



**Brighton & Hove
City Council**

Overview & Scrutiny

Title:	Environment & Community Safety Overview & Scrutiny Committee
Date:	19 April 2010
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Morgan (Chairman), Janio (Deputy Chairman), Davey, Davis, Drake, Rufus, Smart and Wells
Contact:	Mary van Beinum Overview & Scrutiny Support Officer 01273 - 29 - 1062 mary.vanbeinum@brighton-hove.gov.uk

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ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE

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For further details and general enquiries about this meeting contact Mary van Beinum, (01273 - 29 - 1062, email mary.vanbeinum@brighton-hove.gov.uk) or email scrutiny@brighton-hove.gov.uk

Date of Publication - Friday, 9 April 2010

Agenda Item 50

A. Declaration of Substitutes

Where a Member of the Commission is unable to attend a meeting for whatever reason, a substitute Member (who is not a Cabinet Member) may attend and speak and vote in their place for that meeting. Substitutes are not allowed on Scrutiny Select Committees or Scrutiny Panels.

The substitute Member shall be a Member of the Council drawn from the same political group as the Member who is unable to attend the meeting, and must not already be a Member of the Commission. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.

B. Declarations of Interest

- (1) To seek declarations of any personal or personal & prejudicial interests under Part 2 of the Code of Conduct for Members in relation to matters on the Agenda. Members who do declare such interests are required to clearly describe the nature of the interest.
- (2) A Member of the Overview and Scrutiny Commission, an Overview and Scrutiny Committee or a Select Committee has a prejudicial interest in any business at meeting of that Committee where –
 - (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken the Member was
 - (i) a Member of the Executive or that committee, sub-committee, joint committee or joint sub-committee and
 - (ii) was present when the decision was made or action taken.
- (3) If the interest is a prejudicial interest, the Code requires the Member concerned:-
 - (a) to leave the room or chamber where the meeting takes place while the item in respect of which the declaration is made is under consideration. [There are three exceptions to this rule which are set out at paragraph (4) below].
 - (b) not to exercise executive functions in relation to that business and
 - (c) not to seek improperly to influence a decision about that business.
- (4) The circumstances in which a Member who has declared a prejudicial interest is permitted to remain while the item in respect of which the interest has been declared is under consideration are:-

(a) for the purpose of making representations, answering questions or giving evidence relating to the item, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, BUT the Member must leave immediately after he/she has made the representations, answered the questions, or given the evidence,

(b) if the Member has obtained a dispensation from the Standards Committee, or

(c) if the Member is the Leader or a Cabinet Member and has been required to attend before an Overview and Scrutiny Committee or Sub-Committee to answer questions.

C. Declaration of party whip

To seek declarations of the existence and nature of any party whip in relation to any matter on the Agenda as set out at paragraph 8 of the Overview and Scrutiny Ways of Working.

D. Exclusion of press and public

To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is confidential and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

BRIGHTON & HOVE CITY COUNCIL

ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE

4.00PM 8 FEBRUARY 2010

BANQUETING ROOM, HOVE TOWN HALL

MINUTES

Present: Councillors Morgan (Chairman); Davey, Davis, Drake, Rufus, Smart, Wells and Barnett

Also present: Councillor Duncan, Representative of Sussex Police Authority

PART ONE

40. PROCEDURAL BUSINESS

40a Declarations of Substitutes

Councillor Dawn Barnett was substituting for Councillor Tony Janio.

40b Declarations of Interests

There were none

40c Declaration of Party Whip

There were none.

40d Exclusion of Press and Public

In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

RESOLVED: That the press and public be not excluded from the meeting.

41. MINUTES OF THE PREVIOUS SCHEDULED MEETING HELD ON 9 NOVEMBER 2009 AND BUDGET SCRUTINY MEETING HELD ON 19 JANUARY 2010

41.1 The minutes of the meetings held on 9 November 2009 and 19 January 2010 were agreed and signed by the Chairman.

42. CHAIRMAN'S COMMUNICATIONS

42. The Chairman welcomed MA students on 'Empowering Society' course from Institute of Development Studies at University of Sussex.

43. PUBLIC QUESTIONS/LETTERS FROM COUNCILLORS/NOTICES OF MOTION REFERRED FROM COUNCIL

43.1 A public question from Dr Cant was tabled at the meeting as follows:

“My question relates to the relations between the Council and the local PCT in relation to falls occurring, particularly among the elderly, on un-gritted pavements during the recent period of snowy weather. Given the additional pressure that is placed on local health services as a result of snow-related falls and given that prevention of falls among the elderly is a key target in the NHS, this would seem to be an area for joint working between the council and the PCT. What plans does the council have for joint working with the PCT to prevent falls on the part of the elderly in the event of any future snowy weather?”

43.2 The question was referred on to the Scrutiny Panel to be established under item 46 later on this agenda

43.3 Councillor Jayne Bennett’s letter requesting a scrutiny review of displacement parking in the City would be considered in the annual exercise of prioritisation of scrutiny panels.

43.4 Councillor Amy Kennedy presented her request for scrutiny of the Council’s Open Spaces and referred to the six questions she was asking in the letter. She asked for a report to the Committee.

43.5 It was agreed that this would be considered in the Committee’s work planning process for 2010 – 2011.

44. DISCUSSION WITH CABINET MEMBER FOR ENVIRONMENT

44.1 Environment Cabinet Member Councillor Theobald outlined some of the completed public place improvements and current street scene work in the City. He answered questions on transport; and managing the expectations of pedestrians, cyclists, car-, van-, taxi- and bus-drivers. The results of the consultation on the Old Shoreham Road Cycle Lane were due to be reported to Environment CMM soon, he said.

44.2 Councillor Theobald gave reasons why a new Transport Model was required. He pointed out some advantages of the Cumulative Impact Area and new provisions under Licensing legislation, that allowed for more control over licensed premises. He also gave an overview of allotments and the work of the rangers.

44.3 Asked whether responses were always provided to deputations and petitions, Councillor Theobald replied that he was pleased to have feedback from the public. He said that answers to environment issues could take some time to supply; however he would look into any case of undue delay that was brought to his attention.

45. BRIGHTON & HOVE CITY COUNCIL WINTER SERVICE PLAN; OPERATION AND REVIEW 2009-2010

45.1 The Chairman Councillor Warren Morgan noted that he, Councillor Bill Randall and the Leader of the Council had all called for a review of the council’s response to the 19 December 2009 snowfall. Furthermore this was called for by the public.

45.2 Some Councillors claimed that a panel held in March would be premature but the Chairman pointed out that an early report back to the Environment & Community Safety

Overview & Scrutiny Committee would allow for recommendations to be actioned before the coming winter.

45.3 Councillor Geoffrey Theobald agreed that an ad hoc panel would provide a good opportunity to discuss the experience of this winter's severe weather and to look again at the council's Winter Service Plan (WSP). He pointed out that the WSP was reviewed annually and that the current plan agreed at 5 November Environment CMM and took the February 2009 bad weather experience into account.

45.4 Councillor Theobald said it would be unrealistic and impractical to try to grit every road but the 40% gritting coverage of the road network exceeds the 24% target set by the Audit Commission target. He explained the WSP priorities within the city and how additional staff were called in to aid in carrying them out.

Councillor Theobald was in contact with officers throughout the Christmas period and was aware of the considerable amount of work they were doing around the clock. He reminded the committee that such weather had been unprecedented and the sub zero day time temperatures and low level of traffic on the roads had affected the effectiveness of the gritting process.

He thanked all staff involved and emphasised the importance of close working between the Council and emergency services partners.

45.5 The Committee Chairman formally thanked all staff from the wide range of service areas involved who had worked well beyond the call of duty and also provided a detailed report on its operation in December and January. Councillor Morgan said he wanted the Scrutiny Panel to take in constructive criticism including for example helping tackle local access difficulties such as steep hills and narrow streets.

45.6 It was noted that this was a countrywide challenge for all Councils although the ice before Christmas was more of a local problem which therefore generated more public disquiet than in January.

45.7 The Director of Environment said that the agreed WSP actions were carried out. There had been a high level of public concern and some of it had been hostile before Christmas but this reduced during the second spell of snow and ice. The early reaction may have been partly an issue of public expectation and communication, especially regarding the role of residents in helping to clear snow and ice, and what and how councils need to prioritise snow clearance. This communication had been improved for the post Christmas snow and the service had also been enhanced, particularly around pavement clearance.

45.8 The Head of Network Management confirmed the agreed Winter Service Plan had been put into action as planned. She gave background information to the WSP (Item 45; paragraphs 3.2 – 3.33) and told the Committee that unlike many other councils, Brighton & Hove City Council grits bus routes as well as major road networks, giving good coverage across the City.

45.9 Gritting routes for the 7 Council-owned gritting vehicles have to be time-limited to be viable and effective and this can limit the amount of the road network they can cover.

45.10 Pre-treating roads before snowfall always takes place but was noted as being less effective after an accumulation of snow at particularly low temperatures, as the salt tends to lie inert beneath the snow. Operations then resort to ploughing if the depth of snow permits this but this has the drawback of tending to open up a narrower carriageway. Ploughing plus a salt and grit mix or a pure grit mix on top of snow is the most effective post-treatment in giving traction and breaking down the snow to allow the pre-treatment salt to work. However, all spreading treatments also rely on substantial traffic to help them work. This means that busy city centre roads will respond better and more quickly to treatment than smaller, less-used roads. Gritters did not manage to open all the outlying bus routes despite continuing to treat these constantly throughout the snow periods. Roads with a lower volume of traffic, higher altitude and colder climate require more attention.

45.11 The Head of Network Management said pre-treating pavements is time consuming and labour intensive and the mixture can be quickly washed away after rainfall. It can also use a substantial amount of materials; however the Hollingdean Depot has a limited capacity to store salt. Like most councils, Brighton & Hove City Council's WSP states that we will only post-treat pavements after heavy and prolonged snow and ice conditions.

45.12 During the December snowfall, the council used the post-treatment method of spreading a salt and grit mix on pavements. The council donated some salt to the Primary Care Trust.

45.13 The WSP was activated in the week leading up to the snowfall on Thursday 17 December. Road gritting took place using salting pre-treatment in the evenings leading up to the predicted snowfall. Pavement clearance began on Friday 18 December 2009. However there was additional snowfall and freezing rain overnight which, combined with reduced traffic to help 'activate' or spread the salt, led to even more icy conditions on the roads and pavements. This was indeed an example of 'the different types of snow.'

45.14 Between December 2009 and January 2010 officers planned for further severe snowfall, for instance preparing additional resources and developing communications on the website and with residents.

45.15 More was done particularly with regard to pavement treatment and communications in response to the January snowfall compared with the December snowfall; and this was in excess of the provisions in the Winter Service Plan. Less icy conditions also helped operations in January.

45.16 Road gritting was repeated in the same way in January, with pre-treatments of salt being laid down every evening for several days before the snowfalls, followed by ploughing and salt/grit treatment after and during the snowfalls.

45.17 On behalf of the Committee the Chairman thanked all those involved in providing services in the severe conditions.

45.18 Questions and suggestions from Members were as follows with replies from the Director and Head of Network Operations in italics.

- 1) Would like more grit bins, and advice for residents on how to use grit or ashes
- 2) Will grit be removed, to help clear gullies?

