Senior BSO		Support	Service Support
BSO (x 3.5FTE)		Support	Service Support
Contract Tutors		CIEH/RIPH and/or Highfield Registration	Deliver training courses run by the service

6.3 Staff Development Plan

- 6.3.1 The service will ensure that Officers are appropriately qualified and receive regular training to maintain and improve their level of competency. All officers will have access to the equivalent of at least 10 hours health and safety update training which will normally be identified at performance appraisal and target setting. All Environmental Health Officers will be afforded the facility of continuing professional development.

- 6.3.2 The training structure comprises:-

- the employment of enforcement officers capable of health and safety law enforcement;
- evidence of formal qualification (sight of original qualification certificates prior to commencement of employment);
- in-house competency-based training;
- identification of training needs during annual performance appraisal to meet current targets to assist and improve upon performance against current job requirements.

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

- internal training sessions will be held (anticipated 4 hours CPD in food related topics 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 health and safety enforcement 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 7: QUALITY ASSESSMENT

- 7.1 The PEHO and Business Manager monitor the quality and consistency of health and safety enforcement work through the checking of inspection correspondence and all statutory notices.
- 7.2 Customer perceptions of quality are monitored by a post inspection questionnaire, which is sent to each workplace business. The questionnaire requests comments on the inspection process and any dissatisfied business proprietors who identify themselves receive a follow-up telephone discussion and, where necessary, a visit from the PEHO and/or Business Manager.
- 7.3 Any formal complaints made against the service are investigated and monitored in accordance with Council's Complaint Policy. Up to the 31 March 2011 no such complaints were received in connection with health and safety enforcement.
- 7.4 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 Group.

SECTION 8: PERFORMANCE

8.1 Targets

8.1.1 Local Performance Indicators for 2011/2012:

- the Environmental Health Service Plan sets an inspection performance target of 100% inspection of high-risk premises; and
- complaints are to be responded to within 5 working days.

8.1.2 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.

8.2 Review of performance 2010/11

- information held on a database is continually reviewed and updated. Data, including premises identified in the district surveys but not allocated inspection frequencies, was

entered. All new premises are sent a questionnaire to risk rate them and place them within the inspection programme promptly;

- 100% of inspections due were achieved and a total of 210;
- 79 other health and safety visits were undertaken;
- the health and safety information web pages were reviewed, refreshed and updated;
- specific training on a series of health and safety topics was shared with colleagues throughout Devon;
- 3 (3) Manual Handling techniques, courses, 2(1) Risk Assessment courses and 6 (7) Level 2 Awards in Health and Safety courses were delivered to 123 (134) delegates;
- we helped in the organisation of a series of SHADs promoted in the county and provided speakers at the venues;
- we piloted the Safer Workplace Better Business pack produced by the Devon CFHO Health and Safety sub-group, which the HSE are now interested in adopting nationwide;
- we reviewed and changed the Self Assessment questionnaires for low risk premises;
- we reviewed the sampling arrangements for swimming pools;
- the newly revised Health and Safety Handbook was distributed. It was funded entirely by advertising. Distribution was achieved at initial contact with new businesses, City Council run training courses; preventative inspections and SHAD type initiatives.
- two businesses were prosecuted for non-compliance with Health & Safety legislation and proceedings are likely to be commenced for one other.

SECTION 9: CONCLUSION

- 9.1 The Service Plan for Health and Safety 2011/12 demonstrates that the Council has organised its Health and Safety function in such a manner that it is capable of achieving a comprehensive health and safety service, capable of meeting the corporate aims of the authority and the expectations of the HSE and legislation.

APPENDIX 1: ACTION PLAN FOR 2010/11

1. Collate feedback from businesses and use data to inform consultation process and develop a business newsletter.
2. Participate in the development of the competency framework.
3. Complete the agreed quota of targeted risk based inspection programme (re A.B1-B3) for 2011/12 focussing on the topic priorities.
4. Continue to use the Enforcement Management Model and review procedures to reflect Health and Safety Commission requirements.
5. Examine adoption of Dorset's "Work-well" model for health and safety regulators. This will include exploring the benefits of closer partnership working with other EAs and stakeholders to make best use of joint resources to maximise our impact on local, regional and national priorities.
6. Continue the low risk inspection strategy by:
 - 1) Proactively visiting a residual proportion of low risk premises
 - 2) Producing an annual newsletter
 - 3) Continuing self-audit questionnaires for low risk premises until revised guidance is issued, when this approach will be reviewed
 - 4) Review the arrangements for achieving target PIs and amend the policy if necessary
7. Work to implement legislation to reduce occupational exposure to tobacco smoke.

Commercial Section and Business Support Team Intervention / Action Plan 2011 / 12

Month	Project	Description	Strategic Objectives	Lead Officer
Quarter 1				
District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total 40 interventions per officer). All non compliant Food premises to receive a joint visit with PEHO to determine next course of action (5 non compliant premises per officer).				
Contractor – 66 inspections comprising of broadly compliant C, D and E food premises.				
Jane Carr – 36 inspections and 3 non compliant premises.				
Q1	Training Courses:	<p>The following dates have been scheduled for each course: -</p> <p>Level 2 Award in Health and Safety</p> <ul style="list-style-type: none"> • Thursday 2 June <p>Level 2 Award in Principles of Manual Handling</p> <ul style="list-style-type: none"> • Tuesday 28 June <p>Level 3 Award in Risk Assessment Principles and Practice</p> <p>Day 1 – Wednesday 18 May Day 2 – Wednesday 25 May</p>	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p>	BST
Q1	Auditing of Staff	Principal Environmental Health Officer to conduct audits of staff during routine food and health and safety inspections	Excellence in Public Services	SR
Q1	Health and Safety Review	<p>Health and Safety Review of Commercial and Business Support functions including: -</p> <ul style="list-style-type: none"> • Risk Assessments • Safe Working Practices • DSE re-assessments • Office Safety Checks 	Excellence in Public Services	SL

Q1	Noise at Work in the Entertainment Industry (Part 2)	<p>This is a continuation of the project started in 2009. SR sent questionnaires to those entertainment premises likely to require a noise assessment. Approx 50% returned.</p> <p>Next stage is to visit a further 5 premises during the evening to gather data on actual noise readings.</p> <p>Once these further visits have been conducted, look at the possibility of arranging a SHAD around managing noise at work.</p>	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p> <p>Excellence in Public Services</p> <p>An Electronic City</p> <p>A Prosperous City</p>	SR
Q1	Asbestos	<p>Explore the possibility of holding a training session for premises with asbestos that were identified during the asbestos intervention visits in December. Meeting to be held with Marsh Barton Forum and G&L Consultancy to explore further.</p>	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p>	SR
April 2011	April Showers Intervention	<p>To visit High Street retail establishments on a rainy April day to look at how slips hazards are being dealt with.</p>	<p>Healthy and Active City</p> <p>A Prosperous City</p>	All
April 2011	Exeter Festival of Food and Drink	<p>The festival runs from Friday 29 April to Sunday 1 May 2011 at Northernhay Park.</p> <p>An appointed officer to be involved in the planning of this event from a Food Safety and Health and Safety viewpoint.</p> <p>Food Safety control information to be handed out prior to the event.</p> <p>Inspection / visits to be conducted on the first day of the festival.</p>	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p> <p>A Prosperous City</p>	PB to take main lead on Health and Safety as the venue is a council park.
May 2011	Sampling Programme	<p>LGR Study 43 - Lightly cooked food such as sous vide foods cooked by water bath, rare duck meat (pink duck), parfait and pâté made with flash fried liver</p> <p>3 premises to be sampled – 3 to 4 samples from each establishment</p>	<p>Healthy and Active City</p> <p>A Prosperous City</p>	MPW

June 2011	Training Course Promotion	Working to improve the advertising of our training courses to increase the number and diversity of delegates on all our courses and to identify training needs.	Excellence in Public Services Healthy and Active City A Prosperous City	BST
June 2011	Health and Safety Service Plan	Seek Scrutiny Community approval for the 2011/12 Health and Safety Service Plan and performance figures. Target: Scrutiny Committee 7 June 2011	Healthy and Active City Excellence in Public Services A Prosperous City A Safe City	SL / SR
June 2011	Sun beds Project	Initial visit of all 15 establishments within the city to look at compliance with legislation. Visits to be conducted with PCT.	Healthy and Active City A Prosperous City	LS

Quarter 2				
District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total XX inspection per officer). All non compliant Food premises to receive a follow up visit following intervention in Q1.				
Contractor – 66 inspections comprising of broadly compliant C, D and E food premises.				
Jane Carr – 36 inspections.				
Q2	Training Courses:	The following dates have been scheduled for each course: - Level 2 Award in Health and Safety • Wednesday 17 August	Healthy and Active City Excellence in Public Services A Prosperous City	BST
July 2011	Beauty Industry / Hairdressing SHAD	This project will possibly in conjunction with Exeter College and Doncaster BC who are the lead authority for the Hair and Beauty Industry Authority (HABIA). The project will look at key occupational health areas of concern within the industry such as nails, dermatitis, musculoskeletal disorders, slips and trips, COSHH and the new sun beds legislation. Target: We currently have 98 hairdressers and 24 Beauty salons within the city. 15 establishments have sun bed operations. Aim to have contact with 40?	Healthy and Active City Excellence in Public Services A Prosperous City	
August 2011	SWBB pack dissemination	Aim to introduce business to the new Safer Working Better Business Packs. Staff will need to be trained on coaching businesses in use of the pack. Target: Scheme needs to be scoped – can not bring all businesses onto the scheme in year 1 due to cost.	Healthy and Active City Excellence in Public Services A Prosperous City A Safe City An Electronic City	

September 2011	Swimming / Spa pools	<p>Sampling programme looking at water quality management.</p> <p>Following Sampling results, organise a Safety and Health Awareness Day for swimming pool operators looking at key elements.</p> <p>By September all 17 premises to be initially sampled by Richard Shears.</p>	<p>Healthy and Active City</p> <p>A Prosperous City</p>	RS /
September 2011	Environmental Health Website Review	A yearly review of the Environmental Health website pages concentrating on areas for expansion.	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p> <p>A Safe City</p> <p>An Electronic City</p>	BST

Quarter 3				
District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total XX inspection per officer). All non compliant Food premises to receive a follow up or compliance visit.				
Contractor – 66 inspections comprising of broadly compliant C, D and E food premises.				
Jane Carr – 36 inspections.				
Q3	Training Courses:	<p>The following dates have been scheduled for each course: -</p> <p>Level 2 Award in Health and Safety</p> <ul style="list-style-type: none"> • Tuesday 18 October • Tuesday 6 December <p>Level 2 Award in Principles of Manual Handling</p> <ul style="list-style-type: none"> • Friday 28 October <p>Level 3 Award in Risk Assessment Principles and Practice</p> <p>Day 1 – Tuesday 15 November Day 2 – Tuesday 22 November</p>	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p>	SL / BST
Q3	Auditing of Staff	Principal Environmental Health Officer to conduct audits of staff during routine food and health and safety inspections.		SR
October 2011	Builders Merchants	<p>This project will look at all Builders Merchants within the city and will look at areas such as workplace transport, loading and unloading and Fork Lift Trucks. The project will have a two-pronged approach: -</p> <p>1). Safety Health and Awareness Days to be organised for the independent and small and medium sized builders merchants</p> <p>2). Safety Management Audits being undertaken with the larger builders merchants.</p>	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p> <p>A Safe City</p>	

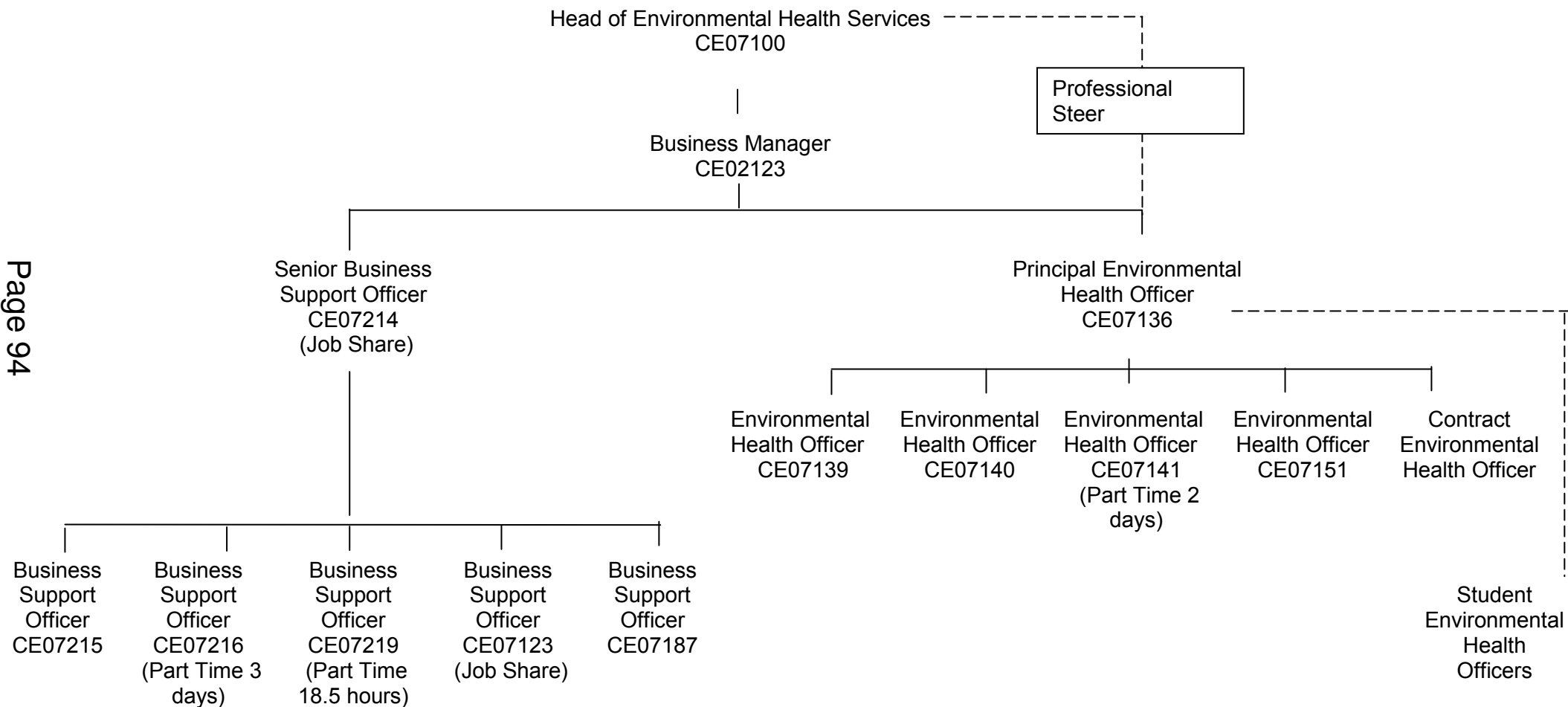
		<p>The overall aim of the initiative will be to build sustainable improvements in health and safety.</p> <p>Target: To involve all 14 Builders Merchants in either stage of the project.</p>		
--	--	---	--	--

Quarter 4				
District Officer Inspection Programme – A, B1 and B2 HSW as well as compliant B and C Category Food premises (total XX inspection per officer). All non compliant Food premises to receive a follow up or compliance visit. Jane Carr – 36 inspections.				
Q4	Training Courses:	The following dates have been scheduled for each course: - Level 2 Award in Health and Safety <ul style="list-style-type: none"> • Wednesday 15 February Level 2 Award in Principles of Manual Handling <ul style="list-style-type: none"> • Tuesday 28 February 	Healthy and Active City Excellence in Public Services A Prosperous City	BST
January 2012	Food for Thought Newsletter	Publication of the annual service newsletter highlighting food and health and safety issues in the catering industry. Target: To circulate to all 1000 food establishments <ul style="list-style-type: none"> • Need to consider cost benefit analysis regarding distribution. • Would a bi-annual smaller publication be better than an annual one? • Could this be electronic? 	Healthy and Active City Excellence in Public Services A Prosperous City A Safe City An Electronic City	SR/All
February 2012	Offices Intervention	In keeping with the new LAC we propose to not inspect offices but to send an information pack as alternative intervention. Target: Intervention packs to be sent to 100 businesses by the end of February 2012.	Healthy and Active City A Prosperous City	SL / BST

March 2012	Section 18 Review	To complete the S18 review exercise to ensure the authority's full compliance with the requirements. Target: To be completed by 31 March 2012		SR / SL
March 2012	Sampling Programme	Restaurants – To be Determined by District Officers	Healthy and Active City A Prosperous City	
March 2012	Implement the Action Plan of the Devon Health and Safety sub group.	Aim to contribute to the to the following actions Devon wide: - <ul style="list-style-type: none"> • Agree a framework for complaint handling and adopt into ECC procedures. • Agree a consistent approach for RIDDOR investigations handling and adopt into ECC procedures. • Formation of a directory of officers with areas of specific experience available for advise and consultation – ECC to contribute staff expertise. • Ensure relevant local regulators (CQC, Environment Agency, Health and Wellbeing PCTs, Devon Fire and Rescue etc) are engaged with relevant work streams. 	Healthy and Active City A Prosperous City	SR / All
March 2012	Business Improvement District	Engage with the developing Business Improvement District in examining improved partnership working and service delivery.	Healthy and Active City A Prosperous City	All

