

**REPORT TO SCRUTINY COMMITTEE PLACE, EXECUTIVE AND COUNCIL**

**Date of Meeting: Scrutiny 2 June 2016 / Executive 12 July 2016 / Council 26 July 2016**

**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 2016/17 (Appendix I). 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 Plan is attached to this report, available in the Members' Room, on the Council's website or available on request.

**2. Recommendations: -**

- 1) That Place Scrutiny Committee supports the Statutory Service Plan 2016/17 and the work being conducted by the service in co-ordinating Anti-Social Behaviour and Community Safety;
- 2) Requests Executive of 12 July 2016 to support the Statutory Service Plan 2016/17 and recommend to Council the approval of the
  - a) Statutory Service Plan 2016/17; and
  - b) authorises the Assistant Director Environment 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.
- 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 2016/17 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 2016/17.

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. However, in delivering to the changed requirements there may be some training implications for existing staff, which will be accommodate within budgets.

#### **5. Section 151 Officer comments:**

5.1 There are no additional financial implications contained in 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; these arrangements should be presented in a plan as required by the Health and Safety Executive (HSE). 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 decisions, licence fee income must reflect the cost of the service and cannot be used to fund other areas of the Council's activities.

#### **7. Monitoring Officer's comments:**

Members should note that the in-house legal team have no capacity to take enforcement action following the removal of the Licensing and Prosecution Solicitor

post in the last round of budget cuts. This position may have to be re-evaluated should there be a demonstrated need to take enforcement action in the courts.

## **8. Report details**

### **Key Achievements in 2015/16:**

#### **8.1 Programmed Interventions**

The service inspected 508 food businesses during the year. Out of those targeted for inspection 98% were inspected. Self-inspection questionnaires (SIQ's) were also 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. During 2015/16, 122 anti-social behaviour cases were dealt with by the service. These are often complex, time consuming and require the coordination of a number of different agencies.

#### **8.3 Sampling**

The Council participates in national and local food-sampling initiatives to monitor the quality of food on sale in the City; these samples are 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 bacterial loading to inform cleanliness, hygiene and risk assessments.

#### **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.

The service has adequate resources to deal with its workload on a day to day basis, however when the service is presented with a large scale outbreak requiring an

extensive investigation as was the case during 2015/16, then the service struggles 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 engender compliance, such as advice visits accompanied by translators, and adopting a partnership approach to health and safety, occupational health and public health with businesses throughout the city.

The Level 2 Award for Personal Licence Holders was added to the portfolio of training courses offered by the service this year.

### **8.6 Primary Authority**

The service is actively embracing the Government's primary authority programme. The service currently has 6 active Primary Authority Partnerships.

### **8.7 Other notable achievements during 2015/16**

Other notable outcomes include the following:

- Adoption of a new Statement of Licensing Policy for the Gambling Act 2005
- Review of the Street Trading Policy to prohibit the sale of New Psychoactive Substances
- Review of the Sex Establishments Licensing Policy to prohibit the sale of New Psychoactive Substances
- Successfully supported the launch of a Best Bar None Scheme for licensed premises to improve the evening and night time economy. The scheme achieved 61 members at the end of the first year. It received highly commended in the categories of Best New Scheme and Best Overall Scheme at the National Best Bar None Awards
- Implementation of the Low Emissions Strategy
- Implemented the multi-agency operational plan for dealing with issues such as ticket touts, ambush marking, illegal street trading and illegal advertisement for the Rugby World Cup 2015.
- Continued 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;
- Used innovative approaches beyond traditional education and awareness methods to engage with businesses that are new and non-compliant, including on Community Safety topics such as modern slavery, child sexual exploitation and 'Prevent'
- Continued 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

- Developed a Community Protection Notice escalation process that has been used for issues relating to noise, untidy land, nuisance bird-feeding, and fly posting.
- The Community Safety Partnership has been revitalised and has positive engagement from a wide range of partners tackling the emerging community safety issues and threats within the city.

### **8.8 Proposed key activities for 2016/17**

In addition to the traditional intervention methods the key activities contained in Appendix II are planned for the service during the forthcoming year.