There were over 400 requests for grit bins this winter. To keep 'clutter' to a minimum a more flexible arrangement such as dropping off sacks of grit at appropriate points in residential areas might be preferable.

3) Could there be seasonal grit bins to help reduce vandalism? When would additional grit bins be provided?

More work was needed before any roll-out of more bins. The current criteria agreed in the WSP for provision of grit bins are for areas on steep hills, especially near junctions, and not usually on a road-gritting route.

4) The hourly updates were useful for keeping residents informed.

5) The grit bin request form on the website was helpful

6) Can the gritting machines have chains attached to their tyres to break up the ice and get up the steeper hills?

Chains on vehicles tend to be costly, unreliable and can cause damage to highways.

7) What are the Council's plans to buy additional 4x4 vehicles and grit machines including machines for dealing with pavements. Are there adaptations available for use by smaller vehicles where necessary?

Almost certainly more 4x4 vehicles and smaller vehicles will be needed. Hand gritting machines are available and work well, but all of them would have a budgetary impact.

Financial implications are detailed at paragraph 10.

8) Could additional gritting machine driver training be provided and what are the costs of drafting in additional operational staff over weekends/nights?

Driver training would not be an issue as CityClean, City Parks, Sustainable Transport and City Enforcement Officers, in conjunction with the GMB, coordinate and work together well.

Assistance for Highway Winter Duty Officers during severe weather is being looked at due to the long working hours they experienced in December and January.

9) What proportion of narrow streets in the city and how many could be kept open.

Because there were repeated and often heavy snowfalls at various times over a period of a week in January, resources, including vehicles, drivers and supplies of grit had to be used to maintain the main routes and bus routes as agreed in the WSP. Consequently it would have been ineffective to divert stocks to side streets if it meant main routes became blocked. It would also have raised the issue of liability if only certain side streets were gritted and not others.

10) How can the council improve communication with residents to help them help themselves? How can the Council empower residents and encourage a community approach, more

noticeable in January, to severe weather? Communities could be given advice on how to become more self-sufficient, for instance in keeping extra food in store.

More information was available in time for the second snowfall on how to clear pathways.

To help manage residents' expectations in future, the council could consider being clearer in advance about what can realistically be done by the local authority

11) For shops outside the city centre, how are the pavements prioritised for post-treatment?

Out of town shopping areas are prioritised, but only those with higher footfall, in order to make best use of limited resources. For best effectiveness the treatment needs to be spread by activity. The council responded to individual business' requests for gritting where possible.

12) Councillor Ben Duncan, representative of the Sussex Police Authority asked what were the council's statutory obligations to the police and other authorities in the event of severe weather, and emergency services' obligations to the council (e.g. lending 4x4s). At what stage could an emergency be declared by the Council and its partners, and could national resources be called on?

In line with existing protocols, there was a Major Incident meeting during the Christmas period between the health, police, fire and the local authority. It was agreed that transport was the key issue during the severe weather, and that the best response was to disseminate public information rather than declare an emergency. It was also agreed that the authorities would lease extra vehicles and share 4x4s.

A call to staff and residents for use of their 4x4s was made and the details of the volunteers were kept. Insurance cover is provided by the Council. A Transport Cell of four authorities also called each other to share 4x4s.

Council officers work closely with the Police and NHS, informing them of any road closures and gritting all highway roads around hospitals and fire stations and their forecourts. The Council aims to grit all its own premises and will try to help the bus company and other public authorities who have their own contingency plans in place.

The Council donated supplies to some of the other authorities.

45.19 Further comments from Members included: the response to unusual weather needs to be proportionate; the Council should not buy expensive equipment that might not be needed again for many years; and if the council acted in excess of the Audit Commission Target for road network gritting, could some of the effort be diverted to pavements?

45.20 The Chairman referred to schools' policies on closure due to bad weather and the criteria for closures; teachers might be generally less able than pupils to make the journey to their school but might be able to undertake an emergency support role local to their homes.

45.21 Suggestions for proposed action and question about legal liability from Councillor Bill Randall were tabled at the meeting and these would be taken into account by the Panel.

45.22 The Head of Media Relations told the committee that further information could be put out earlier in future. Replying to a question he said messages on gritting around Churchill Square and other areas for which the council was not directly responsible, were passed on via the Business Forum and other organisations.

45.23 The Director said that after the January snowfall, to try to identify areas that may be especially problematic, people arriving at A&E with fall-related injuries were asked where they fell as well as their home address. This 'soft' data is included at Appendix 1 and could be collected and analysed more rigorously in future.

45.24 RESOLVED that having considered the report, that a one-day Scrutiny Panel be scoped in the following item on this agenda, item 46.

46. WINTER SERVICE PLAN; PROPOSED PANEL REMIT

46.1 The Standards and Complaints Manager summarised the report on the proposed scope of the Scrutiny Panel on the Winter Service Plan and detailed the public reaction; comments complaints and suggestions; to the council's response to the snowfall. He encouraged people to make complaints about the Council via the Standards and Complaints Team and explained how to do this.

46.2 Members agreed that Councillor Morgan would Chair the Panel. He said the Panel cannot respond to individual complaints, this is the role of the Environment Cabinet Member. Complaints made about the council would be addressed in the usual way. The number of speakers would need to be limited; only those with constructive ideas or particular expertise would be invited to speak in person to the Panel and this was agreed.

46.3 Councillor Duncan suggested the scope of the panel (reference paragraph 3.8 and 3.9) should also consider the joint working with other public authorities. It was agreed that the emergency services would be invited to give their information to the Panel.

46.4 Because so much useful information had been brought forward at this meeting it was suggested that the Panel Members be drawn from this committee. However the Groups would be asked to nominate one Member to serve on the Panel.

46.5 **RESOLVED** 1) That the Committee note the information in the report and agree, subject to the addition of other emergency services to the list of witnesses at 3.9, the remit of the Winter Service Plan Scrutiny panel,

(2) That Councillor Morgan Chair the Panel and other nominations be requested from the Groups to be forwarded to the scrutiny team

47. OPERATION REDUCTION; POLICING THE USE OF DRUGS

47.1 Detective Chief Inspector Ian Pollard and Justin Grantham of Crime Reduction Initiatives gave a presentation on Operation Reduction which tackles the local illegal drugs market, and aims to increase safety, improve users' health and reduce crime.

47.2 The programme includes covert test purchases and assertive engagement with service users, looking to long-term rehabilitation by targeting individuals. It has been commended by

an external assessor and achieved its objectives for 2008-09. Much is being achieved by partnership working between NHS, the police and the council's Anti Social Behaviour Team.

47.3 Significant reductions in burglaries, street robberies and vehicle crime are being achieved and one Local Action Team has removed 'drug dealing' as a regular item, from its agenda.

47.4 A service user gave an account of her previous challenging lifestyle and the measures that helped her into treatment and off drugs and offending. She said she owed her life to the programme and the support she received. Members congratulated her and thanked her for giving her story.

47.5 The presenters answered a wide range of questions for example on the numbers of convictions of drug dealers, the joint funding of the programme, and the peer mentoring training scheme.

47.6 On behalf of the Committee the chairman thanked the speakers for attending the meeting.

47.7 **RESOLVED** that the presentation be noted.

48. ECSOSC WORK PROGRAMME

48.1 The Committee's Work Plan was noted; the 2010/2-11 draft would be drawn up shortly together with a schedule for scrutiny panels.

49. ITEMS TO TAKE FORWARD TO CMM, CABINET OR COUNCIL

49.1 There were none

The meeting concluded at 18:45

Signed

Chair

Dated this

day of

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 56

Brighton & Hove City Council

Subject: Health & Safety Annual Service Plan 2010/11

Date of Meeting: 25 March 2010 Environment Cabinet Member Meeting
19 April 2010 ECSOSC
29 April Council

Report of: Director of Environment

Contact Officer: Name: Roy Pickard Tel: 29-2145
E-mail: roy.pickard@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Health & Safety Annual Service Plan required under the Health & Safety at Work Act etc 1974 Section 18 standard is part of the Council's Policy Framework on which Environment Cabinet Members and stakeholders are normally consulted before final proposals are formulated.

2. RECOMMENDATIONS:

That ECSOSC consider and comment on the Health & Safety Annual Service Plan 2010/2011.

- 2.1 That the Cabinet Member endorses the Health & Safety Annual Service Plan 2010/2011 and recommends Council to approve it.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), Section 18 Standard. The Annual Service Plan for this year reviews 2009-10 and details the aims and objectives for the enforcement of health & safety as a function of the Health & Safety Team.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval.

- 3.3 The attached plan (Appendix A) sets out the arrangements for enforcement' under Section 18 of Health & Safety at Work etc Act 1974 (HSWA). The primary purpose of the HSWA is to control risks from work activities. The role of the Local Authority is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.
- 3.4 In accordance with the Standard and guidance contained in HELA Local Authority Circular 67(2) the Health & Safety Service should provide a range of risk-based interventions. This would include routine inspection of high risk businesses, planned enforcement initiatives, investigation of accidents, investigation of complaints, advice, training and advisory activity, visits to new premises, revisits to check and enforcement, Safety and Health Awareness Days etc;
- 3.5 In addition, local priorities have been identified and these include working with BME takeaways on workplace violence, working with retailers in respect of retail robbery, working with faith groups on working from height and supporting community events.

4. CONSULTATION

- 4.1 A Senior Lawyer and Accountant have been consulted regarding the legal and financial implications. The service plan will be part of a rigorous consultation process in March 2010 involving members of the public, employers, employees, internal and external stakeholders such as trade Unions, human resources and local business forum. It must be a published document and is also available on the Council's website.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications

The annual Health and Safety Service Plan sets out the approach that the Council will use to fulfil its statutory duties. The 2010/11 net budget for the Health and Safety service within Environmental Health is £138,480, and this include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

Finance Officer consulted: Karen Brookshaw

Date: 03/02/10

Legal Implications

- 5.2 Every district and unitary council in Great Britain has a statutory duty under Section 18 of the Health and Safety at Work etc Act 1974 to ensure it makes adequate provision for health and safety regulation in its area. The S18 Standard sets out the requirements with which the Local Authority will eventually be obliged to comply with in making 'adequate arrangements for enforcement' for those areas which are deemed to be the responsibility of local authorities.

- 5.3 It has been given legal effect as Health & Safety Commission guidance to Local Authorities under section 18(4)(b) of HSWA (section 18 guidance). HSWA requires Local Authorities to perform their duties as enforcing authorities in accordance with Section 18 guidance. However, although the Standard will have effect from 1st April 2008, it does not require immediate full compliance with its requirements. Instead, both LAs and FOD are required:
- from 1st April 2008, to work towards compliance with the requirements of the Standard, and
 - from 31st March 2011, to comply fully with all the requirements of the Standard.
- 5.4 The Council's Commercial Enforcement Policy gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under Health & Safety laws. There are no further Human Rights Act issues. The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan be reserved to full Council.

Lawyer consulted:

Simon Court

Date: 02/02/10

Equalities Implications:

- 5.5 An Equalities Impact Assessment has been completed as part of our contact with groups during consultations in 2009. It has identified that additional work with BME takeaways is required, that no work streams have been identified as part of our contact with LGBT businesses and that work is required with faith groups in respect of working from height.

