

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in **CIVIC SUITE 0.1B, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 22 MARCH 2017** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

1. ELECTION OF CHAIRMAN

To elect a Chairman of the Committee for the remainder of the Municipal Year.

2. MINUTES (Pages 5 - 12)

To approve as a correct record the Minutes of the meeting of the Committee held on Thursday, 17th November 2016.

**C Bulman
388234**

3. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda Item.

4. PROPOSED PUBLIC SPACE PROTECTION ORDERS FOR ST NEOTS (Pages 13 - 28)

To consider a report by the Community Resilience Manager seeking approval for the implementation of two Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014 for St Neots.

**C Deeth
388233**

5. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS (Pages 29 - 38)

To consider a report outlining progress with the delivery of the Plans during the period 1st April 2016 to 28th February 2017.

**C Stopford
388280
K Lawson
388291**

6. PROVISIONAL SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2017-18 (Pages 39 - 70)

To consider and comment on the Provisional Service Plan for Food Law Enforcement 2017-18.

**C Stopford
388280**

7. PROVISIONAL SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18 (Pages 71 - 92)

To consider and comment on the Provisional Service Plan for Health

**K Lawson
388291**

C Stopford

and Safety Regulation 2017-18.

388280

Keith Lawson
388291

8. **LICENSING AND PROTECTION SUB-COMMITTEE** (Pages 93 - 94)

To receive a summary of the meetings of the Licensing and Protection Sub-Committee that have taken place since the last meeting of the Committee.

C Bulman
388234

9. **SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERS**

To consider a report by the Head of Community, summarising the actions which have taken place since the last meeting of the Licensing and Protection Committee.

C Allison
387075

10. **ANNUAL TRAINING FOR MEMBERS**

To note that the annual training for Committee Members will be held on Wednesday, 7 June 2017 at 9.30am in the Civic Suite, Pathfinder House.

(All Members are requested to make a note in their diaries).

Dated this 14 day of March 2017



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it -*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

(a) any employment or profession carried out for profit or gain;

(b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);

(c) any current contracts with the Council;

(d) any beneficial interest in land/property within the Council's area;

- (e) any licence for a month or longer to occupy land in the Council's area;
- (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or
- (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

Non-Statutory Disclosable Interests

- (4) If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.
- (5) A Member has a non-statutory disclosable interest where -
 - (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - (b) it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or
 - (c) it relates to or is likely to affect any body –
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Mrs Claire Bulman, Democratic Services, Tel: 01480 388234 / email: Claire.Bulman@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Elections & Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Countryside Centre, Hinchingsbrooke Country Park, Huntingdon PE29 3TN on Thursday, 17 November 2016.

PRESENT: Councillor R Fuller – Chairman.

Councillors Mrs B E Boddington,
Mrs S Conboy, J E Corley, S J Criswell,
J W Davies, Mrs S A Giles, D J Mead,
Mrs J Tavener, D R Underwood and
R J West.

APOLOGY An Apology for absence from the meeting was submitted on behalf of Councillor D Watt.

23. MINUTES

The Minutes of the meeting of the Licensing and Protection Committee held on 19th July 2016 were approved as a correct record and signed by the Chairman.

Arising from which and in response to Member's questions, the Head of Community reported that the formal consultation on the restructure of the Community Division was currently being undertaken and was scheduled to conclude on 1st December 2016. This was slightly later than anticipated.

Members were also advised that the Chairman and Vice-Chairman met with the Executive Councillor for Community Resilience on a bi-monthly basis to discuss issues relating to the Community Division.

24. MEMBERS INTERESTS

No declarations were received.

25. REPORT ON THE DELIVERY OF THE HEALTH AND SAFETY SERVICE PLAN

With the assistance of a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) the Committee received an update on progress made against the Council's Health and Safety Service Plan during the period 1st April to 30th September 2016. The report provided information on the health and safety service together with data about the level of activity in each of the service areas.

By way of introduction, the Commercial Team Leader explained that the programmed work is largely driven by the Health and Safety Executive (HSE), in particular the National Enforcement Code and the Help GB Work Well Strategy.

By way of an update, Members were advised that -

- ❖ 58 Premises Inspections and Interventions have now been completed, in the period to 17th November 2016;
- ❖ A bespoke Business Card aimed to signpost new businesses to the best sources of health and safety advice had recently been produced by the Council; and
- ❖ that 16 'Matters of Evident Concern' (MEC) had been recorded since 1st April 2016, the most recent being only a few days prior to the meeting and had resulted in the issue of a Health and Safety at Work Act notice.

Attention was then drawn to Appendix 1 to the report which compared the recorded activity in each of the service areas with the predicted activity in the approved Service Plan. Members were advised that the number of health and safety complaints and requests for service were already in excess of the number approved within the Plan and that if these continued to increase there could be a knock on effect on the delivery of other services.

The Committee were advised that 13 accident and dangerous occurrence investigations had commenced within the period, details of some of the more serious were highlighted within the report. It was reported that the selection of accidents for investigation was based upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

In welcoming the revised layout which was much easier to understand, Members raised a number of questions with regards to the contents of the report.

With regard to asbestos notifications, Members were advised that the Commercial Team only dealt with statutory notifications from Asbestos contractors and that issues relating to fly-tipping were dealt with by the Council's Neighbourhoods Intervention Team. In addition, the Committee were informed that businesses were classified as high risk, in accordance with the Health and Safety Executive's Local Authority Enforcement Code which also sets out the circumstances around which Local Authorities can undertake unannounced visits.

Having noted that Officers were satisfied that the Plan remained deliverable, Members questioned at what point resources would prove inadequate given that reactive activity was increasing. In response to which, the Commercial Team Leader explained that should the number of complaints and requests for service continue to increase, consideration could be given to the introduction of a selection criteria for prioritising these issues. He was confident that given that Health and Safety was a only a small proportion of the total workload, it was unlikely that this would ever become unmanageable. In addition, the Committee were reminded that the Commercial Team had been holding a vacancy for some time, which it was proposed to fill as part of the restructuring proposals for the Community Division.

The Committee were advised that Huntingdonshire is in an increasing minority of local authorities who continue to provide a robust Health and Safety Service and Members emphasised the importance of continuing to protect those who live and work with the District.

In response to a question concerning the number of "Matters of Evident Concern" and the potential for these to divert Officers from other activities, the Committee were advised that the Council's approach was consistent with their commitment to risk-based interventions and there was no adverse effect on service delivery. To ignore a Matter of Evident Concern would be in breach of an Officer's professional Code of Conduct and Code of Ethics.

Members were then invited to consider the need for further monitoring reports to be submitted to future meetings, particularly where the Service is on target to deliver the programmed work within the Service Plan. Whilst Members were in agreement at the need to continue to monitor the activities within the Plan and to be informed of service developments, it was agreed that the Chairman and Vice-Chairman should be authorised to determine whether it was necessary for monitoring reports to appear on the Agenda for discussion or whether they could be circulated to Members of the Committee for information only.

Whereupon, it was

RESOLVED

- (a) that the contents of the Monitoring Report on the Health and Safety Service Plan for the period 1st April to 30th September 2016 be noted; and
- (a) that the Chair and Vice-Chairman be authorised to establish whether it was necessary for future monitoring reports to appear on the Agenda for discussion at future meetings.

26. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT SERVICE PLAN

The Committee considered a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) outlining progress against the Council's Food Law Enforcement Plan during the period 1st April to 30th September 2016.

Members were advised that in general terms, the Service was on target to deliver the programmed work within the Service Plan. The key activities of scheduled inspections, compliance revisits, inspections of new businesses and sampling visits were all on target.

The Committee were advised that since the last meeting, Councillors Criswell and Conboy had joined members of the Commercial Team on routine visits to business premises and the Commercial Team Leader reiterated his invitation to all Members of the Committee to help them obtain a better understanding of the workload and activities undertaken by the team. Members were also reminded that they could keep up-to-date by using the Environmental Health Twitter feed.

Having noted that unplanned (reactive) work from Customer complaints and service requests were slightly ahead of predicted

numbers, Members were advised that changes to the selection criteria for the prioritisation of issues had been made a few weeks ago to manage the rising numbers.

Attention was then drawn to Appendices 1 and 2 of the main report, which set out detailed information concerning the delivery of the Food Law Enforcement Service Plan. In doing so, Members were advised that the number of new businesses continued to be an unpredictable demand on resources, with the greatest number being in St Neots during the recording period. However the Service continued to meet the Corporate Performance Indicator which required that 50% of newly registered food businesses were inspected within 28 days of registration.

Attention was also drawn to the Team's commitment to the Secret Garden Party and it was reported that the number of hours for the 2016 event had reduced from the previous year. Members noted that the Garden Party Organisers had been advised about monitoring their own standards.

In considering the information within the report, Members were pleased to note that despite the increase in reactive activity, Officers were satisfied that the Plan remained deliverable. In response to a question regarding the UK Communication for Compliance Trial, Members were advised that the Authority had received an invitation from the Better Regulation Delivery Office to participate in a pilot to test whether the way in which the Council deals with businesses is user friendly.

With reference to the introduction of the new selection criteria for the prioritisation of complaints, the Commercial Team Leader was invited to summarise the details of a recent complaint where the complainant had been dissatisfied with the priority given to the issue. In doing so, he outlined the factors which had been considered as part of the prioritisation of this issue. Members were also advised that individuals would be signposted to other relevant organisations who may be able to assist where this was appropriate.

It was suggested that it might be useful to ascertain from health colleagues as a statistic, the percentage of cases presenting at GP practices with food poisoning compared to those with cases of sickness and diarrhoea as these were often confused.

Whereupon in line with their previous decision on the monitoring report for the Health and Safety Service Plan, it was

RESOLVED

- (a) that the contents of the Monitoring Report on the Delivery of the Food Law Enforcement Service Plan for the period 1st April to 30th September 2016 be noted.; and
- (b) that the Chair and Vice-Chairman be authorised to establish whether it was necessary for future monitoring reports to appear on the Agenda for discussion at future meetings.

27. THE FOOD HYGIENE RATING SCHEME (FHRS) - INTRODUCTION OF COST RECOVERY ARRANGEMENTS FOR RE-SCORING VISITS

With the assistance of a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) the Committee received an update on the introduction of cost recovery arrangements for the provision of re-scoring inspections associated with the Food Hygiene Rating Scheme (FHRS).

Historically local authorities have not been allowed to charge for re-scoring inspections, however following the implementation of the Localism Act 2011 which allowed local authorities to introduce charges subject to certain criteria, the Food Standards Agency (FSA) have formed the view that it is appropriate to charge for re-scoring visits on request.

Members were advised that in July 2016, the District Council had been invited to participate in a trial to test the introduction of cost recovery arrangements over a 12 week period to 7th November 2016. All participating authorities would be able to continue to recover costs after the trial and were expected to report back to the FSA with their findings.

The Committee noted that the introduction of cost recovery represented a new income stream for the Authority and since the introduction of the fee, five business had applied for re-scoring inspections. This was consistent with the number of requests received in 2015-16.

Having noted that the Council was required to report back to the FSA on the results of the trial, Members were invited to comment on the introduction of the fee. In doing so, Members unanimously expressed their support for the introduction of the arrangements and expressed their wish for these to continue.

Having noted that it was expected that the mandatory display of FHRS window stickers to would be introduced in 2017, Members commented on the impact that this might have on the number of future applications for rescoring received by the District Council and the opportunity that this might create to generate additional income.

Whereupon, it was

RESOLVED

- (a) that the Committee's comments be incorporated into the final report to the Food Standards Agency on the results of the trial; and
- (b) that further reports should be submitted to a future meeting.

28. DRIVER TESTING FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS

With the assistance of a report by the Head of Community (a copy of

which is appended in the Minute Book) the Committee considered a proposal to establish a replacement scheme for the driver testing of prospective Private Hire and Hackney Carriage drivers.

Members were reminded that in October 2011, the Licensing and Protection Panel approved the Driving Standards Agency's (DSA) driver's assessment as the appropriate qualification for all new applicants for Private Hire and Hackney Carriage driver's badges and for cases where there are serious concerns as to the fitness of an existing driver. However the DSA had recently announced that they were going to withdraw the assessment with effect from 31st December 2016, which resulted in the need to establish a suitable replacement as a matter of urgency.

Having been reminded that it was a requirement within the District Council's policy that an appropriate formal driving qualification be undertaken, attention was then drawn to the options which were available to the Council. Members were advised that in view of the short timeframe imposed upon the Authority by the DSA, the Council had established an interim arrangement with the Blue Lamp Trust, a police fire and ambulance registered charity that has been delivering taxi driver assessments for over 5 years. Feedback from the applicants who had undertaken these tests had been positive thus far and Members were advised that the charge for a test includes a £7 per test tax rebate which is paid at the end of the financial year in a 'grant cheque' for the Council to award to a community group or project within the area.

In discussing the information within the report, Members were advised that one of the biggest complaints regarding the DSA testing had been the waiting times. The benefit of the Blue Lamp proposal was that applicants were able to secure their tests within a quicker timeframe and were able to benefit from a more local test location in Huntingdon. Clarification was also sought from Members as to the basis by which the costs charged by the Trust were calculated and the extent to which the price was competitive.