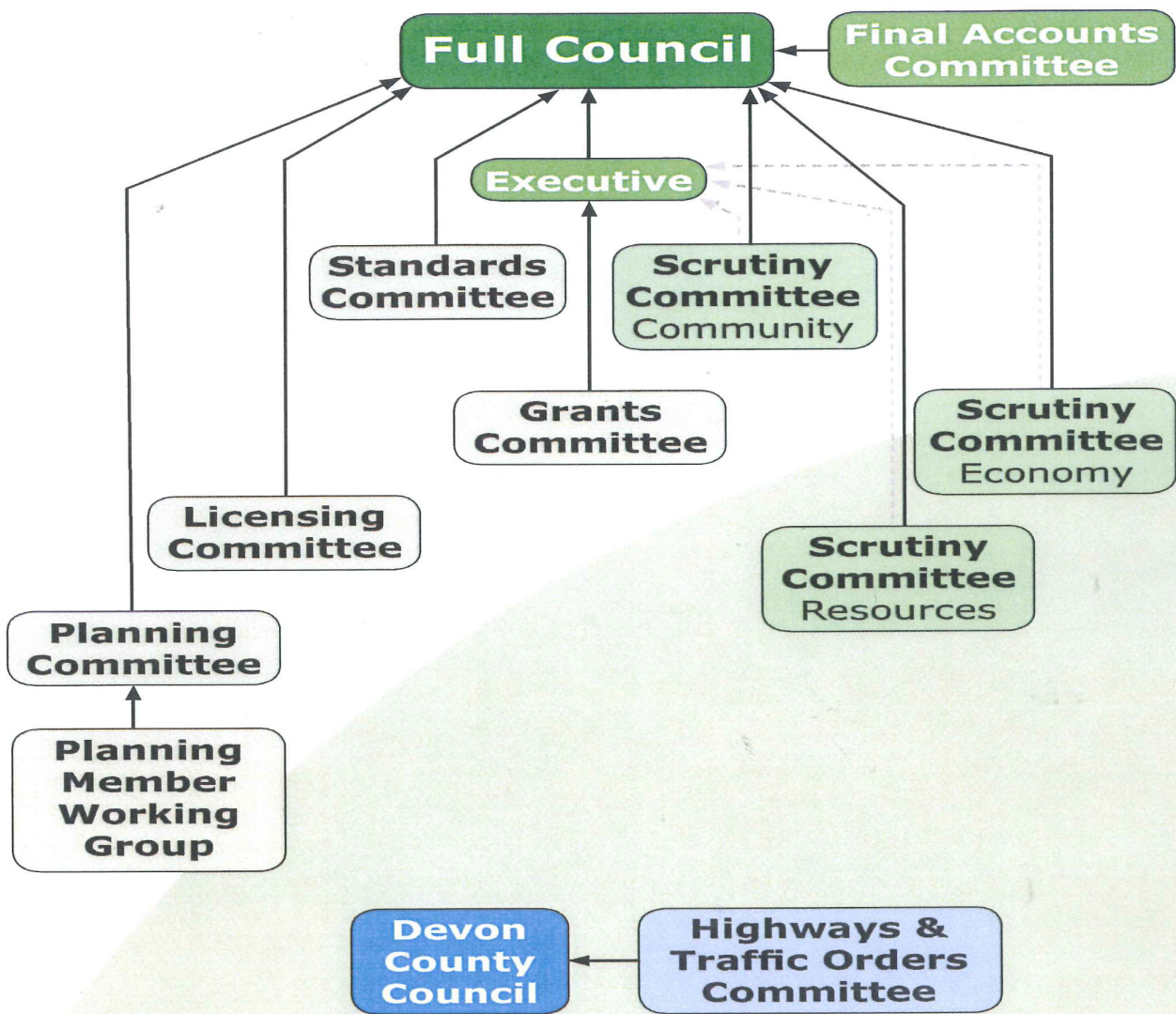
THE OFFICER STRUCTURE IN RESPECT OF THE HEALTH AND SAFETY ENFORCEMENT SERVICE

COMMERCIAL AND BUSINESS SUPPORT TEAM



FLOW DIAGRAM SHOWING THE COMMITTEE STRUCTURE FOR THE COUNCIL

The Council's Committee Structure

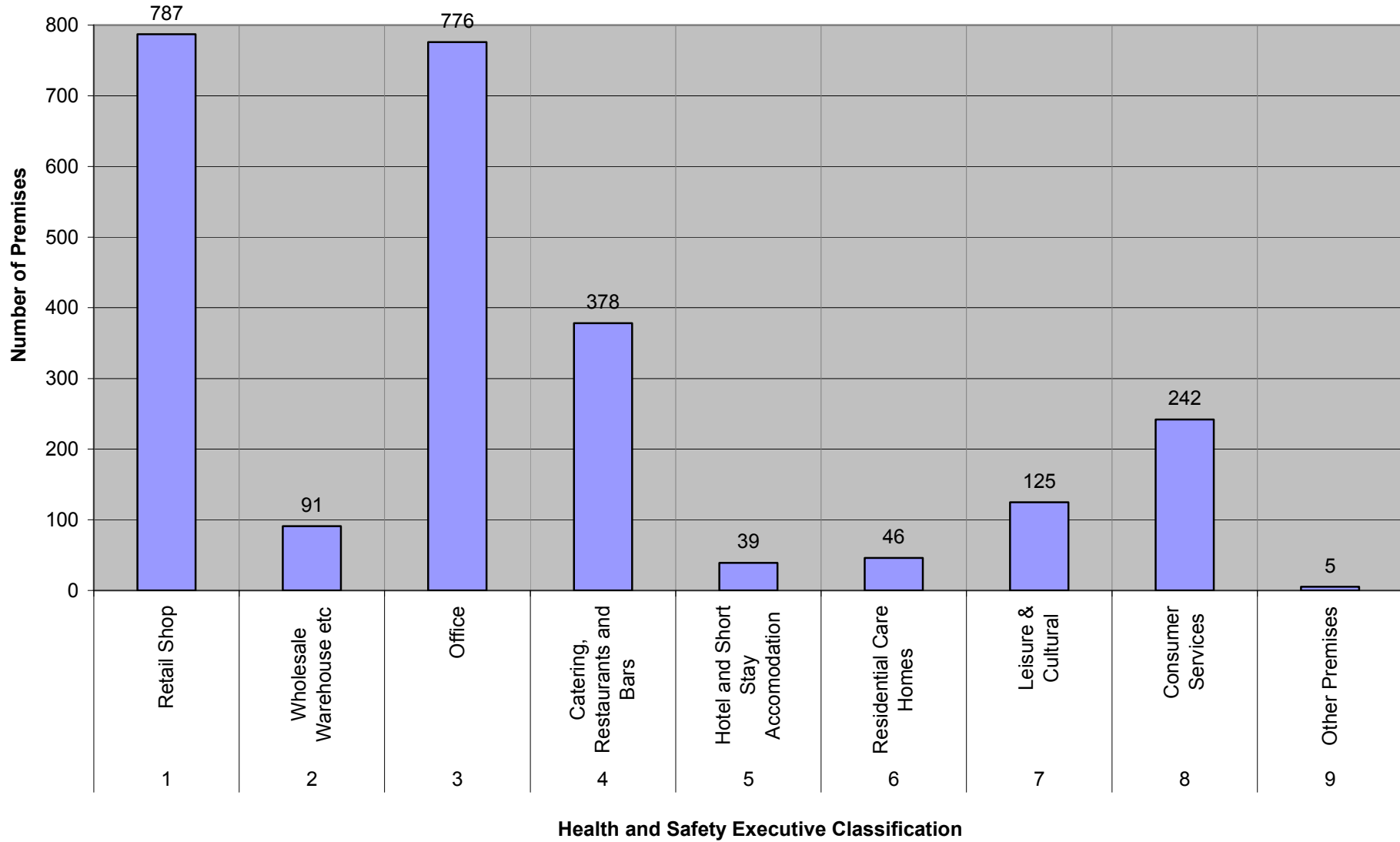


Exeter City Council

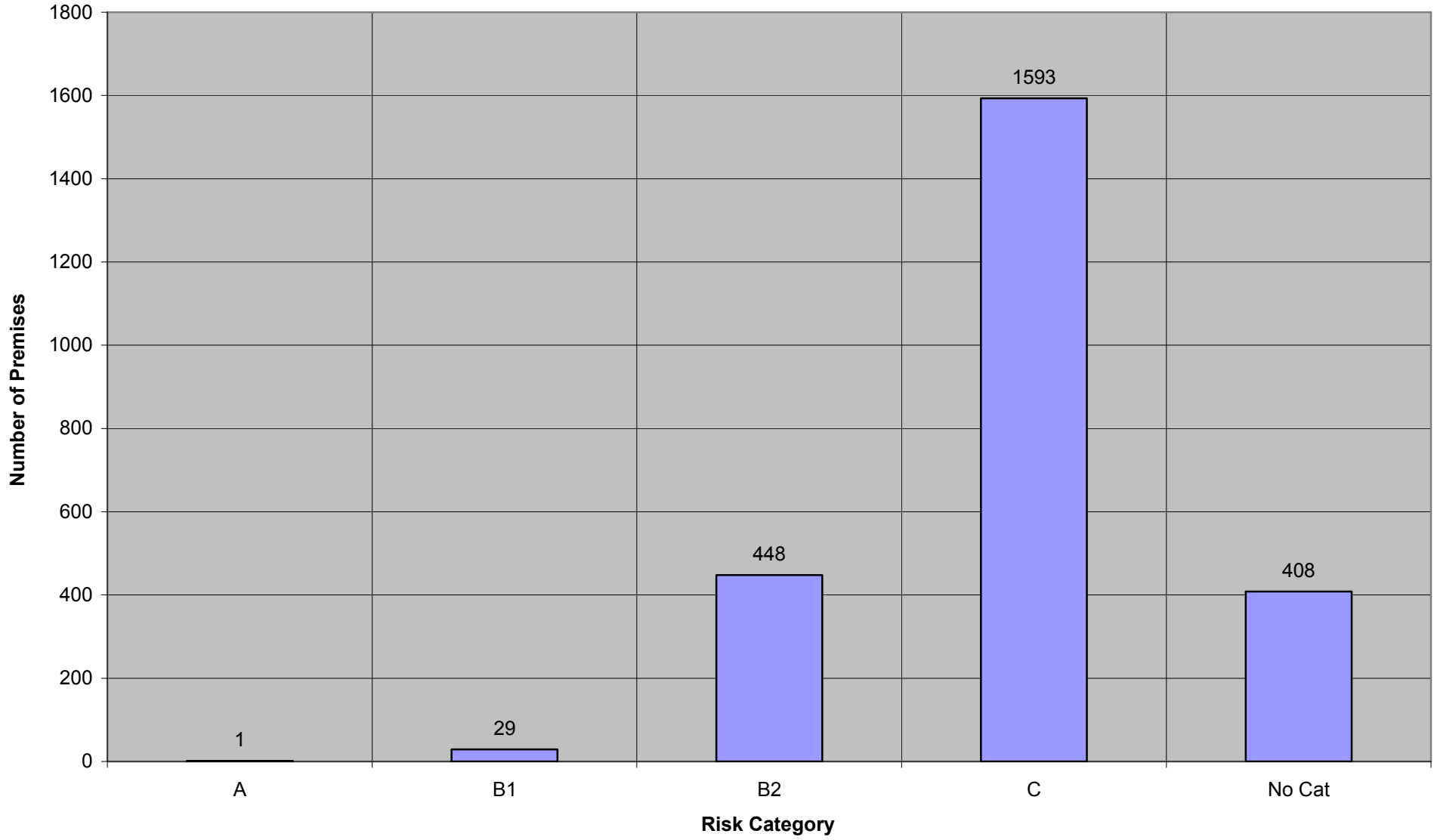
01392 265197

member.servs@exeter.gov.uk

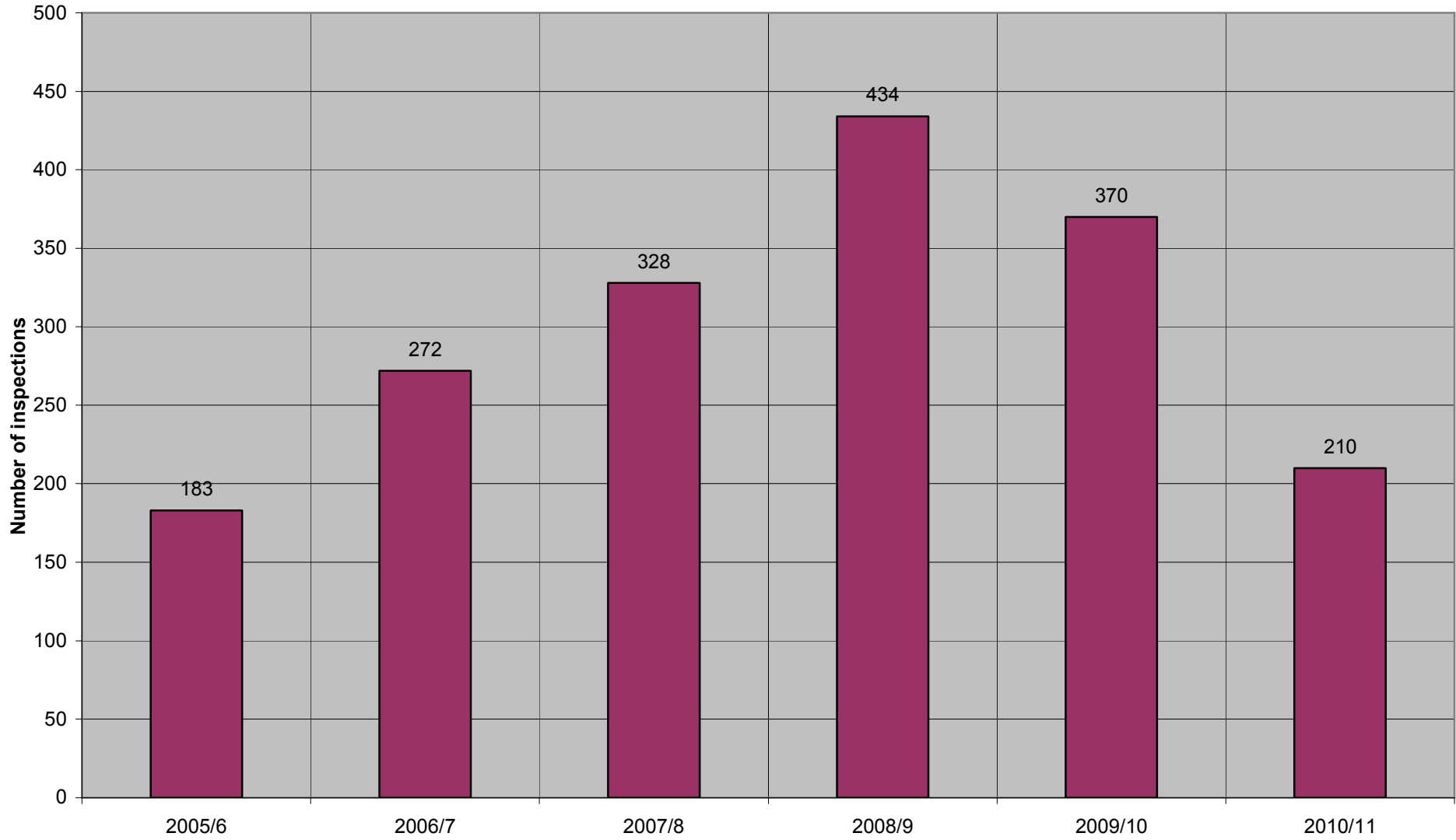
PROFILE OF HEALTH AND SAFETY PREMISES IN THE CITY AS PER HSE CLASSIFICATION



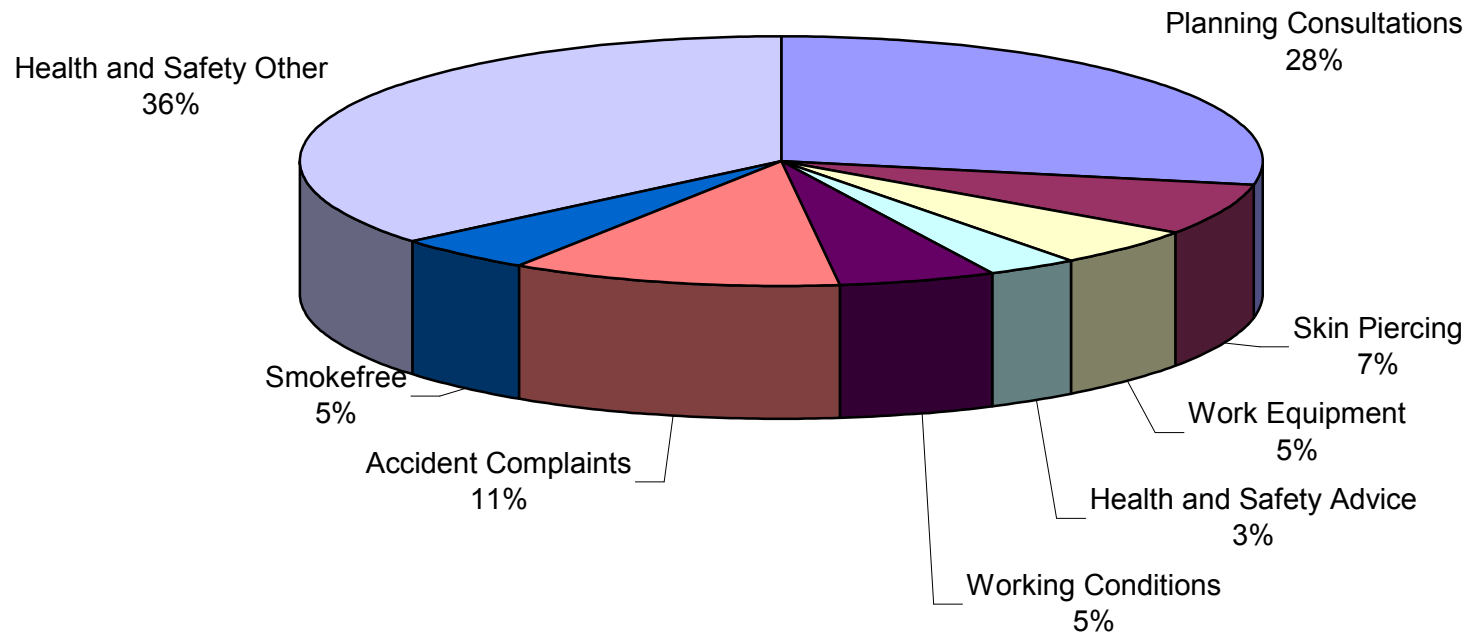
PROFILE OF HEALTH AND SAFETY PREMISES BY RISK CATEGORY FOR 2011/2012



NUMBER OF HEALTH AND SAFETY INSPECTIONS TARGETED COMPARED WITH THOSE ACHIEVED



BREAKDOWN OF HEALTH AND SAFETY SERVICE REQUESTS RECEIVED FROM 1 APRIL 2010 TO 31 MARCH 2011



NUMBER OF DELEGATES RECEIVING HEALTH AND SAFETY TRAINING

HEALTH AND SAFETY ENFORCEMENT POLICY

Introduction

The Health and Safety Enforcement Policy is based upon the model developed by the Health and Safety Executive in association with LGR. As a regulator, the Council's primary purpose is to assist businesses in preventing work-related accidents and ill-health. This is generally achieved through inspections and a range of proactive measures including stakeholder engagement and the provision of information and advice.