Sustainability Implications:

- 5.6 Unacceptable risk, fatalities and major injuries would reduce development of the city, tourism and benefits to local people, in addition to private and family lives.

Crime & Disorder Implications:

- 5.7 Reduction in crime and disorder as part of the work place violence projects and retail robbery projects.

Risk and Opportunity Management Implications:

- 5.8 A sensible approach to health & safety protects the Council's reputation as a responsible authority. Leading and promoting health & safety avoids tragedy and consequent adverse impacts.

Corporate / Citywide Implications:

- 5.9 A safe and healthy workforce benefits the local economy and develops the city's tourism

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None. The Service Plan is a statutory requirement.

7. **REASONS FOR REPORT RECOMMENDATIONS**

7.1 Compliance with statutory duties.

SUPPORTING DOCUMENTATION

Appendices:

1. Health & Safety Annual Service Plan 2010/2011

Documents In Members' Rooms

None

Background Documents

None

Brighton & Hove City Council – Service Plan - Health and
Safety at Work – 2010/11

Overall **Aim** of the Service:

“To enforce the law fairly with better use of public money, protecting the environment while growing the economy.”

“To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.”

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses reducing the flows on incapacity benefits from employment
- Investigating major injury incidents and fatalities.
- Responding to enquiries
- Promoting sensible risk management
- Work with business to achieve compliance with the law without increasing financial burdens

Local Priorities:

- Bulk LPG storage
- BME Takeaways – including development of a tool kit for small businesses.
- Retail Robbery – In partnership with the police
- Violence in the licensed premises - In partnership with the licensing team & police
- Faith buildings – Working from height
- CDM – Planning applications
- Outdoor Events
- Noise in the entertainment industry
- Sunbeds
- Asbestos duty to manage
- Officer competency training development RDNA

Regional Priorities:

- Liquid Petroleum Gas (LPG) – bulk storage tanks
- Asbestos Duty to Manage (DTM)
- Construction (LACE)
- Twin Peaks (including Motor Vehicle Repair - MVR)
- Beauty Industry – sunbeds
- Retail Violence

Key National Indicators:

- NI 15 – Serious Violent Crime Rate
- NI 20 – Assaults with injury crime rate
- NI 21 – Dealing with local concerns about antisocial behaviour and crime by local council and police
- NI 28 – Serious knife crime rate
- NI 29 – Gun crime rate
- NI 120 – All-age all cause mortality rate
- NI 122 – Mortality from all cancers at ages under 75
- NI 137 – Healthy life expectancy at age 65
- NI 173 – People falling out of work and on to incapacity benefits
- NI 182 – Satisfaction of businesses with local authority regulatory services
- NI 183 – Impact of local authority regulatory services on the fair trading environment

National Priorities for local Authorities

- LPG inspection campaign
- Construction
- Asbestos DtM
- Respiratory disease
- Asthma in bakeries
- Dermatitis in catering
- Dermatitis in hairdressing
- Noise – 'Sound Advice'
- MSDs
- Sun beds
- Work-related violence and aggression
- Stress in finance and public sector organisations
- Royal Mail
- Heavy loads
- Workplace temperatures
- Workplace transport
- Promoting leadership
- Vulnerable and migrant workers
- Slips and trips
- Ladder Exchange
- Safe interventions at balers and compactors

Our Achievements: 2009/10 – ‘Selling our story’ –Review of the 2009/10 Service plan

The team's achievements in 2008/09 were:

- Completion of 250 high risk planned general inspections.100% of programme.
- Visits to 150 businesses in the night time economy to raise awareness of work related violence.
- Responded to 600 service requests.
- Reviewed 300 accident notifications and investigated as necessary.
- Scrutinised 100 new and varied licence applications & planning applications.
- Participated in the Sussex Liaison Health & Safety Group Asbestos project that included letter drop to 100 businesses in Brighton & Hove and inspection of those businesses over 2 days
- Business enterprise exhibition –Business contacts made and information and advice given.
- Ensured that the City's outdoor events ran safely and included advice and assistance given to Pride, White Air, Burning of the Clocks, Chinese State Circus and the Brighton Festival, Brighton carnival and the children's parade.
- Participating in the Sussex flexible warranting scheme.
- Received a Best Practice Award from LACORS and HSE for retail violence project.
- Presentations to the refugee forum, the LGBT village pub watch and the institute of conflict management to raise the profile of the service and promote work with communities.
- 12 messages of the month sent to over 200 businesses on mailing list
- Health and safety e-newsletter to 2,500 small & medium sized businesses.

Ensuring Quality

To ensure that the service we offer to residents and businesses is of high quality we will ensure that:

- All officers carrying out enforcement work are appropriately authorized, according to their ability, qualifications, expertise and experience.

Item 56 Appendix 1

- That officer's competence is continually assessed and that we support officers to develop their skills and widen their experience.
- That we will ask for feedback from business and residents on the quality of the service we provide and strive to continually improve
- That our work is audited externally by the British Standards Institute to ensure compliance with ISO9000 Quality Assurance.
- We will continue to participate in local peer reviews with neighbouring local authorities to ensure consistency and best practice.
- To continually update our data base to provide accurate details of business to help us communicate targeted health & safety messages effectively.

Work plan and resources

Staff resources – 4.5 FTE Health & Safety Team – 3.25 FTE Occupational Health Team

Item	Resources	Timescales	How	Outcome
BME Takeaways – Work related violence				
To complete visits to 50 BME takeaways, working with the racial harassment forum, the partnership community safety team, and police to raise awareness of work related violence and ensure compliance with other related H&S requirements.	0.15 FTE	Throughout 20010/11	Visits to 50 premises (takeaways) Advice given on violence at work, stress at work, Slips trips and falls, gas/electrical safety,	<p>National Indicator NI 15 – Serious Violent Crime Rate NI 20 – Assaults with injury crime rate NI 21 – Dealing with local concerns about antisocial behaviour and crime by local council and police NI 173 – People falling out of work and on to incapacity benefits</p> <p>Performance indicator Number of completed visits % increase in confidence in management %increase in those premises that are H&S compliant.</p> <p>Outcome Increased standards of</p>

				employee and public health and safety in night time economy premises. Increased awareness of specific and general H&S issues pertinent to night time economy businesses.
Development of a H&S Toolkit				
To develop a H&S toolkit to help small and medium sized enterprises achieve compliance with H&S requirements.	0.15 FTE	Throughout 2010/11	Create a toolkit for specific business communities to help them comply with health & safety requirements	<p>National indicator NI 173 – People falling out of work and on to incapacity benefits NI 182 – Satisfaction of businesses with local authority regulatory services NI 183 – Impact of local authority regulatory services on the fair trading environment</p> <p>Performance indicator Completion of toolkit</p> <p>Outcome Increased compliance with health & safety requirements</p>
Retail Robbery				
To follow up intelligence from the police in respect of retail robberies and visit premises to ensure compliance with H&S requirements	0.15 FTE	Throughout 2010/11	Visits to 50 businesses. Advice given on work related violence and ensure compliance with H&S requirements	<p>National indicator NI 15 – Serious Violent Crime Rate NI 20 – Assaults with injury crime rate NI 21 – Dealing with local</p>

				<p>concerns about antisocial behaviour and crime by local council and police</p> <p>NI 28 – Serious knife crime rate</p> <p>NI 29 – Gun crime rate</p> <p>NI 120 – All-age all cause mortality rate</p> <p>NI 173 – People falling out of work and on to incapacity benefits</p> <p>Performance indicator</p> <p>Numbers of premises inspected</p> <p>% increase in confidence in management.</p> <p>% increase in premises that are H&S Compliant.</p> <p>% reduction in repeat robberies.</p> <p>Outcomes:</p> <p>Reduction in repeat robberies. & corresponding associated violence to workers</p>
Licensed Premises – Work Related Violence				
To follow up information from Joint intelligence meetings of violence in licensed premises and carry out visits to ensure compliance with H&S requirements	0.15 FTE	Throughout 2010/11	Visits to 50 businesses. Advice given in respect of work related violence and ensure compliance with H&S requirements.	<p>National Indicator</p> <p>NI 15 – Serious Violent Crime Rate</p> <p>NI 20 – Assaults with injury crime rate</p> <p>NI 21 – Dealing with local</p>

				<p>concerns about antisocial behaviour and crime by local council and police</p> <p>NI 28 – Serious knife crime rate</p> <p>NI 29 – Gun crime rate</p> <p>NI 120 – All-age all cause mortality rate</p> <p>NI 173 – People falling out of work and on to incapacity benefits</p> <p>Performance indicator</p> <p>Number of premises inspected</p> <p>% increase in confidence in management</p> <p>% reduction in reported incidents in those premises</p> <p>Outcomes:</p> <p>Reduction in corresponding associated violence to workers</p>
Supporting Small & Medium Sized Enterprises				
Send monthly health & safety messages promoting sensible risk management.	0.1 FTE	Throughout 2010/11	<p>Press release new service, collect email addresses from visits & self assessment risk rating questionnaires.</p> <p>Use BHCC email system to deliver messages.</p>	<p>National Indicator</p> <p>NI 173 – People falling out of work and on to incapacity benefits</p> <p>NI 182 – Satisfaction of businesses with local authority regulatory services</p> <p>NI 183 – Impact of local authority regulatory services on</p>

				<p>the fair trading environment</p> <p>Performance indicator Number of messages sent</p> <p>Outcome Increased standards of employee and public health and safety business contacted. Sensible risk management promoted</p>
Working from height				
Letter drop and inspection of faith buildings in the city	0.2 FTE	Throughout 2010/11	Carry out 100 inspections of faith buildings in the city	<p>National Indicator NI 120 – All-age all cause mortality rate NI 173 – People falling out of work and on to incapacity benefits</p> <p>Performance indicator Number of premises inspected % increase in confidence in management %Increase in H&S compliance</p> <p>Outcome Working from height risk assessed & workers trained @working from height</p>
Bulk LPG Storage				
Carryout inspections of Bulk LPG storage facilities in the city	0.1 FTE	Throughout 2010/11	Carryout inspections of bulk LPG storage facilities in Brighton & Hove that	<p>National Indicator NI 173 – People falling out of work and on to incapacity</p>

			have been identified by the HSE as high risk	benefits NI 120 – All-age all cause mortality rate Performance Indicator Number of premises inspected % increase in confidence in management %Increase in H&S compliance Outcome Reduced risk of LPG explosion and consequent major injury and death
Community Events			.	
Support the following community events <ul style="list-style-type: none"> • Ladyboys of Bangkok • Childrens Parade • Brighton carnival • Brighton Festival Performance • Chinese State Circus • Hanover day • Pride • Zippo Circus • White Air • Fiery food • Burning of the clocks • Brighton Marathon 	0.2FTE	Througho ut 2010/11	Attend meetings, give advice, review event management plans and risk assessments. Attend events where necessary to enforce and give advice. Monitor and enforce occupation noise exposure limits.	National indicator NI 120 – All-age all cause mortality rate NI 173 – People falling out of work and on to incapacity benefits Performance indicator Number of Event Management Plans Reviewed Outcome Increased safety at public community events. Forming links with communities