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

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

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

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

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

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

### **12. Are there any other options?**

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

## **Assistant Director Environment**

Simon Lane, Environmental Health & Licensing Manager

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

**Background papers used in compiling this report:-**

None

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## **Appendix II: Summary of key initiatives for 2016/17**

### **1. Revised Community Safety Strategy**

- Work with Devon & Cornwall Constabulary in providing extra policing resources within Exeter
- Revised Community Safety Strategy that incorporates a refreshed ASB strategy
- Complete the review of Nuisance and ASB, reporting on clear outcomes that have been achieved by the review.
- Build a stronger Anti-Social Behaviour Action Team (ASBAT)
- Revised action plan for the Alcohol Violence and Evening Night-time Economy group (AVENTE)
- Support the work of the Street Attachment Group
- Best Bar None to achieve 75 members by the end of Year 2
- Assist in supporting and developing a sustainable Help Zone
- Work with partners to reduce instances of rogue traders irresponsibly conducting building work and illegally disposing of waste such as asbestos
- Work with other partners to minimise the impact of the start of the academic year on the residents of the city.
- Strengthen and enhance the role of the Exeter Business Against Crime (EBAC) within the Community Safety Partnership framework.

### **2. Revised Climate Change Strategy**

- Develop a Climate Change Strategy that interweaves with the Council's aim to be an energy neutral council, and is cognisant of the role of the Low Carbon Task Force, Exeter City Futures, Innovation Exeter, Transition Exeter, Exeter Community Energy and other partners in reducing detrimental climate change pollutants.
- Review the Air Quality Action Plan and update on the Low Emissions Strategy

### **3. Enhanced focus on Health and Wellbeing**

- Concentrating on promoting high standards in workplaces through a multi-agency / cross service approach
- Reducing exploitation in the workplace through modern slavery or child sexual exploitation
- Continue to pursue the 'Better Business for All' programme
- Continue to maintain the level of interventions with respect to food safety, ensuring that the level of compliance within the city remains high.
- Work with other partners to develop a clear set of guidance for the prevention of norovirus in catering and hotel settings.

### **4. Re-balancing the Environment Support Team**

- Working with Waste Operations to reduce failure demand on waste operations support in order to build capacity for data analysis in order to carry out preventative interventions across the Environment Directorate.
- Work with Waste Operations to assist in the restructure and reinvigoration of Trade Waste Services
- Reducing unnecessary paper based tasks

- Focusing greater resource on public communication using new media outlets such as Twitter, Facebook and the web
- With Strata, conduct an appraisal of the IT systems for Environmental Health and Licensing.

## **5. Revising the Environmental Health and Licensing Enforcement Strategy**

- Review the current policy and ensure the new policy to incorporate ASB elements
- Renew the current Enforcement Policy

## **6. Purple Flag Status for the City Centre**

- To work with AVENTE, Best Bar None, the Exeter BID, EBAC and other partners to achieve purple flag status for the city centre.
- Continue to foster a stronger partnership approach to the Evening and Night Time Economy

## **7. Licensing**

- Adoption of an Animal Licensing Policy to bring about higher welfare standards in animal licensing
- Review the Taxi Policy, which includes compiling a comprehensive policy as well as enhanced training package and competency testing system
- Review current Private Hire vehicle licensing conditions to seek higher standards and or greater clarification on age, CCTV, vehicle markings etc.
- Re-tender the contract for the taxi marshal scheme
- Consult and ensure the Council adopts a new Statement of Gambling Policy

## **8. Revitalisation of our Public Health Training and Awareness**

- Enhanced marketing of the current of the current training portfolio
- Examine potential for cluster arrangements for training
- Register as a BII Centre to conduct Licensing Training
- Promotion of awareness sessions such as:
  - Drugs and Alcohol awareness in conjunction with RISE and EDP
  - Child Sexual Exploitation
  - Modern Slavery
  - Childminders
  - Food Hygiene Ratings
  - Fire Safety
  - Noise at work

## **9. Ensuring a strong service for 2016/17**

- Review of service capabilities - conduct an organisational change process to make small but significant changes to the service to enable it to operate effectively for the next 2 years.
- Growth and Development reviews completed
- Develop a Staff training plan
- Reviewed Service Plan (June)

- Build a strong Licensing function so that there is a greater emphasis on achieving a consistent, transparent and compliance led approach.
- Examine potential for joint-working, cross-warranting with cluster partners.
- Contribute to Devon Chief Environmental Health Officer working groups.