Investigating complaints, accidents and ill-health is important in improving standards and ensuring compliance; it also provides the basis for enforcement action to secure justice. Enforcement has three main objectives:

- to compel responsible parties to take immediate action to reduce risk;
- to engender compliance with the law;
- to ensure those who breach health and safety requirements or fail in their responsibilities are held to account for their actions.

EXETER CITY COUNCIL HEALTH AND SAFETY ENFORCEMENT POLICY

1. INTRODUCTION

This document is to let you know how the Council enforces health and safety legislation. It will also tell you what to expect from enforcement officers when they visit your business, and what guides them when carrying out inspections and dealing with breaches in the law.

2. AIM

2.1 The aim of the Council's Enforcement Policy is to ensure that duty holders manage and control risks effectively thus preventing harm. In particular our policy is to:

- ensure that duty holders take action to deal immediately with serious risks;
- promote and achieve sustained compliance with the law; and
- ensure that duty holders who breach health and safety requirements, and directors or managers who fail in their responsibilities, may be held to account, which may include bringing alleged offenders before the courts in the circumstances set out later in this policy.

2.2 The term "enforcement" has a wide meaning and applies to all dealings between the Council and those on whom the law places duties (employers, the self-employed, employees and others).

2.3 The Council believes in firm but fair enforcement of health and safety law in line with Health and Safety Executive's (HSE's) Enforcement Policy Statement. This is informed by the principles of proportionality in applying the law and securing compliance, consistency of approach, targeting of enforcement action, transparency about how we operate and what those regulated may expect, and accountability for our actions. These principles will apply both to enforcement in particular cases and to our management of enforcement activities as a whole and are explained more fully in our Principles of Enforcement document (Annex 1).

- 2.4 The Council places great importance on the consistent use of enforcement action and does not measure itself by the quantities of enforcement action it takes and so does not set targets. The Council does not take enforcement for enforcements' sake. Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be appropriate, or to assist such claims.
- 2.5 We have a range of tools at our disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Many of our dealings are informal e.g. offering duty holders information and advice. Where appropriate our officers may also serve improvement and prohibition notices and initiate prosecution.
- 2.6 The decision to prosecute will have regard to the evidential and public interest tests set down in England and Wales by the Director of Public Prosecutions in the Code for Crown Prosecutors. No prosecution will go ahead unless the prosecutor finds there is sufficient evidence to provide a realistic prospect of conviction, and decides that prosecution would be in the public interest.
- 2.7 Where circumstances warrant it and the evidence to support a case is available we will prosecute without prior warning or recourse to alternative sanctions.
- 2.8 Subject to the two tests, circumstances where we will normally prosecute, or recommend prosecution, following an investigation or other regulatory contact are where:
- death was a result of a breach of the legislation;
 - the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
 - there has been reckless disregard of health and safety requirements;
 - there have been repeated breaches which give rise to significant risk, or persistent and significance poor compliance;
 - work has been carried out without, or in serious non-compliance with, an appropriate licence or safety case;
 - a duty holders standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
 - there has been a failure to comply with an improvement or prohibition notice, or there has been a repetition of a breach that was subject to a simple caution;
 - false information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk; and/or
 - inspectors have been intentionally obstructed in the lawful course of their duties.
- 2.9 Where inspectors are assaulted we will also seek police assistance with a view to seeking the prosecution of offenders. Subject to the above we will identify and prosecute individuals if we consider that a conviction is warranted and can be secured. Additionally we will actively consider the management chain and the role played by individual directors and managers. Where appropriate we will seek disqualification of directors under the Company Directors Disqualification Act 1986.
- 2.11 As with prosecution, we will use discretion in deciding whether incidents, complaints or cases of ill health should be investigated. We will use discretion in deciding when to investigate or what enforcement action may be appropriate. Such judgments will be made in accordance the Regulators' Compliance Code and Section 18 guidance (including the Enforcement Policy Statement).
- 2.12 The Health and Safety Executive's national priorities, and those determined at local level, are used to target our activities and resources via our Health and Safety Service Plan. To maintain a proportionate response, most resources available for investigation will be devoted to the more serious circumstances.

2.13 Our health and safety team will aim to:

- inspect those premises for which it has enforcement responsibility and investigate accidents and complaints in accordance with the Council's selection criteria policy;
- rate premises according to risk (which includes confidence in management, health and safety performance) in order to determine the future of future inspections;
- seek to promote health and safety through advice and guidance, and by the provision of training; and
- take formal enforcement action, in accordance with the Enforcement Policy Statement, when it is the most appropriate way of dealing with the matter.

2.14 Where we can, we will endeavour to make provision for the particular interests of stakeholders. For example we may make visits out of normal office hours but at times when the business is open, or we may arrange for interpreters/translators to be available if particular groups of duty holders do not have English as a first language.

2.15 If you wish to discuss or comment on our Enforcement Policy or Service Plan please contact the Head of Environmental Health Services.

3. ANNEX 1 – THE PRINCIPLES OF ENFORCEMENT

3.1 The Council believes in firm but fair enforcement of health and safety law. This will be informed by the principles of proportionality in applying the law and securing compliance, consistency of approach, targeting of enforcement action, transparency about how we operate and what those regulated may expect, and accountability for our actions. These principles will apply both to enforcement in particular cases and to our management of enforcement activities as a whole.

4. THE PURPOSE OF ENFORCEMENT

4.1 The purpose of enforcement is to:

- ensure that duty holders take action to deal immediately with serious risks;
- promote and achieve sustained compliance; and
- ensure that duty holders who breach health and safety requirements, and directors and managers who fail in their responsibilities, may be held to account. This may include bringing the alleged offenders before the courts, in circumstances set out in our Enforcement Policy Statement.

5. THE PROCESS OF ENFORCEMENT

5.1 Inspectors use various enforcement techniques to deal with risks and secure compliance with the law, ranging from the provision of advice to enforcement notices.

5.2 Enforcement decisions must be impartial, justified and procedurally correct. The Council's Enforcement Policy Statement sets out the approach we follow.

5.3 The Health and Safety Executive have developed an Enforcement Management Module (EMM) which provides the Council with a framework for making enforcement decisions that meet the principles in the Enforcement Policy Statement. It captures the issues inspectors consider when exercising their professional judgement and reflects the process by which enforcement decisions are reached.

6. THE PURPOSE OF THE ENFORCEMENT MANAGEMENT MODULE

- 6.1 The EMM is not a procedure in its own right. It is not intended to fetter inspectors' discretion when making enforcement decisions, and it does not direct enforcement in any particular case. It is intended to:
- promote enforcement consistency by confirming the parameters, and the relationships between the many variables, in the enforcement decision making process;
 - promote proportionality and targeting by confirming the risk based criteria against which decisions are made;
 - be a framework for making enforcement decisions transparent, and for ensuring that those who make decisions are accountable for them; and
 - help experienced inspectors assess their decisions in complex cases, allow peer review of enforcement action, and be used to guide less experienced and trainee inspectors in making enforcement decisions.
- 6.2 The EMM and the associated procedures enable managers to review the decision making process and their inspectors' enforcement actions to ensure the purpose and expectations of the EPS have been met.
- 6.3 The EMM does not exist in isolation. It is supported by quality procedures which address, amongst other things, the selection and investigation of accidents.

7. ENFORCEMENT TOOLS

- 7.1 Inspectors have a range of tools at their disposal to seek compliance with the law and to ensure a proportionate response to criminal offences. Where appropriate they may:
- serve improvement and prohibition notices;
 - issue simple cautions;
 - initiate prosecution.

Simple cautions will not be used:

- as a let off;
- where there are some mitigating circumstances;
- where there is doubt about the public interest; or
- where either the prosecutors' office or the court are too busy.

8. COMPLAINTS PROCEDURE

- 8.1 Complaints are dealt with by our standard complaints procedure.

9. THE PROCEDURES AND PRINCIPLES OF ENFORCEMENT

- 9.1 Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by the Council to achieve compliance should be proportionate to any risks to health and safety or to the seriousness of any breach, which includes any actual or potential harm arising out of a breach of law.
- 9.2 Some health and safety duties are specific and absolute. Others require action so far as is reasonably practicable. We will apply the principle of proportionality in relation to both kinds of duty.

- 9.3 Deciding what is reasonably practicable to control risks involves the exercise of judgment. In the final analysis, it is the courts that determine what is reasonably practicable in a particular case. Where duty holders must control risks so far as is reasonably practicable, we will, when considering protective measures taken by them, take account of the degree of risk on the one hand, and on the other the cost, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is a gross disproportion between these factors and that the risk is insignificant in relation to the cost, the duty holder must take measures and incur costs to reduce the risk.
- 9.4 We will expect relevant good practice to be followed. Where, in particular cases, this is not clearly established, health and safety law effectively requires duty holders to assess the significance of the risks to determine what action needs to be taken. Some irreducible risks may be so serious that they cannot be permitted irrespective of the economic consequences. Conversely some risks may be so small that spending more to reduce them would not be expected.

10. TARGETING

- 10.1 Targeting means making sure that contacts are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled, and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it whether employers, or others.
- 10.2 The Council has a system for prioritising contacts according to the risks posed by a duty holder's operations, and to take account of the hazards and the nature and extent of the risks that arise. The duty holder's management competence is an important factor. Certain very high hazard sites will receive regular inspections so that we can give public assurance that such potentially serious risks continue to be effectively managed.
- 10.3 Enforcement action will be directed against duty holders who may be employers in relation to workers or others exposed to risk, the self employed, the owner of the premises, or the supplier of the equipment, or the designer or client of the project. Where several duty holders have responsibilities we will take action against those who are primarily in breach.
- 10.4 When our inspectors issue improvement or prohibition notices or prosecute or issue simple cautions, we will ensure that a senior officer of the duty holder concerned, at board level, is also notified.

11. CONSISTENCY

- 11.1 Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
- 11.2 Duty holders managing similar risks expect a consistent approach from us in the advice tendered, the use of enforcement notices etc, decisions on whether to prosecute, and in the response to incidents.
- 11.3 In practice consistency is not a simple matter. Our enforcement officers are faced with many variables: the severity of the hazard, the attitude and competence of management, the duty holder's accident history. Decisions on enforcement action are discretionary, involving judgment by the officer. The Council has arrangements in place to promote consistency in the exercise of discretion, and these include liaison arrangements with the other enforcing authorities and the Health and Safety Executive.

12. TRANSPARENCY

- 12.1 Transparency means helping duty holders to understand what is expected of them and what they should expect from us. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.
- 12.2 It also involves us in having arrangements for keeping employees, their representatives, and victims or their families informed. These arrangements have regard to legal constraints and requirements.
- 12.3 We will tell you what to expect when an inspector calls and what rights of complaint are open to you. All our health and safety inspectors are required to issue the leaflet '*What to expect when a health and safety inspector calls*' whenever they visit. This publication explains what employers and employees and their representatives can expect when a health and safety inspector calls at a workplace. In particular:
- when inspectors offer duty holders information, or advice, face to face or in writing, including any warning, they will tell the duty holder what to do to comply with the law, and explain why. If asked, Inspectors will confirm any advice in writing and distinguish legal requirements from best practice advice;
 - in the case of improvement notices, the inspector will discuss the notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when;
 - in the case of a prohibition notice, the notice will explain why the prohibition is necessary.

13. ACCOUNTABILITY

- 13.1 Regulators are accountable to government, citizens and Parliament for their actions. This means that we have policies and standards (such as the four enforcement principles above) against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.
- 13.2 We have a complaints procedure. Where a notice is served there is a right of appeal to an Employment Tribunal.

14. INVESTIGATION

- 14.1 As with prosecution, the Council will use discretion in deciding whether incidents, complaints or cases of ill health should be investigated. The Health and Safety's national priorities, and those agreed at local level are used to target our activities and resources via our Health and Safety Service Plan.
- 14.2 To maintain a proportionate response, most resources available for investigation will be devoted to the more serious circumstances. It is neither possible nor necessary for the purposes of the Health and Safety at Work etc. Act to investigate all issues of non compliance with the law that are uncovered in the course of planned inspection, or reported events.
- 14.3 In conducting our investigations we will take account of any likely complimentary or shared enforcement roles, e.g. where the HSE has jurisdiction over some of the activities of a duty holder and we have jurisdiction over the rest of the activities. We will also refer relevant information to other regulators where there is a wider regulatory interest e.g. the HSE or to

the Primary Authority of a duty holder within the Local better Regulation Office's Primary Authority Scheme.

- 14.4 We will carry out a site investigation of a reportable work-related death, unless there are specific reasons for not doing so, for example because the police consider the cause to have been suicide.
- 14.5 A more detailed policy on investigating reportable workplace accidents and ill health is detailed at Appendix A.

15. PROSECUTION

- 15.1 We will use discretion in deciding whether to initiate a prosecution. Our primary purpose is to help prevent harm, and while prosecution can draw attention to the need for compliance with the law, other approaches to enforcement can often promote health and safety more effectively.
- 15.2 The decision to prosecute will have regard to the evidential and public interest tests set down in England and Wales by the Director of Public Prosecutions in the Code for Crown Prosecutors. No prosecution will go ahead unless the prosecutor finds there is sufficient evidence to provide a realistic prospect of conviction, and decides that prosecution would be in the public interest.
- 15.3 Whilst our primary purpose is to ensure that duty holders manage and control risks effectively thus preventing harm, prosecution is an essential part of enforcement. Where an investigation has collected sufficient evidence to provide a realistic prospect of conviction and has decided, in accordance with this policy and taking account of the Code for Crown Prosecutors that it is in the public interest to prosecute then that prosecution should go ahead. Where circumstances warrant it and the evidence to support a case is available we will prosecute without prior warning or recourse to alternative sanctions.
- 15.4 Subject to these two tests we will normally prosecute, or recommend prosecution, where following an investigation or other regulatory contact, the following circumstances apply. Where:
- death was a result of a breach of the legislation;
 - the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
 - there has been reckless disregard of health and safety requirements;
 - there have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
 - work has been carried out without or in serious breach of an appropriate licence;
 - a duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
 - there has been a failure to comply with a written warning or an improvement or prohibition notice; or there has been a repetition of a breach that was subject to a formal caution;
 - inspectors have been intentionally obstructed in the lawful course of their duties;
 - false information has been wilfully supplied, or there has been intent to deceive.

We will also consider prosecution, or consider recommending prosecution where, following an investigation or other regulatory contact, the following circumstances apply:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law;

- a breach that gives rise to significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity.

15.5 Where inspectors are assaulted we will also seek police assistance with a view to seeking the prosecution of offenders.

15.6 Subject to the above we will identify and prosecute individuals if we consider that a conviction is warranted and can be secured. Additionally we will actively consider the management chain and the role played by individual directors and managers. We will take action against them where it can be shown that the offence was committed with their consent or connivance or to have been attributable to neglect on their part. Where appropriate we will seek disqualification of directors under the Company Directors Disqualification Act 1986.

16. PUBLICITY

16.1 We will make arrangements for the publication annually of the names of all the companies and individuals who have been convicted in the previous 12 months of breaking health and safety law.

16.2 We will also consider drawing media attention to factual information about charges that have been laid before the courts, having due regard to publicity that could prejudice a fair trial. We will also consider publicising any conviction that could serve to draw attention to the need to comply with health and safety requirements, or deter anyone tempted to disregard their duties under health and safety law.

17. ACTION BY THE COURTS

17.1 Where appropriate we will draw the court's attention to all the factors that are relevant to the court's decision as to what sentence is appropriate on conviction. The Court of Appeal has given some guidance on some of the factors that should inform the courts in health and safety cases (*R v F. Howe and Son (Engineers) Ltd* [1992] 2 All ER, and subsequent judgments).

18. REPRESENTATION TO THE COURTS

18.1 In cases of sufficient seriousness, and when given the opportunity, we will consider indicating to the magistrates that the offence is so serious that they may send it to be heard or sentenced in the higher court where higher penalties can be imposed. In considering what representations to make we will have regard to Court of Appeal guidance; the Court of Appeal has said "In our judgment magistrates should always think carefully before accepting jurisdiction in health and safety at work cases, where it is arguable that the fine may exceed the limit of their jurisdiction or where death or serious injury has resulted from the offence".

19. DEATH AT WORK

19.1 Where there has been a breach of the law leading to a work-related death, we will consider whether the circumstances of the case might justify a charge of manslaughter. We will liaise with the Police, Coroners and the Crown Prosecution Service and if they find evidence suggesting manslaughter, pass it on to the Police or where appropriate the CPS. If the Police or the CPS decide not to pursue a manslaughter case, we will bring a health and safety prosecution if that is appropriate.

19.2 To ensure decisions on investigation and prosecution are co-ordinated, the HSE, the Association of Chief Police Officers and the CPS have jointly agreed and published '*Work*

Related Deaths: A Protocol for Liaison. Exeter City Council has agreed that it should take account of the Protocol when responding to work-related deaths.

20. PENALTIES FOR HEALTH AND SAFETY OFFENCES

The Health and Safety at Work etc. Act 1974 (HSWA), section 33 (as amended) sets out all of the offences and maximum penalties under health and safety legislation.

