

REPORT TO PLACE SCRUTINY COMMITTEE, EXECUTIVE AND COUNCIL

Date of Meeting: Place Scrutiny 12 June 2017 / Executive 11 July 2017 / Council 25 July 2017

Title: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council Function

1. What is the report about?

To seek approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2017/18. 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:

That Place Scrutiny Committee and Executive supports and Council approves the Statutory Service Plan, and the Environmental Health and Licensing Manager being authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

3. Reasons for the recommendation:

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

- the Action Plan for 2017/18 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 2017/18.

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 contained within 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:

7.1 This report raises no issues to concern the Monitoring Officer.

8. Report details

Key Achievements in 2016/17:

8.1 Programmed Interventions

The service inspected 618 food businesses during the year. Out of those targeted for inspection 99.5% 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. 4,465 such requests were received by the service during 2016/17.

In addition during 2016/17, 450 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 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 Adenosine Triphosphate (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.

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

8.5 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 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 6 active Primary Authority Partnerships.

8.7 Other notable achievements during 2016/17

- Revised the Community Safety Strategy
- Revised action plan for EVANTE which has led to the city being included in the Home Office backed Local Alcohol Action Area Programme.
- Continued to support the Best Bar None Scheme which won an award for innovation
- Worked with other partners to minimise the impact of the start of the academic year on the residents of the city.
- Strengthened and enhanced the role of the Exeter Business Against Crime (EBAC)
- Reviewed the Air Quality Action Plan and updated the Low Emissions Strategy
- Continued to pursue the Better Business for All programme
- Continued to maintain the level of interventions with respect to food safety, ensuring that the level of compliance within the city remains high.
- Worked with other partners to develop a clear set of guidance for the prevention of norovirus in catering and hotel settings.
- Focused greater resource on public communication using new media outlets.
- Continued to foster a stronger partnership approach to the Evening and Night Time Economy
- Reviewed the Taxi Policy, which included compiling a comprehensive policy as well as enhanced training package and competency testing system.
- Drafted and consulted upon a Public Spaces Protection Order for the City Centre
- A focused intervention programme looking at asbestos within workplaces.
- A successful prosecution for illegal street trading
- Introduction of a new handbook for taxi drivers
- All hackney carriage vehicles are now compliant with the new livery requirements

8.8 Proposed key activities for 2017/18

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

- **Developing a strong Community Safety Partnership**
 - Revise the Community Safety Strategy for 2018
 - Re-establishment of the multi-agency helpzone
 - Support the work of the Street Attachment Group
 - Work with partners to minimise the impact of the start of the academic year on the residents of the city.
 - Continue to explore a better working relationships with other agencies such as Trading Standards, Police and Devon and Somerset Fire and Rescue Service

- Provide safe guarding training to hotels, retail and other licensed establishments.
- **Developing a sustainable city**
 - Develop a new Air Quality Action Plan (AQAP) for the city, including engagement and consultation stages.
 - Undertake a tender process to replace air quality monitoring equipment at RAMM and Alphington Street. Install and commission the equipment to the satisfaction of DEFRA's air quality network.
 - In conjunction with Public Health Devon, develop procedures which improve the way that public health is considered in the planning process. Develop public health planning guidance if deemed necessary.
- **Maintain high standards in food safety**
 - Continue to maintain high level (>97%) of broadly complaint food businesses in the city.
 - Enhanced coaching/sampling/training for non-complaint businesses, with caution/prosecution as final action for those who continually flout the law. Continued regular meetings with Legal to ensure these matters resolved in a timely fashion.
 - Continue with intelligence led food sampling programme.
- **Promoting Safer Workplaces**
 - Inspect premises regarding the duty to manage asbestos interventions
 - Work with other partners to look at warehouse safety
 - Work with Waste Operations to assist in the restructure and reinvigoration of Trade Waste Services
 - Conduct an audit of tattooists to ensure high standards are being maintained
 - Continue to conduct water quality sampling of swimming pools and other water areas
- **To draft and consult on a policy for animal licensing**
- **To enhance the safety and vibrancy of the evening and night time economy**
 - To set up a review of the Street Trading Policy.
 - Continue to foster a stronger partnership approach to the Evening and Night Time Economy
 - Successfully implement the Local Alcohol Action Areas (LAAAs) Action Plan
 - To work with the Community Safety Partnership to reduce alcohol related disorder in the evening and night time economy
- **Private Hire and Hackney Carriage Licensing**
 - Achieve 100% of drivers either attending the safeguarding training or being presented to committee regarding non-compliance of this licensing condition.
 - Conduct a mystery shopping exercise of the Hackney Carriage and Private Hire trade
 - Review Private Hire Vehicle Licensing Policy

- Re-tender the contract for the taxi marshal scheme
- **Develop a strong Exeter Business Against Crime (EBAC) Partnership**
 - Increase members that are a part of the scheme.
 - Ensure that the EBAC role has a greater presence with members who form the evening and night time economy and seek to support multi-agency partnership working e.g. special events, fresher's week and festivals.
 - To work with the Community Safety Partnership to reduce shoplifting and crimes
 - To increase the number of businesses submitting incident reports
 - To pass the National Association of Business Crime Partnerships Safer Business Accreditation
 - Development of a training programme to cover personal safety, data security, conflict resolution, evidence gathering, drug and alcohol awareness and exploitation
- **Implementation of the Public Spaces Protection Order for Exeter City Centre**

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.

Simon Lane
Environmental Health and Licensing Manager

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

Background papers used in compiling this report:-

None

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