Having noted that this would be an interim solution, pending further investigation by the Head of Community into the other options available for a more permanent solution and the urgent need to address the situation given that it was no longer possible to book a DSA test slot in Cambridge in 2016, it was

RESOLVED

- (a) that the contents of the report, together with the options put forward be noted;
- (b) that the existing District Council requirement that an appropriate formal driving qualification be undertaken and obtained for all new applicants for Private Hire and Hackney Carriage driver's badges and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems be retained;
- (c) that the appropriate qualification be amended from the DSA driver's assessment for Private Hire and Hackney Carriages or

future equivalent testing body, to include other equivalent testing bodies e.g. The Blue Lamp Trust;

- (d) that tests be valid for a period of one year from the pass date;
- (e) that should an annual test rebate be paid at the end of the financial year in the form of a 'grant cheque' that it be awarded to a charity approved by the donator and the Chairman of the Licensing & Protection Committee for the benefit of a community project within the area; and
- (f) that delegated authority remain for the Head of Community, after consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee to determine whether a test should be undertaken in circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence and that each case should be considered on its individual merits.

29. LICENSING AND PROTECTION SUB-COMMITTEE

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee noted details of the 4 meetings of the Licensing and Protection Sub-Committee which had taken place between 2nd August 2016 and 1st November 2016.

30. SUSPENSION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENCES UNDER DELEGATED POWERS

With the aid of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee noted details of the 2 vehicle licences which had been suspended on safety grounds under the powers delegated to the Head of Community since the last meeting of the Committee.

Having been advised that both vehicle licences had now been reinstated, Members queried whether it was possible for the Council to make a charge for their reinstatement. In response to which, Members were reminded that licensing fees were set by the local authority on a cost recovery basis and the Head of Community undertook to the matter further consideration and report back to a future meeting.

31. DATE OF NEXT MEETING

Members were advised that the next meeting of the Committee would be held on Tuesday 21st February 2017 at 2pm.

Chairman

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HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Proposed Public Space Protection Orders for St Neots
Meeting/Date:	Licencing and Protection Committee - Wednesday 22 nd March 2017
Executive Portfolio:	Councillor Ryan Fuller, Executive Member for Housing and Regulatory Services
Report by:	Community Resilience Manager
Ward(s) affected:	St Neots Eaton Ford, St Neots Priory Park and St Neots Eaton Socon

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act received royal ascent on 13th March 2014 and the legislation within the Act became available for use in October 2014. The Act was as a result of a reform of the previous tools and powers available and was designed to put victims at the heart of the response to anti-social behaviour and give professionals the flexibility they need to deal with any given situation. Within the Act, one of the powers available is the Public Space Protection Order (PSPO). The PSPO replaces the Designated Public Place Order (DPPO) that was available within the Anti-Social Behaviour Act 2003 and is designed to stop individuals or groups committing anti-social behaviour in a public space. Local Authorities have the ability to issue PSPOs if the test has been met and following consultation.

The term 'boy racer' has many definitions but for the purposes of this report and in-line with the nature of the problem that is trying to be addressed, 'boy racer' means - 'A motorist who drives an automobile that has been modified with aftermarket body kits, audio system and exhaust system, usually in an unlawful manner'.

Following frequent complaints over a number of years from residents of St Neots about the alarm, harassment and distress caused by 'boy racers', two PSPOs are being proposed for two areas of St Neots. Residents report that groups of 'boy racers' regularly congregate in the areas of Riverside Car Park, the Market Square and the industrial areas where they rev their engines, play loud music from their stereos, screech their tyres and perform stunts. These incidents can be a daily occurrence and start from 9pm and continue until the early hours of the morning. If approved, the PSPOs will prohibit certain activities and will be enforceable by Police Officers, Police Community Support Officers and Officers delegated by Huntingdonshire District Council. Those who breach the PSPO risk being issued with a Fixed Penalty Notice (FPN) of £100 or a fine not exceeding Level 3 (£1,000) on prosecution.

Recommendation(s):

That the Licencing and Protection Committee approve the implementation of two Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014, for the area of St Neots in response to persistent complaints of the anti-social behaviour cause by 'boy racers'. The first Order will cover Riverside Car Park, the Market Square and the areas in-between and the second Order will cover Little End and Howard Road Industrial Estates and Colmworth Business Park. The Orders commence on 1st April 2017 for a period of 3 years

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report seeks to obtain the approval of the Licencing and Protection Committee for the implementation of two Public Space Protection Orders, from here on referred to as 'Orders', in St Neots. The Orders are being proposed in response to persistent complaints from residents of 'boy racers' congregating and causing alarm, harassment and distress to those in the vicinity.
- 1.2 The first Order proposed will cover the areas of the Riverside Car Park, the Market Square and the area in between. The second Order will cover Little End and Howard Road Industrial Estate and Colmworth Business Park. The areas have been identified following complaints to the District Council and calls for service to the Constabulary, consideration has also been given to the possibility of displacement of the problem. Both Orders propose the following prohibitions:
1. Persons not to use a vehicle in a manner likely to cause alarm, harassment or distress;
 2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
 3. No person shall use their vehicle to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
 4. Persons not to drive their vehicles in an anti-social manner.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Complaints about the problems associated with 'boy racers' in St Neots have been reported to both Huntingdonshire District Council and Cambridgeshire Constabulary since 2005. The majority of the complaints arise from groups of drivers regularly congregating in the Riverside Car Park for long periods of time and causing a disturbance by revving their engines, loud noise from modified exhausts and music from stereos.
- 2.2 The Huntingdonshire Community Safety Partnership has previously responded to these issues by funding the installation of a rising bollard at the entrance to the car park that closed automatically at midnight and re-opened again at 6am each day. During the time that the bollard was in place, incidents of vandalism were experienced due to users of the car park not reading the signage and finding that they were unable to exit the car park. Incidents involving the 'boy racers' did reduce whilst the bollard was in situ but unfortunately it had to be removed as a result of necessary flood alleviation works to the car park.
- 2.3 More recently, residents have again started to report incidents of anti-social behaviour involving vehicles in the Riverside Car Park. In response to the reports, working in partnership with the Constabulary, all residents living in the surrounding properties have been issued with log sheets as well as visits to those who have directly reported an incident. The Police have carried out targeted patrols based on the information provided and where appropriate issued warnings of vehicle seizure under Section 59 of the Police Reform Act 2002. In March 2015, the Police also utilised their powers available under the

Anti-Social Behaviour, Crime and Policing Act 2014 and issued a Dispersal Power preventing vehicles from congregating in the Riverside Car Park for a period of 48 hours.

- 2.4 During the period 22nd January 2014 – 11th December 2016 a total of 43 incidents of ‘boy racer’ activity in the St Neots were reported to the Police, these are broken down as follows:

Location	Number of Reported Incidents
Riverside Car Park	29
High Street/ Market Square	3
Colmworth Industrial Areas	11

- 2.4.1 Huntingdonshire District Council, Cambridgeshire Constabulary and a number of other partner agencies use a shared case management system to record and monitor complaints of anti-social behaviour, the system is called ECINs. An ECINs case for ‘boy racer’ activity in the St Neots area was opened on 18th March 2015 and has 42 entries. The entries relate to calls for service and the action taken in response to the call.
- 2.5 Many of the residents effected by the ‘boy racers’ are older people, living alone who may be vulnerable. Although initial complaints are received, the reason given for not wanting to pursue a complaint is for fear of reprisals as in the past; those reporting incidents to the Police have been targeted.
- 2.6 Following a meeting held at Riverside Car Park on 21st October 2016 between Ward Members, residents and representatives from the Constabulary and District Council, a manually operated barrier has been installed at the entrance to the car park. It is intended that the barrier will be locked between midnight and 6am so will help address the issues that are occurring in the car park but not in the other areas identified. As the location of the incidents reported has demonstrated, there is a possibility of displacement of this issue and therefore it is proposed that two Orders are implemented. The first Order proposed is to cover the areas of Riverside Car Park, the Market Square and areas in between the two (Map contained at Appendix A). The second Order proposed is for the areas of Little End and Howard Road Industrial Estates and Colmworth Business Park (Map contained at Appendix B). It is proposed that both Orders consist of the same prohibitions; these are detailed at 1.2 of this report. The prohibitions proposed relate to the nature of the complaints that have been received to date and if implemented intends to put a stop to this form of anti-social behaviour.
- 2.7 For a Public Space Protection Order to be considered the behaviour being restricted has to:
- be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
 - be persistent or continuing in nature; and
 - be unreasonable

It is felt that based on the persistent nature of this issue, the test for an Order has been met. A breach of a PSPO is a criminal offence and can be enforced by Police Officers, Police Community Support Officers and delegated Officers of the Local Authority. Huntingdonshire District Council also proposes to utilise the CCTV cameras that it has in place to enforce the Order covering the Riverside Car Park and Market Square. If breached, Officers have the ability to issue a Fixed Penalty Notice of £100 that will be payable within 14 days of issue and non-payment or prosecution may result in a fine of up to Level 3 (£1,000).

- 2.8 The legislation requires the Local Authority proposing a PSPO to consult with the Police, Police and Crime Commissioner, other relevant bodies as well as those who may be affected by the implementation of an Order. This consultation has been carried out and is detailed further at point 8 of this report. The process adopted by Huntingdonshire District Council requires that following consultation, proposed PSPOs must be considered for implementation by the Licensing and Protection Panel, hence the submission of a report to this Panel.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 Since first receiving complaints about 'boy racer' activity in the St Neots area in 2005, a number of initiatives have been tried. This includes the installation of a rising bollard at the entrance to Riverside Car Park, targeted patrols by the Police utilising their powers under Section 59 of the Police Reform Act 2002 to seize vehicles used in an anti-social manner as well as the implementation of the Dispersal Power available under the Anti-Social Behaviour, Crime and Policing Act 2014 on two separate occasions and covering the Riverside Car Park to prevent the nuisance caused by 'boy racers'. Despite the use of these interventions, the problems continue to occur on a regular occasion causing alarm, harassment and distress to those in the vicinity.

- 3.2 It is therefore felt necessary to consider the implementation of a Public Space Protection Order to cover the areas where the majority of the issues are occurring. To avoid displacement, a Public Space Protection Order is also thought necessary for the industrial areas of St Neots. If approved, the Orders would commence on 1st April 2017 and remain in place for 3 years after which time and following consultation, there is the option to renew the Orders for up to a further three year period.

4. KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

- 4.1 By implementing a Public Space Protection Order that covers the Riverside Car Park, there is a risk of displacement of 'boy racer' issues to other areas of the town. Having considered the location of the incidents reported and to mitigate the risk of displacement, a second Order is proposed for the industrial areas of St Neots, this being Little End and Howard Road Industrial Estates and Colmworth Business Park. If both Orders are implemented on 1st April 2017, there is a possibility of displacement to other areas in St Neots or to other parts of the District. This will therefore be monitored from the date of implementation and will be a standing agenda item on each of the area based Problem Solving

Groups that meet monthly. These groups will monitor any displacement and agree the most appropriate action to be taken.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 Prior to presentation of this report to the Licencing and Protection Committee, a consultation process was conducted as required within the legislation. The results of the consultation are contained at point 8 of this report. Following approval of the Public Space Protection Orders by this Panel the proposed implementation date is 1st April 2017 for a period of three years. In preparation of the commencement, signage will be erected within the identified areas notifying members of the public of the Orders and of the consequences should a breach occur. The press will also be notified and provided with a copy of the Orders. As required by the legislation, a copy of the approved Orders will be displayed on the Huntingdonshire District Council website.
- 5.2 If approved by the Committee at their meeting on 22nd March 2017, the Orders will be considered to be effective from 1st April 2017 and from this date; Officers will be responsible for enforcing the prohibitions that are in place.

6. LINK TO THE CORPORATE PLAN

- 6.1 One of the strategic priorities and objectives of the Corporate Plan 2016 – 18 is Enabling Communities. The aim of the Enabling Communities strand of the Plan is to make Huntingdonshire a better place to live, to improve health and well-being and for communities to get involved with local decision making. Part of the work programme includes:

- Ensuring that our streets and open spaces are clean and safe; and
- Working closely with partner agencies to reduce crime and anti-social behaviour

- 6.2 Huntingdonshire District Council has the ability to make Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014. Following persistent complaints from the community to both the District Council and the Police, it is felt that two Orders are necessary to address the 'boy racer' activity that is occurring. Should the Orders be approved, the District Council will be actively working to achieve their priorities and objectives as set out within the Corporate Plan.

7. CONSULTATION

- 7.1 For a Local Authority to issue a Public Space Protection Order they must first consult with the Chief Constable for the local Police and the Police and Crime Commissioner. In addition, the owner or occupier of the land should be consulted as well as whatever community representatives is felt is appropriate. In proposing the implementation of two Public Space Protection Orders in St Neots, the Community Team at Huntingdonshire District Council has conducted a consultation with the following:

Riverside Car Park, the Market Square and areas in-between:

- Owners/ managers of the Ambience Café, Riverside Car Park
- All residential properties in The Paddock
- All residents of Park View and Cavendish Court
- All residential properties and businesses in the Market Square, St Neots
- All residential properties and businesses (both sides of the road) located on the B1428 between The Bridge House, St Neots and the junction with the B1043 and Cambridge Street.
- Chief Constable Alec Wood, Cambridgeshire Constabulary
- Police and Crime Commissioner Jason Ablewhite
- St Neots Town Council
- Economy, Transport and Environment at Cambridgeshire County Council
- District Council Ward Members for this area

Industrial Areas:

All residential properties and businesses in the areas of:

- Little End Road Industrial Estate, St Neots
- Howard Road Industrial Estate, St Neots
- Colmworth Business Park, St Neots
- Chief Constable Alec Wood, Cambridgeshire Constabulary
- Police and Crime Commissioner Jason Ablewhite
- St Neots Town Council
- Economy, Transport and Environment at Cambridgeshire County Council
- District Council Ward Members for this area

7.2 The consultation was carried out for a period of 28 days commencing on Monday 16th January 2017. A total of 13 individual responses and 1 response on behalf of a residents association were received for the Riverside Car Park and Market Square Order and 3 responses were received in relation to the proposed Order for the industrial areas.