- **Failing to comply with an improvement or prohibition notice, or a court remedy order** (issued under HSWA sections 21, 22 and 42 respectively)
 - lower court maximum: £20,000 and/or 12 months' imprisonment;
 - higher court maximum: Unlimited fine and/or 2 years' imprisonment.
- **Breach of sections 2-6 of the HSWA**, which set out the general duties of employers, self-employed persons, manufacturers and suppliers to safeguard the health and safety of workers and members of the public who may be affected by work activities
 - lower court maximum: £20,000 and/or 12 months' imprisonment;
 - higher court maximum: Unlimited fine and/or 2 years' imprisonment.
- **Most other breaches of the HSWA, contravening licence requirements and breaches of all health and safety regulations under the Act.** These impose both general and more specific requirements, such as requirements to carry out a suitable and sufficient risk assessment or to provide suitable personal protective equipment. Licensing requirements apply to high hazard activities such as nuclear installations and asbestos stripping.
 - lower court maximum: £20,000 and/or 12 months' imprisonment;
 - higher court maximum: Unlimited fine and/or 2 years' imprisonment.
- **On conviction of directors for indictable offences in connection with the management of a company** (all of the above, by virtue of HSWA sections 36 and 37), the courts may also make a disqualification order (Company Directors Disqualification Act 1986, sections 1 and 2). The Courts have exercised this power following health and safety convictions. Health and safety inspectors draw this power to the Court's attention whenever appropriate
 - lower court maximum: 5 years disqualification;
 - higher court maximum: 15 years disqualification.

21. APPENDIX A – ACCIDENT INVESTIGATION

- 21.1 It is the policy of the Council to investigate reportable accidents under the Reporting of Injuries, Disease, and Dangerous Occurrences Regulations 1995 according to the criteria set out below.
- 21.2 An initial assessment of the incident will be made and a decision taken on investigation within 3 working days.
- 21.3 Accidents will be investigated in accordance with the principles of proportionality, consistency, targeting, transparency and accountability.
- 21.4 The purpose of investigation is to:
- identify immediate and underlying causes;
 - ensure the duty holder takes appropriate remedial action to prevent reoccurrence;
 - evaluate compliance with the relevant statutory provisions; and
 - apply the principles of the Enforcement Management Model and take enforcement action if appropriate.

Investigations will be:

- continued only so far as they are proportionate to the achievement of the objectives set for them;
- conducted and/or supervised by staff who are competent;
- provided with adequate resources and support, including information, equipment and staffing;
- conducted so that efficient and effective use is made of the resources committed to them;
- timely, so far as this is within the control of the investigating inspector; and
- subject to suitable management procedures for monitoring the conduct and outcome of investigations.

21.5 Factors to determine whether an investigation continues to be proportionate:

- Public expectation, for example, where there has been a fatality or fatalities, serious ill health, or an accident involving multiple serious injuries;
- The potential (taking into account reasonable foreseeability) for a repetition of the circumstances to result in a fatality or fatalities, serious ill health, or an accident involving multiple serious injuries either in the activities of a specific duty holder or within industry generally;
- the extent to which the available evidence allows conclusions as to causation to be drawn and supported with sufficient certainty, including conclusions as to responsibility for alleged breaches of relevant legislation;
- the extent to which the resources needed for the investigation are disproportionate to the hazard(s) or risk(s); and
- the prevalence of the event, either in the activities under the control of a specific duty holder, or in an industry sector generally.

22. CRITERIA FOR INVESTIGATING RIDDOR REPORTS

Mandatory Investigations

22.1 All fatalities arising out of, or in connection with work activities whether it is to an employee or a member of the public. This excludes suicides or deaths from natural causes.

22.2 The following major injuries, as defined in the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations (RIDDOR), to all persons, including non-employees, irrespective of the cause:

- all amputations of digit(s) past the first joint;
- amputation of hand/arm or foot/leg;
- serious multiple fractures;
- crush injuries leading to major organ damage;
- serious head injuries involving loss of consciousness;
- burns or scalds greater than 10% of the body;
- permanent blinding of one or both eyes;
- any degree of scalping;
- asphyxiations.

22.3 All reported cases of disease which meet the criteria for reporting under RIDDOR, except those arising from circumstances/situations which have already been investigated.

Non Investigation of a Mandatory Incident

22.4 Grounds for not investigating incidents that would normally be investigated include:

- impracticability of investigation e.g. the unavailability of witnesses or evidence;
- no reasonably practicable precautions available to prevent the incident or its recurrence;
- investigating the accident would mean that the Council was acting ultra vires;
- conflict of interest between the Council as regulator and duty holder, in which case the appropriate enforcing authority will be notified;
- inadequate resources due to other priorities (must be referred to Environmental Health Manager or equivalent.)

Discretionary Investigations

22.5 Those incidents not falling into the above criteria for mandatory investigation may be investigated at the Council's discretion, taking into account the following factors:

- any incident which relates to the HSE's current strategic priorities which has not caused a RIDDOR defined major injury or one which arises from a specific health and safety initiative that may be contained within the Council's Health and Safety Service Plan;
- the poor track record of the duty holder and whether there is a history of similar events;
- the incident has the potential for high public profile/media attention or has received considerable media attention leading to reputational risk through inaction/perceived inaction;
- the incident may give rise to complaints. Depending on circumstances, this should be dealt with as a normal complaints procedure and not necessarily require a full investigation;
- any incident identified as being useful for enhancing sector good practice/technical knowledge.

23. APPENDIX B - COMPLAINTS

23.1 The Council has a policy on investigating complaints / requests for service. We will make an initial response within 5 working days of the complaint / request for service being made to the Council. In deciding whether to investigate we will take into account the following factors:

- the severity and scale of actual or potential harm, or the high potential for harm arising from an event;
- the seriousness of any potential breach of the law;
- the track record of the duty holder;
- the enforcement priorities of the Council;
- the practicality of achieving results;
- the wider relevance of the event including serious public concern.

In any case this policy will be interpreted in the overall context of the Enforcement Policy.

This page is intentionally left blank

EXETER CITY COUNCIL

**SCRUTINY COMMITTEE – COMMUNITY
7 JUNE 2011**

**EXECUTIVE
21 JUNE 2011**

HEALTH & SAFETY SERVICE PLAN: 2011 - 2012

1 PURPOSE OF REPORT

- 1.1 This report seeks approval of the Health & Safety Service Plan for 2011/2012 which sets out the Council's functions for regulating health and safety in businesses for the forthcoming year, and includes a revised health and safety enforcement policy. A draft copy of the Plan is available in the Members' Room, on the Council's website, or available on request.

2 BACKGROUND

- 2.1 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken (eg retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.
- 2.2 Towards the end of 2005, national strategic direction was set for the health and safety system in Great Britain, which has been subsequently strengthened in 2009. As a result, the HSE and the Council have been working together and, in particular, targeting limited resources to the greatest local risks as the way to securing health, welfare and economic benefits for the community.
- 2.3 The projects listed in the service plan are those where the Council currently has a responsibility or because the projects will deliver greater outcomes by close collaboration and partnership working.
- 2.4 These projects involve a mixture of interventions such as stakeholder partnership, motivating senior managers, employee involvement, education/awareness campaigns, recognising good performance, as well as targeted inspections. This new approach meets many of the objectives of the better regulation agenda.

3 PARTNERSHIP BETWEEN HEALTH AND SAFETY EXECUTIVE AND LOCAL AUTHORITIES

- 3.1 Over the year there have been rapid developments aimed at applying the Regulators' Compliance Code and establishing closer partnership working arrangements with the HSE. A number of joint initiatives have been shared to respond to the Local Better Regulation Office guidance on better regulation, such as the "Safety and Health Advice Days" (SHADs) for workers in the warehousing, entertainment and beauty sectors.

3.2 To overcome poor synchronisation of planning cycles between HSE and LAs, which has been a problem in the past, better integration of work programmes now takes place.

4 HEALTH AND SAFETY SERVICE PLAN 2011/2012

4.1 In formulating the service plan for 2011/2012 the Council has again committed to participating in a number of national projects aimed at meeting Public Service Agreement targets for health and safety in addition to undertaking a programme of targeted inspections and other interventions, which take account of the better regulation principles. They enable the targeting of proactive health and safety regulatory resources to contribute to the national targets and local corporate objectives.

4.2 Health and safety regulation has a key role to play in supporting local economic prosperity and community wellbeing. It aims to ensure that well run, legally compliance businesses are supported and that consumers, workers and the environment are protected.

5 RECOMMENDED that

- (1) Scrutiny Committee – Community support the Health & Safety Service Plan 2011/12;
- (2) Executive approves:
 - (a) the Health and Safety Service Plan 2011/12, which includes the Health and Safety Enforcement Policy; and
 - (b) the Head of Environmental Health Services being granted delegated authority to make changes to the Service Plan in light of centrally issued guidance and/or to meet operational needs.

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:PA/LP/ Committee/611SCC3 v2
4.5.11

COMMUNITY & ENVIRONMENT DIRECTORATE

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

EXETER CITY COUNCIL

SCRUTINY COMMITTEE-COMMUNITY 7 JUNE 2011

COST OF REVERTING TO WEEKLY RESIDUAL REFUSE COLLECTIONS

1. PURPOSE OF THE REPORT

- 1.1 To present Members with an estimated cost of returning all households to a weekly residual collection, and to highlight other implications associated with so doing.

2. BACKGROUND

- 2.1 At Scrutiny Committee: Community on 18 January 2011 Members instructed officers to report back on the full cost to the council tax payer of re-introducing a weekly refuse collection to those 48,000 households in Exeter currently having their residual waste collected on an alternate weekly basis.
- 2.2 Currently the preferred collection system is for the Council to provide householders with two wheelie bins, a black one for residual waste (waste that can not be recycled) and a green one for waste that can be recycled. These are collected on a fortnightly basis with one week waste and the next recycling (an alternate weekly system). This system has successfully been in use for most properties since the 1990's, and in 2010 a further 14,000 households out of 19,000 households that were previously on a weekly refuse collection, were moved to the alternate weekly system.
- 2.3 The Council does not operate a 'one-size fits all' service, and so a weekly collection of waste remains for approximately 5,000 households (mainly living in flats) that don't have adequate storage space for a bin. These properties are also offered a fortnightly recycling collection, using small containers that can be stored indoors, communal large wheelie bins or clear bags.
- 2.4 In Exeter, the city's domestic waste is collected by 10 crews each with their own RCVs (refuse collection vehicles) working in 5 zones; one zone for each working day of the week. There are 2 reserve RCVs and additional pool drivers and loaders to deal with breakdowns and absences. The same vehicle and crew is used to collect the two types of waste on alternate weeks from the same household; by so doing, the crews get to know their rounds very well.
- 2.5 The method of alternative weekly collection is carried out by a large number of councils in the UK, and statistics indicate that councils adopting this system have higher recycling rates than those that do not. A recent study in Exeter showed that residents on a weekly refuse collection produce 20% more waste on average.

3. MAIN IMPLICATIONS OF REVERTING TO WEEKLY RESIDUAL COLLECTIONS

- 3.1 Reverting to weekly residual collections of residual waste for all 53,000 households will increase the annual road miles travelled by approximately 30%, and consequently inflate the considerable fuel cost further. It will also necessitate the procurement of 5 additional RCVs, and recruitment of 5 extra crews and supervisor in order to carry out new requirement of 159,000 collections per fortnight.

3.2 The amount of residual waste collected is likely to increase by approximately 20%, resulting in additional land-fill costs (£86 per tonne) and a reduction in the recycling rate, together with the amount of recyclates collected. This in turn is likely to lead to a sizable fall in recycling credits (currently worth £46 per tonne).

3.3 Furthermore, there would be a need to extensively remodel the existing collection rounds to incorporate the expanded service and communicate these changes to every household. This would be a huge logistical operation to undertake, which will be resource-intensive in its planning and execution, following on from the recent major re-modelling of the collection rounds in 2010.

4. COST TO THE EXETER COUNCIL TAX PAYER

4.1 The full cost of all households returning to a weekly refuse collection is a one-off capital cost of £757,500 and on-going revenue cost of £912,068. See Appendix I.

5. RECOMMENDED

That Members note the report.

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:PALP/ Committee/611SCC7
4.5.11

COMMUNITY & ENVIRONMENT DIRECTORATE

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

APPENDIX 1

COST OF REVERTING TO WEEKLY COLLECTION OF DOMESTIC RESIDUAL WASTE

Revenue costs per year	Cost	Qty	Total
Driver plus 2 loaders plus agency / pool cover	71,561	5	£357,804
Running costs for additional wagons	20,000	5	£100,000
Additional Supervisor	27,520	1	£27,520
Cost of running supervisor's van	3,000	1	£3,000
(1) Estimated cost of lost recycling revenue	19,200	1	£19,200
(2) Estimated cost of additional waste to landfill (DCC cost)	404,544	1	£404,544
Total Revenue			£912,068
Capital / one off Costs	Cost	Qty	Total
5 new lorries	£125,000	5	£625,000
Reschedule all rounds and replacement calendars etc	75,000	1	£75,000
Bartec equipment	4,000	5	£20,000
Supervisors van	£17,500	1	£17,500
Temporary Tech Support staff	20,000	1	£20,000
Total Capital			£757,500
<i>(1) Assumes loss 5kg recyclables per household pa worth average £80 per tonne</i>			
<i>(2) Assumes additional 98kg per household per year - cost per tonne £56 landfill tax plus assumed £30 gate fee</i>			

This page is intentionally left blank

EXETER CITY COUNCIL

SCRUTINY COMMITTEE - COMMUNITY 7 JUNE 2011

TEMPORARY ACCOMMODATION REVIEW & STRATEGY UPDATE 2010/11

1. PURPOSE OF THE REPORT

- 1.1 This report informs Members of the Council's plan to continue the reduction in the use of Temporary Accommodation (TA) for homeless people. It was developed in 2009 as a working document for officers but following a request made at the Housing Performance Review Committee it is being submitted for Members' consideration. To assist Members with the report a glossary of terms can be found at Appendix I.
- 1.2 This review sets out how TA procurement and its subsequent use will help to meet increased demand, improve value for money and continue to control costs to the Council.

2. BACKGROUND

- 2.1 Providing temporary accommodation is a significant cost to the Council. In 2010/11 the net cost to the Council was nearly £400k. The demand for such housing is difficult both to predict and to control so this presents us with a significant financial risk.
- 2.2 During 2010/11 the Housing Advice Service has experienced the following trends in comparison to 2009/10:
 - New approaches to Housing Advice have increased by over 20%
 - Homeless preventions have increased by over 50%
 - Homeless acceptances have increased by 20%
 - Home Choice applications have increased by nearly 40%
 - The number of households on the housing register has increased by 28%
- 2.3 TA is used to house those households to whom the Council owes a statutory duty to provide accommodation under both Section 188 (an interim duty) and Section 193 (a permanent duty) of Part VII of the Housing Act 1996. The government is currently considering proposals to allow councils to discharge this duty by housing people in the private sector.
- 2.4 This duty is unavoidable. The requirement to house homeless applicants in 'priority need' is a legal requirement. Those in priority need are as follows:
 - 16 or 17 years-olds, unless they are owed an accommodation duty by social services
 - 18, 19, or 20 years olds who have been in care at some point after their 16th birthday, unless they are a 'relevant student'
 - Pregnant mothers
 - Anyone with a dependant child
 - Anyone who has lost their home as a result of fire, flood, or other disaster
 - Anyone who is vulnerable as a result of their mental or physical health.

2.5 Various plans have existed which have resulted in the Council meeting the government set TA target to reduce to 150 households, a year early. In December 2005 there were 300 households in TA.

3. HOW HAS THE INITIAL REDUCTION IN NUMBERS BEEN ACHIEVED?

- 3.1 The shift in emphasis nationally from managing homelessness to preventing homelessness has been the main drive in reducing numbers in TA. The numbers approaching the Housing Advice Service for general advice on a range of housing needs have remained reasonably constant over the last 5 years or so. However this year's predicted out-turn demonstrates an increase in levels of demand.
- 3.2 After a household approaches the Council, internal and external (provided through signposting) homelessness prevention options can be offered.
- 3.3 Last year (10/11) 593 households had their homelessness prevented; an increase from 368 households in 2007/08.
- 3.4 Households approaching for advice are firstly offered the opportunity to be supported to remain in their own homes. The Council's Housing Advice Officers support those in housing need by negotiating for them to remain in their home even when threatened previously with eviction from their landlord or family/friends. This can cause some tension with landlords.
- 3.5 As an example of this work, the 'Sanctuary Scheme' assisted 18 victims of domestic violence to remain safely in their homes by improving home security, making referrals to support agencies and offering legal advice.
- 3.6 Since April 2008 the Council have funded money and mortgage advice posts provided by Homemaker Southwest which has resulted in 34 owner occupier households supported to remain in their homes. This has been achieved by increasing incomes by an average of £1,300 per household through better budgeting and also negotiating with lenders and other creditors.
- 3.7 The Council's EXtraLet scheme, which is a social lettings agency model, currently accommodates 59 households who otherwise would have been placed in TA. Unfortunately a number of landlords have withdrawn from the scheme to sell their properties; at one point we had 76 such homes.
- 3.8 The Council's LetStart scheme, which is a more traditional rent deposit scheme where applicants source their own accommodation, has assisted 95 households since May 2008. These households would normally have gone into TA.
- 3.9 The Council also provides additional priority through the Housing Needs Register (Devon Home Choice) to those in TA. This increased priority and the increased availability of family sized accommodation freed up through downsizing have assisted in moving more families out of TA than those moving in.
- 3.10 The creation of the Exeter Homeless Prevention Panel and the Family Forum has provided a Council-administered route into supported housing. This has maximised availability of supported housing units (not defined as TA) and avoided cherry-picking of the least challenging households by accommodation providers. These routes into supported housing involve all providers in the City being present for referral discussions where allocations are made under the guidance of the Council's Move on

Officer. However the provision of supported accommodation is greatly reduced this year following the County Council's reduction in Supporting People funding.

- 3.11 It is evident that these prevention initiatives have reduced our need for TA and helped meet the target a year early. However, these resources have not been able to fully cover the increased demand experienced in 2010/11. In many cases we have to temporarily house people while we investigate the cause of their homelessness. This group has put pressure on our TA.

4. FUTURE PRESSURES

- 4.1 The following pressures have contributed to the Council seeing an increase in demand and indicate why the prediction is for future increases in demand on the service:

- **Changes to Local Housing Allowance which determines Housing Benefit levels are currently estimated to be on average 17% lower next year.**

This change is intended to drive down rents, however an unintended consequence may be to increase arrears among private sector tenants resulting in higher eviction rates. More landlords may be discouraged from taking tenants who rely on benefits in the future. There is also a danger that lower rents will result in fewer EXtralet and Private Sector Leasing properties being offered. This will result in the Council having to use more expensive TA.