Partnership Working				
Participate in the Sussex Liaison Group (SHSLG) pan Sussex health & safety project	0.1 FTE	Throughout the year January-March 2011	Chair the SHSLG Represent BHCC at SHSLG Participate in Sussex wide Health & Safety initiative	National indicator NI 120 – All-age all cause mortality rate Performance indicator Number of meetings attended Project completed. Outcome Joined up approach to regional health & safety initiatives.
Implementation of Sussex wide peer review	0.1 FTE	April 2011	Work towards improving S18 compliance as set out in peer review action plan	National indicator NI 120 – All-age all cause mortality rate Performance indicator Implementation of Peer Review Action Plan. Outcome Raise standards of compliance with 'mandatory practice' S18 guidance.
To review new and varied license applications & planning applications and make representations where appropriate.	0.2FTE	Throughout 2010/11	Scrutinise and comment on applications where appropriate. Advice on CDM regulations & workplace regulations. Visits to premises as necessary.	National Indicator NI 120 – All-age all cause mortality rate Performance indicator Numbers of licence & planning applications reviewed. Outcome Proactive development of

				consistent and high standards of health and safety in proposed new commercial operations and licensed premises.
Programme work				
To carry out appromixetly 150 High risk planned general inspection targeting the highest risk (A, B1 & B2) including Cooling Towers	0.5 FTE	Througho ut 2009/10	To carry out 150 planned general inspections to high risk business due to be inspected in 2009/10. To advise and carry out enforcement as necessary.	<p>National indicator All specified NIs</p> <p>Performance Indicator Number of inspections undertaken. % increase in confidence in management % increase in H&S compliant businesses</p> <p>Outcome To maintain or where necessary improve standards of employee and public health and safety in local businesses.</p>
To respond to 600 requests for service	2FTE	Througho ut 2009/10	Respond to 95% of Service Requests within deadlines.	<p>National Indicator All specified NIs</p> <p>Performance Indicators. Percentage of Service Requests responded to within departmental deadlines.</p> <p>Outcome Maintain standards of customer service at a high level.</p>

To review all accident notifications and to investigate them all appropriately.	0.2 FTE	Throughout 2009/10	To review accident notifications and investigate accidents where they meet BHCC criteria for investigation	<p>National Indicator All specified NIs</p> <p>Performance Indicator Number of accidents investigated.</p> <p>Outcome Reduce the level of work place accidents in local businesses</p>
Quality				
To update the data base using food safety registration details and business rates details.	0.2FTE	Throughout 2009/10	Premises data from food safety registration forms and businesses rates to be placed on the health & safety premises data base. All new businesses to be sent risk rating questionnaire.	<p>National Indicator All specified NIs</p> <p>Performance Indicator Number of business placed on data base</p> <p>Outcome Better targeting of resources to the highest risk premises.</p>
Healthy Work Places				
Out reach workplaces NHS health checks	3.25FTE	Throughout 2009/10	<p>Qualified nurses offering NHS health & safety checks targeted at men over 40.</p> <p>Tackling health inequality, obesity, lifestyles, mental health & well being</p> <p>Improved return to work</p>	<p>National indicator for all projects NI 120 – All-age all cause mortality rate. NI 122 – Mortality from all cancers at ages under 75 NI 173 – People falling out of work and on to incapacity benefits.</p> <p>Performance Indicator Number health checks carried out.</p>

<p>The B&H Healthiest Workplace Award</p> <p>Business Tournaments</p>			<p>Promote NHS smoking cessation sessions in the workplace; information about smoke free legislation.</p> <p>Sponsor the Brighton & Hove Healthiest Workplace Award as part of the annual B&H Business Awards (BAHBAs) for the third year running to raise awareness of wellbeing in the work place and to reward good practice.</p> <p>Set up and promote business tournaments in partnership with Sussex County Sport Partnership</p>	<p>Performance Indicator Uptake monitored by NHS Brighton & Hove</p> <p>Outcome Reduced number of employees that smoke. Improved health and reduced sickness absence.</p> <p>Performance Indicator Number of award applicants</p> <p>Outcome Increased awareness about benefits of promoting good health and wellbeing in workplaces.</p> <p>Performance Indicator Number of participating workplaces</p> <p>Outcome Increased number of employees from local workplaces participating in physical activity.</p>
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<p>B&H Healthy Workplace Network</p>			<p>& Wellbeing B&H website with information for local employers about how to create health promoting workplaces, benefits and resources available locally. Continue to promote the website to local employers via the B&H Healthy Workplace Network, press releases, events, mail and e-mail shots.</p> <p>Continue to support the B&H Healthy Workplace Network, including representatives from local businesses and organisations with meetings and e-mail news update</p>	<p>health promoting workplaces.</p> <p>Performance Indicator Number of participants</p> <p>Outcome Increased awareness of benefits of and resources available to support employers to create health promoting workplaces. Increased uptake of resources. Improved staff health and wellbeing.</p>

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 57

Brighton & Hove City Council

Subject:	Official Feed and Food Controls Service Plan 2010/11		
Date of Meeting:	25 March 2010	Environment Cabinet Member Meeting	
	19 April 2010	ECSOSC	
	29 April	Council	
Report of:	Director of Environment		
Contact Officer:	Name:	Nick Wilmot	Tel: 29-2157
	E-mail:	nick.wilmot@brighton-hove.gov.uk	
Key Decision	Yes	Forward Plan No: ENV13301	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

2. RECOMMENDATIONS:

That ECSOSC consider and comment on the Health & Safety Annual Service Plan 2010/2011.

- 2.1 That the Cabinet Member endorses the Official Feed and Food Controls Service Plan 2010/2011 and recommends Council to approve it.

3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of the food service within Environmental Health & Licensing and Trading Standards. Both

services come within the Environment Directorate. As a result of this close relationship a joint service plan is submitted. This reduces duplication, improves the effectiveness of service delivery and meets the monitoring requirements of the Food Standards Agency.

- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service should be a mix of enforcement, intelligence based work, investigation and education. It is planned that a performance targets of the completion of 98% of programmed food safety interventions of risk category A to D premises, the employment of an alternative enforcement strategy in respect of low risk premises (category E and F) and 90% of complaints responded to within 5 days are met.
- 3.5 NI 184 measures the number of number of food establishments that are broadly compliant with food hygiene law. In addition to achieving 98% of the intervention due the service will aim to achieve a target of 85% of premises broadly compliant.
- 3.6 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to these areas of work aims to provide a balanced mix of services, which is most likely to benefit the business sector, consumers and other stakeholders. In line with the amendment to the Food Safety Code of Practice in June 2008 the service will continue to focus enforcement action on the poorer performing businesses.
- 3.7 A healthy food award scheme has been developed to improve healthy life expectancy and tackle obesity. Health Development Advisers also provide NHS vascular risk assessments (health checks).

4. CONSULTATION

- 4.1 This integrated report covers Food Safety and Food Standards, has been produced after close consultation and joint working between the relevant officers of Environmental Health & Licensing and Trading Standards.
- 4.2 Brighton & Hove Food Partnership were consulted during the drafting of this plan.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 5.1 **Food Safety** - The projected budget for 2010/2011 providing the food safety service within Environmental Health is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support:-

	Food Safety	Infectious Disease
Staffing	659,900	52,780
Transport	13,330	1,110

Supplies and Services	10,510	1,470
Total	683,740	55,360

- 5.2 **Food Standards** - It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. Cost of the food standards function in 2009/10 was as follows based on the percentage of time officers spend on the food function. Similar apportionments would be expected for 2010/11.

Inspection, complaints and advice

Staffing	
Management	£ 3200
Food Team	£30,680
Total	£ 33,880

Sampling

Purchases	£500
Supplies	£8,650
Total	£9,150

Total	£43,030
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Finance Officer consulted: Karen Brookshaw Date: 03/02/10

Legal Implications

- 5.3 The Food Standards Agency under The Framework Agreement on Local Authority Food Law Enforcement that incorporates the latest guidance, places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Council's Commercial Enforcement Policy gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under food safety laws. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Official Feed and Food Controls Service Plan 2010/11 identifies the planned number of interventions for that period. The Council's Constitution requires the adoption of the Official Feed and Food Controls Service Plan be reserved to full Council.

Lawyer consulted: Simon Court Date: 01/02/10

Equalities Implications:

- 5.4 See 2.4.5 of appendix 1 for profile of food premises registering with the food service during the year 2009/2010. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

Sustainability Implications:

- 5.5 Liaison with relevant agencies in connection with local food initiatives, including the Brighton & Hove Food Partnership

Crime & Disorder Implications:

- 5.6 None

Risk and Opportunity Management Implications:

- 5.7 SMART target for the food safety service is (98%of due interventions achieved x 0.3 + 85 %of broadly compliant premises x 0.7)

Corporate / Citywide Implications:

- 5.8 Food safety standards protect the City's reputation, helps develop tourism and the local economy and helps visitors have a positive experience.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 There is no legal alternative to the statutory service plan.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 In order to comply with the Food Standard Agency Code of Practice.

SUPPORTING DOCUMENTATION

Appendices

- 1. Official Feed and Food Controls Service Plan 2010/2011

Documents In Members' Rooms

None

Background Documents

None

Brighton & Hove City Council
Official Feed and Food Controls Service Plan 2010/2011

1. Service Aims and Objectives

1.1 Aims and Objectives

- 1.1.1 Brighton & Hove City Council's food service function is enforced by Environmental Health & Licensing and Trading Standards. Both sections come within the Environment Directorate.
- 1.1.2 The Environmental Health & Licensing service is primarily concerned with protecting and improving public health and the environment across the City. Within this service, the Food Safety Team works to ensure the safety of food prepared and sold. This is achieved by carrying out a programme of interventions at food businesses, sampling and investigating complaints. In addition, the Team aims to respond promptly to requests for advice from both businesses and members of the public. Wherever practicable, links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.
- 1.1.3 The overall objective of the service is to provide a comprehensive food safety service to consumers and the business community, with a considered balance between enforcement, investigation, advice and education.
- 1.1.4 The purpose of the Trading Standards service is to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its aim is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers, by means of advice, information, education and enforcement.

In respect of food standards the aims are: -

- Accurate and informative labelling of food
- That compositional standards of food are maintained

The objectives being: -

- To carry out risk based and intelligence led activities
- To undertake screen testing and food sampling to reflect identified areas of concern.
- To respond appropriately to food complaints and initiate proportionate action.
- Respond to trader requests in a timely manner
- To educate the public on compositional and labelling issues to improve eating habits

1.2 Links to Corporate Objectives and Plans

1.2.1 The City Council's Corporate Plan for 2008-2011 has five priorities:

- *protect the environment while growing the economy;*
- *better use of public money;*
- *reduce inequality by increasing opportunity;*
- *fair enforcement of the law;*
- *open and effective leadership.*

1.2.2 The feed and food service has strong links in with these priorities. In particular the service objective to provide advice, education and enforce relevant standards in the food industry is key to protecting the environment while growing the local economy. The service recognises the impact of current economic conditions on all businesses. Wherever practical, assistance and guidance is offered to ensure feed and food businesses comply with legal requirements and do not pose an undue risk to public health or the environment.

1.2.3 The service reduces inequality by funding training and coaching to small and medium businesses that may otherwise struggle to comply with legal requirements. Where English is not the first language, interpretation and translation services are provided.

1.2.4 The Official Feed and Food Control Service Plan is part of the corporate annual planning and development process.

1.2.5 In line with the core priorities and central Government's better regulation agenda, the Environmental Health service has a published Enforcement Policy. This policy is a cornerstone for fair and open enforcement.