7.3 The community consultation results suggests that there is overwhelming support for the proposed Order covering Riverside Car Park and the Market Square with all consultees reporting that they are regularly affected by the activities of the 'boy racers'. In the case of the proposed Order for the industrial areas, the three responses received related to inappropriate and unsafe parking of vehicles by customers or employees of the business units throughout the area, no responses related to 'boy racer' activity.

7.4 The proposal of both Orders received the support of St Neots Town Council at their Full Council meeting held on 26th January 2017 and support has also been received from the Ward District Councillors. A response to the consultation has not been received from the department of Economy, Transport and Environment at Cambridgeshire County Council.

8. RESOURCE IMPLICATIONS

- 8.1 Public Space Protection Orders can be enforced by Officers of the Constabulary as well as delegated Officers of the District council. In submitting their comments as part of the consultation, the Constabulary have considered the resource implications relevant to them. In terms of the District Council, the Community Team has recently undergone a restructure resulting in the creation of four officer posts and one senior post of Community Protection and Enforcement Officers. This is an increase in the resource that was previously available to respond to issues of this kind and these Officers will have delegated authority to enforce the Orders.
- 8.2 It has also been agreed that the District Council owned CCTV camera located in the Riverside Car Park will also be used to enforce the Order covering that area. This may result in Fixed Penalty Notices being served retrospectively should a delegated Officer on viewing the footage, believe that the Order has been breached.
- 8.3 Considering the pattern of events following the implementation of the Huntingdon Town Centre PSPO, it is believed that the Orders may be resource intensive initially but through effective enforcement of the prohibitions in the first few months, it is likely that the demand will subside.

9. OTHER IMPLICATIONS

- 9.1 This is the first Public Space Protection Order proposed in Cambridgeshire that relates to the issues surrounding 'boy racer' activity. By implementing the two Orders in St Neots, we may raise expectations within other communities across the District that PSPOs may also be implemented within other areas. It is therefore important to reiterate that the District Council is keen to use the tools and powers available to them where evidence suggests that there is the need and that there may be alternative interventions that can be tried to avoid the need for an Order.

10 REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Public Space Protection Orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The number of complaints received by the Police and District Council as well as the positive support received through the consultation process, that suggests that the activities carried out by the 'boy racers' are significantly affecting those in the surrounding community. The behaviour is causing alarm, harassment and distress and many of the victims are older or vulnerable residents of our community. A number of initiatives have been tried but unfortunately have not prevented the continued occurrence of this behaviour. Following a thorough consultation

process, approval is therefore sought from the Licencing and Protection Panel for the implementation of two Public Space Protection Orders for the area of St Neots commencing on 1st April 2017 for a period of 3 years and made up of the following prohibitions:

1. Persons not to use a vehicle in a manner likeley to cause alarm, harrassment or distress;
2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
3. No person shall use their vehilce to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
4. Persons not to drive their vehicles in an anti-social manner.

11. LIST OF APPENDICES INCLUDED

Appendix A – Map detailing the area to be covered by the proposed Public Space Protection Order for Riverside Car Park, the Market Square and areas in-between.

Appendix B – Map detailing the area to be covered by the proposed Public Space Protection Order for Little End and Howard Road Industrial Estate and Colmworth Business Park.

Appendix C – A copy of the Public Space Protection Order proposed for Riverside Car Park, the Market Square and areas in-between.

Appendix D - A copy of the Public Space Protection Order proposed for Little End and Howard Road Industrial Estates and Colmworth Business Park.

BACKGROUND PAPERS

- Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals – July 2014.

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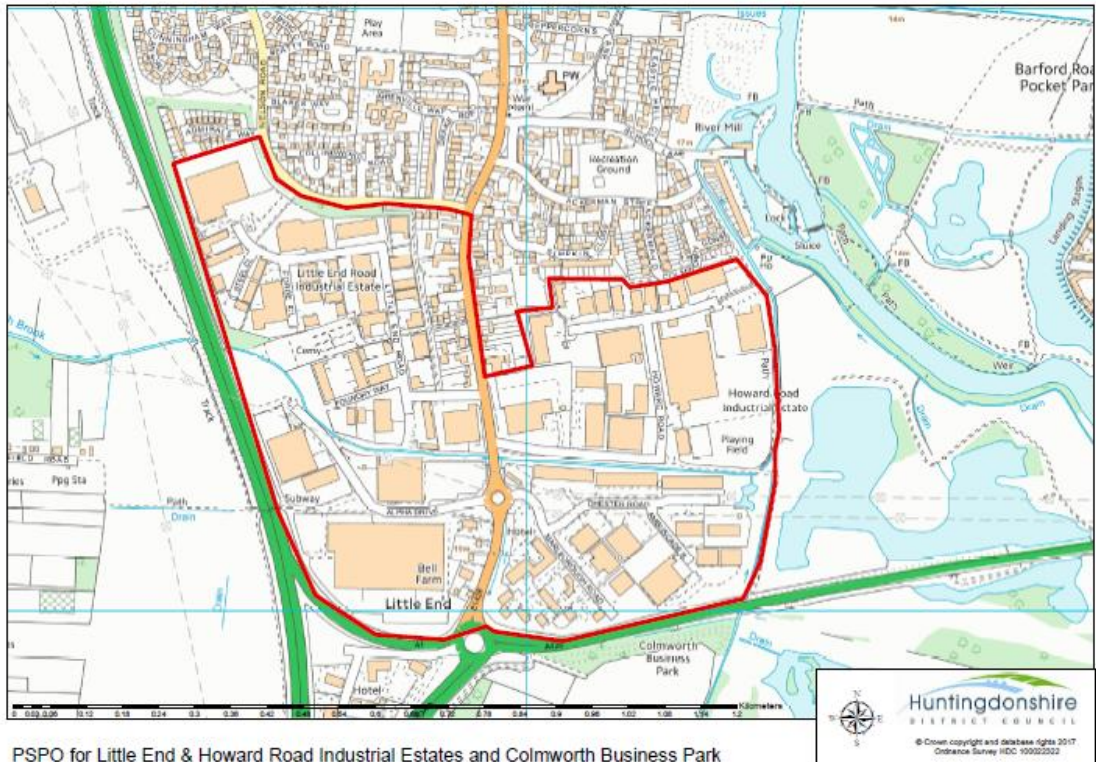
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Appendix A – Map detailing the area to be covered by the proposed Public Space Protection Order for Riverside Car Park, the Market Square and areas in-between.



PSPO for Riverside Car Park and St Neots Market Square

Appendix B – Map detailing the area to be covered by the proposed Public Space Protection Order for Little End and Howard Road Industrial Estate and Colmworth Business Park.



PSPO for Little End & Howard Road Industrial Estates and Colmworth Business Park

Appendix C – A copy of the Public Space Protection Order proposed for Riverside Car Park, the Market Square and areas in-between.

Huntingdonshire District Council
Anti-Social Behaviour, Crime and Policing Act 2014
The Huntingdonshire District Council (Riverside Car Park, Market Square and adjacent areas) Public Spaces Protection Order 2017

Huntingdonshire District Council (“the Council”) makes the following Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

The Order takes effect on 1st April 2017 for a period of 3 years.

This Order applies to the public space , known as the Riverside Car Park, Market Square and adjacent areas, St Neots (“The Designated Area”) and is shown edged in red on the plan attached at Schedule 1 to the Order.

The following prohibitions are imposed:

1. Persons not to use a vehicle in a manner likely to cause alarm, harassment or distress;
2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
3. No person shall use their vehicle to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
4. Persons not to drive their vehicles in an anti-social manner.

The Council is satisfied that activities have been carried out in this Designated Area that have had a detrimental effect on the quality of life of those in the locality. Furthermore, it is satisfied that the effect of these activities is likely to be of a persistent or continuing nature, and is of such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The Council makes this Order because people have been using their vehicles in an anti-social manner in the Designated Area causing alarm, harassment and distress to the local community.

These activities have given rise to nuisance and complaint to both the Council and the Police from local residents .

Offence:

Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is a summary offence under Section 67 of the 2014 Act.

Penalty:

A person guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may under Section 68 of the 2014 Act issue a fixed penalty notice of £100 to anyone he has reason to believe has committed an offence under Section 67 in relation to this Order.

Dated.....

The Common Seal of
Huntingdonshire District Council
was affixed in the presence of

.....
Authorised Signatory

Appendix D - A copy of the Public Space Protection Order proposed for Little End and Howard Road Industrial Estates and Colmworth Business Park.

**Huntingdonshire District Council
Anti-Social Behaviour, Crime and Policing Act 2014
The Huntingdonshire District Council (Little End and Howard Road Industrial
Estates and Colmworth Business Park, St Neots) Public Spaces Protection Order
2017**

Huntingdonshire District Council (“the Council”) makes the following Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

The Order takes effect on 1st April 2017 for a period of 3 years.

This Order applies to the public space , known as Little End and Howard Road Industrial Estates and Colmworth Business Park, St Neots (“The Designated Area”) and is shown edged in red on the plan attached at Schedule 1 to the Order.

The following prohibitions are imposed:

1. Persons not to use a vehicle in a manner likely to cause alarm, harassment or distress;
2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
3. No person shall use their vehicle to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
4. Persons not to drive their vehicles in an anti-social manner.

The Council is satisfied that activities have been carried out in this Designated Area that have had a detrimental effect on the quality of life of those in the locality. Furthermore, it is satisfied that the effect of these activities is likely to be of a persistent or continuing nature, and is of such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The Council makes this Order because people have been using their vehicles in an anti-social manner in the Designated Area causing alarm, harassment and distress to the local community.

These activities have given rise to nuisance and complaint to both the Council and the Police from local residents .

Offence:

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Dated.....

The Common Seal of
Huntingdonshire District Council
was affixed in the presence of

.....
Authorised Signatory

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Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
Meeting/Date:	Licensing and Protection Committee – 22 March 2017
Executive Portfolio:	Executive Councillor for Housing and Regulatory Services - Cllr Ryan Fuller
Report by:	Commercial Team Leader – Keith Lawson
Ward(s) affected:	All

Executive Summary:

The Food Law Enforcement Service Plan 2016-17 was approved on 21 June 2016. The Health and Safety Service Plan was considered on 21 June 2016 and approved on 19 July 2016.

This report covers the period from 1 April 2016 to 28 February 2017. In general terms it shows that the service is on target to deliver the programmed work in the approved Service Plans.

Programmed work is delivered alongside reactive work, the volume of which by definition is impossible to predict. This work is carried out according to risk. Complaints and accident investigations are prioritised using risk-based selection criteria.

The number of start-up businesses and the turnover of ownership amongst some sectors of the food industry (especially takeaways) places unpredictable demands on resources. New food businesses must be visited as soon as possible after they start to trade but not be at the expense of visits to high risk established businesses.

Corporate Performance Indicator PI20 refers to the percentage of newly registered food businesses which are inspected within 28 days of registration and the target for 2016-17 is 50%. The service is currently meeting this target and has carried out almost all of the scheduled high risk premises inspections that were identified on 1 April 2016.

Appendices 1 and 2 contain detailed information about the delivery of the Food Law Enforcement Service Plan. Appendix 3 contains detailed information about the delivery of the Health and Safety Service Plan.

Recommendation(s):

Members are requested to:-

- 1. Comment on the delivery of the two Service Plans for the period 1 April 2016 to 28 February 2017**
- 2. Consider the need to receive further reports at future meetings.**

1. PURPOSE OF THE REPORT

- 1.1. The report provides information about the delivery of the two Service Plans for the period between 1 April 2016 and 28 February 2017.

2. WHY IS THE REPORT NECESSARY?

- 2.1 Members have asked to be kept informed about the delivery of the work in the approved plans.

3. A DESCRIPTION OF THE SERVICES COVERED BY THE REPORT

- 3.1 Food Law Enforcement consists of these areas of work:

- a) Planned activities such as routine inspections of food businesses, food and environmental sampling and the provision of food hygiene training courses;
- b) Unplanned (reactive) work such as the investigation of customer complaints, dealing with requests for compliance advice and following up notifications of food poisoning;
- c) Liaison with other departments in the interests of coordinated service delivery: in particular licensing and planning;
- d) Supporting national strategies and the wider public health agenda.

- 3.2 Health and Safety regulation consists of these areas of work:

- a) Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
- b) Unplanned (reactive) work such as the investigation of notifiable accidents, prescribed diseases, complaints and dealing with serious risks that are identified during other activities (Matters of Evident Concern);
- c) The provision of compliance advice to businesses.

4. PROGRESS AGAINST THE APPROVED PLANS

- 4.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.

- 4.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan.

- 4.3 The key activities of scheduled inspections, compliance revisits, inspections of new businesses and sampling visits are either green or amber.

- 4.4 The provision of information, advice and training is an important part of the service. Business advice is an integral part of every inspection but there is an established programme of food hygiene courses aimed at people who work in food businesses and for whom appropriate training is vital to protect public health.

- 4.5 The service also uses social media to promote good practice, good news stories and to support the FSA's strategic aims.