- **Cuts to Supporting People (SP) contracts by Devon County Council are estimated to be at least 30% next year.**

This will limit a considerable number of current homelessness prevention and support options and could lead to an increase in the use of TA. For example, SP cuts will see a reduction in the floating support available through Homemaker South West to provide financial support to vulnerable households and will also limit the number of bed-spaces available for roughsleepers.

- **CLG Homelessness Grant is currently £350k.**

There is uncertainty at what will happen to this grant. Any cuts to this grant will directly impact on a range of homelessness support and prevention options leading to more people being housed in TA. This is currently used to fund many of the services described in section 3 of this report.

- **Changes to Housing Benefit Subsidy for TA.**

This is currently generous and helps some accommodation schemes to break even. The Council will have to decide whether it carries a loss on some properties to retain a landlord as the alternative would be more expensive emergency accommodation.

- **Increase in presentations and acceptances.**

These have increased over the past two quarters meaning all TA is now full. This is due to an increase in mortgage repossessions and higher levels of family evictions, usually of young people.

5. ACTION PLAN

- 5.1 Clearly we are entering an extremely challenging period which has the potential to see more homeless people including street homeless, together with a shortage of TA. This will have a significant impact both in terms of human welfare and also financially on the Council's budgets.
- 5.2 The Council is able to claim some proportion of Housing Benefit from the Department for Work & Pensions (DWP) for those claims made from properties provided as part of the statutory duties to house homeless applicants. The following additional actions are proposed in the coming year:

Action 1 – To continue EXtraLet and LetStart schemes

- To be managing 50 new PSL and EXtraLet properties by April 2012
- To use the Discretionary Housing Payment fund to improve access to private rented accommodation for low income households.

Action 2 – To strengthen prevention provision within the Housing Advice Team

- To combine the Home Choice and Housing Advice Services to create a larger Housing Options Service. This was implemented from April 2011.
- To expect Prevention Officers to retain cases in TA where prevention is still an option eg hostel referrals. To amend procedures to guarantee that any applicant placed in TA is still case managed to enable either a return to home where possible or to pursue an alternative housing option (eg EXtraLet) in parallel with their formal homeless application.

Action 3 – To improve percentage of lettings to homeless households under Devon Home Choice by protecting lettings in Exeter until a balance is found across Devon.

- Currently, there is a greater demand on properties in Exeter than any other authority in Devon therefore it is imperative that we only allocate properties to Exeter residents until we reach the point where no more than 2% of our lettings are to those from outside the City. Applicants in Exeter are still able to access properties in the rest of Devon and this is proving popular and is helping redress the balance.

Action 4 – To prioritise two bedroom and four bedroom properties in the procurement of PSL and EXtraLet properties

Action 5 – To provide an evidence base to the Housing Enabling Service showing demand for two and four bedroom properties

- Relatively (when set against supply) the most pressing need for homelessness households is for 2 and 4 bedroom properties as, in the case of two bedroom properties the majority of families approaching us have either one child or two younger children and in the case of 4 bedroom properties we do not currently have sufficient numbers to enable us to bypass the use of emergency accommodation for larger families.

- 5.3 Proposed changes to the Housing Benefit system, which began in April 2011, have had clear effects on the amount of subsidy the Council is entitled to claim. The new subsidy rules make certain types of accommodation more financially attractive to the Council.
- 5.4 The Valuation Office intends to produce LHA figures in January 2012 to assist with TA rent negotiations. The LHA values that they produce will be a flat rate for the whole year. This means that a fluctuating market may not affect us until the next year's review. It will, however, mean that the fluctuation in rates may be greater from year to year. The Council will therefore need to make difficult judgements about the length of contracts with landlords and tenants.
- 5.5 If the Housing Benefit entitlement is less than the subsidy equation, the Council will only get subsidy based on the Benefit entitlement. For example, if the LHA, minus 10%, plus £60 is £300 but the actual Benefit entitlement is only £200, the subsidy the Council receives will be based on the £200 Benefit entitlement. The Council cannot claim back more subsidy than the Benefit being paid. This means that where a homeless household only receives partial Housing Benefit we can only claim that amount in subsidy.
- 5.6 Prior to April 2011, the Council's Housing Advisory Services budget has always been supported by Housing Benefit funding as the rent charged for TA has not been linked to the subsidy level. In order to show the true cost of the Homelessness Service all TA rents will be at the subsidy level from April 2011.
- 5.7 This will show the Advisory Services Budget to have a large decrease in income for 2011/12 however; this additional expenditure will be matched by the relevant saving within the Housing Benefit Budget. Our aim is always to minimise the costs to the Council as a whole.
- 5.8 Procurement of Private Sector Leased (PSL) properties will be even more financially viable under the new subsidy arrangements than continued reliance on contracted short term accommodation.
- 5.9 For example, if the Council moved to replace a large contracted bed & breakfast with 10 two bedroom PSLs, the Council would see an annual financial benefit of at least £143,000. This would be made up of the additional subsidy of £39,000 from 10 two bedroom PSLs (based on existing two beds at a weekly lease cost of £120 and subsidy of £195 a week). Also, the annual cost of this establishment in additional Housing Benefit outside the subsidy cap is £104,000.
- 5.10 It is also important to note that the £123,000 a year received by the Council from the SP money which comes via Devon County Council towards the cost of providing Supported Temporary Accommodation (STA) has been reduced by 25% for 2011/12. Currently, support is given to 26 units within a 24 unit contract to ensure capacity is always being met or, at best, being reported as over-performance. We will continue to provide this additional support as it greatly limits repeat homelessness and prepares clients for moving on into more independent accommodation.
- 5.11 The STAR project (Short Term Accommodation and Resettlement) is a project set up as a result of the success of the winter pressures fund from SP across the winter of 2008/09. This additional money enhanced existing floating support contracts to enable crisis work to be carried out. This increase in support meant the Housing Needs Service could place higher support clients straight into self-contained accommodation, usually at Shauls Court or in PSLs.

- 5.12 The clients housed are referred from the Street Homeless Outreach Team (SHOT) and the 33 successful tenancies to date (January 2011) have helped towards meeting the rough-sleeping targets. The scheme also provides a use for hard-to-let one person accommodation and minimises void costs. Full Housing Benefit subsidy can therefore be claimed for this.
- 5.13 The Council owned property at Weirfield House will remain as TA pending an upturn in the property market. Our ultimate aim is to sell this property as it does need major investment. The communal areas have recently been improved.
- 5.14 Shauls Court is on lease until June 2014. The property overall is very useful to the Council as it provides secure easy to monitor accommodation. However, outstanding repairs work needs to be completed by the owners before renegotiation is considered.
- 5.15 The Council also currently has 10 permanent Council properties used as TA. The aim of this is to convert these into permanent tenancies once the temporary tenant is considered ready.

Action 6 – To ensure TA stock is financially viable

- To charge all TA rents at subsidy level or below
- To take on at least 10 further two bedroom PSLs
- Maximise use of PSLs by replacing contracted B&B with equivalent numbers of two bedroom PSLs
- To move towards all STA being self contained
- To report to SP on all units within STA to highlight Exeter's performance and commitment to continue providing STA to maximise our income from the SP contract.

6. CONCLUSIONS

- 6.1 By continuing to achieve targets for TA and implementing the actions outlined in this report the Council ensures that it is seen as effective by government, fewer households experience upheaval in TA and the Council save costs across overall budgets when the Housing Benefit Service and Housing Service budgets are considered together.
- 6.2 However, by meeting the target and reducing the numbers in TA and therefore needing to hand-back forms of TA, the Council is reducing revenue made from TA and incurring additional cost by increased voids and in preparing properties for hand-back.
- 6.3 It is vital therefore that the Council closely monitors whether a continued reduction of TA is appropriate and the financial implications of any adjustments we make.
- 6.4 Following the recent increase in demand for the service, we also need to keep under review whether the Council needs to invest further in preventative measures to reduce the financial impact of providing TA to meet the need of applicants facing crisis homelessness and how the Council refocuses procurement of new TA to maximise value for money

10. RECOMMENDED

Members note the report and support the actions proposed.

ACTING HEAD OF HOUSING SERVICES

S:PA/LP/ Committee/611SCC6 v4
Date 12.5.11

COMMUNITY & ENVIRONMENT DIRECTORATE

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

GLOSSARY OF TERMS

Devon Home Choice – The system for allocating permanent social housing in Devon. Void properties are advertised weekly and are allocated to those in greatest need who have been waiting longest and who have expressed an interest in a specific property.

ExtraLet - EXtraLet properties are designed to give households threatened with homelessness better access to the private rented sector. The Council takes on properties in the private sector, brings them up to the Decent Homes Standard and manages them in exchange for a management fee of 10%. Owners are involved with the management of the property throughout the term of the licence (usually 1-3 years), including signing off repairs over an agreed amount. An EXtraLet tenant signs an Assured Short hold Tenancy with the property owner and not the Council; they become the owner's tenant.

Homeless Acceptance – Where no prevention work is possible and the Council is required to accommodate the household permanently or until such time as the households loses their accommodation through their own actions.

Homeless Prevention – Where the work of the Housing Options Team or an agency funded by the council results in a household's homelessness being prevented for at least 6 months.

Local Housing Allowance (LHA) – The figure set for each property size in the City giving the upper limit of Housing Benefit payable on that size of property.

Private Sector Leasing (PSL) – Self contained flats or houses taken on by the Council from private landlords for a period of 3 to 5 years and used as temporary accommodation. The Council becomes the tenant and the property is sublet to households who have been accepted as homeless or are waiting for their homelessness decision. Properties are managed exclusively by the Council with no management fee and owners have no contact with the tenant.

Supporting People (SP) – Funding programme designed to provide housing related support to vulnerable people. This is provided by central government to upper tier authorities, in our case Devon County Council, but this year there is no ring-fence placed on this funding and it is entirely up to the County Council to decide how to spend it.

Temporary Accommodation (TA) – Accommodation provided to homeless households either pending a decision on the Council's duties to them or pending a move into permanent housing.

Supported Temporary Accommodation (STA) – Accommodation provided through the Supporting People contract to homeless households either pending a decision on the Council's duties to them or pending a move into permanent housing. STA provides housing-related support such as helping with benefit claims and housing options.

Floating Support - housing related support provided to a vulnerable person regardless of where they are living. The vulnerable person does not need to move into supported housing in order to receive this as the support worker will visit them at an agreed frequency and time. This support will take the form of helping with claiming benefits, paying rent and utilities and linking the client into health and other support services.

EXETER CITY COUNCIL

SCRUTINY COMMITTEE - COMMUNITY 7 JUNE 2011

RAMM'S TEMPORARY EXHIBITION PROGRAMME 2011-2012

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the importance of exhibition programming and for the upcoming programme for 2011 - 2012 to be noted.

2. BACKGROUND

- 2.1 Before its closure for redevelopment at the end of 2007, RAMM was attracting approximately 250,000 visitors a year. Visitor Studies indicated that the exhibitions and events programme were key to delivering these high numbers. The recognition of this track record was important to the HLF's decision to invest in RAMM's redevelopment and their setting of a new performance measure for the project which unusually focussed on duration of visitor stay (i.e. the quality of the experience) rather than a large increase in already high visitor numbers.
- 2.2 Programming of exhibitions will be critical to the visitor experience and delivery of this performance measure.
- 2.3 In shaping its audience development strategy which seeks to maintain existing users as well as securing first time visitors RAMM uses a planning tool called Acorn Segmentation widely used in the commercial world. Acorn Segmentation studies undertaken before RAMM's closure indicated that the socio-economic profile of museum visitors almost exactly matched that of the base population (as derived from census data). This finding is unusual for museums and is a result of the planned audience development undertaken by the museum. Acorn Segmentation allows the team to identify potential areas of audience growth and to shape and balance the exhibitions and events programme accordingly. This provides a guiding rationale which helps make the museum more accessible to more people ensuring RAMM serves all parts of the community and not just existing cultural consumers.
- 2.4 Active museums like RAMM provide important civic space, where a mix of people, of all backgrounds, ages and needs can come together to share a common experience. This is quite rare and very valuable in a time where communities are increasingly fragmented and often struggle to find a collective sense of identity for which museums can provide a focus. RAMM's new facilities have been designed to offer increased flexibility enabling the museum to provide a venue and backdrop for a wide range of events ranging from community occasions to conferences and meetings
- 2.5 The national context for museum and galleries is also changing with the abolition of the Museums, Libraries and Archives Council providers of the Renaissance Programme which has for the last nine years provided significant revenue investment for RAMM. MLA's responsibilities will be taken up by the Arts Council of England and this is likely to lead to closer integration of the museum sector with other areas of culture in particular contemporary arts practice. Broadening museums role in this way creates new opportunities which may well link to sources of future external funding. RAMM needs to ensure that its programming; audience development plans and partnerships reflect this new operating background.

3. RAMM'S VISITORS

- 3.1 RAMM attracts a wide range of audiences that interact with the museum in many different ways. They have different reasons for visiting and different interests and needs, and each is looking for a rewarding experience every time they visit.
- 3.2 To keep visitor satisfaction levels high for the quarter of a million visitors that RAMM attracts each year, it needs to offer a wide range of experiences both throughout the museum and throughout the year.
- 3.3 RAMM's temporary exhibition programme is a major contribution to this mixture of experiences. The busy schedule of exhibitions and displays, together with the range of topics, interpretation, partners and related events, enables RAMM to keep attracting its regular visitors while also involving new ones.
- 3.4 RAMM's temporary exhibition programme aims to:
- provide a mixture of accessible, high quality exhibitions and displays throughout the year. These exhibitions need to balance RAMM's role as a museum and art gallery; its responsibilities to its own collections as well as and showcasing the best of contemporary practice; its role in national, regional and local settings.
 - balance the provision for different types of visitors across the year's programme;
 - provide a firm foundation for a diverse programme of participation and learning opportunities both inside and outside the museum for example: talks, tours and debates; family activities; special projects, activities and events with partners and community groups; on line and digital interaction;
 - raise the profile of RAMM, the City Council and Exeter by attracting to the South West significant loans and exhibitions from prestigious national partners for example, the British Museum, Royal Collection, National Portrait Gallery;
 - stimulate new and repeat visits to RAMM and to the city contributing to Exeter's offer to day visitors;
 - contribute significantly to Exeter's offer as a tourist destination.
 - create longer term strategic partnerships which enhance the reputation of RAMM, the City Council and Exeter by developing new and innovative exhibitions that attract external funding and national acclaim;
 - maximize the use of resources by programming a range of touring; self generated; one-off collaborative shows which support RAMM's audience development strategy. Where possible secure external funding to assist delivery.

4. PROGRAMME

Balancing the Programme

- 4.1 Viewed across several years the balance within the programme will vary depending on the availability of opportunities, resources and staffing capacity. In this first year the programme was very consciously aimed at exploiting nationally the high publicity

profile which the opening will generate, as well as fulfilling our promises to bring exhibitions from the national museums to Exeter: hence our collaborations with the Victoria and Albert Museum, the British Museum and the Royal Collection. The programme doesn't neglect however to offer a regional showcase and to build on RAMM's work in the community over the last four years – notably the exhibition of life in Exeter in the 50s and 60s. Some recently acquired objects also find an important place in the exhibitions derived from our own collection. In particular however we have focused very clearly on working with young people in Exeter to create several exhibitions – notably Life Through the Lens and the yet to be titled Children's Art Show – which will offer more than just the opportunity to exhibit work, but give them a chance to work with each other, with artists and with museum staff to develop their ideas and their skills before displaying them.

- 4.2 A detailed description of planned exhibitions 2011-12 follow in section B with the first year's schedule breakdown across categories shaped as follows. Although these categories illustrate the origin of the subject matter it is worth emphasising that every show is meant for "local consumption" and every show will bring with it a range of activities and events for the people of Exeter, complementary to the exhibition itself – and these will be particularly focused on children and families

<u>Local Focus</u>	<u>Regional Focus</u>	<u>National Focus</u>
How We Were. Digital exhibition featuring Exeter life in the 1950's/60's	Road to Rome: Artist and Travellers on the Grand Tour (exhibition based around key works from RAMM's Collection)	Into The Light: French and British paintings from Impressionism to the 1920's (RAMM originated exhibition)
A Symphony of Curves. Geoffrey Preston – A tradition in plaster. (Exeter based architectural sculptor)	Ravillious Revisited: Focussing on the North Devon Biosphere Reserve	Roger Fenton and Julia Margaret Cameron: Early British Photographs from the Royal Collection
Life Through the Lens: Edwardian endeavour to modern media. Exeter young people capture their daily lives	Home. Local artist Gary Fabian Miller highlights his personal views and experiences living on Dartmoor	International Garden Photographer of the Year
Children's Art Show (title tbc) Display of work by local children. This will be created from interactive work with children as part of the activities programmes of the other big exhibitions, leading on to the exhibition.		Selling Dreams: 100 years of Fashion Photography (V&A)
		Warriors of the Plains. 200 years of N. American honour and ritual (BM)

Contemporary Practice

- 4.3 In addition to heritage topics, RAMM's programme also includes the work of living artists, or craftspeople (in 11/12 Gary Fabian Miller and Geoffrey Preston). Moving forward and at the same time maintaining the balance with heritage topics the programme will include a number of designated slots for showing the work of practicing artists. Each year there will be an open invitation and fixed date for artists and artist groups to send in their proposals which will be considered by RAMM's programming group supported by an external panel of advisors. The advisory group (rotating membership) will assist RAMM in three ways 1) through specialist experience, 2) helping to promote wider awareness within the arts community of the opportunity to collaborate with the museum and 3) by increasing the transparency of the selection process. RAMM will remain responsible for ensuring that accepted proposals match the museum's audience development strategy.
- 4.4 Children and young people will continue to be an important part of RAMM's Audience Development Strategy (based on Acorn Segmentation data) and this is reflected in their leading involvement in Life Through The Lens. We will continue to ensure that they participate through a varied range of opportunities including engagement with key exhibitions and collections along with chances to showcase the results of their creative work.
- 4.5 Plans include activities and family areas in the Road to Rome and Into the Light exhibitions and a series of family and children's activities complement the programme in all holidays throughout the year. Permanent provision includes 'beebags on wheels' and activity boxes packed with things to do. Children's artworks will be shown in the café and digital media is allowing RAMM to expand its relationships with all audiences, particularly the young.

