

REPORT TO SCRUTINY COMMITTEE COMMUNITY AND EXECUTIVE

Date of Meeting: Scrutiny 16 June 2015 / Executive 23 June 2015 / Council 28 July 2015

Title: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Council Function

1. What is the report about?

To seek approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2015/16. The Statutory Service Plan sets out the Council's regulatory function in respect of food safety, health and safety, licensing, Environmental Permitting and other statutory functions over the forthcoming year. A draft copy of this is available in the Members' Room, on the Council's website or available on request.

2. Recommendations:

- 1) That Scrutiny Committee - Community supports the Statutory Service Plan 2015/16
- 2) That Scrutiny Committee – Community supports the work being conducted by the service in co-ordinating Anti Social Behaviour
- 3) That Executive supports the Statutory Service Plan 2015/16
- 4). That Council approves:
 - a) the Statutory Service Plan 2015/16; and
 - b) the Assistant Director Environment being authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

3. Reasons for the recommendation:

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

3.3 The Statutory Service Plan incorporates:

- the service aims and objectives;
- information about all enforcement and related services provided by the Council's Environmental Health and Licensing Service
- the Action Plan for 2015/16 detailing the actions and improvements for the service in an effective, risk based, proportionate & consistent way over the forthcoming year; and
- the financial arrangement for providing the service.

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

The Action Plan will be carried out within the existing resource allocation as detailed in both the Statutory Service Plan and Revenues and Estimates for 2015/16.

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

5. Section 151 Officer comments:

5.1 There are no additional financial implications arising from this report.

6. What are the legal aspects?

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

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

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

function means that we are legally obliged to implement a reduction in the licence fees set.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer

8. Report details

Key Achievements in 2014/15:

8.1 Programmed Interventions

The service inspected 623 food businesses during the year. This is the highest number of food inspections achieved by the service, with 30% of inspection being conducted on new food establishments. Out of those targeted for inspection 430 out of 436 were inspected. There were a low number of self-inspection questionnaires (SIQ's) used during the year as an alternative regulation strategy for low risk businesses and to ensure resources are directed towards high-risk activities. SIQ's are a cost-effective means of maintaining contact with this group as well as providing the business with a useful means of keeping up to date with changes in law and other related issues affecting their business.

8.2 Service Requests

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

A review into the way that the service handles nuisance complaints was conducted during 2014/15 and resulted in the transfer of the co-ordination of anti social behaviour response into the service.

8.3 Sampling

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

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

8.4 Control and Investigation of Outbreaks and Food Related Infectious Diseases

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

Whilst the service has adequate resources to deal with its workload on a day to day basis, should the service be presented with a large scale outbreak requiring an extensive investigation, then the service may not be able to complete key elements of the service plan.

8.5 Education and Awareness

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

8.6 Primary Authority

The service is actively embracing the Government's primary authority programme. The service currently has 3 active Primary Authority Partnerships and a further partnership awaiting approval from the Better Regulation Delivery Office.

8.7 Anti Social Behaviour

Co-ordination of Anti Social Behaviour was transferred from Policy, Communications and Community Engagement in February 2015. The role has been embedded into an existing team within Environmental Health and Licensing that primarily dealt with a range of neighbourhood nuisance issues.

However, the response to anti social behaviour cannot be viewed as the responsibility of one team situated within Environmental Health and Licensing. It is the responsibility of a number of other council service areas and other agencies to play both a reactive and proactive role in tackling problems.

The purpose of the team is to enable the Council to work alongside partners and tackle anti-social behaviour in a coherent and unified way across the city. To achieve this purpose the team has:

- focused on co-ordinating a response to incidents of Anti-Social Behaviour working with other partners such as housing associations, the police, charity sector and other departments within the authority;
- reviewed the way that the multi agency Anti Social Behaviour Action Team (ASBAT) functions. (ASBAT) meetings have been re-invigorated under a shared chair arrangement which has led to a re-engagement of a number of key partners;
- worked with the Police to identify a dedicated Police Officer from the Neighbourhood Police Team to lead on ASB issues and work closely with the team;
- contributed to work being conducted across Devon and Cornwall to have a common approach to new tools that were given to Local Authorities and Police under the new legislation;
- worked on a new Community Safety Partnership Strategy and Action Plan to be presented at the CSP Executive in July;

- commenced work to establish a Public Spaces Protection Order (PSPO) for the city centre. This will replace existing DPPO and have prohibitions around groups causing ASB, street urination and defecation, alcohol, drugs, New Psychoactive Substances (also known as Legal Highs) and encampments;
- issued first-stage Community Protection Notice warning letters, escalating one case resulting in the issue of a Community Protection Notice. The legislation has so far been used for issues relating to noise, untidy land, nuisance bird-feeding, and fly posting.

8.8 Proposed key activities for 2015/16

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

- draft and consult on a revision of the Statement of Licensing Policy for the Gambling Act 2005
- review the Street Trading Policy
- review the Sex Establishments Licensing Policy
- continue to support the Best Bar None Scheme for licensed premises to improve the evening and night time economy
- implement the Low Emissions Strategy
- Implement the multi agency operational plan for dealing with issues such as ticket touts, ambush marketing, illegal street trading and illegal advertisement for the Rugby World Cup 2015.
- actively seek new Primary Authority Partnerships across the range of legislative areas within Environmental Health and Licensing.
- conduct programmed inspections or interventions of 550 food premises based upon risk;
- target non-compliant business with effective use of appropriate enforcement tools;
- continue to promote, enhance and drive improvement through the National Food Hygiene Rating System, in particular through the promotion of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events;
- collaborating with forums/focus groups to target specific businesses to enable an exchange of information and gain an understanding of the obstacles some businesses face in complying with regulation;
- use innovative approaches beyond traditional education and awareness methods to engage with businesses that are new and non compliant.; and
- continue promoting the use of the Safer Workplace Better Business pack that has been designed by officers across Devon to make health and safety less of a burden in small and medium businesses.

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

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

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

The Service Plan specifies targets and priorities to manage risk and establishes staffing levels to achieve the necessary outcomes. The main risk of not achieving the areas outlined

in the service plan will be that of public safety, which could lead to serious injury, ill health or death.

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

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

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12. Are there any other options?

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

Assistant Director Environment

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

Background papers used in compiling this report:-

None

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