- 4.6 Appendix 2 refers to the unplanned (reactive) work. The number of customer complaints and service requests is likely to be slightly higher than the predicted numbers. However they are closely monitored and prioritised according to risk using publicly available selection criteria.

- 4.7 The Health and Safety Service Plan also contains a mixture of programmed work, reactive work and the provision of compliance information and advice.

- 4.8 The number of complaints received and the number of accident investigations are both higher than the predicted levels. Whilst it is impossible to stem the flow of complaints it

is important that responses and investigations are proportionate to risk. The number of complaints and service requests is monitored closely and it may be necessary to introduce some selection criteria if the numbers continue to rise. Accident investigations are already selected according to established selection criteria.

- 4.9 Officers continue to witness serious health and safety problems whilst carrying out other duties. These are identified as “Matters of Evident Concern” (MEC). The frequency with which they are reported is an indication of the extent to which businesses fail to manage serious risks without our intervention.

5. RISKS

- 5.1. The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency and the Health and Safety Executive in their capacities as the national regulators.
- 5.2. Members have asked to be kept informed about the delivery of the approved Service Plans in order that they can comment on the way in which the service is provided as well as the available resources.

6. LINK TO THE CORPORATE PLAN

- 6.1. These reporting arrangements support the wider corporate objectives to “*Improve the efficiency of service delivery and become more business-like*” and to “*drive service priorities*”.

7. LEGAL IMPLICATIONS

- 7.1 None

8. RESOURCE IMPLICATIONS

- 8.1 The failure to report the delivery of the approved Service Plans may prejudice the Council’s ability to provide the necessary resources.

9. OTHER IMPLICATIONS

- 9.1. None.

10. REASONS FOR THE RECOMMENDATION

- 10.1. To keep Members informed about the delivery of the approved Service Plans.

11. APPENDICES

Appendix 1 - Food Safety Service Plan: Programmed (proactive) Activity

Appendix 2 - Food Safety Service Plan: Unplanned (reactive) Activity

Appendix 3 - Health and Safety Activity

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Appendix 1 – Food Safety Service Plan: Programmed (proactive) Activity

Proactive Tasks	Level of Activity		Progress
	Predicted activity 2016-17	Recorded activity up to 28 February 2017	RAG Status
Planned food hygiene inspections (risk group A-D, in addition to those below)	300	268	Green
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	130	71	Amber
Revisits	100	60	Amber
Inspections of new food businesses	100	125 ¹	Red
Visits to Approved Establishments	10	7	Green
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training ²	15	6	Amber
Other proactive visits (food, water and environmental samples/advisory)	150	206 ³	Green
Prosecutions and cautions	1	2	Green
Formal action (service of notices, closures)	20	18	Green
Food safety and public health promotion	6 food hygiene courses attended by 83 people. Two Food and Safety Newsletters Tweets and Facebook posts – promotion of food hygiene courses, “re-tweets” of FSA tweets, businesses with FHRS 5		

Notes

1. The number of new businesses continues to be an unpredictable demand on resources. This figure includes a small number of brand new start-up businesses but the majority are changes of ownership of existing businesses. They all have to be added to the premises database and visited as soon as possible. These figures will need to be monitored in order to ensure that new businesses are not visited at the expense of high risk established businesses.
2. Each activity is charged to Cambridgeshire Catering and Cleaning Services (CCS) in accordance with the agreed cost recovery arrangements.
3. This figure includes visits recorded as "no access/abortive". Usually this is because there wasn't anyone at the premises at the time. This is inevitable as there is an expectation that inspections are unannounced unless to do so would defeat the purpose of the visit. There were also occasions when businesses had changed their expected opening hours, when they failed to keep appointments and when subsequent enquiries revealed that the business had in fact ceased trading.

Appendix 2 – Food Safety Service Plan: Unplanned (reactive) Activity

Reactive Tasks	Level of activity	
	Approved Service Plan 2016-17	Recorded activity up to 28 February 2017
Complaints and service requests about food and about/from food businesses	600	599 ¹
Infectious disease control - notifications of food-borne/food poisoning illnesses	150	79 ²
FSA food alerts for action	5	2

Notes

1. This includes 143 complaints about standards of hygiene at food businesses; 181 requests for advice; 82 requests for food hygiene training and 58 complaints about unsound or suspect food. We have also received 85 applications for export certificates for which we charge a fee of £76 per certificate.

We have reviewed the criteria for the investigation of customer complaints. This is primarily in response to an increase in the number of unfounded and malicious allegations of food poisoning and also in the number of complaints which appear to be prompted by poor customer service and present little or no public health risk.

2. This is an unexpectedly low figure. Initially we suspected that there may have been some problems with the electronic notification arrangements but the Consultant in Communicable Disease Control (CCDC) has assured us that is not the case.

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Appendix 3 – Health and Safety Activity

Type of Activity	Level of Activity		Progress
	Service Plan Approved 2016-17	Recorded Activity to 28 February 2017	Status (Green, Amber, Red)
Premises inspections and interventions (including revisits)	100	81	Amber
Health and safety complaints and requests for service received	40	68 ¹	Red
Accident and dangerous occurrence investigations commenced	20	22 ²	Red
Specific smoke free enforcement visits	10	0 ³	Green
Matters of Evident Concern (MEC) Identified*	n/a	29	Green
Health and safety promotion and advice to business/enquiries	<p>Two Newsletters and use of social media</p> <p>Letters to 219 businesses – provision of information about work-related dermatitis in advance of targeted visits</p> <p>Letters to 10 businesses – provision of information about the safe use of fork lift trucks in advance of targeted visits</p> <p>Production of a bespoke business card for new businesses. It signposts new businesses to a variety of sources of information.</p>		
Liaison with other organisations	Five meetings of the Cambridgeshire and Peterborough Environmental Health Managers Group		

Notes

1. This figure includes statutory notifications about working with asbestos, Adverse Insurance Reports (AIR) about unsafe work equipment and requests for advice and information. The diversity of work illustrates the importance of maintaining resources in order that effective investigations can be carried out.
2. We have received 81 reports in total and the selection of accidents for investigation is based upon the risk-based criteria in Local Authority Circular (LAC) 22/13. The percentage of investigations is unusually high but reflects the severity of the incidents in question. They include the following:
 - Notifications of specified work-related diseases: dermatitis; hand-arm vibration; and carpal tunnel syndrome
 - Serious injuries caused by having to carry a 60kg double oven up four flights of stairs
 - Life-changing crush injuries caused by being trapped by a horse carriage weighing almost one ton
 - A 12 year old boy injured at a kart racing circuit
 - Assaults and acts of violence
3. This figure is driven by the number of relevant complaints. Officers might visit premises about which complaints have been made. We have received only two service requests about smoking restrictions: both were dealt with by giving advice over the telephone.
4. Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities. The figures include unattended electrical hazards, defective gas appliances, uncontrolled working at height, unsafe storage racking and high levels of workplace noise. The number of MECs is indicative of the extent to which employers fail to deal with significant risks and only do so when officers intervene.

Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	Provisional Service Plan for Food Law Enforcement 2017-18
Meeting/Date:	Licensing and Protection Committee - 22 March 2017
Executive Portfolio:	Executive Councillor for Housing and Regulatory Services - Cllr Ryan Fuller
Report by:	Head of Community – Chris Stopford
Ward(s) affected:	All

Executive Summary:

Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement functions within the district. The Food Standards Agency (FSA) is the Central Competent Authority and National Regulator for food safety and hygiene issues within England and it requires every local authority (food authority) to outline how it will fulfil its duty to deliver official food controls within the district. The arrangements detailing how and at what level the official controls will be delivered must be laid down in the form of a Service Plan for Food Law Enforcement ('Service Plan'), and approved by the Council.

Guidance on the content of the Food Enforcement Service Plan is contained within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.

The food safety and hygiene enforcement function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that enforcement function will be delivered. It also details the resources required to deliver it, together with a review of the previous year's performance.

Recommendation(s):

Members are requested to:-

- 1. Comment on and approve the 'Provisional Service Plan for Food Law Enforcement 2017-18' in accordance with the Council's Constitution;**
- 2. Consider whether a final Service Plan should be presented at their next meeting on 5 July 2017.**

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Provisional Food Law Enforcement Service Plan 2017-18 to the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.
- 1.2. The Council's Constitution allows the Licensing and Protection Committee to consider and approve Service Plans.

2. WHY IS THIS REPORT NECESSARY?

- 2.1. Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement within the district. The Food Standards Agency (FSA), as the England's Central Competent Authority and National Regulator for food safety and hygiene requires every local authority to outline how it will fulfil its duty to deliver official food controls within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Service Plan, specifying how and at what level the official controls will be delivered. This requirement is formalised within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.
- 2.2. The food safety and hygiene function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.
- 2.3. The Business Team is a part of the recently restructured Community Division. The leadership and composition of the team will take shape over the next few weeks as the recruitment of staff to new and vacant posts is finalised.

3. OPTIONS CONSIDERED

- 3.1. The service has considered the requirements of the FSA Framework Agreement, the Corporate Plan 2016-18 and the predicted 2017-18 figures based upon work delivered since 1 April 2016.

4. KEY RISKS

- 4.1. A failure to produce a Service Plan could invite criticism from the Food Standards Agency which, as the central competent authority, oversees local authorities' food law enforcement activities. This in turn may lead to contact from the FSA's Local Authority Audit team.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1. The Provisional Service Plan will be reviewed over the next few weeks as the leadership and composition of the Business Team is finalised. It is hoped that any new appointments will be in post by 1 June and a further report will be presented to the meeting on 5 July.
- 5.2. The Service Plan will be delivered alongside the Business Team's other core functions of health and safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1. Service Plans support the Council's Corporate Plan and contribute to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1. The FSA has a key role in overseeing official food controls undertaken by local authorities. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations.
- 7.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the FSA recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3. This provisional plan replaces the 2016-17 Service Plan and a final version will be presented on 5 July. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the service plan and to identify areas for improvement.
- 7.4. The authority has a duty to comply with the Framework Agreement. These duties include requirements for the planning, management and delivery of the local food law enforcement service

8. RESOURCE IMPLICATIONS

- 8.1 The budget for 2017-18 is 9.4% lower than for 2016-17. This is largely attributable to the revised methods of calculating internal recharges and overheads.

9. OTHER IMPLICATIONS

- 9.1. The FSA expects local authorities to carry out official controls in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Service Plan will meet those expectations.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1. Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. The Provisional Service Plan will be reviewed and a final version may be presented to the next meeting. Subject to successful recruitment to vacant posts, it is achievable within the aspirations of the Council and the approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 - The Provisional Food Safety Service Plan 2017-18

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COMMUNITY DIVISION

PROVISIONAL SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2017-18

**Drawn up in accordance with the
Food Standards Agency Framework Agreement**

March 2017

INTRODUCTION

This is Huntingdonshire District Council's seventeenth Food Safety Service Plan. It covers all the elements of food safety and hygiene for which the Council has statutory responsibility.

The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its *Framework Agreement on Official Feed and Food Law Controls by Local Authorities, 2010, Amendment number 5*. One of the FSA's aims is to make Local Authorities' delivery of official controls effective, risk-based, proportionate and consistent.*

This is a provisional Service Plan which outlines how Huntingdonshire District Council could deliver official food law controls in 2017-18. Any references to work delivered in 2016-17 are based upon the latest available data. Unless stated otherwise this covers the period between 1 April 2016 and 28 February 2017. The references to programmed work for 2017-18 are estimates and these figures will be confirmed in a subsequent report.

** Framework Agreement on Official Feed and Food Law Controls by Local Authorities, 2010, Amendment number 5*

Chris Stopford
Head of Community

EXECUTIVE SUMMARY 2017-18

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and consumers to secure the production, distribution and service of safe and wholesome food within Huntingdonshire. The plan is linked to Huntingdonshire District Council's Corporate Plan 2016-18.

These are the key objectives which contribute to the overall aim.

- Planned and reactive inspections of registered and approved food establishments
- The investigation of service requests and complaints relating to food and food premises
- Where necessary, the submission of samples of food and water and environmental swabs for analysis
- The investigation of cases and outbreaks of food-borne and food poisoning illnesses.

Table One: Comparison of resources for 2016-17 and 2017-18

STAFF (Full Time Equivalent (FTE))	2016-17	2017-18
Environmental Health Officers (EHO)*	2.75	2.905
Environmental Health Protection Officers (EHPO)*	1.45	1.54
Operational Manager (Business)	n/a	0.35
Commercial Team Leader	0.50	n/a
	4.70	4.795
Admin Support Staff	1.17	1.17
Total	5.87	5.965
FINANCIAL	2016-17	2017-18
Direct Costs (salaries, NI and pensions)	£264,329	£292,839
Overheads (FLARE, Printing, Admin Support Central Support)	£166,050	£107,059
Other Direct costs (specialist equipment, laboratory services and sampling)	£6,530	£5,100
Total	<u>£436,909</u>	<u>£404,998</u>
Income (Primary Authority Partnership, export certificates, delivery of training courses)	<u>-£13,880</u>	<u>-£21,675</u>
NET EXPENDITURE	<u>£423,029</u>	<u>£383,323**</u>

* These figures represent the proportion of the establishment posts which is allocated to food law enforcement. Historically this has been 80% but is expected to be 85% based upon 2016 data.

** The overall budget for 2017-18 is 9.4% lower than for 2016-17. This is largely attributable to the revised methods of calculating internal recharges and overheads. See section 4.1 for a detailed breakdown of these figures.