About new RAMM

- 4.5 RAMM and its programme aims to be open, collaborative and inclusive with different voices, personal interpretations and new perspectives. RAMM will be using its collections and its exhibitions to explore meaning, connections and concepts from local ideas to global issues.
- 4.6 RAMM aims to be a thought-provoking and challenging museum informed by its rich history but also excited by the culture around it in Exeter today. RAMM aims to be open to people, ideas and conversations – a home to a million thoughts.
- 4.7 The exhibition programme and its associated activities is a vital part of this vision providing rich and varied subjects to engage people of all ages and from all walks of life.

5. EXHIBITIONS 2011 TO 2012

Into the Light:

French and British paintings from Impressionism to the 1920s

15 December 2011 to 10 March 2012

Galleries 3 & 4

Celebrating the re-opening of RAMM and showcasing its state of the art temporary exhibition galleries Into the Light brings together paintings by some of the most famous and instantly recognisable names in art history: Monet, Renoir, Stanhope Forbes, Pissarro. Made possible by generous loans from national and regional institutions the majority of these will be seen for the first time in Exeter in a show

specially curated for RAMM by Professor Sam Smiles, Emeritus Professor of Art History at the University of Plymouth and Tate Research Fellow 2009-11. After its launch the exhibition will move to Compton Verney in Warwickshire with whom we are sharing costs. This stunning show focuses on British and French impressionism and chiming with the distinctive character of the South West takes as its theme Coast and Countryside exploring the topic through a collection of beautiful and important paintings that make a very special occasion.

How We Were

15 December – end May 2012

Devon & Exeter Galleries

Providing a local focus our opening Digital Exhibition will show an evocative and looping film collage featuring stock footage and home video from the 1950's and 1960's showing the way people's lives have changed in the last 50 years. The exhibition will feature news stories from the 1960's' such as Exeter's football match with Manchester United, as well as city centre shops and shopping.

This pilot exhibition is intended to inspire further thematic based digital exhibitions based on content offered by visitors. This project model will also be developed with community groups to create digital exhibitions that have wider dissemination and have much longer shelf life than conventional shows.

Roger Fenton & Julia Margaret Cameron:

Early British Photographs from the Royal Collection

15 December 2011 to end March 2012

Gallery 1

Following the success of the last Royal Collection exhibition at RAMM (Leonardo Drawings in 2006), RAMM has been chosen again to be one of a handful of venues for the latest Royal Collection show. Roger Fenton (1819-69) and Julia Margaret Cameron (1815-79) are two of Britain's most accomplished photographers of the 19th century. Their photographs were collected by Queen Victoria and Prince Albert, who lent their enthusiastic support to the new medium of photography and its pioneering practitioners.

Road to Rome:

Artists and Travellers on the Grand Tour

14 December 2011 to end May 2012

Gallery 2

An exhibition exploring the history of the 18th-century grand tour from a personal, regional and national perspective.

The catalyst for the exhibition was RAMM's recent acquisition of a painting of long-serving Exeter MP John Rolle Walters by Pompeo Batoni. The portrait was painted in Rome on 1753 while John Rolle Walters was on the Grand Tour.

In this exhibition works from RAMM's collection will be shown alongside loans of important paintings from the Royal Collection, the Tate, the National Gallery and National Museum Cardiff. Artists include Canaletto, Thomas Patch, Frances Towne, Richard Wilson, John Wootton, Joseph Wright and Pompeo Batoni.

Fascinating documents relating the Grand Tour, such as the letters of Joseph Spence and maps and guidebooks from the British Library and regional archives, will be included in the exhibition.

- RAMM acquired a portrait of John Rolle Walter by Pompeo Batoni in 2008 with support from the Heritage Lottery Fund; The Art Fund; Museums, Libraries and Archives/V&A Purchase Grant Fund and RAMM's Friends. A portion of the HLF funding also provides support for this exhibition and its associated learning programme.

Home (title tbc)

End March 2012 to end June 2012

Gallery 3

This is an exhibition of new work by internationally renowned artist Garry Fabian Miller, one of the most progressive figures in fine art photography, who has lived on Dartmoor for 23 years.

Garry Fabian Miller has made 'camera-less' photographs since the mid 1980s and in this show he highlights his personal views and experiences of living on Dartmoor.

His work can be seen in London, Berlin and New York. He is currently exhibiting at the V&A in 'Shadow Catchers' and in 2012/13 will be at Turner Contemporary and Tate Britain.

- An application for funding for this exhibition has been made to Grants for the Arts, Arts Council England.

Ravilious Revisited (title tbc)

End March 2012 to mid May 2012

Gallery 4

RAMM is the first venue for this touring exhibition presenting images not previously known to the public from the James Ravilious Photographic Archive (1972–89).

The ecosystem he documented in North Devon is recognised by UNESCO as a Biosphere Reserve. It is the only one of its kind in England and one of fewer than 600 such places on the planet, on a par with Mount Kenya, Ayers Rock, and the Niagara Escarpment.

This reserve is a globally-critical area for conservation, learning, and research and its work focuses on sustainable ecosystem development. Inevitably, this provokes debate. Through this exhibition and its associated activities RAMM and Beaford Arts aim to open up the debate and explore global issues by re-examining the photographic archive in this context.

- RAMM is working with Beaford Arts and the University of Plymouth Department of Photography.

International Garden Photographer of the Year

May 2012 to August 2012

Gallery 2

This exhibition displays the winners from the world's premier garden and plant photographic competition organised in association with the Royal Botanic Gardens at Kew. The fantastic and sometimes surprising images capture the beauty and detail of all kinds of garden plants, environments and wildlife.

**Selling Dreams:
100 Years of Fashion Photography
June 2012 to August 2012
Gallery 3**

With sixty stunning images by twenty international fashion photographers this exhibition explores the range of approaches to fashion photography from 1911 to today. Photographers include Edward Steichen, Irving Penn, David Bailey, Corinne Day and Tim Walker.

This is the first touring exhibition from the collection at the V&A to draw together such a broad range of important historical and contemporary fashion images and it includes many rarely exhibited and recently acquired works.

**A Symphony of Curves:
Geoffrey Preston – a tradition in plaster (title tbc)
August 2012 to December 2012
Gallery 2**

This exhibition tells the story of the art of hand-modelled decorative architectural plasterwork (stucco) in Britain, through one of its leading modern practitioners: Exeter-based architectural sculptor, Geoffrey Preston.

The art of stucco has a long and interesting history and Devon has a wealth of examples. It was used in the 16th century for decorating the houses of wealthy merchants and came to full prominence in the second half of the 17th century. The art gradually died out in the 19th and 20th centuries, but has been revived in the 21st century by a handful of practitioners, the most prominent being Geoffrey Preston.

This exhibition also includes stunning examples of historical work by John Abbott from RAMM's collection.

**Warriors of the Plains:
200 years of Native North American honour and ritual
Beginning September 2012 to January 2013
Gallery 3**

This is a rare opportunity to explore the fascinating world of Native North American warfare and ritual. The exhibition explores the world of the Plains Indians through exceptional examples of feather head dresses, shields, moccasins, painted hides, scalps, pipes, tomahawks, and traditional and contemporary dress from the collections at the British Museum and RAMM. A selection of photographs shows the objects being used in their society. The legacy of the warrior societies is also examined, revealing how crucial they are in the maintenance of tribal identity among Plains Indians today.

- RAMM is part of the British Museum's national partnership programme and this exhibition is financially supported by the British Museum.

**Life through the Lens:
Edwardian endeavour to modern media
September 2012 to December 2012
Gallery 4**

A selection of current images by young people living in Exeter contrasts the early use of photography with its ubiquitous use today and aims to stimulate debate.

The exhibition includes fascinating prints from early 20th century glass negatives in RAMM's collection, captivating photographs of people in their daily life and

surroundings and evocative home cine movies showing the high days and holidays celebrated by local families.

With the mass availability of portable photographic equipment just about every aspect of life is now being photographed and made instantly accessible on social media websites such as flickr, YouTube and Facebook. This development has prompted many questions - does this proliferation and ease of access suggest modern imagery is valued less than those that survive from the past? How permanent are the records from a hundred years ago compared to modern images? Should we as a society be actively collecting and curating contemporary imagery? This exhibition and its associated activities and events aim to explore these topics.

6. CONCLUSION

- 6.1 This is an exhibition programme which has been assembled with the intention of appealing to a wide selection of RAMM's visitors, while at the same time showing off the fantastic new facilities which the museum has at its disposal. It has one eye very much on the regional and national audiences to ensure that RAMM's image is fully stamped on the national consciousness during the public relations opportunity of a stunningly refurbished museum returning to public use. The commitment of the Heritage Lottery Fund and other national funders corresponds to their view of RAMM's importance to the city as a cultural capital to the sub region: this ambitious and far reaching programme reflects this aspiration and the investment the City and others have made. Major programming areas are yet to be explored of course, but scheduling the first two years has been intensely difficult while the precise date of opening has been constantly shifting and has remained so uncertain for so long. Despite these difficulties this is an exciting and wide-ranging programme which will undoubtedly appeal to huge audiences and put Exeter on the map for some time to come.

7. RECOMMENDED

- 1) That the report be noted.

HEAD OF LEISURE & MUSEUMS

S:PA/LP/ Committee/611SCC14 V2
Date 13.5.11

COMMUNITY & ENVIRONMENT DIRECTORATE

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

EXETER CITY COUNCIL

SCRUTINY COMMITTEE - COMMUNITY 7 JUNE 2011

SCRUTINY COMMITTEE - RESOURCES 22 JUNE 2011

AIM PROPERTY MAINTENANCE OUTTURN REPORT 2010/11

1 PURPOSE OF THE REPORT

- 1.1 This is the fourth quarterly/outturn report, covering the period from January to March 2010 (but including updated figures at 21 April 2011). The outturn report details the financial position of the £7.6m programme of reactive and planned property maintenance and refurbishment at the end of financial year 2010/11 but before final closure of accounts. So it is possible that some changes to the financial position reported here may yet take place. This report covers just revenue funded housing and non-housing schemes as approved by Council for the financial year 2010/11. In some cases this programme further includes budgets for schemes rolled forward from 2009/10. Where necessary the report provides specific details on significant programme variations.

2 BACKGROUND

- 2.1 The Council approved the following:

	£	
Housing budgets		
(a) Housing Reactive Repairs	4,869,700	
(b) Housing Servicing Contracts	691,300	
(c) Housing Maintenance Works	<u>430,000</u>	£ 5,991,000
Non-housing budgets		
(d) Service Recharges	274,080	
(e) Lease Requirements	53,840	
(f) AIM Priority Programme	292,130	
(g) AIM Reactive Repairs - General	526,380	
(h) AIM Service Contracts	401,140	
(i) AIM Operational Essentials	<u>79,630</u>	£ 1,627,200
Total	<u>£ 7,618,200</u>	

- 2.2 The level of spending against the specifically monitored budgets in 2010/11 above indicates that despite overspend in several areas, overall underspend of some £1.7m (-22%) has been accrued, mainly from in the housing programme.

A copy of the full financial monitoring report is available in the Members' Room, on the Council's website or available on request.

HOUSING

- 2.4 **Housing Reactive Repairs generally – combined budget £4,869,700**

This budget is split into nine separate parts in order to better raise and monitor orders and control work and costs. As all these separate provisions are essentially for works of a reactive nature it is difficult to predict the extent or pattern of likely expenditure in the year.

However, spending at this time indicates some overspend has arisen against the budget provision for gas equipment replacements, such overspend is more than compensated by underspend elsewhere within this combined budget.

In particular it was budgeted that a revenue contribution of £1.765m would need to be made towards financing the HRA Capital Programme. However, it is now forecast that a revenue contribution of only £1.050m will be required thereby showing underspend of £715k.

This underspend effectively arises from a significant reduction in spending in the HRA Capital Programme in 2010/11. Such reduction is mostly attributable to delays to the kitchen replacement and central heating programmes as a result of the incumbent main contractor being placed into administration. This has subsequently led to delays in both programmes due to the need to instigate a retendering process for the continuation of the work in 2011.

With reduced spending also predicted in General Maintenance and particularly Empty Property repairs, the consequent prediction at this time is that an overall underspend of some £1.25m will occur for this combined budget at year end.

2.5 Door entry Systems (maintenance) – budget £49,900

This budget is set annually for maintenance of these communal property entry systems. This budget also covers for repairs required thereto, which are difficult to predict both in terms of incidence and cost. This year the amount of repairs have meant the budget has proved insufficient for the work required. Overspend of some £6,000 has therefore occurred.

2.6 Legionella Testing – budget £10,400

This budget is set so that regular risk assessment and testing of communal water systems can be carried out in order to ensure that the health and safety of residents is protected in terms of legionella. The costs incurred this year, through having to update and carry out work to water systems to meet the requirements of the relevant approved code of practice, have exceeded its provision by some £34,000. Nevertheless this overspend has been more than compensated by savings elsewhere.

2.7 Internal Decorations Communal Areas – budget £80,000

This budget is annually set for the planned cyclical decoration to common areas of communal properties or sheltered accommodation. This budget has been overspent this year by some £30,000. This has occurred because, with costs rising, it was decided to take the opportunity now to decorate the common areas of Rennes House, which is a relatively expensive task and which could only become more expensive if delayed. Nevertheless savings, for example, in other internal decoration budgets more than compensates for overspend here.

NON-HOUSING

2.8 Fees – budget £274,080

This budget is annually set to cover the internal fees attributed to project feasibility, design, contract production, procurement, site supervision, settlement of disputes and final accounts, all in relation to the administration and completion of AIM programme. The internal fees are those calculated for the contribution made by Contracts and Direct Services and Engineering and Construction technical staff. The budget set is an estimate largely based on previous year's fee levels, so does not therefore account for the potential

variances and complexities involved in project work, which often demands more technical staff time be allocated in the forthcoming year. This year the fees associated with the work carried out exceed the budget by some £15,000 due to the relatively unforeseen and varied complexities that have arisen with projects this year.

2.9 Mill Leat Wall Repairs – budget £13,000

This budget was set to repair a council owned stone wall separating private gardens from the leat. The wall had completely collapsed in one position and was crumbling in other adjacent parts which established a potential hazard for the private occupiers. The work has been completed at a value of some £27,000. However, for transparency, whilst the full cost of the repairs have been set against the budget, bringing a £14,000 overspend, provision was arranged such as to negate this overspend by using £9,000 from contingency funds and through receiving a contribution of £5,000 from the Countryside Services operational budget. Savings in reactive budgets more than compensate for overspend here.

2.10 Non-Housing Reactive Repairs – combined budget £526,380

This budget is split into twelve separate parts in order to better raise and monitor orders and control work and costs. As all these separate provisions are for works of a reactive nature it is difficult to predict the extent or pattern of likely expenditure in the year. However, whilst spending indicates some overspend has arisen against the budget provision for Environmental Health and Canal Special Works repairs, such overspend is more than compensated by underspend elsewhere within this combined budget.

2.11 Canal Operational Essential Works – budget £24,440

This budget is set each year to finance works of a minor repair and replacement nature in order to maintain the canal services operated for customers. This year the cost of repairs and other financial demands on the service have meant overspend of some £19,000 has occurred. Nevertheless, as above, this overspend can be absorbed by anticipated savings elsewhere in non-housing budgets

3 RECOMMENDED

- (1) that the outturn financial position of the £7.6m programme of reactive and planned property maintenance and refurbishment for 2010/11, as detailed above be noted.

HEAD OF CONTRACTS AND DIRECT SERVICES
HEAD OF HOUSING
HEAD OF ESTATES
HEAD OF TREASURY SERVICES

S:PA/LP/ Committee/611SCC1
21.4.11

COMMUNITY & ENVIRONMENT DIRECTORATE

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

None

This page is intentionally left blank

EXETER CITY COUNCIL

SCRUTINY COMMITTEE - COMMUNITY 7 JUNE 2011

PROPOSED PROGRAMME OF WORKS TO COUNCIL PROPERTY 2011/12

1 PURPOSE OF THE REPORT

- 1.1 To detail the proposed programme of property asset related work for the budgets set in 2011/12 principally in respect of reactive, servicing or maintenance work and planned property work. This report covers revenue and capital funded housing and non-housing work as approved by Council for the financial year 2011/12. This work is monitored by the Asset Improvement and Maintenance (AIM) Group. Whilst most asset related work as listed is construction based, some work relates to feasibility or consultancy provisions for future proposals for property or other assets.

2 BACKGROUND

- 2.1 Details of the actual asset related work involved and the planned programmes for delivery, where available, are given in the Appendix to this report (as of 12 April 2011), a copy being made available in the Members' Room, on the Council's website or available on request.

Categories of work

- 2.2 There are basically three categories of work listed in the Appendix;
- Servicing work – this being work where an annual servicing regime to appliances such as gas or electrical services is carried out. The work is continuous and completed in stages throughout the year. The programme in such cases is therefore generally described as `ongoing` in the Appendix.
 - Reactive repairs – as these works cannot be predicted and arise through breakdowns or faults being reported, the programme is similarly marked as above.
 - Project work – these are generally specific one-off type works which have to be designed to suit the circumstance when a specific procurement and delivery process has to be developed. These projects have a designated start and end and ideally, if appropriate, should be completed within the financial year.
- 2.3 Whilst some of the generally less complex asset related work may be arranged and supervised by client officers themselves, where specific technical designs and construction contracts are needed the work is organised and supervised on behalf of the client by either Contracts and Direct Services or Engineering and Construction.