1.2.6 The service reports on two key national indicators:

NI 182 – Satisfaction of businesses with local authority regulation services.

This indicator measures whether businesses think they have been treated fairly and helpfully by local authority regulators. The aim is to inspire local authorities to recognise the important contribution regulatory services make to local and national priorities, and encourage regulatory services to recognise their own role in supporting local business.

NI 184 – Food establishments in the area which are broadly compliant with food hygiene law.

This indicator monitors the level of compliance of local businesses using information collected by the Food Standards Agency (FSA). The indicator uses information on business compliance standards for

structure, operational hygiene and management controls, and brings the data together within an overall 'broad compliance' measure. Measurement and performance against NI 184 is detailed in 3.1 and 6.2.1 of this plan.

1.2.7 The food service also has links with other National Indicators:

NI 53 Prevalence of breastfeeding at 6 – 8 weeks from birth

See 3.7.1 of this plan.

NI 55 Obesity among primary school age children in Reception Year

See 3.7.1 & 3.8

NI 56 Obesity among primary school age children in Year 6

See 3.7.1 & 3.8

NI 120 All-age all cause mortality rate – The whole service.

NI 122 Mortality from all cancers at ages under 75 – See 3.7.1 & 3.8

2. Background

2.1 Profile of the Local Authority

2.1.1 Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. Bounded by the English Channel to the south and the South Downs to the North, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

Key Statistics from the 2001 Census:

Resident Population	247,817
Number of households	114,479
Average household size	2.09
Area (hectares)	8,267
Density (residents/hectare)	30 per ha

Ethnicity

White	94.2%
Mixed	1.9%
Asian or Asian British	1.8%
Black or Black British	0.76%
Chinese	0.53%
Other	0.65%
Total non-white	5.8%

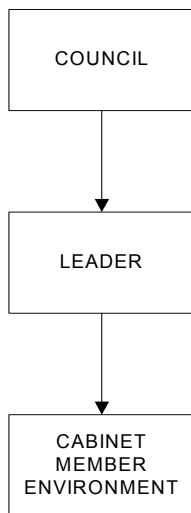
2.1.2 Figures from the Economic Impact Assessment Study for 2005 showed that eight million people visit Brighton & Hove each year. The value of tourism to the economy is estimated at £388 million per annum, supporting 13,000 jobs. The city boasts 4293 bedrooms, offering a bed

stock of approximately 10,000. There are a large variety of hotels, many food retailers, and over 400 restaurants serving cuisine from around the world. The VisitBrighton Visitor Survey 2007 identified that 70% of visitors put going to a restaurant or place to eat as one of the most popular activities to do in Brighton & Hove.

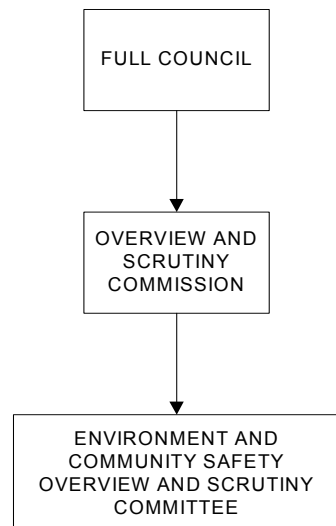
2.2 Organisational Structure

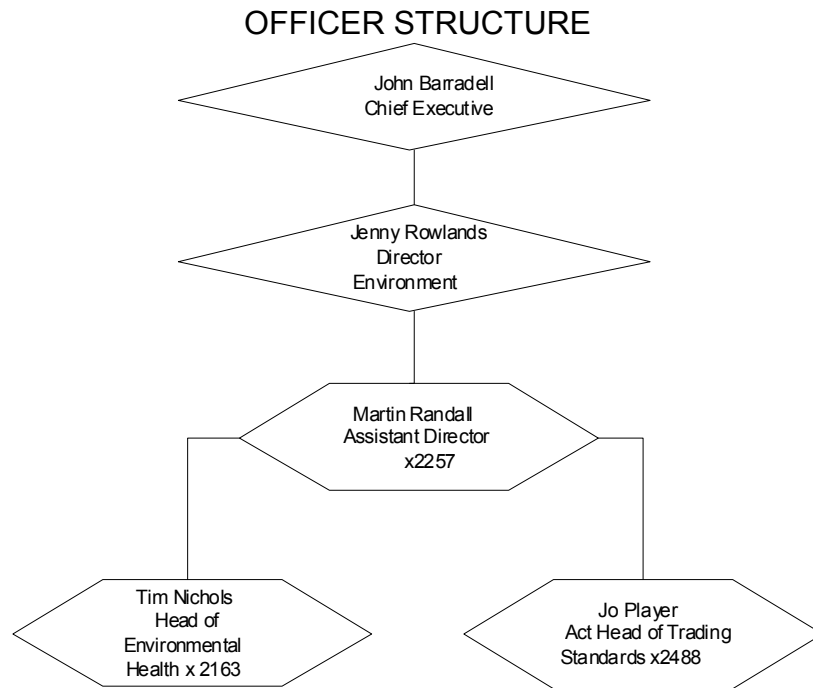
2.2.1 The Environmental Health & Licensing and Trading Standards sections come within the Environment Directorate. Brighton & Hove City Council has a cabinet style structure with the Environment Directorate under the responsibilities of the cabinet member for Environment. The service reports to the Environment and Community Safety Overview Scrutiny Committee. Relevant structures are detailed below.

CABINET STRUCTURE



COMMITTEE STRUCTURE





2.2.2 The Head of Trading Standards is responsible for the food standards function. In conjunction with the food officers an Inspection and sampling programme is established to ensure that specific targets are met or areas of concern are identified and/or addressed.

2.2.3 A formal arrangement is in place with the Health Protection Agency's Food Water & Environment laboratory based at the Ashford, Kent for the analysis of samples that require microbiological examination.

2.2.4 The Public Analyst contract was awarded to Worcestershire Scientific Services in May 2009 and will last for four years. The aim was to reduce duplication and costs and improve service delivery. £8,650 is currently allocated for Sample Analysis. The focus of the contract remains composition and labelling plus some chemical contamination.

2.2.5 The entomologist from a local natural history museum assists with insect identification.

2.3 Scope of the Feed and Food Service

2.3.1 A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes the following:-

- Inspecting food premises;
- The investigation of food safety complaints;

- Food poisoning investigations when linked to a premises;
- Investigating infectious disease notifications;
- Microbiological food sampling;
- Food safety training;
- Responding to requests for advice;
- Initiatives relating to working with the community and businesses;
- Taking appropriate steps to publicise and act upon national food alerts;
- Publicising the food hygiene standards of local businesses.

2.3.2 The food standards function is carried out by Trading Standards Officers in the Business Support Team. The work of the team includes the following: -

- Risk based enforcement activity
- Complaint investigation
- Food Analysis and investigation
- Service Requests from businesses
- Education programmes
- Reacting to Food Alerts

2.3.3 Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way a comprehensive visit is undertaken so as to minimise any inconvenience caused to the general day-to-day running of the business.

2.3.4 Trading Standards are responsible for enforcing relevant legislation in respect of imported feedstuff, whilst Environmental Health & Licensing enforce relevant legislation controlling imported food of non-animal origin and products of animal origin.

2.4 Demands on the Feed and Food Service

Food Safety

2.4.1 As at January 2010 there are 3121 food businesses registered with the Council. These premises are broken down into the following profile:-

3	Primary Producer
39	Manufacturer/Processor
1	Importer/Exporter
35	Distributors/Transporters
642	Retailers
2398	Restaurants and other Caterers
3	Manufacturers mainly selling by retail
3121	TOTAL

2.4.2 Three food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

2.4.3 The nature of the City causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays so the intervention programme has to be tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, specialist markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

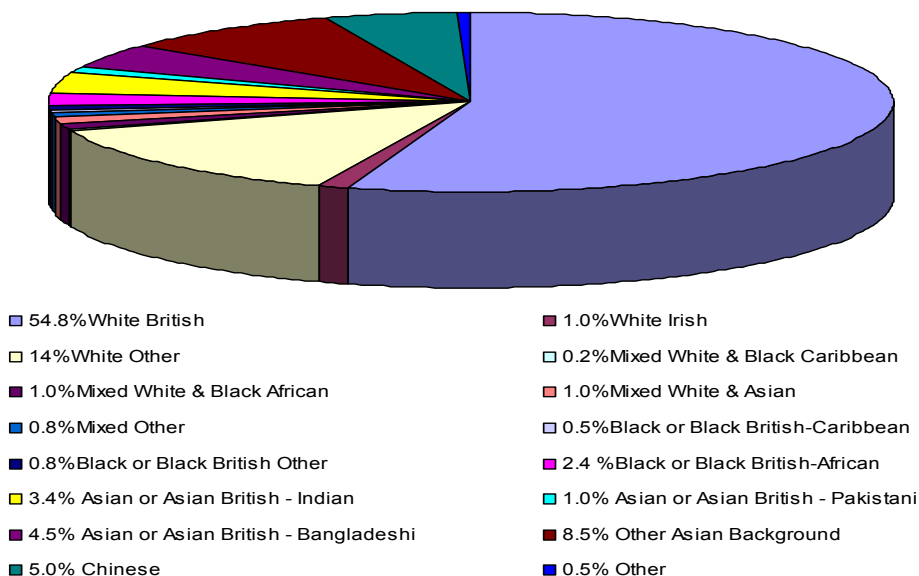
Food Standards

2.4.4 Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LACORS scheme the individual premises have a different inspection frequency for Food Standards. As of the 1st January 2010 2294 premises were considered to have an inspectable risk for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

Access to services

2.4.5 When businesses apply to register as a food business they are asked if they would like information in another language in addition to English. Of the 389 businesses who register in the year 2009/2010 85, 22%, said they would like information in other languages. See below for a breakdown of the ethnic origin of these businesses from returns received between April 2009 and January 2010.

**Ethnicity of Food Businesses Where Notified
2009/2010**



- 2.4.6 In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Food safety training courses have been staged in languages other than English including Bengali, Cantonese, Thai and Turkish which have proven to be successful and popular with traders. Where necessary, interpreters accompany officers on planned interventions. Where necessary, officers can access *thebigword* On-Call Language Service translation service by telephone when carrying out visits.
- 2.4.7 Service users are able to access the service by visiting either of the two City Direct Advice Centres situated in central Brighton, open between 9am and 4:30pm Monday to Friday and central Hove, opening hours 8:45am to 4:30pm on weekdays. Remote access to council services is facilitated through 'self-help' in 25 locations across the city including all the main council offices, libraries, leisure centres and some schools. General telephone calls are fielded via a Call Contact Centre on (01273) 292161. Advice can also be accessed via the council's web site, brighton-hove.gov.uk, or by email to ehl.food@brighton-hove.gov.uk.
- 2.4.8 Food Standards complaints are initially received by Consumer Direct South East. There is a referral protocol with them regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.
- 2.4.9 The Food Safety Team operates a Food Safety Hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent Environmental Health staff provide cover for an out of hours service to respond to food safety emergencies and incidents.
- 2.4.10 New food businesses registering with the service are provided with a detailed information pack and offered a one to one advice meeting to assist with compliance with food safety legislation.