Table 2 – Programmed (proactive) Activity

Proactive Tasks	Level of activity	
	Provisional 2016-17	Predicted 2017-18
Planned food hygiene inspections (risk group A-D, in addition to those below)	300	300
Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders)	90	100
Revisits	75	100
Inspections of new food businesses	130	130
Visits to Approved Establishments	9	10
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	7	10
Other proactive visits (food, water and environmental samples/advisory)	220	220
Prosecutions	2	2
Formal action (service of notices)	20	20
Food safety and public health promotion	Ad hoc project work linked to corporate objectives; targeted business support visits; provision of advice during routine interventions; National Food Hygiene Rating Scheme (FHRS); alternative enforcement strategies for low risk businesses and newsletters	

*Each activity is charged to Cambridgeshire Catering and Cleaning Services (CCS) in accordance with the agreed cost recovery arrangements.

Table 3 – Unplanned (reactive) Activity

Reactive Tasks	Level of activity	
	Provisional 2016-17	Estimated 2017-18
Service requests/ complaints about food and food businesses	650	650
Food, water and environmental samples taken	100	100
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	80
FSA Food Alerts for Action	2	2

The administrative support workload includes producing post-inspection letters; data entries to Flare and Anite; taking and recording enquiries and service requests; collating data on infectious diseases; and collating information for the Food Standards Agency.

A balanced programme of work is proposed for 2017-18 which incorporates a full range of official food controls. Due to the nature of the service some interventions are carried out during evenings and weekends. The plan is based upon the service being fully staffed.

DEVELOPMENT PLAN 2017-18

The following developments are planned during 2017-18. This work is in addition to the proactive and reactive work identified in tables 2 and 3. It is linked to the objectives and outcomes identified in the Corporate Plan and any regional or national strategies.

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings
- The delivery of a programme of training courses to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners
- Maintain collaborative work with our key partners and fellow regulators
- To promote the service as widely as possible using all available media outlets
- To support any relevant national strategies such as the FSA's National Food Safety Week
- Continue to review the basis upon which complaints and service requests are investigated
- Maintain commitment to the provision of business support and compliance advice to new businesses
- Monitor implementation of the FSA's "Regulating our Future" strategy and to review service delivery accordingly

SECTION 1: FOOD SAFETY SERVICE - AIMS AND OBJECTIVES

1.1 Aims and Objectives

The overall aim of the service is to ensure that food placed or intended to be placed on the market for human consumption which is produced, stored, distributed, handled or purchased within Huntingdonshire is without risk to public health or the safety of the consumer. There are several key objectives which contribute to the delivery of the overall aim.

- The delivery of a programme of inspections and other interventions in accordance with the FSA's Code of Practice
- To respond to complaints and requests for service in accordance with any internal service standards
- To respond to any FSA Food Alerts For Action (FAFA) subject to available resources

1.2 Links to Corporate Objectives and Plans

The Service Plan supports the Council's Corporate Plan 2016-18. It contributes to several of the Strategic Objectives, with particular reference to the following:

Create, protect and enhance our safe built environment – dealing with significant breaches of food safety requirements which have the potential to put the public at risk

Develop more resilient communities to help people help themselves – the provision of information and advice to businesses and to the wider public

Accelerate business growth and remove barriers to growth – the provision of compliance advice to new and emerging businesses in order to help them “get it right first time” (see 3.5)

Become a customer focused organisation – dealing with new businesses in an advisory and educative way in order to build sustainable and trusting relationships at an early stage (see 3.5)

SECTION 2: BACKGROUND

2.1 Authority Profile

2.1.1 Covering almost 360 square miles and situated in the valley of the Great Ouse, the District of Huntingdonshire forms the most westerly part of Cambridgeshire. It is the largest district in the County by both land area and population. The population is 173,600 and is forecast to grow to around 210,000 by 2036.

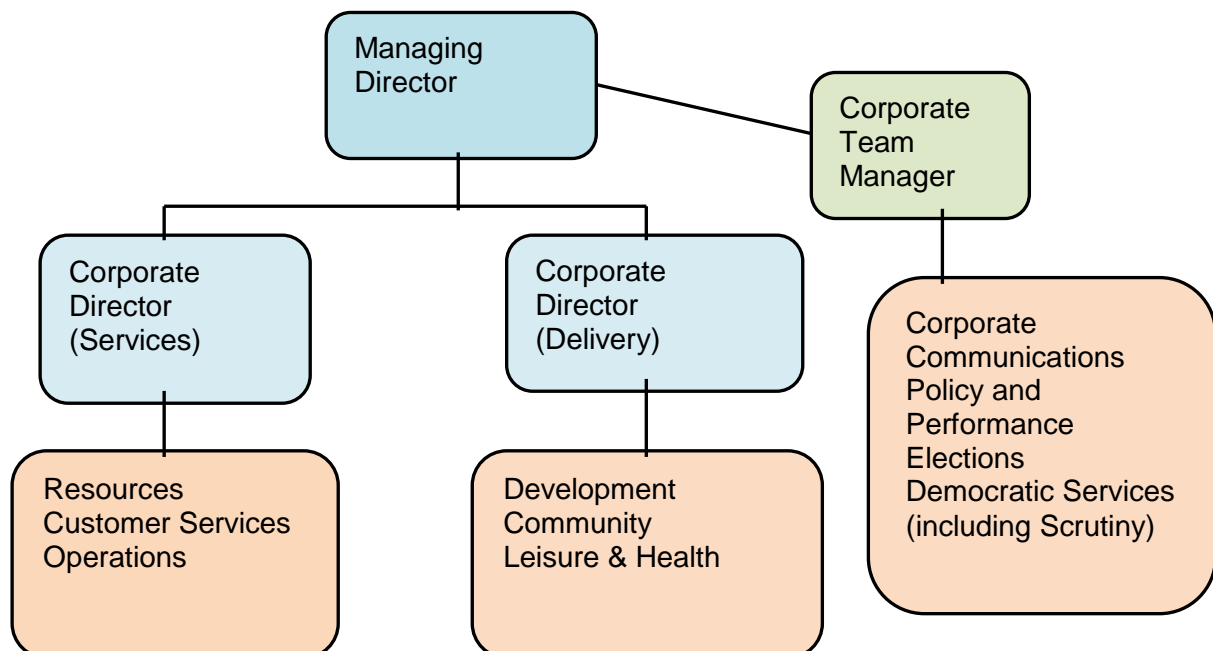
2.1.2 The employment rate in the district is 82.4% with 84.2% of people being economically active. The main centres are the market towns of Huntingdon, St Neots, St Ives, Yaxley and Ramsey.

2.2 Organisational Structure

2.2.1 The food safety service is one of the services provided by officers within the Business Team which in turn is part of the Community Division. The Business Team is one of the teams which reports to the Head of Community.

2.2.2 Through the Council's Scheme of Delegation the food safety service has delegated responsibility for food safety enforcement and the Head of Community has the authority to instigate legal proceedings according to the Council's Constitution. The Council's current structure is shown in Figure 1.

Figure 1: Huntingdonshire District Council's Organisational Structure



2.2.3 The Operational Manager (Business) is responsible for the operational management and co-ordination of the food safety service and also fulfils the statutory role of Lead Food Officer.

2.2.4 There are seven officers in the Business Team with specific responsibility for the delivery of the food safety service. The Operational Manager (Business) is supported by a team of Environmental Health Officers and Environmental Health Protection Officers. The team is also responsible for health and safety regulation and for the regulation of the smoking in public places legislation. The staffing resources allocated to the food safety service are shown in Table 4 below. Data for calendar year 2016 indicates that about 85% of officers' time is spent on food safety activities and this is reflected in the figures shown in brackets.

Table 4: Food Safety Service resources

Post	Duties and Responsibilities
Operational Manager (Business) – full time	The Council's Lead Food Officer. Operational management of the team and development of the annual Service Plans. Senior technical advisor on food safety, health and safety and licensing matters within the service area. Contributes to the corporate management of the Community Division. (0.35 FTE)
Environmental Health Officer – full time	Proactive and reactive food safety work. (0.85 FTE) NB – post currently vacant
Environmental Health Officer – full time	Proactive and reactive food safety work. (0.85 FTE)
Environmental Health Officer – part time	Proactive and reactive food safety work. (0.78 FTE)
Environmental Health Officer – part time	Proactive and reactive food safety work. (0.425 FTE)
Environmental Health Officer/ Environmental Health Protection Officer – full time	Proactive and reactive food safety work. (0.85 FTE) NB – post currently vacant
Environmental Health Protection Officer – part time	Proactive and reactive food safety work. (0.69 FTE)
	Total of 4.795 FTE Officers NB – this is slightly up from 4.7 FTE in the 2016-17 Service Plan

2.2.7 The service uses several agencies and companies to support the delivery of official food controls. These are summarised in Table 5 below.

Table 5: Provision of External Services

Name of Organisation	Type of Service	Frequency of Service
Public Health England (PHE), Thetford and Colindale.	Microbiological food and water sampling and advice on infection and disease control	As required
Anglian Water, Huntingdon	Chemical and microbiological water sampling	Ad hoc
Campden BRI	Food and foreign body/contaminant examinations and identifications	Ad hoc
Chartered Institute of Environmental Health (CIEH)	Information and advice. Materials for food hygiene courses	Ad hoc
Food Standards Agency (FSA)	Monitoring of performance, Information and advice	Ad hoc

2.3 Scope of the Food Service

The food safety service consists of the following elements

- Food safety advice and enforcement, proactive and reactive, including interventions, inspections, requests for service and working with businesses, including event organisers, other regulators and members of the public
- Provision of health certificates for exported foods
- Investigations and control of food poisoning and food-borne disease and other relevant infections as a result of information from businesses, members of the public and at the request of the Consultant in Communicable Disease Control (CCDC)
- Responding to food alerts and requests for action from the Food Standards Agency
- Sampling of food and water supplies
- Working with the People Team to investigate complaints about refuse, drainage and odour nuisance associated with food businesses
- Consultee for premises licences and planning applications.

2.4 Demands on the Food Service

2.4.1 At the time of writing there were 1498 food businesses on the database. This figure includes home-based cake-making businesses, child-minders and businesses based outside of the district but which trade within it. It does not

include businesses which only trade occasionally or temporarily within the district such as at Continental Markets or at events such as the Secret Garden Party. The breakdown of businesses by type according to the Food Standards Agency (FSA) classification is shown in Table 6.

Table 6: Breakdown of food businesses in Huntingdonshire by FSA classification

Primary Producers (e.g. farms)	27
Manufacturers/Packers	44
Importers	1
Distributor/Transporters	43
Food Retailers	263
Caterers – restaurants, cafes, hotels, mobile traders, pubs, clubs and takeaways	1059
Outside district	61
Total	1498

2.4.2 Food businesses are inspected according to their inspection rating category. The highest risk businesses (category A) must be inspected at least every 6 months whereas the lowest risk businesses (category E) can be monitored using alternative enforcement approaches. New businesses are classified as “Unrated”. The breakdown of premises by inspection rating category is shown in table 7 below.

Table 7: Breakdown of food premises by inspection rating category

	A	B	C	D	E	Unrated
As at 31/03/2016	13	53	268	427	552	129
As at 31/01/2017	7	51	254	458	541	108

2.5 Approvals and Specialist/Complex Processes

2.5.1 Food hygiene regulations require certain premises which handle food products of animal origin to be approved by virtue of their nature, scale or complexity. Within Huntingdonshire there are eight approved premises: three approved for meat products; three approved for egg packing; one approved as a cutting plant; one for smoked fish; and one as a cold store.

2.5.2 There are also businesses that use complex equipment such as vacuum packing machines and businesses carrying out complex processes such as cook-freeze and the curing of meat products. Suitably qualified and trained officers carry out interventions in businesses associated with specialist and complex processes and equipment.

2.6 Delivery of the Service

2.6.1 The Business Team is based on the first floor of Pathfinder House, St Mary's Street, Huntingdon. Customers can contact officers in the following ways:

- In person or by telephone between 9am and 5pm Monday to Thursday, 9am and 4.30pm Friday (01480 388302)
- By fax on 01480 388361
- By email: EnvHealth@huntingdonshire.gov.uk or food@huntingdonshire.gov.uk
- Advice and information about good practice and the service is available on the Council's website.

Officers are not on standby outside office hours but arrangements have been made with the FSA, Cambridgeshire Police and Public Health England so that officers can be asked to respond to major incidents and emergencies during evenings and weekends.

2.6.2 The following factors can have an impact on the delivery of the Service Plan:

- An outbreak of food poisoning or a work-related death.
- There are several outdoor events during the course of a year which involve food safety, water and health and safety considerations, the most significant of which is the Secret Garden Party. Preparation for the 2016 event began in July 2015 and accounted for 80 hours of officer time.
- Officers may have to respond to FSA Food Alerts for Action. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain.
- The restructure of the Community Division has placed considerable demands on the service. Attendance at meetings, reading documents and the preparation of responses to the Formal Consultation Document have already accounted for almost 250 hours of officer time.
- There are two food businesses which regularly export food products to countries outside the EU. These products require a Health Certificate and additional checks may need to be carried out before the certificate is issued. 86 certificates have been issued.
- The implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements have resource implications for the service

2.7 Enforcement Policy

- 2.7.1 Huntingdonshire District Council has signed up to the Enforcement Concordat and follows the principles laid down in the Regulators' Code. The Food Safety Enforcement Policy has been approved according to the Council's Constitution.
- 2.7.2 In order to promote consistent and proportionate enforcement the service is an active member of Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group. The Operational Manager (Business) represents the council at those meetings and subgroups can be set up to develop specific enforcement protocols and peer review models.