Risks to the Programme

- 2.4 With all work plans there are always several risks that, when they arise, can delay or hinder project progress. These risks often mean that plans have to be changed during the year. In 2011/12 project work has been limited to ensure similarly limited

financial resources are used only for the most urgent, essential or highest priority works. Risks can be summarized as follows:

- ❑ Not having sufficient financial resources to complete the project
- ❑ Not having sufficient staff resources
- ❑ Inability to attract contractors or consultants due to lower work value
- ❑ Inordinate lead in times for materials, plant or appliances
- ❑ Delays caused by uncontrollable events
- ❑ Unforeseen problems arising when work is opened up
- ❑ Inability of the facility to enable construction work to be carried out safely when the facility needs also to maintain its service to the public (eg Corn Exchange and Livestock Market)

The Scheduled Work

- 2.5 A brief explanation of some of the larger value asset related projects listed in the Appendix is given below, these explanations do not account for those large provisions made for annual reactive, servicing and maintenance work.

HOUSING

Adaptations – budget £450,000

- 2.6 This budget is set to enable relatively small adaptation work to be carried out to homes to enable less able persons to remain in their home. The work encompasses the installation of walk-in showers, installing ramps and handrails. The adaptations are planned such that they are shared out through the year to a group of smaller contractors who are well experienced in this field of work

Kitchen Replacements – budget £1,300,000, Bathroom Replacements – budget £350,000

- 2.7 The programme of kitchen and bathroom replacements continues as part of the drive to deliver decent homes standard. A supply chain agreement with a chosen kitchen and bathroom fitting suppliers was previously set in place so that kitchen cupboards and worktops and bathroom fittings could be purchased direct by the Council at agreed competitive prices before handing to the chosen installing contractor. This arrangement, splitting supply and install operations, continues to bring valuable savings in overall cost per property. Following the unfortunate referral into administration of the previously appointed installation contractor for kitchens and bathrooms in 2010, a new 5 year term contract (annually reviewed) will be set in place in 2011, following successful completion of a routine tendering process.

Replacement Concrete Canopies – budget £250,000

- 2.8 This budget has been set to replace existing concrete canopies to dwellings, principally in the Burnthouse Lane area of the City. These canopies have concrete that has either “spalled”, meaning basically broken down or, due to its weight over many years, has caused undue structural distress to the wall of dwellings. It is therefore intended that canopies be either removed completely or replaced with a lighter Glass Reinforced Polyester (GRP) alternative.

Electrical Rewires Programme – budget £590,000

- 2.9 This continuation of planned rewiring of properties again similarly forms part of the overall programme to deliver decent and safe homes in 2011/12. The work will involve initial electrical testing and then for essential rewiring work as highlighted from tests.

Central Heating Installation – budget £1,500,000

- 2.10 The annual programme of gas central heating installations continues in 2011/12 to deliver a decent standard of heating in all tenanted dwellings. In 2010 a 5 year term gas installation contract (annually reviewed) was set in place with Mears. In 2011/12 the programme of work will centre on the replacement of old, less energy efficient gas boilers in poor condition, prone to breakdown and so costly to repair. The programme will also encompass the continued replacement of electrical heating installations with gas and the replacement of existing gas central heating installations that fail due to age and use.

NON-HOUSING

Basin/quayside development – budget £691,030

- 2.11 This budget is set to continue to fund essential infrastructure improvements and land acquisition to deliver the regeneration of the Quayside.

RAM Museum Redevelopment project – budget £552,800

- 2.12 This budget in 2011/12 will complete the major project part funded by Heritage Lottery to provide significant modernisation and reconfiguration of the Museum whilst also improving public access.

3 RECOMMENDED

- (1) that the programme of asset related project work for 2011/12, as detailed above and in the Appendix be noted.

HEAD OF CONTRACTS AND DIRECT SERVICES

S:LP/Committee/611SCC2
18.5.11

COMMUNITY & ENVIRONMENT DIRECTORATE

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

None

This page is intentionally left blank

EXETER CITY COUNCIL

SCRUTINY COMMITTEE - COMMUNITY 7 JUNE 2011

ANNUAL RESULTS OF PERFORMANCE MONITORING 2010/11

1. PURPOSE OF REPORT

- 1.1. To report the annual figures for those statutory and local performance indicators that relate to services provided by the Community and Environment Directorate.

2. BACKGROUND

- 2.1. Performance indicators are used to measure progress against the Council's strategic objectives. Regular monitoring ensures that the Council is on track to meet its targets. It also assures that remedial action is taken where necessary.
- 2.2. Local indicators are chosen by the Council to reflect specific priorities and to provide useful management information. In October 2007, the Government published a set of 198 National Indicators (NIs) which replaced all previous indicators. The Coalition Government has subsequently removed the requirement to report on many of the NIs.
- 2.3. Members play an important role in reviewing performance and ensuring data quality. The attached tables contain figures for those national and local indicators that relate to services supplied by the Community and Environment Directorate. Commentary is provided on the results to give context and to explain any variance from targets and any remedial action taken.

3. PERFORMANCE OVERVIEW

- 3.1 Of the 26 indicators collected by the Community and Environment Directorate, 5 are below their annual target, 6 are on target and 14 are above target. 13 of these indicators have performed worse in the year 2010/11 compared with the year 2009/10. No indicators have remained the same and 12 indicators have improved. We are awaiting confirmation of the final figure and performance for 1 indicator.

4. RECOMMENDATION

- 4.1. That Members consider the report and identify where further information is needed on any indicators.

DIRECTOR COMMUNITY & ENVIRONMENT

S:PA/LP/Cttee/611SCC11
18.5.11

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

Background papers used in compiling the report:

None

This page is intentionally left blank

Year End Performance Monitoring Summary 2010/11

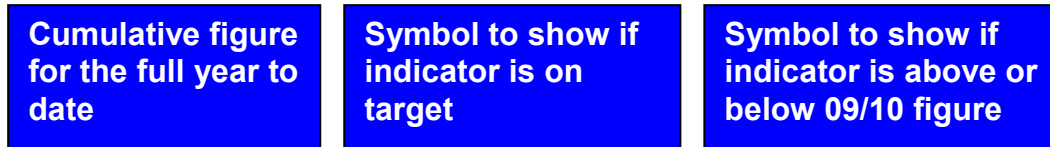
How to interpret the performance report

Performance is shown as a comparison to the year end result for the previous year. A tolerance is set for each indicator, allowing performance to be shown as on target even if it is below target by 10 percent.

The following symbols are used.









- ★ The green star shows that performance is better than target
- The blue circle shows that performance is on target, within the tolerance
- ▲ The red triangle warns that performance is below target by more than 10%
- ✓ The green tick indicates that the year end figure for 2010/11 is better than the year end figure for 2009/10
- ➡ The black arrow indicates that there is no change between the year end figure for 2009/10 and 2010/11
- ✗ The red cross indicates that the year end figure for 2010/11 is worse than the year end figure for 2009/10
- ?

Performance Summary	★	●	▲	✓	➡	✗	?
Community & Environment	14	6	5	12	0	13	1









Performance Indicator	Service	Year End 09/10	Year End 10/11	Target 10/11	Performance 10/11	Compared 09/10	Target 11/12	Target 12/13	Commentary
NI 155 Number of affordable homes delivered (gross)	Housing	158	147	120	★	✗	100	80	

This page is intentionally left blank

SO1: Ensure there are enough well-designed, well-maintained and affordable homes in the city									
Performance Indicator	Service	Year End 09/10	Year End 10/11	Target 10/11	Performance 10/11	Compared to 09/10	Target 11/12	Target 12/13	Commentary
NI155 Number of affordable homes delivered (gross)	Housing	158	147	120			100	80	
NI156 Number of households living in temporary accommodation	Housing	130	150	125			120	115	We have seen a rise in the number of households approaching us as homeless in the past 12 months (1710 up from 1504 in 09/10), the highest number of homeless households than in any previous year. We have, therefore, been required to accommodate higher numbers of households and the rate in the increase of approaches has been higher than rate of accommodations. Prevention work is taking place and is being successful. In December we did have 176 households in temporary accommodation but have seen a recent reduction because of an increase in households moving on through the Devon Home Choice scheme.
NI158 % non-decent council homes	Housing	7.12	10.25	5			4	3	This figure rises in the last quarter of each year because the database from which the information is produced uses the date of the 1st Jan as the date that various attributes fall within a property. The figure then falls throughout the year as work is done until 31st Dec. Work is currently being carried out with contracts in order to hold more precise data.
LPI HO12 Total number of homes delivered via enabling (Addlets)	Housing	140	284	165			80	80	

SO2: Enhance and protect the environment, reducing the causes and minimising the impact of climate change										
Performance Indicator	Service	Year End 09/10	Year End 10/11	Target 10/11	Performance 10/11	Compared to 09/10	Target 11/12	Target 12/13	Commentary	
NI191 Residual household waste per household (kg)	Environmental Health	483.45	455.76	480			475	470	Q4 2010/11 entered as best estimate - awaiting final figure from DCC.	
NI192 Percentage of household waste sent for reuse, recycling and composting	Environmental Health	36.2	37	37			37	37.5	Recycling rates as a percentage weight of overall waste is becoming increasingly difficult to improve upon, as manufacturers are quite properly reducing the amount and weight of packaging on products, resulting in similar volumes of recyclates being collected, but lower tonnages overall. This figure does not include waste recycling at the DCC Recycling Centre, Marsh Barton.	
NI196 Year on year change in number of fly-tipping incidents dealt with & enforcement action taken	Environmental Health	Grade 1 - Very Effective	?	Grade 2 - Effective			Grade 1 - Very Effective	Grade 1 - Very Effective	This result is not released by the Environment Agency until July 2011.	
BV063 Average SAP (Energy Efficiency) rating of the council's dwellings	Housing	68.52	69.44	68.41			68.86	69.31		
SO3: Further improve the character of the city and facilities for culture and leisure										
Performance Indicator	Service	Year End 09/10	Year End 10/11	Target 10/11	Performance 10/11	Compared to 09/10	Target 11/12	Target 12/13	Commentary	
BV170a Visits to / usage of museums per 1000 population	Leisure & Museums	2355.95	3609.21	1679.71			5303.03	2230.64	Future targets have been calculated using the mid year 2009 population estimate of 118,800. These will be adjusted as up to date population figures become available.	
BV170b No. visits to museums in person per 1000 population	Leisure & Museums	156.51	44.73	34.09			471.38	2053.87	The reduction in target reflects the closure of the Library Gallery in March 2010 and increasing concentration on preparing displays for opening.	
BV170c No. pupils visiting museums & galleries in organised school groups	Leisure & Museums	19713	17850	9100			2500	10000	Target reduced to reflect reduction in resources from Renaissance.	
LPI CD1 % of allotment plots tenanted	Contracts & Direct Services	100	98	98			98	98		

SO4: Maximise the potential of all our citizens by tackling social disadvantage and deprivation									
Performance Indicator	Service	Year End 09/10	Year End 10/11	Target 10/11	Performance 10/11	Compared to 09/10	Target 11/12	Target 12/13	Commentary
BV202 No. people sleeping rough on a single night	Housing	5	20	6			5	5	The number is considerably higher than the last 18 months, where a substantial reduction had been achieved. The increase is mainly due to new roughsleepers coming to the city from other parts of the country following a loss of employment and accommodation. A 45% cut to the Supporting People programme by DCC from April 1st will severely impact on this PI as our ability to re-house roughsleepers into supported accommodation and move residents on from supported housing using floating support will be reduced. An increase in our own Homelessness Grant from DCLG is being used to increase the capacity of the SHOT and improve links to mental health and drug and alcohol services.
LPI HO1 Homelessness acceptances as a % of new approaches to housing advice	Housing	6.89	6.37	12.5			10	10	
LPI HO13 Total number of homelessness preventions	Housing	474	495	500			500	500	

SO7 Use resources effectively & provide high-performing, value for money services focused on customer needs										
Performance Indicator	Service	Year End 09/10	Year End 10/11	Target 10/11	Performance 10/11	Compared to 09/10	Target 11/12	Target 12/13	Commentary	
BV212.05 Average time to re-let local authority housing (in days)	Housing	25.85	20.46	21	★	✓	20.5	20		
LPI HO5 % of responsive repairs completed within target timescales	Housing	98.02	94.11	98	●	✗	98	98		
LPI HO7 Arrears as a % of debit	Housing	1.25	0.9	1.1	★	✓	1.1	1.1		
LPI HO8 Service charge arrears as a % of the total service charge income	Housing	12.72	10.82	11	★	✓	10.5	10		
LPI HO14 % Homechoice refusals as a proportion of all offers	Housing	0.79	27.55	5	▲	✗	5	5	We have been over reporting this PI. Figures should refer to refusals after having seen the property on offer and not before. This error will be addressed in the next return.	
LPI HO15 Number of outstanding gas services at period end	Housing	0	1	0	▲	✗	0	0	There was 1 outstanding gas service for 4600 properties. This is currently with our legal team who are taking the appropriate action in order to allow our contractors to gain access.	

SO8: Promote an extremely positive image & reputation & ensure high levels of customer satisfaction										
Performance Indicator	Service	Year End 09/10	Year End 10/11	Target 10/11	Performance 10/11	Compared to 09/10	Target 11/12	Target 12/13	Commentary	
LPI CD9 % of tenants satisfied with the way housing programme works were organised by the council	Contracts & Direct Services	97	95	99			99	99		
LPI CD10 % of tenants provided with the min of 2 wks notice of planned maintenance on their homes	Contracts & Direct Services	98	95	100			100	100		
LPI AB1 Customer satisfaction with direct contact with Bereavement Services	Contracts & Direct Services	96.15	94.64	85			85	86		
LPI AB2 Customer satisfaction with written information from Bereavement Services	Contracts & Direct Services	93.75	96.46	85			85	86		
LPI AB3 Customer satisfaction with Bereavement Services Website	Contracts & Direct Services	82.69	88.64	85			85	86		

This page is intentionally left blank

EXETER CITY COUNCIL
SCRUTINY COMMITTEE - COMMUNITY
1 JUNE 2011

HOUSING REVENUE ACCOUNT
FINAL ACCOUNTS 2010-2011

1. PURPOSE OF REPORT

- 1.1 To advise Members of any major differences, by management unit, between the original budget and the outturn for the financial year to 31 March 2011 in respect of the Housing Revenue Account.

2. FINAL ACCOUNTS TO 31 MARCH 2011

- 2.1 The total budget variances for 2010/11 have resulted in a net surplus of £1,238,154 which will be transferred to the HRA working balance. This represents an increase of £1,880,724 compared to the budgeted reduction to the working balance of £642,570. The working balance therefore stands at £3,919,883 at 31 March 2011.

- 2.2 The main variations by management unit are detailed below:

	£
2010-2011 ESTIMATED TRANSFER FROM THE WORKING BALANCE	642,570
85A1 MANAGEMENT	50,658

An upgrade to the system for recording and managing results of the housing condition stock surveys has resulted in additional expenditure of £14,000.

A strain payment to the pension fund of £20,747 has been made following the early retirement of an officer.

A legal requirement to produce Energy Performance Certificates for each council dwelling has resulted in additional staff costs for a building surveyor to assess the energy performance of dwellings as they become void or mutually exchanged.

Additional costs have also been incurred in respect of consulting tenants in accordance with regulations put in place by the Tenant Services Authority. Surveys were issued to tenants in July to seek their views on the service currently provided and how it can be improved and tailored to what local tenants really want.

There is an overspend in the cost of the quarterly Insight newsletter to tenants and leaseholders, which is partly due to the additional inserts in the Summer edition for the annual tenants conference and the new maintenance contract.

However, overspends within this management unit have been partially offset by savings in employee costs due to vacant

posts during the year and the retirement of a Neighbourhood Warden in June.

Savings have also been made in the cost of procuring new mobile working devices, as implementation of new mobile working systems in Housing Services are not planned to take place until next financial year.

85A3 SUNDRY LANDS MAINTENANCE (12,632)

There is a saving in respect of the Assisted Gardens contract and a small increase in the service charge fees for estate maintenance.

85A4 REPAIRS FUND CONTRIBUTION (1,754,549)

It was budgeted that a revenue contribution of £1.765m would need to be made towards financing the HRA Capital Programme. However, a revenue contribution of £500k is required; a reduction of £1,265k.

This reduction is due to a significant under spend in the HRA Capital Programme, which is mostly attributable to delays in the kitchen replacement programme and the central heating programme as a result of the main contractor being placed into administration. In accordance with EU regulations it has been necessary to retender these contracts. For further details of the HRA Capital Programme, please refer to the Capital Monitoring Statement which will be reported to Scrutiny Committee – Resources on 2011.

In addition to the reduced revenue contribution to capital, there has been an under spend of £506k in the cost of repairs and maintenance to council dwellings. This comprises; £97k saving in general maintenance following the start of a new 5 year repairs and maintenance contract on 1 October 2010, £295k saving in the cost of repairs to void properties due to a lower level of voids, £102k saving in the cost of repainting flats due to less extensive works and fewer rendered elevations, £7k in respect of service contracts and a £5k saving in tenants compensation.

85A8 RENTS (89,915)

Additional rent from council dwellings of £101,807 has been collected during the financial year. This is due to a combination of factors, which include; a lower than budgeted level of void properties, a reduction in the number of council properties sold under the Right-to-Buy scheme and loft conversions and property extensions have resulted in certain dwellings attracting a higher rental income.

Upon a change of tenancy, the opportunity is also taken to amend the rent charged to Government guideline rent levels, which will help to accelerate rent convergence with other public sector housing bodies. This has also contributed to the higher

than budgeted level of rent collected.

This has been offset by a reduction in garage rent collected of £11,892.

85B1 GOVERNMENT SUBSIDY (168,608)

There is a £65,227 reduction in the subsidy payable for 2010/11 as a result of a change to the interest rate, from 2% to 1.5%, that local authorities are expected to receive on capital receipts, which has the affect of reducing the negative subsidy required to be paid in accordance with the HRA subsidy determination.

A refund of £103,381 has also been received from the Department for Communities and Local Government in respect of subsidy paid during 2009/10.

85B2 INTEREST 94,322

There is a reduction in investment interest income achieved by the Council's external investment fund managers due to lower interest rates.

85B4 MOVEMENT IN WORKING BALANCE

The approved annual budget provided for a contribution from the working balance to support the capital programme. As a result of the net reduction in costs explained in the above Management Units, there is now a contribution to the working balance of £1.277m.