2.5 Regulation Policy

- 2.5.1 Brighton & Hove City Council has a Corporate Enforcement Policy in line with the national Compliance Code for Enforcers. This provides and overarching policy for all regulatory services provided by Brighton & Hove City Council. In addition the Environmental Health service has adopted a service Enforcement Policy in line with the national Compliance Code, Statutory Codes of Practice and relevant guidelines issued by Central Government departments and co-ordinating bodies. This policy is based on the seven 'Hampton Principles' of economic progress, risk assessment, advice and guidance, inspections and other

visits, information requirements, compliance and enforcement actions and accountability.

2.5.2 The activities of the services detailed in this plan will be affected by the requirements contained in the Regulatory and Sanctions Act 2008 that came into force in April 2009.

2.5.6 Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

3 Service Delivery

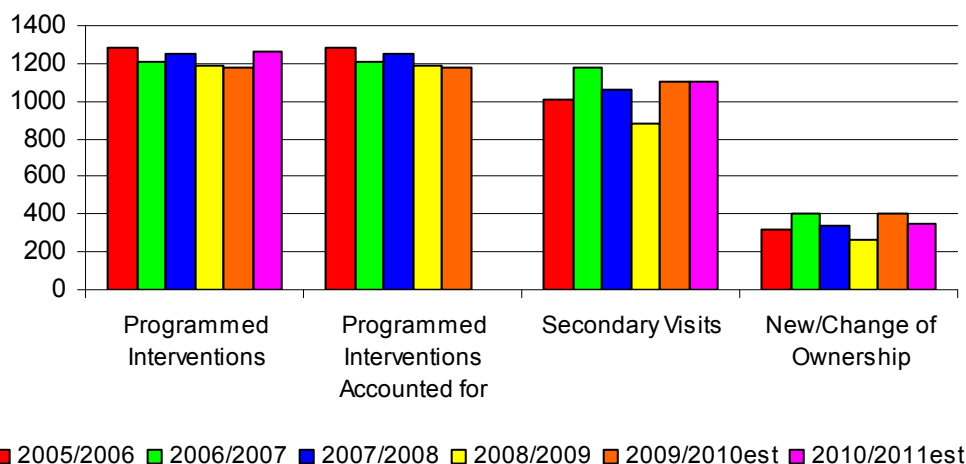
3.1 Interventions at Food and Feedingstuffs Establishments

Food Safety

3.1.1 This section details the planned risk based food safety intervention programme for 2010/2011. The level of achievement in food safety intervention based activity over the past four years is shown in the chart below along with estimates for completion of the current year and 2010/2011.

3.1.2 The revised Food Safety Code of Practice published in 2008 gave local authorities flexibility to introduce a mixture of interventions. Implementation of an intervention-based programme enables services to reduce the level of burden on compliant businesses and focus more resources on those with poorer standards. See detailed in 3.1.19 below the approach to be adopted by the food safety service for the year 2010/2011.

Chart of Intervention-Based Activity 2005-2011



See tables 3.1.1 and 3.1.3 for further details.

3.1.3 The service follows a risk-based approach when implementing the local food safety intervention programme. It aims to account for a minimum of 98% of businesses due for intervention in the year 2010/2011 in accordance with the Food Safety Code of Practice as detailed in 3.1.7 below. Table 3.1.1 gives details of performance against target since 2005 and estimates the number of planned interventions for the current year and 2010/2011. The target is set at 98 % to take account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal or home caterers.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Programmed Interventions	1283	1208	1255	1193	1173	1262
Accounted for	1282	1208	1248	1188	1173	
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D
Achieved%	99.9 A-D	100 A-D	99.4 A-D	99.6		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2005-11.

3.1.4 The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if open high risk-food is handled, prepared or cooked; size of the business; any high-risk operations are undertaken; number of customers; vulnerability of the customers to foodborne illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest.

3.1.5 As category E premises tend to present a minimal risk due to the limited types of food they deal with and/or they cater for a limited number of people. In line with the Food Safety Code of Practice, an alternative enforcement strategy is used to maintain surveillance of the low-risk, category E premises. This strategy enabled the service to provide greater focus on higher risk category A to D premises.

3.1.6 The alternative surveillance of low-risk businesses follows a structured documented procedure. The strategy employs postal questionnaires, sample inspections to check the validity of the information gained and follow up inspections where either the information returned leads to the conclusion that an intervention is necessary or no information is returned. Table 3.1.2 below shows the number of premises dealt with by this alternative method since 2005.

Year	05/06	06/07	07/08	08/09	09/10 est	10/11 est
Number of premises	107	133	285	243	188	414

Table 3.1.2. Number of Premises dealt with under alternative strategy.

3.1.7 Planned food safety interventions programme for the year 2010/2011 as at January 2010 is:-

Risk Category of Premises	Number of Interventions Due
A	2
B	84
C	838
D	338
Total	1262
Low-risk premises to be dealt with Under alternative strategy	414

3.1.8 It is the intention of the service to account for a minimum of 98% of the 1262 high-risk (A–D) establishments due during the year as above. The three product-specific premises approved under Regulation (EC) 853/2004 will receive interventions within the risk rated programme as necessary.

3.1.9 The Food Safety Code of Practice encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. From the year 2008/2009, local authority performance has been monitored by the FSA through the Local Authority Enforcement Monitoring System (LAEMS). The key performance indicator being:-

% of due interventions achieved x 0.3 + % broadly compliant premises x 0.7

3.1.10 In addition to achieving 98% of the intervention due the service will aim to achieve a target of 85% of premises broadly compliant (previously 90% see below). The overall target will therefore be:-
 $(98\% \times 0.3) + (85\% \times 0.7) = 88.9\%$

3.1.11 As at January 2010 the level of broadly compliant businesses stood at 89% of all food businesses. In last year's service plan it was reported that 92% of food establishments were broadly compliant. The calculation of this did not include those new businesses that had registered but not been inspected. The Food Standards Agency has made it clear that such businesses must be included in this calculation as not broadly compliant. The reduction in the target and number of broadly compliant businesses is due to this recalculation.

3.1.12 **Secondary Interventions** - The main purpose of secondary interventions is to monitor food business that fail to comply with significant statutory food hygiene requirements, or where directly required by Regulation. Failure could include:-

- Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;

- Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- Service of a hygiene emergency prohibition notice or order.

3.1.13 When considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing, history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

3.1.14 Secondary interventions are categorised as those that are not primary interventions but include:-

- Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- Sampling visits;
- Visits to check on the progress of measures required after a previous intervention;
- Visits to investigate food and food premises complaints;
- Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- Visits involving training of food handlers;
- Inspections of premises to assess a licence.

3.1.15 **Interventions at New Businesses/Change of Ownership** - Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

3.1.16 The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and evaluate risk rating score. Based on the last five years data, it is predicted that there will be 350 new businesses or changes of ownership in 2010/2011.

3.1.17 **Monitoring of Vacant Premises** - Where food premises fall vacant, arrangements are made to monitor activity at the premises. When new businesses open, it is important that support and guidance on food safety issues are given at an early stage.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Secondary inspections	1013	1180	1060	855	1100	1100
New Premises or Change in Ownership	317	399	336	267	400	350

Table 3.1.3 Estimate of secondary inspections & new businesses inspections for 2010/2011 based on data since 2005.

3.1.18 The estimation of the number of staff required to carry out the programme of inspections plus other visits as estimated above is 8 full

time equivalents. Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

- 3.1.19 **Intervention Plan 2009/2010** - The Food Safety Code of Practice suggests a sliding scale of interventions, with the better performing businesses requiring a lesser level of intervention.
- 3.1.20 The practical use of interventions in the Brighton & Hove area is heavily influenced by the local 'Scores on the Doors' scheme. All high-risk food businesses operators scoring less than the maximum five stars must be given the opportunity to improve their score. Establishments may only be rescored if the intervention used is an audit, inspection or part audit/inspection. The service therefore plans to:-
- inspect all high-risk food premises scoring less than five stars;
 - carry out inspections or another official control ie audit, monitoring, surveillance, verification or sampling as appropriate of all other high-risk establishments;
 - carry out an either an official control or other control ie education, advice and coaching or information and intelligence gathering including sampling where the analysis is not carried out by an official laboratory at category D establishments;
 - Continue with Alternative Enforcement Strategy for category E establishments.
- 3.1.21 All official controls must include a visit to the food establishment, have appropriate accompanying documentation and a measurable outcome. The risk rating score of the business may be revised in the case of the first two interventions only.

Food Standards

- 3.1.22 The LACORS system requires high-risk premises to be visited each year, medium risk every two years and low risk every five years. This means that 28 high risk, 321 medium risk and 324 low risk premises should be visited each year.
- 3.1.23 The target for 2009-10 was to visit 100% High and 50% of those medium risk premises liable to inspection. Similar targets will remain in place for 2010/11.
- 3.1.24 There is no commitment to visit low risk premises but in 2009-10, 611 low risk premises were visited as a result of project work, complaints and other routine inspections.
- 3.1.25 Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.

- 3.1.26 Three part time posts make up the food team. All officers within the team work on a part time basis and their time is equivalent to 1.37 FTE. About 80% of their time is spent on the food function. A qualified food officer has also been appointed for 5 weeks during 2009/10 to ensure that medium risk inspections are undertaken and that new premises receive a visit.
- 3.1.27 **New Businesses** - All new businesses assessed and if appropriate will be inspected within 56 days of being identified. On registration an information pack containing advice on food standards, food safety and other relevant legislation will be supplied to the business offering a communication channel between the Local Authority and the business. The initial visit will be to establish the scope of the businesses activity, identify its compliance with food standards legislation and to determine the level of support required. An intervention programme will be designed to reflect the needs of the business and reviewed after one year. Inspections will then be programmed based on the LACORS risk assessment.
- 3.1.28 **High Risk Premises** - All premises will be assessed to determine the most appropriate intervention method for them. Premises with good management control, no history of contraventions or complaints will be advised that they will be the subject of a 'light touch' approach and will only be inspected if they change their product range or complaints are received.
- 3.1.29 **Poorer performing High Risk Premises** -These premises will be inspected every year but may be the subject of additional interventions depending on their compliance.
- 3.1.30 **Medium Risk Premises** - These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit.
- 3.1.31 **Low Risk Premises** - A programme of interventions will be based on the intelligence received about the individual premises or where the business requests support/advice.

3.2 Feed and Food Complaints

Food Safety

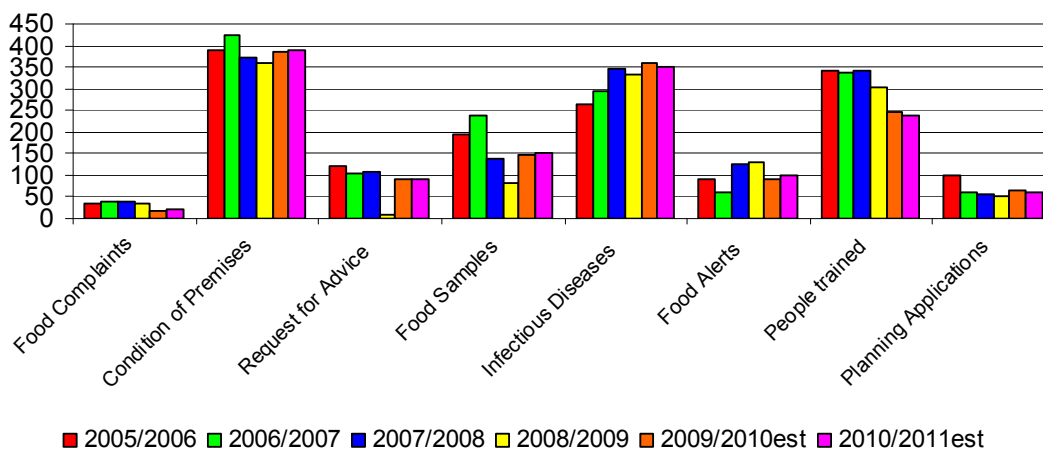
- 3.2.1 It is the policy of this Authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 days, and all other demand driven work within 5 days.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Within target %	97	96.6	97	96.6	97.5	97

Table 3.2 Percentage of Demand Driven Work within Target

3.2.2 All food complaints received are investigated in accordance with the council’s Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2005 and estimates for the current year and 2010/2011. The source figures for this chart are contained in tables within the relevant part of the plan.

Chart of Demand Driven Work 2005-2011



See tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

Year	05/06	06/07	07/08	08/09	09/10 est	10/11 est
Food Complaints	35	37	41	36	17	20
Condition of Premises	391	422	370	357	385	390

Table 3.2.1 Estimate of Number of complaints for current year and 2010/2011 based on data from 2005 onwards.

3.2.3 It is estimated that 1.5 Full Time Equivalent officers will be required to meet this level of complaints.

Food Standards

3.2.4 It is the policy of this Authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints' procedure.

Level of Complaints:						
2003	2004	2005	2006	2007	2008	2009
79	64	170	183	253	295	279

3.3 Home Authority Principle and Primary Authority Principle

3.3.1 Brighton & Hove Council fully supports the LACORS Home Authority principle, and has entered into six formal and 22 informal arrangements

with businesses whose operational activity extends outside of the city. Currently there are no primary authority food businesses in the City.

3.4 Advice to Businesses

Food Safety

3.4.1 The service follows a policy of graduated enforcement in assisting businesses to comply with legal requirements. The key first step of this approach is to provide advice and information to businesses. Contact is made with new or potential businesses through the provision of new business information packs and via the development control planning process.

3.4.2 In addition to this, advice is given by an officer when carrying out interventions, making an officer available for one to one advice sessions and having a duty hotline service covering office opening hours.

3.4.3 Advice and information is also available through the council's website.

Year	05/06	06/07	07/08	08/09	09/10est	10/11 est
No of Requests	121	105	108	80	90	90
Planning Applications	98	59	55	53	65	60

Table3.4.1 Showing number of requests received since 2005 and estimates for the current year and 2010/2011

3.4.4 It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

3.4.5 The service is committed to good liaison arrangements with proprietors of food businesses, to encourage effective two-way communication and to provide information and training on legislation and good practice.

3.4.6 Local businesses were consulted on recent significant developments in policy such as the introduction of the 'Scores on the Doors' food hygiene rating scheme in 2007 and revision of the Environmental Health Enforcement Policy in 2009.

3.4.7 A Food & Safety newsletter is produced twice a year, which informs proprietors of new legislation, advice on good practice, and general items of interest. This is widely distributed throughout the city and sent out with intervention reports.

Food Standards

3.4.8 Requests by businesses for advice are recorded as Service Requests. There was a significant increase in the number of requests for advice in 2007 and this level has remained reasonably constant since then.

Level of Service Requests

2003	2004	2005	2006	2007	2008	2009
24	30	28	32	150	192	151

3.5 Feed and Food Sampling

Food Safety

- 3.5.1 The service participates in national sampling initiatives organised by LACoRS, countywide programmes co-ordinated by the Chartered Institute of Environmental Health (CIEH) Sussex Food Liaison Group, local Health Protection Agency (HPA) and those instigated by the FSA. The sampling programme includes food or food-contact surfaces at approved premises, food manufacturers, and manufacturers selling mainly by retail as well as caterers and retailers. Samples of food and swabs of food-contact surfaces are also taken as part of routine work and when investigating specific issues at food premises.
- 3.5.2 During 2009/2010, the service took part in national food sampling programmes:-
- Ready-to-Eat cooked meats and hygiene practices in butchers' shops, with a focus on *E. Coli*, from April 2009 to June 2010;
 - Large scale events – preparatory work for Olympics 2012. As part of this project mobile food stalls associated with Pride 2009 were sampled;
 - Pre-packed sandwiches from institutional settings focusing on *Listeria monocytogenes* October 2009 to March 2010.
- 3.5.3 In addition to these nationally agreed programmes, the service took part in three regional wide microbiological sampling programmes across Kent, Hampshire, Surrey and Sussex.
- Ice and ice machines in pubs;
 - Rice, spices and cleaning cloths from takeaways and restaurants;
 - Ready to Eat Pies and Pastries.
- 3.5.4 Where any unsatisfactory results were found corrective action was put in place to ensure the quality of food products.
- 3.5.5 The national topics set for 2010/2011 will be a repeat of the large events study carried out in 2009, hygiene practices in retail/catering premises and ready-to-eat foods focusing on *Listeria monocytogenes*.
- 3.5.6 The CIEH Sussex Food Liaison Group has yet to finalise countywide studies.
- 3.5.7 An Environmental Health Officer within the Food Safety Team is responsible for organising and co-ordinating food safety sampling: it is estimated 0.25 Full Time Equivalent officer will be required for this service.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
No. of samples	194	237	137	82	146	150

Table 3.4.3 Number of Food Safety Samples Submitted for Analysis 2005-2009 & estimate for the current year and 2010/2011.

3.5.8 Arrangements are in place with the local Health Protection Agency laboratory for the analysis of samples that require microbiological examination. The allotted cost for sampling for the financial year 2009/2010 was £11,429.

3.5.9 As at the end of January 2010, the allocation for the year 2010/2011 had not been confirmed.

Food standards

3.5.10 Food Standards work is performed during a comprehensive inspection of the premises and generally linked to the metrology function. Officers currently undertake the food standards programme and deal with enquiries from consumers and businesses. The percentage of Officer time devoted to these functions has already been described earlier in this document. The food standards function equates to approximately 1.37 FTE.

3.5.11 A budget of £ 8,650 was allocated in 2009/10 to facilitate the contract with the appointed Public Analyst for the purposes of food analysis. A budget of £9,000 will be allocated in 2010/11. Sampling will be initiated to reflect perceived or identified problem areas but it is intended that we will be involved in at least one FSA led initiative, two regional projects, and two local projects in 2010/11. Sampling is undertaken in accordance with documented procedures and in accordance with the Codes of Conduct produced under the provisions of the Food Safety Act. Further funding is allocated for sample purchases.

Food Sampling Work undertaken in 2009/2010

<u>MONTH</u>	PROJECT
April to August	FSA Imported Food Activity
December	Mince (LACORS)
July/August	Value Brand Nutritional properties (regional)
October	GM Oils in catering establishments (regional)
Year long	Spirits Sampling as a part of the inspection programme
Year long	Home Authority Sampling

3.5.12 The national initiative is fully funded and takes account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as, complaints and reacting to food hazard warnings.

3.5.13 Control and Investigation of Outbreaks and Food-related Infectious Disease - Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2005 to 2009 and an estimate of the numbers expected for the current year and 2010/2011. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.5 FTE officer will be required to meet this level of complaints.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
No. of reports	264	294	344	333	360	350

Table 3.5.1 Estimate of Number of notifications for 2009/2010 & 2010/2011 based on data from 2005 onwards.

3.5.14 The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis. Table 3.5.2 below shows the number of *Campylobacter* and *Salmonella* cases notified from 2005 onwards. The number of *Campylobacter* confirmed notifications are predicted to drop significantly for the year 2009/2010 based on cases reported to January 2010. The number of *Salmonella* cases reported are predicted to rise slightly for the same year from a low of 2008/2009. Due to the number of variables involved, it is unsure if these patterns will continue. The FSA has the reduction in incidents of these two food poisoning bacteria as a national core aim.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Campylobacter	171	173	217	202	122	130
Salmonella	66	70	61	34	60	50

Table 3.5.2 Estimate of Number of specific notifications for 2009/2010 & 2010/2011

3.6 Feed/Food Safety Incidents

3.6.1 An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

3.6.2 Information regarding national food safety alerts, such as product recalls from the FSA, are received during office hours via the national alert system.

3.6.3 The Environmental Health Manager (Food Safety) and senior staff within the food safety team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

Year	05/06	06/07	07/08	08/09	09/10 est	10/11 est
Food Alerts	92	60	127	130	90	100

Table 3.6 Estimate of Food Alerts for the current year and 2010/2011 based on data from 2005 onwards.

3.7 Liaison with Other Organisations

Food Safety

3.7.1 There are a number of arrangements in place with other professions and local authorities to promote consistency: -

- The Environmental Health Manager (Food Safety) has been appointed Secretary for the Sussex Food Liaison Group for 2010/2011. This group identifies and develops common approaches to food safety legislation, best practice and food safety training needs across Sussex.
- An Environmental Health Officer in the Food Safety has been appointed Secretary of the Chartered Institute of Environmental Health's Sussex Food Study Group. This group discusses common food safety delivery problems and develops joint procedures and practices for food safety issues.
- The Food Safety Team has regular liaison meetings and agreed working arrangements with Educational Services and catering contract supervisors to ensure consistent enforcement within schools.
- The Health Development team within Environmental Health & Licensing develop initiatives such as increasing breastfeeding in restaurants.
- The service works with nutritional advisers for the PCT on the Healthy Choice Award initiative to promote healthy menu options in eateries. Since launching in 2008 11 gold level awards have been issued, 16 silver and 11 bronze. There are currently another 12 applications pending for assessment.
- Officers from Environmental Health & Licensing attend the District Control of Infection Committee co-ordinated by the Community Consultant in Disease Control that reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local business and community groups, community workers and members of the Sustainability Commission. The partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to come into the department and gain work experience.
- The service participates in a variety of Best Value benchmarking exercises in conjunction with other councils.

- During 2009/2010 the Environmental Health & Licensing service took part in the LACoRS/LBRO/CIEH national Regulatory Services Peer Challenge, see section 5.1.4 for further information.
- The service will be audited in May 2010 as part of the CIEH Sussex Inter Authority Audit.

This work is accounted for in the reactive work estimate of resources required.

Food Standards

3.7.2 We work closely with 18 other Trading Standards Services in the southeast that together make up Trading Standards South East (TSSE). Activities include liaison on all trading standards issues, coordinated activities, sampling and advice projects and sharing of information via the TSSE intranet.

3.7.3 Trading Standards liaise closely with Environmental Health colleagues regarding healthy eating issues and support the Food Partnership activity wherever possible.

3.8 Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions

3.8.1 The service organises a number of food hygiene training courses per year. The Food Safety Training Activity April 2009 to January 2010 and total numbers of people trained are given below.

3.8.2 Type of Course	Number of Delegates
CIEH Level1 Award in Food Safety in Catering Awareness	11
CIEH Level 2 Award in Food Safety in Catering	202
TOTAL	213

Year	2005/06	2006/07	2007/08	2008/09	2009/2010est	2010/2011est
No. Trained	341	337	340	301	245	240

Table 3.8 Total Training Undertaken Since 2005

3.8.3 Twelve Level 2 Awards in Food Safety in Catering courses have already been scheduled for 2009/10.

3.8.4 The service offers the new qualification CIEH Level 3 Award in Implementing Food Safety Management Procedures designed specifically to assist food businesses to comply with requirements introduced in 2006.

3.8.5 In addition to this training, the service has allocated funds to arrange training for the poorer performing and new businesses to help them comply with legal requirement to introduce a documented system of

food safety control measures. 44 businesses attended workshops and associated 1-2-1 training sessions mounted during 2009/2010. A similar level of support is planned for 2010/2011.

- 3.8.6 Officers of the Food Safety Team have given hygiene training sessions at a number of schools, and taken part in the week long 'Safety in Action' promotion event. The 2009/2010 project of advice sessions aimed at older people was Highly Commended in the Best Health & Well Being Initiative category at Brighton & Hove City Council's Excellence Awards 2009.
- 3.8.7 The service plans to take part in the 2010 Food Safety Week, 7th to 13th June. This theme being 'Cooking Thoroughly and Avoiding Cross Contamination'.
- 3.8.8 Two Food and Safety newsletters are produced per year. The newsletters carry articles and information for businesses and members of the public. A copy is posted on the web site and sent out with correspondence.
- 3.8.9 For the past five years the Food Safety team has been invited to have an information stand at the Chinese New Year celebration event at Hove Town Hall.

4. Resources

4.1 Financial Allocation

Food Safety

4.1.1 The 2010/2011 projected budget for the food safety service within Environmental Health & Licensing is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health and administrative support and management time: -

	Food Safety	Infectious Disease
Staffing	£ 659,900	£ 52,780
Transport	13,330	1,110
Supplies and Services	<u>10,510</u>	<u>1,470</u>
Total	£ <u>683,740</u>	£ <u>55,360</u>

Food Standards

4.1.2 It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. Cost of the food standards function in 2009/10 was as follows based on the

percentage of time officers spend on the food function outlined above and below:

Inspection, complaints and advice	
Staffing	
Man'ment/Support	£ 3200
Food Team	£30,680
Total	£ 33,880
Sampling	
Purchases	£500
Analysis	£8,650
Total	£9,150
Total	£43,030

The budget has not yet been set for 2010/11 but we envisage similar funding levels as this year.

4.2 Staffing Allocation

Food Safety

4.2.1 Establishment of the Food Safety Team for the year 2010/2011 is 11.8 full time equivalent field officers plus two full time equivalent administrative Technical Support Officers and management, broken down as follows:-

- 1 x Environmental Health Manager
- 2 x Senior Environmental Health Officers
- 5.8 x Environmental Health Officers
- 2 x Senior Technical Officers
- 1 x Technical Officer

4.2.2 Officers and external contractors have to comply with strict guidelines governing qualifications and competencies before they are permitted to undertake food safety duties. The Senior Technical Officers hold Higher Certificates in Food Premises Inspection and are able to inspect all risk categories of food businesses. All Environmental Health Officers are qualified to undertake inspections of all risk categories of food businesses.

4.2.3 Four officers within the other Environmental Health & Licensing teams retain competencies to undertake food safety inspections. All food competent officers must undergo a minimum of 10 hours food safety training per year to retain their authorisation to undertake food safety inspections. In addition to the competencies and qualifications required by the Food Safety Code of Practice, officers engaged in food safety inspections must have undergone additional 'Scores on the Doors' consistency training.

Food Standards

4.2.4 The Inspection and Sampling team is responsible for Food Standards Inspection. The proportion of time allocated to this function is estimated as follows

Support	0.05
Management	0.05
Food Staff	1.37
Total	1.47 FTE

4.3 Staff Development Plan

4.3.1 The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year. Brighton & Hove City Council was awarded accreditation to Investors in People in early 2009.

4.3.2 The Food Safety Team also has team meetings every six weeks. Any training needs of the service as a whole are identified and discussed at these meetings.

4.3.3 Through this system, the service ensures that all food competent officers receive sufficient good quality focused food safety training to comply with relevant codes of practice and professional membership schemes.

4.3.4 The service currently has three staff undergoing part time of distance learning to become Environmental Health Officer and three working towards a Higher Certificates in Food Premises Inspection

5.0 Quality Assessment

5.1 Quality Assessment and Internal Monitoring

Food Safety

5.1.1 The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute.

5.1.2 The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. The most recent data available covers the first six months of 2008/2009. 65 businesses returned the questionnaires. The key findings of these returns were:-

- 92.3% of respondents were either very satisfied or satisfied that Brighton & Hove City Council had done all that it could to help deal with their premises inspection.
- 100% of respondents understood the purpose of the visit to their premises.
- 96.9% found the information given to them by the visiting officer easy or very easy to understand.

Similar high levels of satisfaction were recorded from questionnaires returned in the previous five years.

5.1.3 Information from these returns are also incorporated in Brighton & Hove City Council's return in respect of national performance indicator NI 182 'Satisfaction of Businesses with Local Authority Regulatory Services'.

5.1.4 The Environmental Health & Licensing department volunteered to take part in the national Regulatory Services Peer Challenge during 2009. The report produced by the external Peer Challengers congratulated the service for its excellent delivery of core services and its dedicated, committed and ambitious staff. The challengers added that *'we feel confident that the service will be successful in maintaining the momentum provided by the peer challenge process in improving what is already a very good service'*. The resulting Improvement Plan identified seven areas for improvement that the Management Team were already working on and three areas of best practice that have been submitted to LACoRS for inclusion on a national database.

Food Standards

5.1.5 We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

6. Review

6.1 Review Against the Service Plan.

Food Safety

6.1.1 In addition to the quality checks detailed in 5.1, performance is reviewed against the service plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year. Any problems are promptly identified and resolved through management reviews, team meetings and monthly one to one's between field staff and their line manager.

- 6.1.2 Official Feed and Food Controls Service Plans are produced and reviewed on an annual basis by management review, consideration by the Environment and Community Safety Overview and Scrutiny Committee and Full Council.
- 6.1.3 In the year 2008/2009 99.6% of the due food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. In addition, 267 interventions were undertaken of new businesses or premises that had changed ownership. The 2009/2010 service plan predicted that a total of 1176 food safety interventions would take place in this year. To the end of December 2010, 285 inspections of new businesses were undertaken and the service is on target to achieve the goal of carrying out interventions in at least 98% of the businesses due.
- 6.1.4 From April 2009 to the end of January 2010 the Food Safety team served two Hygiene Emergency Prohibition Notices, 30 Hygiene Improvement Notices, accepted two voluntary closures of establishments, undertook four successful prosecutions and two simple cautions. The prosecutions attracted total fines of £ 10,150 and costs of £ 9,112. One owner was prohibited from managing a food business
- 6.1.5 Charts in section 3 give a detailed break down of service activity from April 2005 to March 2009 and an estimation of the activity for the remainder of the current and coming year.
- 6.1.6 The two areas for improvement identified in the 2009/2010 plan, to draft a departmental Enforcement Policy and take part in the national Regulatory Services Peer Challenge were completed during 2009.

Food Standards

- 6.1.7 Service reviews are carried out on a quarterly basis to check that our inspection programme is on target and to ensure that projects are being completed in the agreed timescale.
- 6.1.8 The Service Reviews indicate that we are on target to achieve our interventions programme. We undertook an additional LACORS project on mince in December.
- 6.1.9 During staff 1:1's, each officer's performance is monitored, to identify good performance and any areas of improvement.

Complaints are responded to within the stated timescales.

6.2 Identification of Any Variation from the Service Plan

Food Safety

6.2.1 As at the end of December 2008, 92.4% of the food establishments in the city were graded 'broadly compliant' or better with food hygiene law, see 1.2.6 of this plan for further guidance on this outcome measure, NI 184 and 3.1 for further details. Since the production of the 2009/2010 Service Plan the Food Standards Agency has clarified that those establishments registered but not yet inspected must be counted as 'not broadly compliant. Consequently the level of 'broadly compliant' food businesses has fallen to 88.9%. To take account of this the aim of 90% of food business being broadly compliant has been lowered to 85%.

Food Standards

6.2.2 There was no significant variation from the plan except that one project was not completed.

6.3 Areas of Improvement

Food Safety

6.3.1 In addition to the programme of work detailed in this plan the service currently has a number of improvements it wishes to implement through 2010/2011:

- Stage local Curry Chef and Oriental Chef of the year competition to build on the good working relations with ethnic food businesses and enhance the standing of small local businesses with the public;
- Incorporate the areas of improvement identified during the Peer Challenge process;
- Ensure that good practice identified in the recently published Food Standards agency guidance document 'Making Every Inspection Count' is incorporated into service delivery; and
- Ensure that the relevant recommendations of the Pennington report following the *E.Coli* food poisoning outbreak in South Wales acted on.

Food Standards

6.3.2 Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and cooperation where coordinated sampling programmes and officer training feature highly. However there are still areas for improvement. They are as follows:

- Improved use of the Environmental Health newsletter to provide businesses with information.

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- Increasing the number of voluntary contacts by businesses
- Developing the access to on line business advice.
- Better publicity for the healthy eating education message.
- Developing links with the schools
- Increasing and maintaining the competency and professional development of food officers.
- Establishing consumer concerns and reflect in local activity.

Agenda Item 59

Environment and Community Safety Overview and Scrutiny Committee Draft Work Plan 2010- 2011

Issue	Overview & Scrutiny Activity	Outcome & Monitoring/Dates
8 February 2010		
Discussion with Environment Cabinet Member	Regular opportunity for joint working	Discussion of key issues
Council's response to weather conditions	Request for information	1-day Scrutiny Panel; Winter Service Plan; operation and Review; established for 17 March
Policing the use of drugs: Operation Reduction	As requested at 14 September ECSOSC following magazine article	Presentation given by Police, Crime Reduction Initiatives and a service user
19 April 2010		
Half-yearly update from Community Safety Forum	Discussion with CSF Chairman, Councillor Dee Simson	
Health & Safety Annual Service Plan	Opportunity to comment on annual plan prior to Council – see para 2(b) of Part 4.4 of the constitution: Budget and Policy Framework Procedure Rules	

Issue	Overview & Scrutiny Activity	Outcome & Monitoring/Dates
Official Feed and Food Controls Service Plan	Opportunity to comment on annual plan prior to Council – see para 2(b) of Part 4.4 of the constitution: Budget and Policy Framework Procedure Rules	
Performance report	Regular update	
21 June 2010		
Health Impact Assessment of Licensing; Referral to ECSOSC from November 2009 Licensing Committee	For noting	
20mph scrutiny; panel report	For endorsement	
Support Services for Rape and sexual violence; panel report	For endorsement	
13 September 2010		
Local Transport Plan (3) possible		

Issue	Overview & Scrutiny Activity	Outcome & Monitoring/Dates
8 November 2010		
Half-yearly update from CSF		
Monitoring outcome of Older People and Community Safety Scrutiny review		
7 February 2011		
Possible Councillor Theobald Cabinet Member Environment		
Scrutiny of Budget		
4 April 2011		

To add: Open Spaces (request from Cllr Amy Kennedy)
Report back from Community Safety Forum