SECTION 3: SERVICE DELIVERY

3.1 Delivery Mechanisms

3.1.1 There are four key drivers which contribute to the service outlined in Section 1. In broad terms they are as follows.

- **Intervention driven:** work which is largely determined by the FSA Food Law Code of Practice. In the main this consists of programmed inspections and interventions at frequencies prescribed by the Code of Practice together with revisits and enforcement action in accordance with the Enforcement Policy
- **Demand driven:** work in response to complaints and requests for advice and guidance; investigation of food poisoning notifications; responses to FSA Food Alerts (in particular those which require action); and liaison with other Council services in support of wider corporate objectives
- **Intelligence driven:** responses to credible or verifiable information which suggests a risk to public health
- **Education driven:** the provision of advice, education and support to businesses and consumers; supporting national campaigns and strategies which are in the interests of public health and/or consumer safety (e.g. Food Safety Week).

3.1.3 Each officer has been allocated a specific geographical area which contains a diverse range of food businesses. The number and type of businesses is consistent with the officer's knowledge and experience. There is a "buddy" system in place to ensure that at least two officers have some knowledge of specialist or unusual businesses.

3.2 Interventions at food businesses

3.2.1 These consist of the "official food controls" specified in the Code of Practice together with any other activities where the purpose is to monitor compliance with food hygiene law. At the time of writing there are almost 700 businesses that will require some sort of intervention during 2017-18.

3.2.2 Unannounced full inspections are carried out at businesses in categories A and B. Category C premises will be assessed using a mixture of full and partial inspections: where possible partial inspections will be used for those with the best inspection history. Category D premises will be assessed using partial inspections and other official controls such as food sampling, surveillance visits and audits. The Code of Practice allows local authorities to use Alternative Enforcement Strategies (AES) for category E businesses.

3.2.3 Category E businesses are suitable for AES approaches which typically involve the completion of a self-assessment questionnaire by the business. Of the businesses due for an intervention in 2017-18, 234 are in category E.

3.2.4 There are approximately 260 businesses on the database at which the nature of the operation is either temporary, so low as to present little or no public health risk or unlikely to be viewed as a food business by the general public. These premises cannot be removed from the database but are excluded from the scope of the Food Hygiene Rating Scheme. The available resources mean it is

very unlikely that they will be inspected but they may be captured by AES approaches or visited in response to complaints.

- 3.2.5 The planned inspections in Table 2 do not include inspections of brand new businesses or those which change hands during the year. Nor do they include inspections of temporary or occasional businesses at markets, fairs or large public events. There could be as many as 200 unplanned interventions in 2017-18.
- 3.2.6 It is estimated that about 25% of inspections will require some follow up action to check compliance. This could mean up to 150 revisits.
- 3.2.7 The frequency at which businesses must be inspected is outlined in Annex 5 of the Code of Practice and this information is also used to determine the Food Hygiene Rating Scheme (FHRS) score. The FHRS is operated in accordance with the FSA Brand Standard. Businesses can appeal against their rating and can also request a rescore visit (subject to the payment of the fee) after the inspection upon which their rating was based. There have been 20 re-score requests, 10 other enquiries and one appeal. At least as many should be anticipated in 2017-18.
- 3.2.8 All officers who carry out official food controls are authorised in accordance with the Code of Practice.
- 3.2.9 Officers will also carry out spot checks at businesses if they have concerns or intelligence about the business or about a specific activity within a business. The outcome of a spot check may affect future planned inspections of the business.

3.3 Complaints

- 3.3.1 These generally fall into one of the following categories:
- Complaints about the food premises themselves (e.g. poor staff hygiene, allegations of pests, poor standards of cleanliness)
 - Complaints about the condition or contamination of food (extraneous matter, mould, dirty containers)
 - Complaints about food labelling and food information ('use by' dates and allergen information).
- 3.3.2 Based on previous years it is estimated that there will be about 200 such complaints in 2017-18. Table 3 shows the total number of food-related service requests, complaints and queries, the numbers of which have increased steadily over the last few years.

3.4 Primary Authority Scheme

- 3.4.1 The service supports the Primary Authority Scheme and the Council has partnership with Cambridgeshire County Council's School Meals Service.
- 3.4.2 The partnership was established in August 2013. It was agreed that the Council would provide a maximum of 100 hours of support per year and that the cost would be recovered in accordance with published guidance. So far in 2016-17

the service has provided just over 60 hours of support, generating just over £3,000.

3.5 Advice to Businesses

3.5.1 Officers provide information and advice to businesses to help them comply with the law and to encourage the use of best practice. This is part of our enforcement policy and is achieved through a range of activities including:

- Advice to new businesses
- Advice during the course of inspections and other visits
- Targeted business support visits to poor performing businesses
- Site visits on request and where appropriate (e.g. prior to the opening of a brand new business)
- Proactively contacting businesses to comment on plans at the planning stage
- Proactively contacting businesses to comment on applications for premises and temporary licences
- Targeted mail shots about legislative and policy changes and in response to FSA food alerts for action
- Twice yearly publication and distribution of a food and safety newsletter to all businesses
- Maintenance and development of the website with links to the Food Standards Agency's website.

3.5.2 These activities are integrated into the service's general interventions and food safety promotion functions. There have already been 272 requests for advice and training and it is expected that there will be at least as many in 2017-18.

3.6 Food and Environmental Sampling

3.6.1 Sampling is a recognised official food control. In 2017-18 the commitment to sampling will continue and where possible it will be used as an alternative to carrying out a full inspection, especially at category D premises.

3.6.2 Public Health England (PHE) doesn't charge for the analysis of samples. In 2004 an MTP bid was approved to cover the cost of sampling in the event that PHE reversed its policy but to date it has not been necessary to release this funding.

3.6.3 All sampling will be carried out in accordance with relevant legislation, the Code of Practice issued under the Food Safety Act 1990 and the departmental Standard Operating Procedure (SOP).

3.7 Control and Investigation of Food-related Infectious Diseases

3.7.1 Officers will investigate food-related infectious disease notifications in accordance with protocols agreed with the Consultant in Communicable Disease Control (CCDC), Anglian Water and Cambridge Water Company. The general aims of any investigation are to identify the source and cause of the infection and prevent further spread.

3.7.2 There have been 79 food poisoning notifications, 56 of which required an investigation. This compares to 169 notifications (42 investigations) in 2015-16.

3.7.3 The Council has appointed the Consultant in Communicable Disease Control (CCDC) from Public Health England as the 'Proper Officer' under the Public Health (Control of Disease) Act 1984.

3.8 Food Safety Incidents

3.8.1 FSA food alerts for action will be dealt with in accordance with:

- the departmental SOP
- the Food Law Code of Practice issued under the Food Safety Act 1990 and
- any instructions issued by the FSA.

3.8.2 Most food alerts are Product Withdrawal Information Notices or Product Recall Information Notices which require little or no action. There are a significant number of allergy alerts but these too require little or no action or are dealt with by Trading Standards Officers (TSOs). Occasionally TSOs may ask for our support. Food Alerts for Action (FAFA) and ad hoc requests for action may have an impact upon programmed work but the numbers are relatively low.

3.8.3 Given the nature of food alerts, it is impossible to predict the likely demands and requisite resources with any accuracy. If a food alert is associated with a business based within Huntingdonshire then officers will be expected to devote more time to that alert than to one which originates elsewhere.

3.9 Liaison with Other Organisations

3.9.1 The Council recognises the importance of ensuring its enforcement approaches are consistent with those of neighbouring local authorities. Officers have access to the LGA Knowledge Hub and there is dialogue and liaison in a number of settings:

- Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group (CPFOHSMG)
- Cambridge Water Company Liaison meetings
- Anglian Water Liaison meetings
- Flare User Group
- Food Standards Agency regional events
- Public Health England/Environmental Health liaison days
- Chartered Institute of Environmental Health update events

3.9.2 The CPFOHSMG promotes consistency between officers and authorities and where possible produces common policies and procedures. Where appropriate, subgroups can be convened to deal with a specific issue. The membership includes Lead Food Officers from Cambridgeshire and Peterborough as well as representatives from Public Health England, the Food Standards Agency and Trading Standards.

3.9.3 There is routine liaison and contact with officers from Planning and Building Control, Business Rates, the Fraud Team, Licensing and Legal as well as liaison and consultation with the Town Centre Managers where appropriate.

3.10 Food Safety and Public Health Promotion

3.10.1 Subject to resources, the proposals for 2017-18 include the following:

- FSA Food Safety Week – hygiene promotion targeted at consumers
- Food safety advice and information aimed at local consumers to support any FSA national campaigns
- Promotion of online food hygiene training and provision of CD ROMs
- The delivery of food hygiene training courses and business briefing events
- Promotion of the National Food Hygiene Rating Scheme (FHRS)
- Production of food safety newsletters sent to all businesses on our database
- Ad hoc lectures to schools and community groups upon request
- Seasonal hygiene and food safety linked press releases
- Maintenance and development of relevant information on the Council's website
- Providing support to existing businesses and to new businesses on food safety legislation, compliance and best practice
- Briefing sessions for new and existing food business operators on the implications of new and changing food safety legislation and in response to national events
- Attendance at relevant trade and business seminars to promote the work of the service

3.11 Food Intended for Export

3.11.1 There are two manufacturing businesses which regularly supply food to non-EU countries and which require an Export Health Certificate for each consignment. These arrangements help the businesses in question but they are not official controls and do place additional burdens on the service. The businesses are charged a fee for each certificate and in 2016-17 this has already generated about £6,000.

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The budget for 2017-18 is shown in Table 8 below

Table 8: Food Safety Service Budget 2017-18

Direct Costs	£
Employees	
Salary (NI, Pension, training)	286,115
Supplies, transport	6,724
	292,839
Other	
Materials	1,000
Postage	750
Books and Publications	640
Printing (internal)	600
Hire of rooms	600
Corporate Subscriptions	500
Laundry	380
Maintenance of Equipment	250
Equipment	200
Catering	180
	5,100
Overheads	
Admin Support	26,319
Customer Services	6,734
Finance	119
Audit and Risk	39
Corporate Finance (non CM)	15
Procurement	12
Central Support	73,821
	107,059
Total	404,998
Income	
Costs recovered (Export Certificates, Primary Authority Partnership, delivery of training courses and fees for FHRS re-score visits)	-21,675
Total Expenditure	383,323

- 4.1.2 The overall budget for 2017-18 is 9.4% lower than for 2016-17. This is largely attributable to the revised methods of calculating internal recharges and overheads.
- 4.1.3 The estimated income of £21,675 comprises costs recovered through the Primary Authority Partnership, fees for export certificates and FHRS re-score visits and income from the delivery of training courses and business briefing events.
- 4.1.4 All officers requesting remote access to the Council network have access to a laptop computer (PC) containing databases, word processing, internet and intranet access, and email and spreadsheet packages. All the laptops have been upgraded with remote access to the Council network so that they are available for out-of-office working and wireless enabled for touchdown working in HDC controlled premises.
- 4.1.5 In the event of a serious or major incident or a large outbreak of food poisoning or food-borne illness requiring additional resources, officers from the Business Team will assist in the first instance and if necessary officers can be drafted in from other teams.
- 4.1.6 The sum allocated to legal costs is based upon anticipated demand assessed over previous years, but should it prove insufficient then a request would be made to the Council for extra funds. This hasn't been necessary to date and there are no financial restrictions placed upon legal action, each case being considered on its merits. In the event of enforcement action that would place unforeseen demands on resources, local authorities can apply for financial support from the FSA but this fund is discretionary and may be withdrawn at any time

4.2 Staffing Allocation for the Food Service

- 4.2.1 Food law enforcement and compliance advice activities are provided by officers from the Business Team. The team is led by the Operational Manager (Business) and contains another six authorised officers only three of whom work full time. The team is supported by the Business Support Team.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment

5.1.1 The Operational Manager (Business) is responsible for the overall monitoring of the service. In general terms the service is monitored internally in accordance with Standard Operating Procedure (SOP) CT04. The practical arrangements include the following

- Reviews of premises inspection records in accordance with SOP CT04
- Observed and accompanied inspections
- Periodic reviews of policies and procedures
- Team meetings – programmed work is monitored against targets; reactive work is monitored with reference to management and closure of service requests
- Annual PDR meetings and six monthly review meetings
- Peer review and consistency exercises led by the CPFOHSMG
- Peer review and consistency exercises led by the FSA.

5.1.2 There are several SOPs which cover the different aspects of the service. They were last reviewed in 2014 and will need to be reviewed in 2017-18 to reflect the operational and management changes brought about by the restructure of the Community Division.

SECTION 6: REVIEW

6.1 Review against the Service Plan

6.1.1 The Service Plan is supported by an action plan and performance measures. Progress will be reported to the Head of Community on request and to the Council's Management Team on a regular basis.

6.1.2 Progress will be reported in terms of the following indicators:

- Any agreed performance targets
- Any agreed targeted outcomes
- The Service Plan from the previous year.

6.2 Variations from the 2016-17 Service Plan

6.2.1 The Food Standards Agency Framework Agreement requires every Local Authority to review the previous year's performance against its service plan. The review must identify where the Authority was at variance from the service plan and, where appropriate, the reasons for that variance.