2010-2011 INCREASE TO THE WORKING BALANCE 1,238,154

3. RECOMMENDATION

3.1 That the Scrutiny Committee – Community note the content of this report

DIRECTOR CORPORATE SERVICES DIRECTOR COMMUNITY AND ENVIRONMENT

Originator: Brenda Steer

S:PALP/Cttee/611SCC13 v2
19.5.11

CORPORATE SERVICES DIRECTORATE
COMMUNITY AND ENVIRONMENT DIRECTORATE

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

Background papers used in compiling this report:

None

This page is intentionally left blank

SCRUTINY COMMITTEE - HOUSING REVENUE ACCOUNT

FINAL ACCOUNTS 2010-2011

Code	Approved Annual Budget	2010-11 Outturn	Variance To Budget
	£	£	£
85A1 Management	2,825,610	2,876,268	50,658
85A3 Sundry Lands Maintenance	260,480	247,848	(12,632)
85A4 Repairs Fund Contribution	9,066,360	7,311,811	(1,754,549)
85A6 Capital Charges	0	0	0
85A8 Rents	(15,359,490)	(15,449,405)	(89,915)
85B1 Government Subsidy	4,006,520	3,837,912	(168,608)
85B2 Interest	(156,910)	(62,588)	94,322
85B4 Variance in Working Balance	(642,570)	1,238,154	1,880,724
Net Expenditure	0	0	0
Working Balance	<u>1 April 10</u>	<u>31 March 2011</u>	
	£ 2,681,729		£ 3,919,883

This page is intentionally left blank

EXETER CITY COUNCIL

SCRUTINY COMMITTEE - COMMUNITY 7 JUNE 2011

COMMUNITY SERVICES OUTTURN TO 31 MARCH 2011

1. PURPOSE OF THE REPORT

1.1 This report advises Members of any major differences by management unit to the revised budget.

2. INFORMATION

2.1 During the course of the financial year ending 31 March 2011, regular reports were made to this committee on the estimated revenue outturn.

2.2 This is the first year that the accounts have been prepared using International Financial Reporting Standards. Many of the changes required have been covered by statutory overrides from Central Government meaning that they do not impact on the Council Tax. As this is the case they have not been reported in the management accounts presented.

2.3 As in previous years a technical adjustment to the accounts for pension contributions (formerly FRS17) has been made in line with required accounting practice. Part of the change to International Financial Reporting Standards has meant that FRS17 is now known as International Accounting Standard 19 (IAS19). This amendment is reversed out to show the actual cost to the Council and therefore has no impact on the Council Tax. The treatment is similar to the way we account for capital charges, and the impact is shown for each management unit in the appendix to this report. The final figure for IAS19 is £625,215 higher than budgeted resulting in an overspend against the budget (see appendix A).

2.4 During December, the Government issued a capitalisation directive to the Council allowing us to capitalise (and not charge to revenue immediately) £380,000 of redundancy costs. The Council has used the £380,000 capitalisation directive but unfortunately this was not enough to cover all redundancy costs that the Council incurred. This means that some redundancy costs have been charged to services whilst others have not.

2.5 The total underspend variance of £349,502 comprises cost savings of £974,717 less the year-end IAS 19 adjustment of £625,215, thereby decreasing the overall net expenditure for this committee to £13,431,658 before accounting for movements to reserves and Revenue Contributions to Capital Outlay (RCCOs).

2.6 The main variations by management unit are detailed below:

2010-11 REVISED ESTIMATE AND PLANNED RESERVE MOVEMENTS	13,781,160
81A1 ENVIRONMENTAL PROTECTION	(41,660)

Depreciation charges in this service were £11,254 more than the estimate.

A saving arose in respect of staff vacancies and reduced expenditure on training. Further savings arose on various items including equipment, removal of abandoned cars, and administrative costs. Additional income was received from Unison in respect of an officer's union duties.

Support service recharges for legal services, administration, accommodation, copy centre and IT were less than estimated.

These savings are partially offset by vehicle maintenance costs in excess of the estimates and a shortfall in net pest control income.

Expenditure was incurred in respect of consultants' fees, which will be funded from the Climate Change Levy earmarked reserve.

81A2 CLEANSING SERVICES

70,526

Depreciation charges in this service were £141,095 more than the estimate.

Additional income has arisen in the trading account in respect of the Trade Refuse and Garden Waste collection services. Recycling credits received for both garden waste and leaf sweepings exceeded the estimates. Income from bulky collections was however below the estimate.

Additional costs arose in the trading account in respect of maintaining and running the fleet.

Waste disposal costs for the Trade Refuse collection service exceeded the estimate. The cost of replacing bins in the Domestic Refuse collection service was less than the estimate.

Asset Improvement and Maintenance (AIM) recharges were less than estimated. This was largely due to legionella prevention works being funded by Devon County Council.

Following Devon County Council's closure of the waste transfer station in April 2010, the Council has been tipping domestic waste at alternative facilities as required by DCC. Partial reimbursement has been received from DCC but agreement has not been reached on the remainder of Exeter City Council's claim. No provision has been made at this stage for any further reimbursement to be received.

81A3 LICENSING, FOOD, HEALTH & SAFETY

(80,591)

Depreciation charges in this service were £3,428 less than the estimate.

Savings have arisen in respect of the retirement of an officer and training costs below the estimate. In addition, refunds relating to previous years in respect of a software licence were received.

Support service recharges to this unit were less than the estimate.

Income from licences was more than the estimate, particularly in respect of street trading and vehicle licences. A grant was received towards the cost of implementing the Food Hygiene Rating System.

Net income from courses run by the unit exceeded the estimates. Legal costs were recovered in respect of successful court cases.

The vehicle licensing service incurred the cost of a survey of unmet demand for which there was no budget; this will be covered by a transfer from the earmarked reserve.

81A4 PUBLIC SAFETY (58,016)

Depreciation charges in this service were £10,086 more than the estimate.

A saving has arisen in respect of staffing costs due to vacancies in both the Community Patroller and Control Room services.

Further savings arose in respect of equipment purchase and maintenance and AIMS recharges. These savings were offset by a reduction in the Supporting People income.

81A5 COUNTRYSIDE 36,282

Depreciation charges in this service were £1,984 less than the estimate.

The AIM recharge to this service was more than the estimate due to repairs of the Mill Leat wall.

81A6 PARKS & OPEN SPACES (4,782)

Depreciation charges in this service were £12,176 less than the estimate.

The AIM recharge was less than the estimate.

Income from events and sports was less than the estimates. Increased expenditure arose on water, water consultancy and arboricultural work.

A post was covered by an agency officer for much of the year, leading to additional costs.

An officer resigned during the year, and was not replaced, partially offsetting the above.

Action Point: The arboricultural contract will be re-tendered in 2011/12.

81A7 MUSEUMS SERVICE (194,079)

Depreciation charges in this service were £2,700 less than the estimate.

The estimates allowed for a revenue contribution to capital outlay (RCCO); this was not required but additional costs for legal and other fees partially offset this saving.

Staff vacancies resulted in savings.

Income from this service exceeded the estimates.

The delays in the Royal Albert Memorial Museum construction project resulted in no NNDR (National Non Domestic Rates) being paid.

These savings are partially offset by the cost of extending the insurance cover during the Royal Albert Memorial Museum project beyond the original completion date.

81A8 CONTRACTED SPORTS FACILITIES (434,853)

Depreciation charges in this service were £27,664 less than the estimate.

A new contract for management of the sports facilities came into force on 1st October 2010 which has resulted in material savings, which will continue into future years. There will however be a negative impact on Resources Committee as a result of additional discounts arising on NNDR.

The cost of utilities was less than the estimate for this service.

Costs were incurred for the procurement of the new contract and for the transfer of the service to the new contractor. Works were undertaken at Exeter Arena in accordance with the agreement with the new contractor. These costs will all be met by a transfer from the earmarked reserve.

Income was received from the Isca Centre in respect of annual maintenance and carpet replacement; this will be transferred to an earmarked reserve to be utilised as required.

81A9 OTHER SPORTS FACILITIES 4,812

Following the transfer of the Riverside and Isca Centres into the main contract, only the Clifton Hill Golf Range remains in this unit. For 2011/12 onwards, this will be merged into Management Unit 81A8 which will be renamed "Sports Facilities"

There are savings on Support Service Recharges.

The AIM recharge exceeded the estimate.

81B1 LEISURE SERVICES MANAGEMENT (18,460)

A saving arose in respect of staffing costs due to the retirement of an officer who was not replaced.

Support service recharges from Legal and Financial services exceeded the estimates

The net saving in the unit has been refunded to other services within the directorate.

81B2 BEREAVEMENT SERVICES (80,381)

Depreciation charges in this service were £6,684 less than the estimate.

There were savings on staffing costs, memorial damage, skips and administrative costs. The AIM recharge was less than the estimate.

A credit arose in respect of a capital item purchased; a corresponding RCCO will be made.

There was an increase in the Support Service Recharges.

81B3	PROPERTIES	(33,603)
	<p>Depreciation charges in this service were £9,116 less than the estimate.</p> <p>Rental income exceeded the estimate. The AIM recharge was less than the estimate. There were savings on Support Service Recharges from Legal Services and directorate administration services.</p>	
81B5	SPORTS & PLAY DEVELOPMENT	32,048
	<p>The unit incurred redundancy costs which could not be capitalised.</p> <p>A VAT adjustment relating to income in an earlier year resulted in a reduction in income.</p>	
81B6	RECYCLING	(378,617)
	<p>Depreciation charges in this service were £7,852 more than the estimate.</p> <p>The trading accounts produced a large surplus mainly due to increased income from the sale of materials. In addition, the expenditure on freight was less than estimated, following active steps having been taken to reduce these costs.</p> <p>A grant was received which funded some employee costs.</p> <p>AIM recharges were more than the estimates.</p> <p>Action Point: The 2011/12 estimates reflect the increased level of income from sale of materials and reduced freight costs.</p>	
81B9	ADMINISTRATION SERVICE	(15,351)
	<p>The staffing structure of the unit was thoroughly reviewed during the year, to reflect the changing demands on the service. Consequently, substantial savings were made on staffing. Additionally, there were savings on various administrative costs, equipment and support service recharges.</p> <p>External funding was received for support given by the unit on a project.</p> <p>The savings have been reflected in the recharges made to other services.</p> <p>Action Point: The 2011/12 estimates reflect the saving from the deleted posts.</p>	
81C1	HOME IMPROVEMENT GRANTS	5,368
	<p>There has been a shortfall in respect of Improvement Grant administration income. Due to a reduction in the number of applicants requiring technical assistance, an increase in the number of grants relating to housing association properties which do not attract an administration fee and fewer referrals from occupational therapy.</p>	

Capital charges in this service were £3,329 less than the estimate.

The budget in respect of serviced temporary accommodation has been exceeded due to a higher than inflationary increase in rental payments, backdated rental payments and the cost of procuring additional rooms to meet increasing demand.

The number of landlords registered on the Council's ExtraLet Scheme has reduced, which has resulted in a reduction in income.

Increased demand for temporary accommodation has resulted in a higher than budgeted level of expenditure in respect of tenants' removal and storage expenses.

Additional costs have been incurred in respect of resolving damp and condensation issues at Shaul's Court along with the additional cost of upgrading the fire door windows for CCTV purposes.

An overspend in the cost of cleaning Shaul's Court and Glencoe has also occurred due to the need for a thorough clinical clean on vacation of units. These additional costs have been offset by savings on utilities, security patrol and maintenance of heating equipment at the Shaul's site.

Additional costs have been incurred in respect of the Occupational Health Therapist assessing Health and Wellbeing forms for people seeking to move via the Choice Based Lettings system on medical grounds.

The Council operates a scheme to assist landlords bring their properties up to a lettable standard, so that they can be used for temporary accommodation, and the cost of these works are recovered from the owner via reduced rent payments.

It was estimated that a transfer of approximately £30k would be needed between the revenue costs of Advisory Services and capital debtors, in order to recognise the repayment of the capitalised repair costs. The actual transfer at year end was £49k.

Action Points

- To incorporate the monitoring of the ExtraLet Scheme into the remit of the Temporary Accommodation Working Group, so that number of properties on the scheme can be monitored and the impact on budgets identified earlier
- Maintain a marketing campaign to help attract landlords on to the ExtraLet Scheme
- To implement a system of recharging tenants for removal and storage expenses, by agreeing a means tested affordable repayment plan

There is a reduction in the amount of revenue expenditure which can be capitalised in relation to the Council Own Build sites at Sivell Place and

Merlin Crescent, in accordance with capital accounting regulations.

The flexible retirement of the Strategic Housing Manager has resulted in a saving in this management unit.

There have been costs which exceed the budgets but which will be met from the Empty Homes and Housing Market Assessment reserves.

81C4 PRIVATE SECTOR HOUSING (34,092)

Additional legal and consultants' fees have arisen in respect of legal action taken.

81C5 SUNDRY LANDS MAINTENANCE 0

No variance arose in this unit.

81C6 CONTRACTS AND BUILDING SERVICES (48,592)

Support service recharges were less than the estimates.

The staffing structure of the unit was thoroughly reviewed during the year, to reflect the changing demands on the service. Consequently, substantial savings were made on staffing costs and associated travel costs.

The savings have been passed on in full to the unit's clients, and there is therefore no direct impact on this committee.

Action Point

- The unit will continue to review its staffing requirements in the light of the Council's changing needs.

BUILDING AND ELECTRICAL SERVICE TEAM (BEST) 63,379

Following a review of this service, it was agreed that it should be discontinued and it ceased to trade on 30 September 2010. The final trading accounts show a substantial loss, which will be met from General Reserves.

81C7 DIRECTOR (10,583)

Staffing costs and support service recharges were less than the estimates. The cost of this service is fully recharged to other services, and the savings have therefore resulted in reductions in the recharges made.

IAS 19 VARIANCE 625,215
PLANNED RESERVE MOVEMENT VARIANCE (21,001)

2010-11 FINAL OUTTURN 13,431,658

UNPLANNED TRANSFERS TO / (FROM) RESERVES (128,671)

REVENUE CONTRIBUTIONS TO CAPITAL OUTLAY 12,250

TOTAL NET EXPENDITURE 13,315,237

3. RECOMMENDED

1) That Scrutiny Committee – Community note this report.

DIRECTOR OF COMMUNITY AND ENVIRONMENT
HEAD OF TREASURY SERVICES
Originator: Sally Reeve

S:PA/LP/Cttee/611SCC12
26.5.11

COMMUNITY & ENVIRONMENT DIRECTORATE

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

SCRUTINY COMMITTEE - COMMUNITY AND ENVIRONMENT
OUTTURN

APPENDIX A

APRIL 2010 TO MARCH 2011

REVISED BUDGET	CODE		OUTTURN	OVERALL VARIANCE	IAS 19 VARIANCE	ADJUSTED VARIANCE
£			£	£	£	£
563,240	81A1	ENVIRONMENTAL PROTECTION	546,208	(17,032)	24,628	(41,660)
3,769,500	81A2	CLEANSING SERVICES	4,001,103	231,603	161,077	70,526
398,630	81A3	LICENSING, FOOD, HEALTH & SAFETY	345,037	(53,593)	26,998	(80,591)
875,410	81A4	PUBLIC SAFETY	852,709	(22,701)	35,315	(58,016)
186,620	81A5	COUNTRYSIDE	228,611	41,991	5,709	36,282
2,038,890	81A6	GROUND MAINTENANCE	2,090,617	51,727	56,509	(4,782)
1,800,540	81A7	MUSEUMS SERVICE	1,680,065	(120,475)	73,604	(194,079)
1,344,280	81A8	CONTRACTED SPORTS FACILITIES	909,427	(434,853)	0	(434,853)
89,020	81A9	NON-CONTRACTED SPORTS FACILITIES	93,832	4,812	0	4,812
0	81B1	LEISURE SERVICES MANAGEMENT	0	0	18,460	(18,460)
342,190	81B2	BEREAVEMENT SERVICES	277,932	(64,258)	16,123	(80,381)
44,590	81B3	PROPERTIES	10,987	(33,603)	0	(33,603)
258,950	81B5	SPORTS & PLAY DEVELOPMENT	300,600	41,650	9,602	32,048
591,660	81B6	RECYCLING	245,040	(346,620)	31,997	(378,617)
0	81B9	ADMINISTRATION SERVICE	0	0	15,351	(15,351)
39,040	81C1	HOME IMPROVEMENT GRANTS	44,609	5,569	201	5,368
717,830	81C2	ADVISORY SERVICES	973,752	255,922	42,268	213,654
295,580	81C3	STRATEGIC HOUSING	366,064	70,484	16,609	53,875
333,670	81C4	PRIVATE SECTOR HOUSING	312,681	(20,989)	13,103	(34,092)
77,570	81C5	SUNDRY LANDS MAINTENANCE	77,570	0	0	0
0	81C6	CONTRACT & BUILDING SERVICES	0	0	48,592	(48,592)
0	81C7	BEST	81,865	81,865	18,486	63,379
0	81C7	DIRECTOR COMMUNITY & ENVIRONMENT	0	0	10,583	(10,583)
13,950		PLANNED RESERVE MOVEMENTS	(7,051)	(21,001)		(21,001)
13,781,160		NET EXPENDITURE	13,431,658	(349,502)	625,215	(974,717)

UNPLANNED TRANSFERS TO / (FROM) EARMARKED RESERVES

- 81A8	(116,955)
- 81A1	(10,000)
- 81C2	44,345
- 81C3	(46,061)

REVENUE CONTRIBUTIONS TO CAPITAL OUTLAY (RCCO)

- 81B2	12,250
--------	--------

ANALYSIS OF VARIANCES

AIM	(105,932)
CAPITAL	25,628
SUPPORT SERVICES	(104,621)
REDUNDANCY / COMPENSATION	74,434
OTHER VARIANCES	(864,226)
	(974,717)

OUTTURN AFTER ADJUSTING FOR MOVEMENTS ON RESERVES ETC	13,315,237
REVISED BUDGETS AFTER PLANNED RESERVE MOVEMENTS	13,781,160
ADJUSTED OUTTURN VARIANCE	(465,923)

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank