

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 5 June 2014 at 2.00 pm**

**Present:** Councillor A Seldon (Chairman)  
Councillor PJ Edwards (Vice Chairman)

Councillors: CM Bartrum, PL Bettington, JW Hope MBE, Brig P Jones CBE and SM Michael

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JG Lester, P Sinclair-Knipe and GA Vaughan-Powell.

The Chairman noted that this was his first meeting as Chairman of the Committee and thanked his predecessors Councillors JW Hope MBE and Brigadier P Jones CBE.

**2. NAMED SUBSTITUTES**

There were no named substitutes.

**3. DECLARATIONS OF INTEREST**

None.

**4. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 6 December 2013 be confirmed as a correct record and signed by the Chairman, subject to the correction of a typographical error.

**5. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS 2013/2014 ANNUAL REPORT**

The Committee was invited to note the main regulatory activities of the Council's Environmental Health & Trading Standards (EHTS) service for the year 2013/14 (period 1 April 2013 – 31 March 2014).

The Head of Environmental Health and Development Management (HEHDM) and the Head of Trading Standards and Licensing (HTSL) presented the report.

In discussion the following principal points were made:

- In reply to a question HEHDM commented on the resourcing of the Planning Enforcement Service. He acknowledged the importance of this service and confirmed that there had been a slight reduction in resource. It was his intention to monitor and review the effectiveness of the service.

- Air quality on the A49 and A465 and the potential for a link road to improve the situation was discussed. Reference was also made to air quality in Bargates, Leominster.
- It was suggested that businesses serving food might usefully be reminded to ensure waste food on external tables was cleared up to discourage the nuisance caused by scavenging seagulls. It was noted that this could be mentioned when the service was carrying out inspections, particularly for the shopping eateries in the new development in Hereford City.
- The limited assurance finding by the Internal Audit service in relation to the electricity utilities payment procedure in the Gypsy and Traveller Service was noted. The HTSL commented that the new service manager had requested the audit and an action plan had been drawn up with the Internal Audit Service to seek the removal of the limited assurance rating as soon as possible.
- The Committee congratulated officers on the results of the Business Satisfaction Survey 2013/14. The survey measured the satisfaction of businesses with local authority regulatory services and had recorded a 90% satisfaction rating. This compared with a satisfaction rating of 74% for the previous year.
- Clarification was sought of the term 'public health' in the context of environmental protection work and the relationship of the environmental health service with the Public Health function. The HEHDM commented that environmental protection work was undertaken under public health legislation covering drainage, pests, filthy housing and other matters and was both preventative and reactive. There was communication between EHTS and the Public Health function within the Council. The HEHDM was a member of the regular Health Protection Committees chaired by Public Health and incorporating Public Health England.

The following action was requested:

- Circulation of a briefing note on the scope for using statutory notices as part of the enforcement process.
- Clarification of the reference in Table 11 in the report (Health and Safety Service Requests) to the significant rise in the number of requests classified as "other".

A number of issues were identified for possible future consideration:

- A seminar on air quality.
- A seminar on the licensing and inspection of residential park/home sites following the implementation of The Mobile Homes Act 2013.
- Exploration of the links between adult wellbeing services and Trading Standards and the scope to work more closely together to protect the vulnerable.
- The need for the Executive to ensure the provision of sufficient resources to meet the growing demand on regulatory services.

**RESOLVED: That the report be received and noted.**

## 6. PROPOSED FOOD HYGIENE INSPECTION PROGRAMME FOR 2014/15

The Committee was informed of performance in delivering the 2013/14 Food Hygiene Inspection Programme and invited to approve the proposed Inspection Programme for 2014/15.

Legal advice had been provided to the Chairman, at his request, which, having regard to the law and the Council's Constitution had clarified that the Regulatory Committee was not required to approve the Inspection Programme and that the Council's Executive could discharge that function.

The Chairman informed the Committee that he proposed to recommend that the Committee noted the Inspection Programme. The Committee did not have control over resources and it was therefore more appropriate for the relevant Cabinet Member, who did exercise that control, to be accountable for approving the Programme.

The Head of Environmental Health and Development Management reminded the Committee that the Internal Audit Service had reported in 2012/13 that the Council was not fully compliant with the requisite statutory Codes of Practice in relation to food safety and food hygiene when carrying out its food law enforcement role. As a consequence, a 'Limited Assurance' rating had been issued. He highlighted the comments in relation to the proposed Inspection Programme for 2014/15 set out in the section on risk management at paragraphs 20-21 of the report.

**RESOLVED: That performance against the 2013/14 Food Hygiene Inspection Programme be noted and the implementation of a revised Food Hygiene Inspection programme for 2014/15 as detailed in Table 2 in the report also be noted.**

## 7. PROPOSED FOOD STANDARDS INSPECTION PROGRAMME FOR 2014/15

The Committee was invited to endorse the proposed 2014/15 Food Standards and Feed Hygiene Inspection Programmes to be undertaken by the Trading Standards Service in respect of its obligations under the Food Law Code of Practice (England)(April 2012).

The Chairman informed the Committee that he proposed to recommend, as he had for the previous agenda item on the food hygiene inspection programme (minute number 6 refers), that the Committee noted the Inspection Programmes. The Committee did not have control over resources and it was therefore more appropriate for the relevant Cabinet Member, who did exercise that control, to be accountable for approving the Programmes.

The Head of Trading Standards and Licensing presented the report. He informed the Committee that a new risk rating scheme for food standards inspection had been adopted nationally. The Council's proposed Food Standards and Feed Hygiene Inspection Programmes for 2014/15 would comply with the new statutory Codes of practice.

He noted, however, that it was envisaged that, as the inspection programme was undertaken, the number of premises classified as high risk would be likely to increase. This would potentially have an adverse effect on the Service's ability to undertake a compliant Inspection Programme in future years.

**RESOLVED: That the implementation of the proposed Food Standards and Feed Hygiene Inspection programme as detailed at Appendix 1 and 2 to the report be noted.**

**8. REVIEW OF REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY**

The Committee was informed of the Regulation of Investigatory Powers Act 2000 (RIPA) policy, which had been reviewed and updated to reflect legislative changes under the Protection of Freedoms Act 2012, and invited to comment if it wished prior to the policy being presented to Cabinet.

The Senior Litigator presented the report.

**RESOLVED: That the report for Cabinet on the current legal position with regard to RIPA and the revised policy be noted**

The meeting ended at 3.40 pm

**CHAIRMAN**