6.2.2 This review details the performance of the food service during 2016-17 and outlines any significant issues that impacted on the delivery of the service.

6.3 Programmed Work

6.3.1 The 2016-17 Service Plan estimated that 530 planned inspections of food businesses would be carried out, 300 of which would be full or partial inspections of premises in categories A, B, C and D. 57 of these premises have since ceased trading.

6.3.2 There have already been 268 full or partial inspections, 20 sampling visits and 18 advisory visits. All but one of the category A and B premises have been visited and 90% of the category C and D premises have been visited.

6.3.3 Nine visits to approved establishments which produce and/or handle products of animal origin (including meat-cutting plants, meat products, and egg packers).

6.4 Reactive Work

6.4.1 There were some unexpected and excessive demands on the service. One business was prosecuted and four businesses agreed to close temporarily because of poor conditions which presented a risk to public health.

6.4.2 The commitment to the Food Hygiene Rating Scheme (FHRS) does place unforeseeable demands on the service. Food businesses can request a rescored visit or can appeal against a rating and the Brand Standard specifies the ways in which those requests must be handled. There have been 20 such requests in 2016-17 each of which generated at least two additional visits.

6.4.3 The service has already received almost 600 complaints, enquiries and requests for service or advice. One in three related to suspect or contaminated

food, unhygienic premises or poor hygiene practices. Just under half were enquiries from existing or potential businesses and the remainder were made up of requests for export certificates, Primary Authority Partnership enquiries and FHRS enquiries.

6.5 The 2016-17 Action Plan

6.5.1 Section 6.6 of the 2016-17 Service Plan contained an action plan for the year. The following tables outline those commitments together with a review of performance.

Table 9 – Promotion and Improvement of the Service

Commitment	Performance
Maintain, review and update the food premises database and include business email addresses so as to improve communication with businesses and identify savings	<i>The food premises database is managed in accordance with Standard Operating Procedure F02. It is updated using information collected during routine interventions, reviewed periodically (via team meetings) and subjected to an annual check prior to the submission of the annual return to the Food Standards Agency. There are about 1500 food business records on the database of which almost two thirds contain an email address. An increasing amount of routine correspondence is sent via email subject to the constraints of any legal processes.</i>
Review the basis upon which complaints and service requests are investigated	<i>Complaints and service requests have always been prioritised according to risk but the rising numbers prompted a review of the selection criteria. This should reduce the number of spurious and malicious allegations of food poisoning and there is now greater priority attached to complaints about food that was manufactured or prepared within Huntingdonshire.</i>
To promote the service as widely as possible using all available media outlets	<p><i>A variety of social and web-based media were used to promote the Food Hygiene Rating Scheme. Typically these promotions were timed to coincide with Christmas, Mothers' Day, Valentine's Day and Bank Holidays but also to support national strategies such as Food Safety Week. The team has its own Twitter account and regularly submits articles to Key Issues and other council publications.</i></p> <p><i>Other activities include the following</i></p> <ul style="list-style-type: none"> • <i>Officers have taken out members and journalists on routine visits</i> • <i>Coverage on BBC Radio 5live and Radio Cambridgeshire</i> • <i>Articles published in Hunts Post and Environmental Health News</i> • <i>Presentation at the annual CCS Caterers' Conference</i>

Table 10 – Business Support

Commitment	Performance
The delivery of a programme of training courses to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business	<i>Six CIEH Level 2 courses have been delivered and another is planned for March. Four business briefing events – almost 100 people have attended these events and they generated just over £5,000 of income</i>

Increase our proactive commitment to the provision of business support and compliance advice to new businesses	<i>Almost 150 new business records have been added to the database since 1 April 2016. 144 visits to these premises and 33 visits or letters to provide advice or support.</i>
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Table 11 – Partnership Working

Commitment	Performance
To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners	<p><i>The partnership is now into its fourth year. The profile of the partnership has been maintained by regular contact with senior CCS staff and with other local authorities and we have issued draft Assured Compliance Advice about how to comply with the requirements for food hygiene training.</i></p> <p>Extending the scheme to other businesses <i>All officers were encouraged to explore opportunities as they arose during the course of routine work but there are no new partnerships to report.</i></p>
Maintain collaborative work with our key partners and fellow regulators	<p><i>This is ongoing work through the established networks and groups. Specific examples</i></p> <ul style="list-style-type: none"> • <i>Exchange of information with the Economic Development team to promote the “Invest Huntingdonshire” website</i> • <i>Worked with the FSA to introduce a cost recovery scheme for FHRS rescore visits</i> • <i>Worked with the Department of Business, Energy and Industrial Strategy (BEIS) to trial the Communication for Compliance Project</i>

Table 12 – Supporting the National Agenda

Commitment	Performance
To support any relevant national strategies such as the FSA's National Food Safety Week	<i>A variety of social and web-based media were used to promote Food Safety Week and the national “Our Day” project</i>

6.6 Action Plan for 2017-18

6.6.1 The service is committed to the delivery of “official food controls” in accordance with the Code of Practice in order to fulfil the Council’s role as a food authority. The service will respond to complaints, enquiries and requests for service in accordance with internal procedures and with regard to public health risk.

6.6.2 Subject to resources the service will also make the following commitments to the Council’s corporate aims and objectives.

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings
- Review and update SOPs to take account of the changes associated with the restructure of the Community Division
- Continue to deliver a programme of training courses and briefing events to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business

- Monitor the FSA's commitment to the introduction of a mandatory requirement for food business to display their food hygiene rating and to introduce appropriate enforcement protocols.
- To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners
- Monitor the FSA's ideas for the future of food law regulation as contained in the Regulating our Future proposals and respond accordingly
- Maintain collaborative work with our key partners and fellow regulators
- To promote the service as widely as possible using all available media outlets
- To support any relevant national strategies such as the FSA's National Food Safety Week

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Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Provisional Service Plan for Health and Safety Regulation 2017-18

Meeting/Date: Licensing and Protection Committee – 22 March 2017

Executive Portfolio: Executive Councillor for Housing and Regulatory Services - Cllr Ryan Fuller

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2

Recommendation:

Members are requested to:-

- 1. Comment on and approve the ‘Provisional Service Plan for Health and Safety Regulation 2017-18’;**
- 2. Consider whether a final Service Plan should be presented at their next meeting on 5 July 2017.**

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Provisional Service Plan 2017-18 to the members of the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for health and safety regulation.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular (LAC) 67/2.
- 2.2 The council’s role as a health and safety regulator is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year’s performance.
- 2.3 The Business Team is a part of the recently restructured Community Division. The leadership and composition of the team will take shape over the next few weeks as the recruitment of staff to new and vacant posts is finalised.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The service has considered the National Enforcement Code, the Corporate Plan 2016-18 and the predicted 2017-18 figures based upon work delivered since 1 April 2016.

4. KEY IMPACTS/RISKS

- 4.1 A failure to produce an appropriate Service Plan could invite criticism from the HSE which, as the national regulator oversees local authorities. This in turn could result in contact from the HSE’s Local Authority Unit.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Provisional Service Plan will be reviewed over the next few weeks as the leadership and composition of the Business Team is finalised. It is hoped that any new appointments will be in post by 1 June and a further report will be presented to the meeting on 5 July.
- 5.2 The Service Plan will be delivered alongside the Business Team’s other core functions of food safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1 Service Plans support the Council’s Corporate Plan and contribute to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.

- 7.2 The HSE's National Local Enforcement Code recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3 This provisional plan replaces the 2016-17 Service Plan and a final version will be presented on 5 July. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the service plan and to identify areas for improvement.

8. RESOURCE IMPLICATIONS

- 8.1 The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.
- 8.2 The budget is within the approved budget for 2017-18

9. OTHER IMPLICATIONS

- 9.1 The HSE expects local authorities to carry out their regulatory activities in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Service Plan will help to meet those expectations.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Huntingdonshire District Council is required to produce and approve a Health and Safety Service Plan. The Provisional Service Plan will be reviewed and a final version may be presented to the next meeting on 5 July. Subject to successful recruitment to vacant posts, it is achievable within the aspirations of the Council and the approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 – Provisional Service Plan for Health and Safety Regulation 2017-18

CONTACT OFFICERS

Mr Chris Stopford
Head of Community
Tel: 01480 388280

Mr Keith Lawson
Commercial Team Leader
Tel 01480 388291

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COMMUNITY DIVISION

PROVISIONAL SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev6)**

March 2017

EXECUTIVE SUMMARY 2017-18

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and employees to protect people from unsafe working conditions.

The service is linked to the Council's Corporate Plan and aims to comply with the Health and Safety Executive's (HSE) "National Local Authority Enforcement Code". Much of this work is directed by a national Local Authority Circular (LAC 67/2) which outlines the ways in which local authorities should comply with the national code.

This is a provisional Service Plan which outlines how Huntingdonshire District Council could deliver health and safety regulation in 2017-18. Any references to work delivered in 2016-17 are based upon the latest available data and unless stated otherwise this covers the period between 1 April 2016 and 28 February 2017. The references to programmed work for 2017-18 are estimates and these figures will be confirmed in a subsequent report.

The health and safety service is one of the functions carried out by officers within the Business Team of the Community Division. Those officers also deliver regulatory and advisory functions in the fields of food safety, infectious disease control, drinking water safety, smoke free legislation and licensing.

RESOURCES

STAFF

	2016-17	2017-18
Environmental Health Officers (EHO)*	1.15	0.513
Environmental Health Protection Officers (EHPO)*	0.35	0.271
Operational Manager (Business)	n/a	0.15
	1.50	0.934
Business Support Staff	0.16	0.16
Total	1.66	1.094

* These figures represent the proportion of the establishment posts which is allocated to health and safety. Historically this has been 20% but is expected to be 15% based upon 2016 data.

FINANCIAL

	2016-17	2017-18
Direct Costs		
Employees (salaries, NI and pensions)	£79,614	£55,731
Other (Legal fees, sampling, equipment etc.)	£10,028	£1,308
Overheads	£22,063	£14,380
TOTAL	<u>£111,705</u>	<u>£71,419</u>

ACTIVITIES

The range of activities is shown in table 1 (below). The provisional figures for 2016-17 are based upon recorded data up to 28 February 2017.

Table 1 – Health and Safety Activity

Activity	Level of activity	
	Provisional 2016-17	Estimated 2017-18
Premises inspections and interventions (including revisits)	90	100
Health and safety complaints and requests for service	75	75
Accident and dangerous occurrence investigations commenced	25	25
Specific smoke free enforcement visits	0	10
Matters of Evident Concern (MEC)	30	30
Health and safety promotion and advice to business/enquiries	e.g. provision of training courses, development of newsletter, leaflets, website, educational initiatives (in addition to those identified in “interventions”)	
Liaison with other organisations	Five meetings of the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group	

The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.

The administrative support comprises the following: preparation of reports, letters and notices; updating computer records; recording of enquiries and service requests; collation of data about reportable accidents; collation of data for HSE and CIEH returns and internal PI monitoring.

A balanced workload has been proposed for 2017-18 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. Unforeseen events can place unexpected demands on the service and will prejudice our ability to deliver the plan. These include fatal accident investigations and staffing issues such as long term sickness.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 Health and safety regulation is an important mechanism for reducing accidents and ill health in the workplace as well as contributing to economic growth and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.

1.2 The service aims to:

- Help the Council to fulfil its statutory role as a “Health and Safety Enforcing Authority” and ensure the effective regulation of health and safety standards and;
- Deliver a complementary programme of advice and enforcement to ensure that businesses are better placed to comply with their duties.

1.3 The service seeks to meet these aims through a number of key objectives which include:

- Securing compliance with health and safety law, having regard to Approved Codes of Practice and Guidance
- Investigating complaints and taking appropriate action
- Delivering a programme of interventions in accordance with statutory guidance
- Investigating reported accidents, dangerous occurrences and notifiable diseases on the basis of risk and taking appropriate enforcement action
- Maintaining a register of premises for which the Council has enforcement responsibility
- Maintaining a register of evaporative condensers and water-cooling towers on behalf of the HSE
- Responding to statutory notifications about the removal of asbestos or asbestos-containing material
- Responding to Adverse Insurance Reports (AIR) submitted by engineers appointed by insurance companies
- Taking samples of articles and substances as they relate to a working environment
- Providing advice and guidance, in particular to new businesses
- Working in partnership with other organisations to promote health and safety in the workplace.

1.4 The plans and initiatives to which the service must have regard include:

- The HSE’s strategy “Help GB Work Well”
- The Council’s Corporate Plan 2016-18
- The HSE’s National Local Authority Enforcement Code
- Local Authority Circular (LAC) 67/2 (Revision 6)
- The Regulators’ Code

2.0 SERVICE DELIVERY

2.1 Introduction

- 2.1.1 The health and safety service is delivered by officers within the Business Team of the Community Division.
- 2.1.2 The service will deliver a mixture of proactive and reactive interventions which will be consistent with government guidance. In practice this will comprise programmed inspections of the highest risk workplaces alongside targeted projects aligned with LAC 67/2. These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints.
- 2.1.3 Whilst the need to work in accordance with national guidance is recognised, the service will also honour the Council's long standing commitment to provide support for businesses.

2.2 Health and safety inspections

- 2.2.1 There are almost 2,400 premises on the premises database. Table 2 shows a breakdown by HSE classification.

Table 2 - Analysis of Premises by HSE Classification

Retail Shops	501
Catering, restaurants and bars	493
Offices	373
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	373
Wholesale, warehouses and fuel depots	220
Leisure and cultural services (e.g. cinema, place of worship)	153
Hotels, camp sites and other short-stay accommodation	56
Provision of permanent residential accommodation	55
Other premises (not classified above)	50
HSE enforcement	103

- 2.2.2 Records show that 48 businesses are scheduled to be inspected during 2017-18. However, the National Local Authority Enforcement Code (supported by LAC 67/2) states that unannounced proactive inspections should only be used for
- The highest risk premises
 - Those on HSE's published list of specific local authority enforced sectors
 - Where there is local intelligence which shows that risks are not being effectively managed.

In practice this means that the premises which are due for an inspection are unlikely to be visited unless they fall into one of the specified categories.

2.2.3 According to the National Code the high risk sectors which are suitable for proactive inspections include

- Open farms and animal visitor attractions
- Premises with buried metal LPG pipework
- High volume warehousing and distribution
- Industrial retail/wholesale premises
- Large scale public events
- Commercial catering premises that use solid fuel cooking equipment
- Premises with vulnerable working conditions (e.g. lone working)

2.2.4 Proactive inspections can also be carried out at premises where a food hygiene inspection and a health and safety inspection are both due in the same year. These premises will be inspected accordingly.

2.2.5 LAC 67/2 also identifies specific topic areas that should be addressed during the course of routine visits. These include

- Falls from height – work on or adjacent to fragile roofs/materials
- Duty to manage asbestos
- Beverage gases in the hospitality industry
- Welfare facilities for delivery drivers

2.3 Other health and safety interventions

2.3.1 LAC 67/2 identifies several other intervention types which can be used as an alternative to unannounced proactive inspections. These include the following:

- Visits by appointment
- The provision of advice and information
- Sector-specific initiatives which target local problems
- Responding to “local intelligence” which gives cause for concern
- Dealing with serious matters as they are observed or brought to an inspector’s attention during advisory or other interventions
- These include Matters of Evident Concern (MECs) – issues that create a risk of serious personal injury or ill-health; and Matters of Potential Major Concern (MPMCs) – those with a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health

2.3.2 The Health and Safety Executive’s (HSE) Helping Great Britain Work Well strategy sets out the priority themes for the effective regulation of health and safety in the workplace. Local authorities can play their part in delivering the strategy with particular reference to the following:

- Tackling ill health – highlighting and tackling the costs of work related ill health

- Managing risk well – simplifying risk management and helping businesses to grow
- Supporting small employers – giving SMEs simple advice so they know what they have to do.

2.3.3 The HSE's detailed plans are contained in their Health and Work strategy and in their 19 sector-specific strategies which are based on industry type and risk profile. These sectors include commercial consumer services, logistics/transport and sports and leisure.

2.3.4 These sectors include businesses as diverse as beauty, retail, hospitality, catering, distribution centres, children's play, swimming and thrill-seeking activities such as bungee jumping and motorised leisure pursuits. Collectively, they account for almost two thirds of the businesses on our database and subject to resources we will deliver a range of interventions to support the HSE's wider strategic themes.

2.4 New business enquiries and inspections

2.4.1 Health and safety legislation does not require new businesses to notify the Council when they start up. The service has an online form which a business can complete instead and there is liaison with the NNDR team where necessary. All planning applications are circulated to officers for review and advice is provided to the applicant where necessary. When new businesses open they are added to the inspection programme on the basis of risk.

2.4.2 Where possible, the first contact with a new business will focus on the provision of compliance advice.

2.5 Health and safety complaints and requests for service

2.5.1 These fall into one of the following broad categories:

- Complaints about unsafe working conditions, practices or equipment
- Complaints about welfare-related issues such as working hours and meal breaks
- Complaints about the lack of suitable training, supervision or instruction for employees
- Adverse Inspection Reports about lifting equipment and pressure vessels

2.5.2 They are investigated in accordance with internal procedures and central guidance.

2.6 Notifiable accidents, injuries, diseases and dangerous occurrences

2.6.1 Investigations are carried out in accordance with relevant guidance and procedures. Enforcement action is in accordance with the Enforcement Policy.

2.7 Licensing and registration

2.7.1 The service works closely with the Licensing Manager and provides technical advice to support the administration of zoo licensing, riding establishments licensing and skin piercing activities.

2.8 Formal notifications

2.8.1 The Council receives formal notifications from specialist engineers relating to lifting equipment; work with asbestos; pressure systems and location of cooling towers. Follow-up work is often required in all these areas to ensure that safe working practices are in place.

2.9 Advice to businesses

2.9.1 The service will maintain a commitment to the provision of advice to new businesses. Where possible, the first contact with a new business will focus on the provision of compliance advice.

2.9.2 The Council supports the philosophy that effective regulation involves working with businesses. Officers will work with businesses to help them to comply with the law and to encourage the use of best practice. This is achieved through a range of activities which include:

- Awareness seminars and targeted mail shots prompted by changes in legislation
- Maintenance and development of the department's web site.
- Provision of training when resources permit
- A periodic business newsletter which contains information about health and safety requirements
- Ad hoc seminars and lectures for schools, trade and voluntary groups

2.10 Health and Safety Partnership Working

2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAP). A company with multiple outlets in different local authority areas can invite one to set up a PAP. The local authority is not obliged to do so but if it agrees then it must be mindful of the significant demand on resources that will result.

2.10.2 As at December 2016, 15,850 businesses and 181 primary authorities were in Primary Authority partnerships. There are about 60 companies in Huntingdonshire with partnerships. The Council doesn't have any health and safety partnerships but would consider setting up a partnership if approached. Such partnerships are resource intensive but costs can be recovered from the business partner.

2.10.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanism is the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group.

2.11 Enforcement Policy

2.11.1 Huntingdonshire District Council has signed up to the Enforcement Concordat and supports the principles laid down in the Regulators' Code. .

2.12 Smoke free Implementation

2.12.1 Smoke free enforcement work has now become integrated into routine inspection activity and in response to specific complaints.

2.12.2 Since 1 April 2016 officers responded to 5 complaints and enquiries about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits of which there have already been almost 800.

3.0 RESOURCES

3.1 Staffing

3.1.1 The Operational Manager (Business) is responsible for the overall management of the service which is delivered by six officers in the Business Team. Administrative support is provided by the Business Support Team.

	2017-18
Environmental Health Officers	0.513
Environmental Health Enforcement Officers	0.271
Operational Manager (Business)	0.15
	0.934
Business Support staff	0.16
TOTAL	1.094

3.1.2 These figures represent the proportion of the establishment posts which is allocated to health and safety activity. Historically this has been 20% but is expected to be 15% based upon 2016 data.

3.2 Financial

	2016-17	2017-18
Direct Costs		
Employees	£79,614	£55,731
Other (Legal fees, sampling, equipment etc.)	£10,028	£1,308
Overheads	£22,063	£14,380
TOTAL	<u>£111,705</u>	<u>£71,419</u>

3.2.1 The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.

3.2.2 The business support workload includes the production of post-inspection letters, data entry to Flare, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE and CIEH returns and internal monitoring.

3.3 Competency and Professional Development

- 3.3.1 All members of staff are involved in a staff review and development process with annual appraisals and six-monthly reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each contributes to the training programme.
- 3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of competence. During 2017-18 they will have access to any training which is necessary to maintain their competence and level of authorisation.

4.0 QUALITY ASSESSMENT

4.1 The following methods are used to assist with the quality assessment of the service:

- Standard Operating Procedures
- Periodic benchmarking and peer review exercises
- Review of post-inspection paperwork
- Periodic assessment of competencies
- Accompanied visits
- Regular team meetings
- Review of officers' personal work plans
- Annual performance appraisal and development interviews
- County-wide working groups addressing specific issues, consistency of enforcement

5.0 REVIEW

5.1 Review of Performance

- 5.1.1 The Health and Safety Executive (HSE) has issued guidance to all local authorities. This requires them to review their performance in order that any variances from the requirements of the Service Plan can be identified.
- 5.1.2 The service was not fully staffed for the year. There has been a vacant post since 31 December 2014, one officer was on sick leave for about six weeks and then took up a position at another local authority in March.

5.2 Formal Enforcement Action

- 5.2.1 The Health and Safety at Work Enforcement Policy Statement states that a graduated approach to enforcement will be adopted and that in the first instance duty holders will be given the opportunity to discuss and remedy problems before action is taken. In order to determine the best course of action, an officer will assess the degree of risk, the severity of the offence, the technical means by which the contravention can be remedied, together with the known compliance history of the duty holder. The most appropriate enforcement option must always be governed by the particular circumstances of the case.
- 5.2.2 In most cases, compliance is secured by informal means, most commonly by letter. However, it is sometimes necessary to use formal methods. Two improvement notices were served for significant breaches of health and safety requirements. Table 3 compares the level of enforcement activity with the two previous years.

Table 3 – Enforcement Action

	2014-15	2015-16	2016-17 (provisional)
Total number of inspections, visits and revisits	172	99	85
Number of letters	104	42	45
Improvement notices	8	2	2
Prohibition notices	6	1	0
Simple cautions	0	0	0
Prosecutions	0	0	0
Health & Safety complaints and	66	38	70

	2014-15	2015-16	2016-17 (provisional)
service requests			
Accident Notifications	82	68	85

5.2.3 The number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high risk premises. The number of letters includes all written notifications to employers, whether or not there were contraventions of health and safety requirements. Of these, 23 related to breaches of health and safety requirements.

5.3 A Review of the Service Plan

5.3.1 Section 5.4 of the 2016-17 Service Plan contained the plan of work for the year. The following is a summary of that work.

5.3.2 Several groups of premises were visited in order to assess the management of risks associated with the following

- Work-related dermatitis
- Fork lift trucks
- Work at height

No enforcement action was necessary.

5.3.3 “Matters of Evident Concern” (MEC) are significant breaches of health and safety requirements that are identified during the course of other activities. These include electrical and gas safety hazards, slip and trip risks and unguarded equipment and 29 have been recorded.

5.3.4 Proactive inspections can be carried out if a food hygiene inspection and a health and safety inspection are both due in the same year. At 1 April 2016 there were 16 such premises: eight have been inspected and five have ceased trading.

5.3.5 Of the 81 incidents reported to date, 22 have been investigated. These included three prescribed work-related diseases and an incident in which someone was hit by a moving horse carriage and sustained life-changing injuries.

5.3.6 Increasing compliance support for new businesses – provision of a bespoke health and safety business card to signpost employers to relevant sources of information.

5.3.7 Increase the coverage of health and safety at work issues in the newsletter – the latest edition of the newsletter contains several health and safety articles.

5.4 Plan of work for 2017-18

- 5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2, the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy.
- 5.4.2 Whilst we recognise the need to work in accordance with national guidance we will also honour the Council's long standing commitment to provide support for businesses and this will be reflected in this year's plan of work. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.
- 5.4.3 Proactive inspections of existing premises can be carried out where a food hygiene inspection and a health and safety inspection are both due in the same year. There are 14 such premises and they will be inspected accordingly.
- 5.4.4 The work will be a mixture of conventional inspections and targeted interventions which will focus on the priority sectors and activities identified in the HSE Code together with support for the HSE's wider strategies. Examples include the following:
 - 5.4.4.1 The management of manual handling activities and the prevention of musculoskeletal disorders.
 - 5.4.4.2 The management of risks at motorised leisure activities and large scale public events.
 - 5.4.4.3 The management of risks at animal visitor attractions
 - 5.4.4.5 The management of risks at industrial retail and wholesale premises
 - 5.4.4.6 The management of risks at high volume warehousing and distribution premises
 - 5.4.4.7 The management of risks associated with the use of solid fuel cooking equipment at catering premises

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Agenda Item 8

Public
Key Decision – No

Subject Matter: LICENSING AND PROTECTION SUB-COMMITTEE

Meeting/Date: Licensing and Protection Committee – 22nd March 2017

Executive Portfolio: Councillor R Fuller – Executive Councillor for Housing and Regulatory Services

Report by: Elections and Democratic Services Manager

1. INTRODUCTION

- 1.1 The Licensing Sub-Committee comprising four Members of the Licensing and Protection Committee is convened when necessary to determine such matters in the case of an individual licence or application which has not been delegated to officers. Below is a summary of the meetings that have taken place since the last meeting of the Committee. Full Minutes are available on request.

Meeting Date	Chairman	Application	Determination
14 December 2016	R Fuller	New Application for a Hackney and Private Hire Licence.	Refused.
2 March 2017	J W Davies	New Application for a Hackney and Private Hire Licence	Allowed to Proceed
	J W Davies	Review of an existing Joint Hackney Carriage and Private Hire Drivers Licence.	Warning Letter
	J W Davies	Review of an existing Joint Hackney Carriage and Private Hire Drivers Licence.	Warning Letter
20 March 2017	TBC	New Application for a Hackney Carriage and Private Hire Licence	To be reported at the meeting.
	TBC	New Application for a Hackney Carriage and Private Hire Licence	To be reported at the meeting.
	TBC	New Application for a Hackney Carriage and Private Hire Licence	To be reported at the meeting.
	TBC	New Application for a Hackney Carriage and Private Hire Licence	To be reported at the meeting.
	TBC	Review of an existing Joint Carriage and Private Hire Drivers Licence.	To be reported at the meeting.

2. RECOMMENDATION

- 2.1 The Committee are invited to note the above information.

BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Sub-Committee.

Contact Officer: Mrs C Bulman, Democratic Services - ☎ 01480 388234.

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